

LEGISLATIVE COUNCIL.

Tuesday, 23rd July, 1935.

The Council met pursuant to adjournment, His Excellency the Governor, SIR GEOFFRY A. S. NORTHCOTE, K.C.M.G., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Major W. Bain Gray, C.B.E. (Acting).

The Hon. the Attorney-General, Mr. Hector Josephs, K.C.

The Hon. T. T. Smellie, O.B.F. (Nominated Unofficial Member).

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

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

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

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

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

The Hon. E. F. McDavid, M.B.E., Colonial Treasurer.

The Hon. J. Mullin, O.B.E. Commissioner of Lands and Mines.

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

The Hon. G. I. Goring, General Manager, Transport and Harbours Department (Acting).

The Hon. M. B. Laing, District Commissioner, East Coast Demerara District.

The Hon. Q. B. De Freitas, Surgeon-General (Acting).

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

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

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

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

The Hon. Peer Bacchus (Western Berbice).

The Hon. J. L. Wills (Demerara River).

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

The Hon. R. V. Evan Wong (Essequibo River).

The Hon. F. J. Seaford (Georgetown North).

The Hon. H. C. Humphrys (Eastern Demerara).

The Hon. W. S. Jones (Nominated Unofficial Member).

MINUTES.

The minutes of the meetings of the Council held on the 12th and 16th July, as printed and circulated, were confirmed.

MEMBER SWORN.

The following Member took and subscribed to the oath:—

Mr. H. G. Seaford (Nominated Unofficial Member).

PAPERS LAID.

The following documents were laid on the table:—

Despatches from the Secretary of State for the Colonies regarding the position of the Crown Agents for the Colonies, and the question of the purchase through them of stores for Government Departments.

Report of the Inspector General of Police for the year 1934.

Annual Report 1934 by the Director of the Imperial Institute to the Board of Governors.

Report of the Directors of the New Widows and Orphans' Fund, 1934.

Report of the Directors of the Widows and Orphans' Fund, 1934.

Schedule of additional provision required to meet expenditure in excess of the Estimate for the year 1935 for the remainder of the year. (*The Colonial Secretary*).

GOVERNMENT NOTICES.

RICE (EXPORT TRADE) BILL.

Professor DASH (Director of Agriculture) gave notice that at a later stage he would move the suspension of the Standing Rules and Orders to enable the following Bill to be introduced and taken through all its stages:—

A Bill to make further provision for the establishment of a Board to regulate and control the exportation of rice produced in the Colony.

Professor DASH also gave notice that he would move the following amendments to the Bill in Committee:—

A. In clause 7 (a) substitute “during such periods as it may think fit” for “from time to time as occasion may require.”

B. In clause 11 in the first line substitute “a” for “the”.

C. Insert after clause 12 a new clause 13 as follows and alter the succeeding numbers:—

“13. It shall not be lawful for the Board to issue a licence under this Ordinance to an exporter or for a person to act as an exporter unless he has entered into a bond for the sum of five hundred dollars with sufficient sureties to the satisfaction of the Board. The bond shall be given as security for such reasonable expenses as may be incurred by the Board in taking measures and obtaining evidence which shall result in the conviction of the exporter for any contravention of the provisions of this Ordinance or the regulations or in the suspension or revocation of his licence.”

D. In the present clause 14 (1) after the word “Colony” insert “provided that he has first registered the contract with the Board.”

E. In the present clause 15

(i) delete in the second and third lines the words “in pursuance of a contract of sale for export.”

(ii) in the third line after the word “rice” insert “for export.”

(iii) in the fourth line after “Board” substitute “at the date of the contract, or where no price has been fixed lower than the contract price, or” for “and shall not.”

(iv) in the eight line substitute “contract” for “fixed.”

(v) in the last line after “Board” insert “or than the contract price.”

F. In the present clause 17 (1) substitute “fourteen, fifteen and sixteen” for “thirteen, fourteen and fifteen.”

UNOFFICIAL NOTICES.

SAW MILLS COMPETITION.

Mr. BRASSINGTON gave notice of the following questions:—

1. Have Government received a petition from the leading saw mills of the Colony complain-

ing against the unfair competition of the Forestry Department?

2. If so, what steps, if any, have Government taken to put a period to this unfair competition?

CLASSIFICATION OF OFFICERS.

Mr. DE AGUIAR, on behalf of Dr. SINGH, gave notice of the following questions:—

1. Who is the officer in the Postal Department who was classified in the 1934 Estimates although he was a titled officer?

2. Why were the other Postal officers with titles not classified at the same time?

3. When will the other titled Post Office officers be classified?

4. Who is the officer in the Lands and Mines Department who was regraded in the 1935 Estimates?

5. When will the other titled clerical officers in the Service be similarly treated?

PETITION.

Mr. WONG laid on the table a petition from Josephine Bethune praying for consideration in respect of her services at the Leguan Dispensary.

ORDER OF THE DAY.

LOCAL GOVERNMENT (VILLAGE COUNCILS) BILL.

Mr. LAING (District Commissioner): I move that “A Bill to amend the Local Government Ordinance, Chapter 84, with respect to the constitution of Village Councils, the election of Village Councillors, and matters connected therewith, and to make provision for regulating the proceedings at elections” be read the third time.

Mr. D'ANDRADE seconded.

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

Bill read the third time.

Mr. WOOLFORD: I desire to call attention of the Council to a question of some importance.

THE PRESIDENT: The Bill has been passed, but if the hon. Member wishes to make a statement I will give him an opportunity to do so.

Mr. WOOLFORD : I would be obliged, sir, because it affects the procedure of the Council. I think the Bill would never have reached the stage it has but for the recommendations of a Committee which was appointed and whose deliberations, although in written form, have never been laid on the table of the Council. I hope that will never happen again. The most important feature of those recommendations is the right already given to the villages to elect their own Chairman. When I tell you, sir, that has been a matter under consideration for the last 30 years—

Mr. AUSTIN : I rise to a point of order. If the hon. Member is making a statement let us hear it at this end of the table.

Mr. WOOLFORD : I have had occasion to remind the hon. Member that in some cases where the remarks of Members are not heard he enjoys an immunity for which he ought to be grateful. (Laughter).

Mr. AUSTIN : I have not heard that again. (Renewed Laughter).

Mr. WOOLFORD : If my remarks are heard by the Reporters they would make a little better reading than the hon. Member sees from time to time. I do not think when the report of a Committee of this Council has been forwarded to Government that its deliberations should be kept in the archives of the Colonial Secretary's Office. One of the most important features of this Bill is the right now given to Village Councils to elect their own Chairman, and that is one of the recommendations of the Committee. Another very important right is the conduct of elections by these Councils. Those were definite recommendations of the Committee, and I think the Committee's labours ought to have been appraised at their proper value. I hope the villagers will recognise the value of District Administration. When it is remembered that the mover of the Bill himself when he assumed the administration of the district was not in favour of these proposed changes, and that he has been convinced, as he must have been by contact with the villagers, of the necessity for the legislation which has now been enacted, I hope the villagers will be grateful and look upon it as a measure towards the aim of Self-

Government, which I know they are aiming at.

TRANSPORT AND HARBOURS BILL.

Mr. McDAVID (Colonial Treasurer) : I beg to move that "A Bill further to amend the Transport and Harbours Ordinance, 1931, with respect to appropriation by the Board of the revenues of the Department" be read the third time.

Mr. MULLIN seconded.

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

Bill read the third time.

ESSEQUEBO SEA DEFENCES.

Mr. BRASSINGTON asked the following questions :—

1. What is the total amount spent to 30th June on the construction of the reinforced concrete sea wall between Golden Fleece and Zorg? Labour and materials separate.

2. In view of the deplorable economic depression prevailing on the Essequibo Coast, has every possible opportunity been given to the employment of resident labour of all description?

THE COLONIAL SECRETARY replied as follows :—

1. The following expenditure has taken place :—

Materials	... \$ 2,697 88
Labour	3,363 66
Transport	108 15
	<hr/>
	\$ 6,169 69

2. The reply is in the affirmative. Of the total of fifty-seven employed only four are not residents.

TEACHERS' SALARIES AND EXAMINATION.

Questions 1.—How many Assistant Teachers who have passed the Third Class Certificate examination, and at present employed, are in receipt of less than \$20 per month?

2. What is the salary payable to a teacher who holds—

- (a) Group "A" of the Third Class,
- (b) Group "B" of the Third Class?

3. Is the Teachers' Certificate examination for Third Class Certificates discontinued? If so, why?

4. When will the report of Dr. Arthur Wright be laid on the table of this Council?

Replies 1.—33.

2.—(a) \$14 a month.

(b) No increase in salary is granted for a pass in Group "B" unless the teacher has previously passed in Group "A" in which case he becomes eligible for appointment as a Third Class Certificated Teacher and receives a salary of \$20 per month when so appointed.

3. In accordance with the Report of the Education Commission, 1925, this examination was not held during the period 1930 to 1933. As a result of a petition by the Teachers' Association the examination was held in 1934, and will be held in future when there are vacancies in the establishment for Third Class Certificated Assistant Teachers.

4. No report has yet been received.

IMPORTATIONS OF OIL.

Mr. DE AGUIAR asked the following questions :—

1. How many gallons of lubricating oil have been imported during 1935 from the Crown Agents for the Transport and Harbours Department and from whence imported?

2. Is it true that the importations were from a foreign source?

3. If the answer to question 2 is in the affirmative will Government say:—

(a) Whether the oil has given the same satisfaction in use as the British oil obtained through local suppliers.

(b) Whether it is their intention to continue purchasing foreign oil instead of British?

THE COLONIAL SECRETARY replied as follows :—

1 720 gallons of oil were imported during

1935 through the Crown Agents as trial shipments as a result of a detailed report to the Crown Agents on the working of the locomotives. The order was placed with the Vacuum Oil Company of London, but the oil was shipped from New York.

2. Question answered in 1 above.

3. (a) The first shipment gave better results than the oil obtained through local suppliers. The second shipment was not satisfactory.

(b) It is not the intention of the Department to purchase any oil, except on the present contract which is with a local supplier, until the expiration of that contract.

AGRICULTURAL STUDENTS.

Questions—1. The total number and names of British Guiana students who have so far qualified at the Imperial College of Tropical Agriculture and the nature and year of the qualification of each.

2. The names of those of the above who, as students, received Government assistance and the nature and extent of the assistance given in each case.

3. The number and names of those of the above who have been appointed or given employment in the Government Service and the nature of the appointment or employment in each case.

4. The appointments that have been made on the staff of the Department of Agriculture and in connection with works being carried on under the Department of Agriculture since the qualification of the first British Guiana student at the Imperial College of Tropical Agriculture, the year and nature of each appointment and the name of each appointee.

Replies—1, 2 and 3. See information in First Schedule hereto.

4. See information in Second Schedule hereto.

FIRST SCHEDULE.

Name of Student.	Duration of course at Imperial College of Tropical Agriculture.	Qualification obtained.	Year qualification obtained.	* Extent of Government assistance.	Post to which appointed in B.G. Government.	Remarks.
Khan, A.	... Short Course		1925...	Free ...	Formerly Assis- tant Agricultural	*The Government of British Guiana provided an annual grant-in-aid of \$4,800 to the Imperial College of Tropical Agriculture, Trinidad, from 1924 to 1931. From 1931, onwards, the grant has been \$3,600 per annum. As a result of this grant the Government has been allowed to nominate students not more than three to be resident at the same time.
Haynes, D. D.	... 2 years		1926...	of study; study leave	Instructor, British Guiana; now Agricultural Officer, British Honduras.	
Waterfield, A. J.	1 year	1926...	...		Appointed Asst. Agricultural Officer, Trinidad Government, which has recently given him facilities for obtaining his B.S.A. (McGill). Formerly Asst. Agricultural Officer, Montserrat.
Thomson, F. S.	... Short course	...	1928...	...		
Hanomansingb, R.	3 years ...	Diploma..	1929 ..	Free course of study		
Chir, E. S. A.	... 3 years	... Diploma..	1930...	Free course of study		Formerly Rice Grading Officer, now Asst. Agricultural Superintendent, British Guiana
Benion, E. G. A.	1 year ...	Associate- ship	1930..	...		
Bourne, G. C.	... 1 year		...	Free course of study		Died 1931.
Williams, J. F.	... 4 years	... Diploma and Asso- ciateship	1931...	Free course of study		Employed by Messrs. Booker Bros., McConnell & Co., Ltd. Worked for them for three years under the aegis of the Department of Agriculture.
Gregory, G.B.	... 3 years	... Diploma..	1931...	Free course of study		Appointed Assistant Agricultural Officer, St. Kitts-Nevis.
Cleare, L. D.	... Short course		1931...		Government Entomologist, British Guiana.	Resigned to join Venezuelan Government.
Singh, Jenarine	... 3 years	... Diploma..	1932...	Free course of study	Field Assistant, B.G. Sugar Planters' Expt. Station.	
Cameron, C.	... Short course		1933...	Free course of study	Field Manager, British Guiana Sugar Planters' Exp. Station.	
Hassan, M. S.	... 3 years	... Diploma..	1935...	Free course of study	...	
Lee, W. L.	... 3 years	Diploma..	1935..	Free course of study		
Hugh, E. I.	... 3 years	... Diploma..	1935...	Free course of study		
Wan Ping, A. V.	... 3 years	... Diploma..	1935...	Free course of study		
Robinson, A.C.	... 2 years	... Certificate	1935...	Tuition fee £25 per annum & an allow- ance of £125 per annum.	To be employed under Educa- tion Depart- ment.	
Chan Choong, P.A.	1 year		1935 ..			

SECOND SCHEDULE.

Name.	Nature of Appointment.	Date of Appointment.
Frampton, A. de K., C.D.A.	... Agricultural Superintendent	... October 1, 1929.
Burnett, F., M.A. Deputy Director of Agriculture	... January 27, 1930.
Gillespie, J. D., B.Sc.	... Agricultural Superintendent	... January 27, 1930.
Macluskie, H., U.D.A.	... Agricultural Superintendent	... February 3, 1930.
Benson, E. G. A., B.Sc., Dip. Agr.	Rice Grading Officer September 1, 1930.
A.I.C.T.A.	Assistant Agricultural Superintendent	... June 1, 1934.
Sears, A. W. (former Agricultural Apprentice)	Rice Grading Examiner Agricultural Instructor...	... September 1, 1930. ... April 15, 1932.
Squire, F. A., B.A., A.I.C.T.A.	... Supernumerary Entomologist (paid from C. July 8, 1931. D.F. grant)	...
Codd, L. E. W., M.Sc.	... Plant Breeder (paid at first from C.D.F. September 20, 1931. grant; transferred to local budget January, 1934).	...
Bovell, W. A. (former Agricultural Apprentice)	Senior Examiner, Rice Grading Office Agricultural Instructor...	... April 13, 1932. ... July 1, 1934.
Delph, W. G.	... Registrar, Co-operative Credit Banks	... November 24, 1933.
Ross, R. R.	... Rice Grading Examiner, Springlands	... January 1, 1933.
Gadd, H.	... Rice Grading Officer November 13, 1934.
Bourne, B. B.	... Clerical Assistant, B.G. Sugar Experiment Station	January 1, 1930.
MacArthur, B. A.	... Field Assistant, B.G. Sugar Experiment Station	May 22, 1931.
Singh, J., Dip. Agr. Field Assistant, B.G. Sugar Experiment Station (paid from C.D.F. grant); no longer employed at Station.	October 1, 1932.
Singh, H. B.	... Laboratory Assistant, B.G. Sugar Experiment Station	October 1, 1932.
Wren, H. R.	... Field Assistant, B.G. Sugar Experiment Station (paid by Messrs. Booker Bros. and Imperial Chemical Industries, Ltd.); no longer employed at Station.	January 1, 1933.
Backer, E. F. I.	... Laboratory Assistant (paid by Messrs. Booker Bros. and Imperial Chemical Industries, Ltd.); no longer employed at Station.	January 1, 1933.
Smith, J. M.	... Laboratory Assistant, B.G. Sugar Planters' Experiment Station (paid by Messrs. Booker Bros. and Imperial Chemical Industries, Ltd.); no longer employed at Station.	January 1, 1933.
Cooper, St. G., Dip. Agr.	... Field Assistant, B.G. Sugar Planters' Experiment Station (paid by Messrs. Booker Bros. and Imperial Chemical Industries, Ltd.).	August 17, 1934.
Williams, J. F. Backer, E. F. L. Smith, J. M. Stephenson, A. G.	} Have worked from time to time in the Soils Laboratory of the Agricultural Department on behalf of Messrs. Booker Bros. by whom they were paid. The two last-named are still so employed.	

PARIKA POLICE STATION.

Mr. DE AGUIAR, on behalf of Dr. SINGH, asked the following questions:—

1. Is Government aware of the fact that Parika is one of the largest railway termini in the Colony?

(a) Is it not the gateway to the interior, gold and diamond areas, and town of Bartica?

(b) Is it not the egress and ingress for most of the traffic between the capital, Leguan, Essequibo, Bartica, and the interior?

(c) Is it not also true that gold and diamond returns, from the interior, pass through this point to the metropolis?

2. In view of the inadequate police protection at this important terminus, as well as from what has recently happened at Leguan, together with gold and diamond robberies, will Government not consider the re-opening of the Parika Police Station?

THE COLONIAL SECRETARY replied as follows:—

1. The reply is in the affirmative.

2. No decision upon the point raised in this question can be taken until consideration of the Estimates for next year is well advanced.

RICE (EXPORT TRADE) BILL.

Professor DASH: Pursuant to notice I move the suspension of the Standing Rules and Orders to enable "A Bill to make better provision for the establishment of a Board to regulate and control the exportation of rice produced in the Colony" to be taken through all its stages.

THE ATTORNEY-GENERAL seconded.

Question put, and agreed to.

Professor DASH: I beg to move that "A Bill to make better provision for the establishment of a Board to regulate and control the exportation of rice produced in the Colony" be read the first time.

THE ATTORNEY-GENERAL seconded.

Question put, and agreed to.

Bill read the first time.

Professor DASH: Sir, in moving the second reading of this Bill to make better provision for the establishment of a Board to regulate and control the exportation of rice produced in the Colony, I desire to make a few brief observations before drawing attention to the proposed changes in relation to the existing legislation.

In the first place, the general position in regard to our marketing difficulties appears to be well understood and there is no need to go over old ground. Now, as always, the main snag has been the all important question of rebates which the Marketing Board has been powerless to prevent. Indeed, the Board's authority has on occasion been openly flouted and the fact boasted—an impossible position for any Body or authority to be placed in. This has been almost entirely due to the unwillingness of persons to come forward and give evidence which would lead to a conviction in a court of law.

Frequent reports have been made to Government on the subject, and soon after his arrival in the Colony His Excellency the Governor began to study the problem with a view to finding some solution acceptable to all concerned. The Marketing Board had put forward a scheme for a "Single Seller" under which all export rice would be marketed—a scheme with much to commend it. On the other hand, it was generally known that this proposal did not find favour with a very great majority of those connected with the industry, including the Georgetown Chamber of Commerce and the Rice Association—and on equally substantial grounds.

His Excellency next summoned a meeting of interested exporters, millers and growers when the case was fully argued, and a large majority voted solidly against a single seller

preferring instead a general tightening up of the existing legislation, giving the Board certain wider powers which it had previously asked for but had been denied.

Now let me say at once we are not here to-day to argue for or against a single seller, still less to consider its merits or demerits. Any unified selling scheme, no matter what the commodity may be, obviously has considerable advantages; that we are not prepared to deny. On the other hand, in the case of rice, a commodity extensively consumed in the Colony, and therefore constantly in a fluid state as regards stocks, there is no experience, under conditions similar to our own, by which to be guided. Rice cannot be compared, for example, with a special product such as arrowroot largely used in pharmaceutical preparations and having no local market complications. Nor again with fruit which must pass through a central packing house on its way to an export market. Unified market schemes for rice, therefore, must be carefully worked out in all details and must leave no room for doubt or chance, either on the financial side or in the matter of control of supplies which must be *absolute* to be really effective. I merely mention these points to show how difficult the problem really is in the case of a food crop where conditions are never static even for a few hours. All the more is it essential to have complete unanimity among those intimately connected with all phases of the industry—growing, milling, marketing. Such being absent locally, Government had no alternative but to accept the recommendation of the majority as already stated.

And so to-day we have before us this Bill which is the unified effort of all parties concerned to whom I wish to pay tribute and whose helpfulness Government is most anxious to acknowledge.

I do not wish to conceal from you my own fear as Director of Agriculture that while this legislation makes rebating difficult—I wish I could say impossible—it may also, to some extent, make the business of rice-selling difficult, but this can only be judged in the light of experience in its working. At any rate, the Board will have a free hand in the matter of price-fixing and I am sure that no obstacle will ever be wittingly placed in the way of

the development of this important trade. On the contrary, everything will be done to facilitate it. The Board after all is a strong, centralizing force where marketing problems can be sifted and dealt with as they arise.

I have heard it remarked that the Bill is drastic, far-reaching, and even severe in outlook. Let me emphasise that all modern marketing legislation is. The penalties must be substantial if they are to be effective.

I now turn to a brief consideration of the more important changes and amendments to the existing legislation as embodied in the Bill now before Council.

Clause 3, Constitution of Board: There is no change in the number of members. The Bank Managers, however, have asked to be relieved of membership.

Clause 4, Advisory Committee: Formerly the Advisory Committee consisted of five persons chosen from a panel submitted by the Rice Association. This is now changed to six persons, provision being made for all Bodies interested in the rice industry to be consulted.

There is a new sub-clause (10) providing for confidential treatment of all matters which come to the knowledge of the Committee.

Clause 7, Powers of the Board: Formerly the Board was required to fix the price of rice for export and to meet regularly once a week for the purpose. The Board now has the option of fixing or not fixing as conditions require. The Board also is now being given power to refuse to grant or renew a licence, also to approve of the agents of exporters and to refuse permits for exportation where agents are not approved of.

In Clause 8 provision is now made for the approval and registration of agents. Otherwise clause 8 is the same as before except for the penalty for breach of any regulation being increased to \$100, being formerly \$50.

Clause 9 (1), Fees to be paid to the Board: Formerly the Board was required to levy and collect fees. This has been changed to "may" levy and collect fees

on every bag of rice exported, which means that the Board will not levy any fees on export rice if they are not necessary.

Clause 9 (2): The Board however *shall* levy and collect an annual fee of \$50 for licences. Formerly the fee was a fixed one of \$20.

Clause 9 (3) is new but self-explanatory.

Clause 11, Publication of Prices: It is considered inadvisable to publish fixed prices in the Press as it is thought to give information to competitors in the Island markets. Other avenues of publication remain as before.

Clause 13: There is a new Clause 13 which provides for the furnishing of a bond by exporters. The reasons for this are clearly set out in the clause.

The remaining clauses have to be re-numbered accordingly.

Clause 15 (now 16): This clause embraces 14 in Ordinance No. 47 of 1932 and clause 6 in Ordinance 21 of 1933. There has been considerable extension and tightening up in an effort to control rebating; certain amendments will be moved when in Committee.

Clause 17 (now 18): A change is provided for in connection with the penalty for contravention of the provisions of sections 14, 15 and 16. The figure has been changed to \$500 instead of \$100 for the first offence and \$300 for the second offence and the question of first and second offences has been omitted.

These, I think, constitute the main innovations. There are certain small amendments which will come up when the Bill is in Committee, but they do not affect the main provisions which have been explained.

In conclusion, I would make an earnest appeal to hon. Members not to hamper the passage of this Bill through the Council, realising in the interests of the industry as a whole, that it is the only step which could be taken at the present juncture. It may well be—I sincerely hope so—that the Bill will lead to a greater realisation of their responsibilities on the part of those engaged in the indus-

try which ought soon again to reach and even surpass the peak years of 1932 and 1933. It is unthinkable that the organisation which has been built up—imperfect though it may be—should now be scrapped and the trade plunged once more into the chaos which prevailed when Government was implored to step in and protect the industry from itself.

With these remarks, I beg to move the second reading.

Major CRAIG seconded.

Mr. DE AGUIAR: Within the past two or three months I have been actively engaged in formulating a scheme and thinking out generally what I consider would be in the best interest of the rice industry. The importance of the rice industry is one which I feel concerns every member of this community. I therefore make no apology for joining in the debate this morning realising, as I do, the importance of the industry, and I crave the indulgence of the Council to a few observations I desire to make on this Bill. I desire, first of all, to congratulate Government on its honesty of purpose and sincerity to do something to help to improve the rice industry. Whether or not the measure before the Council will realise all it is hoped to do is another matter. For three years we have been experimenting with legislation to improve the export markets for our rice and it is a question whether our experience during those three years will stand us in good stead. I have no intention of rehearsing what has been transpiring. It would suffice to say that Government will always find that it is absolutely impossible to control the giving of secret rebates so long as individual selling is allowed. I do not mean to cast any aspersions on traders generally or on those people who have been engaged in the export of rice for years, but those of us who know the position only too well would tell Government that as a result of recent legislation certain illegitimate traders have sprung up in our midst. The reason is not far to seek. Previous to the passing of the Ordinance establishing the Rice Marketing Board it was a question of the survival of the fittest. It was a question of individual organisation and competition among ourselves, and it resolved

itself into a fact that commercial firms who had responsible organisation on this side obtained the business. The position to-day is that a legitimate trader confining himself to the four walls of the existing legislation finds it impossible to compete in the market which he previously enjoyed unless he adopts the tactics of granting rebates.

Before I make any further statement I desire to say that so far as I am concerned I never have been at any time, and I hope I never shall be at any time, in favour of decontrol. It has been my considered opinion for years that some control of export markets will result in ultimate benefit to the industry as a whole. But while I am in sympathy with Government's desire to do whatever it can I consider this measure a bad substitute, as I can hardly visualise the Board being able to curb the activities of illegitimate traders. Two years ago a Committee was appointed to examine the entire question. Evidence was taken from growers, millers, landed proprietors and exporters, and the weight of that evidence was not only in favour of control but in favour of a control that would bring about the desired results. The control suggested to-day is a single seller. Two years ago the idea was that a common pool should be created whereby the total rice supply of the Colony would be merged into that pool, from which local supplies would be taken and the surplus, if any, would be exported. Can any reasonable person, whether he be grower, miller or exporter, honestly say that such a common pool would not be of ultimate benefit to the rice industry? The answer can only be "Yes." Every grower and every miller of rice would participate in the results of that pool. If the price is low in competition with our friends abroad naturally the return must be low. Similarly, if the price is high millers and exporters would enjoy the benefit of the increased price. All the talk about the protection of the growers is "clap-trap" (Hear, hear). Men who style themselves leaders of the people should sink their personal interest and come forward and support the cause which can have no other result than benefit to the rice industry.

As I said before, it is absolutely impossible to introduce any legislation that will curb the granting of secret rebates, and

several carriages will be driven through this Bill. That is not loose talk; it is the result of experience gained during the three years that the Rice Export Ordinance has been in operation. I have no desire to go into details or illustrations as to how rebates can be given under this Bill. When the matter was before the Council three years ago I illustrated a few instances, for which I confess I am sorry. It was not long after—whether it was the result of the references I made at that time or not I do not know—discovered that several illustrations I gave were being used by certain illegitimate exporters. That being the case, sir, I have no desire to assist any of those individuals again. I merely satisfy myself with the statement—and I know that Government's intention is an exceedingly good one—that a carriage and four can be driven through this measure and nothing can stop the giving of secret rebates but a single-selling organisation. I do not mean to suggest that Government should create a single-selling organisation and allow that organisation to run its own way. The suggestion is that a single-selling organisation should be created in conjunction with the Rice Marketing Board, the two organisations to be distinctly apart but the Board empowered to control and examine the activities of the single-selling organisation, and then and only then some good will be achieved for the industry. It must be obvious to those who are against the creation of a single-selling organisation that by such an organisation the industry must be benefited. The question of how it is to be worked is a matter of detail. The best system will certainly fall to the ground unless the details are worked out in the interest of the general community. I am not going to oppose the Bill in its present form; I am going to give Government the fullest opportunity to see the result of it. I shall probably make a few more suggestions when the Bill is in Committee in order to assist the cause. It is well known that a fair number of growers—I make this statement just to show the "clap-trap" of certain people—do not sell their padi to the millers. They store the padi and mill quantities as and when required. A grower who so mills his padi comes to Georgetown and sells the finished product. An exporter who is giving secret rebates is not going to pay a higher price for the finished article. The

giving or rebates exists to an alarming extent. There are more rebaters than legitimate exporters, not in number but in quantity of rice exported.

To revert to the point I was endeavouring to make, I just want to put one position against the other. In order to make my point perfectly clear let us say that the grower who mills his own padi and brings the finished product to Georgetown has sold his rice to a rebater-exporter. In the first place he suffers a reduction in price to the extent of the rebate that is being given after making due allowance for the legitimate market profit. Let us place that grower in a single-selling organisation. What does he do? He goes to the pool with 50, 100 or 200 bags of rice and leaves that rice for export. The pool sells his rice and cannot give a rebate. Is that grower not better off in the second position than in the first? Is that not a sufficiently logical reason to convince people who are against the introduction of a single-selling organisation? If that is not sufficient reason, and there are several I can give, then all we have to do is to keep on talking "rice and more rice" and never get any further. The intention of Government is very good, but the question is how it will work. It is true that in the 1932 Ordinance certain powers were not given to the Board and that in this Bill it is intended to grant those powers in order to check the practice of which we all complain. But the more I think of it the more satisfied am I that the task of the Board is a gigantic one. Nevertheless, I am quite willing to throw in my lot and support the Bill. I am satisfied it would not take very long to convince Government that the only solution of this question is the creation of a single-selling organisation.

I welcome the introduction of an annual licence. It will afford the Board the opportunity every year to review the activities of each exporter. I do not think that the Board will be afforded that opportunity, however, because before the first year expires the Council will be called upon again to pass another Bill. I had hoped to hear that the introduction of the heavy annual licence would not merely be beneficial to the export trade, but that the revenue that would be collected would be utilised for the benefit of the industry and probably

for the removal of the grading fees. The imposition of the heavier licence would put the Board in funds and enable it to abolish the export fees or the grading fees.

THE PRESIDENT: May I interrupt the hon. Member to point out that clause 9 is to be amended to allow the Board a discretion in the matter whether it shall levy that fee or not. The first proposal is mandatory but the second is discretionary.

Mr. DE AGUIAR: I thank you, sir, for having made that observation. I think \$50 is too small to put the Board in sufficient funds to carry on its activities without the imposition of fees. I was making the point that by increasing the annual licence to a higher figure than is stated in the Bill, the Board would be put in possession of sufficient funds to enable it to abolish the export fees. I merely throw that out as a suggestion for consideration.

There is one other point I am not clear upon and I desire to deal with it in order to afford the mover an opportunity of clearing it up. I am not satisfied that by the passage of this Bill the Rice Marketing Board will be able to take cognisance of past offences by an exporter. I observe that the Bill, if it becomes law, will repeal previous legislation. I have been told by several legal men that we can make the law retrospective, but so soon as you have repealed the existing Ordinance I do not know in what way the Marketing Board will be able to take cognisance of any offence committed under that Ordinance. I mention the point so that the mover of the motion may remove certain fears of events that are likely to happen as soon as this Bill becomes law. In conclusion I wish to assure you, sir, that I am quite willing to pull my weight in the boat. I have no desire to oppose the Bill but rather to lend whatever assistance I can to improving what is fast becoming an intolerable situation.

Mr. ELEAZAR: Unlike the hon. Member who has just spoken I cannot follow the multitude to do evil, and I am not going to assist Government in passing this Bill when I see so many things in it to which the whole community take objec-

tion. Neither am I going into the boat to pull any weight. As I see it, it is a boat that is bound to founder. One has only to recollect the manner in which the original Bill was brought to this House. It was then pointed out that the matter was one which the people concerned should themselves rectify and that this would be the result of Government's interference. Government launched that Bill and this is its third edition. Whenever the question arises it is asserted that the rice industry is imperilled. Does this Bill make any pretension to assist the rice industry as such? The rice industry, as I conceive it, is primarily concerned with the producer. Is there anything in this Bill to protect the producer? The Bill is "to make better provision for the establishment of a Board to regulate and control the exportation of rice produced in the Colony." The people who export rice, except in very few instances, are not producers at all. The exporters have brought in a Bill to protect themselves at the expense of the producer. The exporter says that the man who is producing rice is selling at a lower price and keeping him out of the market. The price of rice is controlled by the cost of production.

Why should the man who can produce rice at a cheap rate be compelled not to sell because an exporter who has large overhead expenses to meet and interest on his capital to collect cannot sell at the same price? It cannot be argued that the exporter in getting a better price would assist the producer, yet the producer is the man who is to be kept out of the market. This Bill is designed to keep the small man out and help the man who gets the rice from him at the cheapest price and sells it when the producer cannot sell it himself. Sugar is produced and sold in the Colony at a higher price than abroad. There is no Government interference in that. When it comes to the submerged tenth we find Government giving its sanction to a matter of this kind. The person who is responsible for the drafting of the Bill deserves a prize for clause 6 (10). That sub-clause of clause 6 prescribes that every member of the Advisory Committee "shall regard and deal with as secret and confidential all documents, matters and information" of which he has knowledge and which would make his business prosper. That is impossible. How is he going

to eliminate that knowledge from his general knowledge? And he has not to sign any bond. That is one phase of the Bill which is a half-baked idea. In order to get a Committee to work effectively Government must get people who will have nothing to gain by their knowledge.

THE PRESIDENT: Persons who are dealing with rice will not be put on the Board; they never have been.

Mr. ELEAZAR: I am glad to hear the explanation. If that is the case, sir, I see no value in the use of the words "benefit of himself," because he cannot benefit himself if he has no interest in the thing. The Bill is designed to meet the evil of granting rebates. It seems to me fundamentally wrong. My view is that the man who cannot compete in the market should go out of it. How is it possible to prevent a man from giving rebates merely by increasing his licence or by making him sign a bond? How can a \$50 licence make him honest if there is dishonesty at all? Is it not clear that something more is required, if at all? I cannot conceive what is the thing that would prevent a man from giving rebates if he desires. Assuming that this provision will have some effect—and that is the claim of a single-seller—it is a monopoly and cannot be anything else. A single-seller will soon resolve itself into a single-buyer, and that would be a monopoly itself. Not very long ago people joined together and controlled the price of beef. If Government is going to interfere at all go to the root of the whole thing and do it for the benefit of the whole industry, especially the man who is the producer. One cannot look with equanimity at an attempt to assist the individual who is a mere speculator and wants to keep everybody else out of the market. I observe with some little amusement that this is regarded as a test match, to use cricket parlance, and that there is a body-line bowler on the side of Government. In view of all that has transpired over this question—the Chamber of Commerce and persons who are most interested hold a different view—Government should not allow itself to be jockeyed into passing this legislation when it is itself satisfied that clause 15 will not check rebates.

There is one other point. When a per-

son applies to the Marketing Board for a licence and is refused he has to appeal to the Governor in Council by way of a petition. The Governor in Council is furnished with the minutes, which the petitioner never sees, and on those minutes a decision is arrived at. If there is an appeal the appellant himself should be heard, or whoever may be representing him. There are a good many things in the Bill which cannot stand investigation. The Bill carries its own destruction, inasmuch as it does not meet the situation which it is designed to meet, and I ask Government to withdraw it.

Mr. LUCKHOO: I have no desire to detain the House but just to make a few observations on the Bill as a whole. The hon. Member for Berbice River made an eloquent plea on behalf of the producers, but I am afraid that the title of the Bill precludes us from going outside its limitations. However, the remarks made by him should be borne in mind by Government. An effort should be made in that direction to assist the actual producers of this product because without them there would be no exporters, therefore in the interest of the industry every encouragement should be given to those who are directly engaged in the cultivation of the product. Last night I attended a meeting at Auchlyne school-room, presided over by the Rev. A. E. Dyett, and after a great deal of discussion I was asked to communicate to Government the view expressed by that assembly. I do not know whether it can properly be drafted into this Bill or whether Government will consider it at a later date. I have been requested to ask Government that the price of rice for local consumption should be fixed slightly higher than the export price.

THE PRESIDENT: I think that is something outside the Bill.

Mr. LUCKHOO: I quite admit that, sir, but I think it is a point that might be considered by Government in the interest of the industry.

THE PRESIDENT: I am quite prepared to give it consideration.

Mr. LUCKHOO: Very well, sir. Objection has been taken to the increase of the exporter's licence. The present charge of \$20 is a reasonable one and there

should be no increase. I feel that the object of the Bill is not to restrict the number of exporters. What is required is proper control of the export trade, but nothing should be done to prevent people from being exporters as well as growers. A licence of \$50 will be beyond the means of these people. The idea is going abroad that this is an attempt to get the trade as a close preserve for certain individuals, and I ask Government to give the grower every opportunity to prosecute his business in a fair and reasonable manner and not to keep him out of the industry. We do not only want people to grow rice but also to take it to other markets and get a good price for it. The Board is being empowered to refuse to grant or renew a licence. It should be the right of every individual to be entitled to carry on legitimate trade. What ground could there be for refusing to grant a licence? It is unfair to give the Board arbitrary power to say that a man is not a fit and proper person to be granted a licence without giving him the opportunity to prove that he is entitled to be engaged in the industry. The grounds for refusal of a licence should be clearly set out. I quite agree that power should be given for the suspension or revocation of a licence, but there again they would have to exercise their discretion in a judicial manner and every opportunity given to rebut allegations made against a licensee.

With respect to increasing the penalty in order to control secret rebates, I do not know that it would have the desired effect. If cases are brought to the notice of this Council of persons being convicted and the penalty is inadequate to meet the gravity of the offence and extra powers are needed to carry out the requirements of the law, there would be some ground for asking the Council to increase the penalty but I am not aware that any prosecution has been brought under the Ordinance. The Board should explore every possible means to bring offenders to justice and if there is any infringement of this section the cases should be taken before the Court and not dealt with by the Board. That procedure would have a deterrent effect on those who are disposed to break the law. I appreciate the difficulty in getting evidence but every effort should be made to do so. As no prosecution has been brought under

this section there is no justification for giving the Board the additional power to exact a bond from an exporter. A grower may not be able to find a surety for a bond and this provision is in the nature of a restraint of trade; it might be modified by the substitution of a smaller sum than \$500. A request has been made by the hon. Member for Berbice River that the Bill should be withdrawn. That is a matter for Government to decide, but I do not think there is any great necessity for rushing the Bill through all its stages, having regard to the fact that we have an Ordinance which will continue in operation until the 31st December. Delay would give all parties an opportunity to ventilate their views, and Government would probably then be better able to bring about a solution of this most difficult problem.

Mr. WALCOTT: I have listened⁴ with very much interest to the remarks of the previous speakers and it seems to me that everything they have said goes to show the necessity for this Bill being carried a little further and the Marketing Board given more power, always subject to the control of the Governor in Council. It is therefore my intention at a later stage to move an amendment after clause 21, which I hope Your Excellency will see your way to accept. That amendment provides for the Board to bring forward a scheme of a single-seller. The additional powers and the additional penalties which this Bill provides for will not eliminate the practice of rebating of which so much has been said. There is little doubt that during the last two years rebating has increased tremendously; in fact, as the hon. Member for Central Demerara says, there are many more rebaters to-day than exporters and he thinks much more rice is being sold with rebates than without. I believe he is right. The fact remains that rebates have been going on and will continue to go on, and everybody who is an exporter will continue to be suspected whether he is guilty or not unless you bring in a single-selling organisation. It is strange to me that there should be opposition against such an organisation. I cannot imagine that any exporter likes to be accused of being a rebater, especially when he knows that he is not, and I do not think there is a single exporter who is not under suspicion of rebating. If that

is the case then surely we should accept the principle of a single-selling organisation and put it out of the reach or the power of anyone to give rebates. Everyone would then share alike, and even the producer, whom we all had in mind when we started, will come into his own. As long as it is possible to rebate, so long will the producer suffer. We cannot expect people to refuse to accept rebates; they would be very foolish. It is ridiculous to believe that a man in Trinidad will say "I am not going to accept a rebate because it is illegal in Demerara." That man in Trinidad has his competitor who is getting a rebate. One of the largest importers in Trinidad told me only a short time ago "I once gave evidence against a rebater whose licence was cancelled. The result was that none of them would sell to me, and I had to stand by and see my trade go to my competitors. Now I accept rebates with pleasure with both hands open, and as much as I can possibly get." He says "It is absolutely wrong, but you must look after yourself"; and, as I say, the only way we can look after ourselves and stop rebating is by bringing in a single-selling organisation.

A good deal has been said by my hon. and learned friend, the Member for Berbice River, about exporters looking after themselves. The whole idea of control of the rice industry was to help the producer against the speculator. There are several people who are exporters who make advances to millers and land-owners, who in turn make advances to the actual growers. The grower, in very many instances, could not produce rice at all without the financial assistance given to him through those channels. Government has no machinery whereby it can do the financing, nor has it yet been able to find money to do such financing. If Government could see its way to bring in financial assistance to replace the mode of financing now in vogue just so soon will be eliminated any reflections about the exporter or the merchant, but as long as we have to work under existing conditions so long have we to think along those lines. My hon. friend the Member for Central Demerara said we should accept this Bill and give Government more rope. I do not think he was serious about that. I feel sure that what he meant was that if we could not do better

than establish a single-selling organisation, then let Government increase penalties, levy a higher licence and so on, and we shall see after a short while that we are only wasting time. I am sure that unless Government will consider and give the Marketing Board power to bring in a scheme of single-selling we shall have nothing but trouble. I happen to know that many big producers are very much in favour of a single-selling scheme. A lot of the apparent opposition is not real. I believe that if Government take a census to-day of the actual producers it would be found that they are in favour of a single-selling organisation. The question of finance may be overcome in time with Government's assistance or otherwise; but when it is a question of control of selling for export finance does not enter into the question as it would do if we were having a pool, such as was suggested by the Select Committee of the Council in 1933. A single-selling organisation to control export is entirely different. Rice for export would be actually in Georgetown under the control of licensed exporters, not under the control of irresponsible people in the country. If we had a single-selling organisation the Colony would be in a position to sell rice ahead to catch the markets and be able to keep the bigger markets in the West Indies advised as to what quantities of rice would be available for export and to make contracts on behalf of everybody. It is impossible to make large contracts ahead nowadays because there are individual sellers and no combination of any kind. In a single-selling scheme everyone would share alike in proportion to the quantity of produce he has available for export throughout the year.

The Council adjourned for the luncheon recess.

Mr. WALCOTT (resuming): I do not intend to inflict myself on the Council any longer except to say that I appreciate the difficulty under which you are suffering, sir, when confronted with conflicting opinions on this question. I believe you will find at the bottom of everything that the people who are really interested in the industry wish a single-seller, and it is the only solution of the difficulty.

Mr. BRASSINGTON: I regret that I cannot support this Bill as I feel that it

is not going to stop secret rebates. I was never enamoured of the formation of the Rice Marketing Board. I am ready to admit that it has done a certain amount of good, but I believe that competition is the fairest and most satisfactory way of selling our rice for export. I do not think anybody is satisfied with the present system of control, and this tightening of the strings in regard to rebates I do not think will be a solution of the question. Rebates are going to continue no matter what we do. If this Bill goes through I urge on Government that at least two members of the East Indian community should be on the new Board.

Mr. WALCOTT: Mr. Gajraj is on the Board.

Mr. DE AGUIAR: And he is the Vice-President of the Rice Association.

Mr. BRASSINGTON: I think there should be several more. The absence of East Indians on the Board seems to me an extraordinary thing in regard to the control and destiny of an industry which they have built up themselves in the face of the greatest difficulty. The position in regard to the future of the rice industry is a very serious one. The export of rice has dropped by leaps and bounds. The export of rice in 1932 was 28,000 tons, 29,000 tons in 1933, 14,000 tons in 1934, and for 1935, up to date, it is 5,000 tons, and from the information given me it is not likely that it will exceed 10,000 tons. What is the cause? Finance enters greatly into the question. The people engaged in the industry have not been able to put their hands on money at the time they should have had it to sow their padi. Something could probably be done in that direction. But my own opinion is that it is the restrictions placed on the industry that are crippling it and are accountable for the decline in the exports. When it comes to the question of a single-seller all I have to say is "God help the rice industry if any such monopolistic course is started." I am not going to suggest that there is any sinister motive behind it, but it is certainly puzzling to me why the East Indians should not be allowed to run their own industry. If Government tell me that with a single-seller they are going to finance not only the growers but the millers that is a different matter. Per-

haps it is some distance from rice to sugar. If Government are not able to help 18,000 or 20,000 people in Essequibo to prevent the sugar industry there from being extinguished I do not see how they are going to be able to do it in the case of the rice industry. Your Excellency can take it from me that unless Government are going to finance the growers and the millers it would be the last straw to invoke any such aid as a single-seller. There seems to be a craze now for Government to embark in business enterprises and to control them by all sorts of harrassing restrictions. The rice industry is being slowly killed, and the exports of rice clearly proves it. I am not against anything that will help forward the rice industry or improve the lot of the producers, but this Bill is not going to do so and I cannot understand the necessity for rushing it through. We are on the eve of a General Election and I think the people who are engaged in the industry should have further time to consider this measure. It has been pointed out that the term of the Rice Marketing Board does not expire until the end of the year. What is the object then of forcing this Bill, regarding which there is so much contention and differences of opinion, when in a few weeks the voice of the people will declare who are to represent them? I appeal to Government to postpone decision on the Bill. Much as I would like to support Government in the matter I feel very strongly that the Bill is being rushed through in this manner.

Dr. SINGH: I appreciate the efforts of Government to improve the general outlook of the rice industry, but I feel like some of the previous speakers that the Bill will not serve the purpose for which it is intended as regards rebates. At a meeting of rice growers held recently in my constituency the concensus of opinion was that this Bill would not improve conditions with respect to mal-practices, and Government is asked to introduce a single-seller. The single-seller would assist them very much and obviate rebates and improve conditions generally. If Government does not see its way to withdraw this Bill then I ask that it be deferred for consideration by the new Council.

Mr. PEER BACCHUS: I am also supporting the suggestion that the Bill be deferred until the new Council meets.

I do not think the rice industry will suffer by deferring the Bill until the existing Ordinance expires because it is not going to prevent the giving of rebates. It has been proved that the Marketing Board has not fulfilled the intention for which it was created. Even the Director of Agriculture has admitted that this Bill will not prevent rebates, and in that case I do not see that any harm would be done by deferring it until next year. There is a large majority, and I am one of the number, who are supporting the idea of a single seller, but I would like to make it perfectly clear that I mean a single-selling organisation and not a Broker's Board. I agree that increasing the penalty will not prevent rebates. With respect to raising the licence from \$20 to \$50, I recollect that in introducing the Bill creating the Marketing Board the Director of Agriculture stated that the licence had been purposely kept low in order that no hardship may be inflicted on the small exporter. I should like to know if the Director has changed that view and intends to inflict that hardship which he did not want to impose three years ago. If that is not the case Government would be well advised to let the licence remain as it is. I was hoping that when the Ordinance was changed we would have a pool. That was also the hope of the Director of Agriculture three years ago, but it seems that Government does not consider that the time is yet. I agree with the hon. Member for Berbice River that the Bill does not bring in the producer. It fixes the price for export, but it does not fix the price the producer would get for his produce. I advocated before, and I am suggesting again, that for the producer to benefit the local price should be fixed for rice delivered at any point for shipment. Notification of the price of rice fixed by the Board would serve the producer no useful purpose because buyers pay any price varying between 25 to 30 cents per bag. I see no difficulty in fixing the price at the point of shipment, and that would give some satisfaction to the growers.

Mr. F. J. SEAFORD: Government have my deepest sympathy with regard to this Bill because I feel they do not know much more about the whole question than I do. Government have got the Marketing Board, the Rice Association and the

Chamber of Commerce to advise them, and apparently they all have different views. These organisations being experts, whom are you going to follow? I have heard much about the single-seller, but I think that is a question that wants to be carefully considered. It seems to me that many of the producers are so heavily tied up by exporters that with a single-seller one begins to wonder what is going to happen to some of them. I believe there are other difficulties, but I am not an expert and I am not prepared to go into them. I quite see the point made about a single-seller, also that the Bill is not going to meet with the success hoped for it, but I do not know what to recommend. I feel therefore that perhaps Government are adopting the right course in tightening up the existing Ordinance as far as possible in order to see if we can in that way get nearer to what we hope for. We are not altogether sanguine of it, but give it a trial and if it is a failure adopt some other method. It seems a pity that three advisory bodies could not get together and make some recommendation which would cover the whole point.

Mr. HUMPHRYS: I quite agree with the hon. Member for Georgetown North that this Bill ought to be supported from the point of view that it is really tightening up the existing law. If this Bill is not passed the other measure will continue in force until the end of December, while if it is passed with amendments it will have a few months' trial and we would be in a better position to judge whether the single-seller idea is a sound one. There are so many divergent views that it is difficult for one to decide. I have listened with great attention to the views of the Hon. Mr. Walcott and the hon. Member for Central Demerara, both of whom are experts on the subject, and there is one other Member who has considerable knowledge of the subject and whose views I should like to hear. But on general grounds I think the Bill should be supported. During the adjournment an exporter told me it would be a great pity to increase the licence because it is going to fall on the grower. That struck me as an indication that we are not really doing enough to protect the grower. This Council should in some way or other, and as far as possible, protect the man who grows rice; and if the increase of the

licence is going to rebound on the grower I doubt whether it is wise to increase it. I do not think Government can be blamed for bringing forward this Bill. According to the Director of Agriculture, at a meeting held recently the majority of those present interested in rice seemed to be against the idea of a single-seller. That being so I cannot understand the attitude of Members of the Council who are interested in rice in supporting a single-seller, but perhaps they were not present at the meeting referred to. I think the proposal of a single-seller should be given very careful consideration by Government, because many people interested in the industry are of the opinion that it is the only solution. There is no doubt that the present Ordinance will not prevent the giving of rebates, but I think the tightening up of it might have some effect if not of preventing of lessening them, and that is the best that can be done for the present.

Mr. WILLS: This Bill has provoked much discussion since its publication, all of which has converged to the point that it will not stop rebates, and I do not think the compromise of a single-seller would meet the situation either. In trying to stop the rebater by means of this Bill we might inflict a hardship on persons whom it is not intended to affect. As far as I can gather from those who deal in rice there is no urgency for Government coming to this Council, which is practically dying and is on its last legs, and asking us to pass legislation which will affect the second largest industry in the Colony. I submit that the Bill cannot stand the light of examination. If persons had been charged and fined for giving rebates and the offence was still being committed, then there would have been good ground for asking the Council to tighten it up either by raising the penalty or the licence, but that is not the premise upon which the tightening up process is proposed. We are asked to tighten up something which has never been put into operation, and I am in agreement with the suggestion that Government should defer consideration of the Bill.

Mr. H. G. SEAFORD: Sir, in 1932 a large number of persons interested in the rice industry approached the Chamber of Commerce and, representing that with the cut-throat competition then going on

the rice industry would soon go out of existence, asked the Chamber to go into the question with Government and see if anything could be done to stop that competition. The Chamber of Commerce went into the matter and recommended to Government the establishment of the Rice Marketing Board. It is true that the Board was not given all the powers asked for, but it proceeded to operate with certain powers and at the start it proved a success. One only has to compare the price of Demerara rice in 1932 with that of India to know what this Colony has to compete with. In 1932 the price of Indian rice was 11s. 3d. per bag and it went down to 6s. 9d. The Rice Association was formed to keep the price of rice up, but the difficulties the Board had to meet with the rebater were very great. While we knew what was going on we found it difficult to catch the rebaters. Our informants would not come forward because they were taking rebates themselves. I went to Trinidad and saw many letters in which rebates were given. I even obtained copies of some of the letters, but the Board was advised that more was required in order to punish the offenders. We felt that if by some means we could tighten up the existing Ordinance we might make it a success, if not it would be much better to scrap the whole of the Ordinance, in which case the rice industry would relapse into a state of chaos.

As a result the Chamber of Commerce, the Rice Marketing Board and the Rice Association got together with a view to formulating some scheme by which the industry could be protected. Half of the members favoured the single-seller, while the other half were in favour of scrapping all legislation. After several meetings we sank our differences and came to the conclusion that with the various points now incorporated in this Bill there was every chance of the scheme proving a success. There are several features in the Bill which I consider, and I think the Marketing Board and the Chamber of Commerce also consider, will tighten up rebating. One is the question of a free market. The Bill empowers the Board to declare a market free. That is a very important point because the old Board had fixed prices. If by any chance the Board finds that rebaters are getting the better of it in any market, the Board is in a posi-

tion to declare that market open, which means that indiscriminate selling can take place provided sales are registered, and if things are getting too bad or it is found that cut-throat competition is again ruining the industry Government can interfere. It is not generally known that the Board has agents in the various islands who keep it informed on what is going on there, also of conditions in India and the imports of Indian rice; therefore the Board is in a far better position to fix prices than an individual seller. It stands to reason that a Board which has full information must be able to fix fair prices, and that is one of the things a free market will do.

Another point is the increase of the licence from \$20 to \$50. It is interesting to know that there are about 44 licensed exporters. Many of those have never operated at all but simply stand by in case their principals are struck off, when they would come forward and take over the contract. It is felt that with an annual licence of \$50 and a bond of \$500 a man would not be so ready to stand by, as \$50 represents 10 cents profit on 500 bags of rice and unless a man is going to export at least 500 bags he is not likely to take out a licence. The hon. Member for Eastern Berbice stated that the Board had done nothing to catch rebaters. He was incorrect there. The Board offered a reward for information which would lead to a conviction, and it did have to pay a reward and got a conviction. The Board also has power to refuse a licence. In many cases we know of rebates which have been given and can refuse a licence in those cases. I am perfectly certain that there will be no hardship on the honest man, because no Board appointed is going to cancel a man's licence without having absolute proof that that man is a rebater. The Bill creates no hardship at all on the honest man, but it creates a distinct hardship on the dishonest man.

The hon. Member for Western Essequibo referred to the reduction of the exports of rice. I claim that the Board has done a good deal in raising the price of rice, but the Board cannot regulate the weather and the reduction of exports was entirely due to the weather. In 1933 there was a record shipment and we could have sold more rice if there had been more.

In 1934 Government had to stop exports owing to the floods, and this year there was no rain and growers were unable to plant. It is not fair to lay the blame at the door of the Board for diminished exports. It may be said to be a question of finance, but I do not think that is correct. All the people I have spoken to are quite willing to finance the honest man, and it is the dishonest man who has been complaining that he has not been able to do things on account of the existence of the Board.

With regard to the question of a single-seller, Government went into that question very carefully. We were told at the meeting I have referred to, by many firms who finance the industry, that they were not in favour of the single-seller and therefore would no longer finance it. Unless Government are prepared to finance the industry themselves they would be taking a risk in forcing the single-seller down the throats of the rice producer. The hon. Member for Berbice River said the Bill would protect the shipper and would not protect the producer at all. To meet that point we have put in the Bill a clause providing that the price of rice for sale or export shall be made public, and people in the country will be notified of the export price. When the Board was started a price list was circulated showing that rice exported at such and such a price was worth so much, therefore there is no difficulty in Members of this Council ascertaining what the prices are and advising their constituents what the price of padi should be. It is impossible to fix the price of padi, but I am perfectly certain that on the prices which are circulated in the country districts there is no difficulty in the grower finding out exactly what he should get for his padi, and if he did not get that price from the mill to which he usually sends his padi there are enough other mills to create competition. Publication of the price of rice in the Press has been dispensed with. The Bill does not say that the price must not be so published, and if the Board considers it would serve a good purpose I have no doubt it will be published. Publication in the Press gives away our prices in the island markets; and no firm is going to buy rice without asking for quotations. There can be no hampering of trade. Until the Colony is in a

position to guarantee supplies of all the rice wanted by markets abroad we are bound to be in competition with India and they are bound to draw large supplies from India. If Trinidad and Jamaica wanted to draw all their supplies from this Colony we could not give them the rice, and they are therefore bound to protect themselves by ordering rice in the months when they can get it, September to November, for delivery in April-June, and there are no means of getting over that unless we quadruple our output and are prepared to make forward contracts at low prices.

Clause 19 of the Bill gives the Board which is to be formed the right to take over the assets and also the minutes of the existing Board. I take it, therefore, that the new Board can rightly say to a man "You are a rebater", and the question whether the Board will grant or refuse him a licence would arise straight away. As regards deferring this Bill until the new Legislative Council comes into being, I think that would be serious to the industry as a good deal of damage would be done before the Council could pass any Bill. As a member of the Marketing Board I think it is absolutely essential to pass the Bill now, and I am perfectly certain from my experience that it will do a great deal to stop rebates. I would not go so far as to say it would stop rebates altogether, but I know it will have a very serious effect, and I do not think the rebater will laugh so much as he does today when he tries his little tricks (Applause).

Professor DASH: I do not wish to prolong the debate because I think we have already got all that there is to be got out of it. My hon. friend who has last spoken has pretty well covered the contentious points that arose during the discussion. There are one or two matters, however, to which I should like to refer. First of all, the hon. Member for Central Demerara referred to the recommendations made by a Committee of this Council, and referred specifically to what he termed a pool to regulate the whole production of rice in the Colony. I think he is mistaken on that point. That pool referred only to a pool for export, and that is where so much of the trouble in connection with a single-seller comes in. To have an efficient single-selling agency absolute control of production is essential. The

Bill, as has been pointed out, cannot be expected to be entirely preventive, but it is generally agreed that it will make extremely difficult the continuing of rebating on the scale it has been practised during the last three years. The hon. Member for Central Demerara made the statement that there are more illegitimate than legitimate traders in the rice business today.

Mr. DE AGUIAR: I said more rice was being shipped and was not referring to the number of traders.

Professor DASH: At any rate it is a very damaging statement to make in connection with our trade, and it seems to clinch the argument for this Bill. The hon. Member also asked whether past offences can be dealt with under this Bill. That is a question I am not prepared to reply to, but doubtless the Attorney-General will be able to do so. The hon. Member for Berbice River, I am sorry to say, did not appear to study the Bill carefully before he made his remarks. He made the statement that the whole community is against this Bill. I think that has been shown to be erroneous, because the parties who are interested in the industry have been brought together, and, as has been pointed out, it is as a result of their efforts, where everybody sunk his difference of opinion, that this Bill is now brought forward. Only certain Members of this Council have to-day voiced strong opposition to it. The point of helping the grower was also raised by the same Member. It is generally true that without markets the grower cannot exist, and if this Bill helps us to maintain markets then it is definitely helping the grower. We cannot forget the great assistance which has been given the growers by those who have financed the industry in the past. It is not always easy to bring the grower into a Bill of this sort. The grower of any commodity always comes off the poorest.

I think the hon. Member was correct in his statement about exporters being on the Advisory Committee of the Board, but I do not propose to go over that point and would remind him that there is always an appeal to the Governor in Council. The Hon. Mr. Walcott went over a good deal of the old ground with reference to a single-seller, and I do not

wish to traverse it again to-day, but I do not think there would be much opposition to a single-seller if we can formulate a scheme which can be financed and give us absolute control to supply our markets. The hon. Member for Western Essequibo made a statement about East Indians not being on the Board. That point has already been taken up. He also referred to the reduction of exports. Certainly 33½ of the reduction of exports was due to our not having the rice, but I am positive that an increase will take place this year and there is great necessity for getting this Bill through before the crop comes in. We are on the eve of a better crop and it is time that we put our house in order and do everything possible to ensure the smooth marketing of that crop when it comes along. The hon. Member for Western Berbice brought up the question of the licence, which has been already dealt with. There are a large number of exporters on the books who have never come into the picture as practical exporters and have been just holding on hoping to make a scoop. The hon. Member for Georgetown North, I think, was a little mistaken about this Bill. It is the outcome of a conference of all the parties who have agreed.

Mr. F. J. SEAFORD: Those parties have sunk their differences but they certainly have not agreed.

Professor DASH: They certainly have agreed to the passage of this Bill. While the Bill might not be ideal in every respect, and while it might have loopholes as some people think, it will go a long way to meet the difficulties which the Marketing Board has experienced. It is not a question whether we can absolutely stop rebating, but whether it can be made so difficult that few people will attempt it, and in the long run we will achieve what we have set out to achieve. The rice industry is run on lines I am not accustomed to in any country I have served, and it is going to mean a considerable amount of careful study and evolution before it reaches the stage when it is going to work with 100 per cent. of efficiency.

THE PRESIDENT: There is little I need add to the discussion, which has been very useful from the point of view of the

future and the future consideration of the subject of a single-seller, which I have no doubt will arise in the new Council. Government is prepared to accept the amendment which has been indicated by the Nominated Member, Mr. Walcott. There is only one other point. It has already been amply explained by the last two speakers why Government cannot defer this Bill, nor do I see any reason why it should. The Bill is not new in principle but is merely an amendment of the Ordinance which stands on that same principle. A point I wish to add is in respect of the grower. A good deal has been said today, dramatically and sometimes emphatically, about the neglect of the grower that is exhibited in this Bill. If the hon. Members who spoke on that phase will only reflect on the nature of the Ordinance which exists at present and on the nature of the Bill which is now before the Council, they will have to admit themselves that the whole object of this legislation is the better protection of the interest of the grower. There has been no suggestion that the middle man is taking a greater share than he should of the price of rice existing today. I will now put the question that the Bill be read a second time.

The Council divided and voted:—

Ayes.—Messrs H. G. Seaford, Jones, Humphrys, F. J. Seaford, Wong, Walcott, Peer Bacchus, Austin, Dr. Singh, De Aguiar, Gonsalves, Wight, Dr. De Freitas, Laing, Goring, D'Andrade, Mullin, Mc David, Major Craig, Woolford, Luckhoo, Professor Dash, Smellie, the Attorney-General and the Colonial Secretary—25.

Noes.—Messrs Wills, Eleazar and Brassington—3.

Bill read the second time.

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

Clause 2—Definition.

Professor DASH: I move the deletion of the definition "the Chamber," as the Chamber of Commerce does not appear in the Bill any more.

Mr. H. G. SEAFORD: I should like to have a definition of the word "Agent."

Would it affect me if I have a business here and an agency in Trinidad ?

THE ATTORNEY-GENERAL: I do not know if the object of the hon. Member is to make sure that a licensed exporter should not be able to operate a rebate with his own firm. That would hardly be possible because he would be dealing with exactly the same firm. If a firm or company is the same it follows that the business done here and there is one business. An agent means somebody who is employed by a principal, and he does acts on behalf of the principal usually in the absence of the principal. An agent here does not include the principal himself.

Mr. DE AGUIAR: I am very grateful to the hon. Member for having raised the point as I can see a lot of sense in it. What strikes me is that "A," doing business in Demerara as an exporter, can easily open an office in Trinidad and send one of his employees there to take charge of that office. It would be the duty of that employee to solicit orders for rice to be shipped by "A." Would he under this Bill be an agent of "A" doing business in Trinidad as well as in Demerara? We found small firms, growing up overnight as it were in markets abroad and registered under different trade names, forwarding orders to an exporter in this Colony, and I think we should have some definition of such a firm or individual as an agent.

THE ATTORNEY-GENERAL: I am not quite sure whether the hon. Member for Central Demerara is not obsessed with the mushroom firm in Trinidad. This Bill deals with rice and facts in connection with the rice business and not with mushroom firms. I am not capable, although the hon. Member may think that I am, of framing a definition of an agent which is going to be without flaw. When the expression "agent" is used in a statute or a contract and the question arises of what constitutes an agency or an agent, the matter is one for decision in the particular case and you will not find a general definition to cover everything. It all depends on the facts and the circumstances of each case. If an individual or firm is carrying on business in two places it is one business and he cannot in one place be an agent for himself carrying on business in another place.

Mr. DE AGUIAR: I have no desire to be talking too much on this question; I am speaking on it as the result of past experience. This is one instance I gave by way of illustration on the last occasion and it has been used. The Board would naturally use some discretion in such a matter, but I can see an open door existing to-day. My object is to close that door. If we cannot get a definition for an agent that will cover the point I am afraid that one of the main objects of this Bill will be lost. I do not see how the Board will be able to deal with such an individual when an office is opened for the definite purpose of selling rice below the price fixed by the Board and throwing rings around the Ordinance. If the Law Officer says he cannot give a definition I shall have to be satisfied.

THE CHAIRMAN: I think it is just as well that we pass the clause at present, and when we come to the word "agent" in the Bill the difficulty might more easily be dealt with. I am quite prepared to recommit the clause.

Amendment put, and agreed to.

Clause 3—Establishment and constitution of the Board.

Mr. WOOLFORD: I suggest that some time should be prescribed for meetings of the Board.

Professor DASH: The Regulations say that the Board shall meet once a week to fix prices. I do not know whether it is necessary to incorporate a clause in this Bill of the time for meetings. The Board is a business Board and would meet to carry out its duties.

Mr. WOOLFORD: The Board may rightly or wrongly revoke a licence and unless there is some specified time for meetings an exporter would not have a remedy. If there is a statutory period for meetings that would be the period at which he would make his submissions to the decision of the Board and be able to make his appeal to the Governor in Council. I think some statutory meeting should be prescribed in the Ordinance and not in the Regulations and I suggest once a month.

Mr. H. G. SEAFORD: Under the

Regulations we say that the Board shall meet as often as necessary. The suggestion is that there should be some definite time, or we would not know when there should be a statutory meeting. I suggest that the Board shall meet at least once a fortnight.

THE ATTORNEY-GENERAL: I move the insertion of a new sub-clause (14) as follows:—

(14) There shall be a meeting of the Board once in every two weeks.

Question put, and agreed to.

Clause 6—Establishment of Advisory Committee.

Mr. HUMPHRYS: May I be informed if there is at present any body of persons interested in the rice industry—the Chamber of Commerce, the rice growers, or others—who are to be consulted before the Advisory Committee is selected.

Professor DASH: At the moment we have the Chamber of Commerce, the Rice Association, the Marketing Board and such other bodies as may from time to time be included, for example, the Essequibo Rice Growers' Association, and there may be a Berbice Rice Growers' Association. It was felt far better not to list them but to leave it open so that the Governor in Council may be able to consult as many bodies as possible.

Mr. ELEAZAR: I move that the clause be deleted. I cannot see what is the use of an Advisory Committee whose views may be taken or not. More than that the Committee have to take matters to the Board before they can give advice, and when they proffer advice the Board need not follow it.

THE CHAIRMAN: Does the hon. Member really want to press that amendment? If he does I will put it.

Mr. ELEAZAR: I will wait and see what Members think of it, sir.

THE CHAIRMAN: The question is that this clause be deleted.

Amendment negatived.

Clause 7—Powers of the Board.

Professor DASH: I move that paragraph (a) be amended by the substitution of the words "during such periods as it may think fit" for the words "from time to time as occasion may require."

Mr. WALCOTT: I suggest that the paragraph be further amended by the inclusion of cost, insurance and freight in the price at which rice shall be sold for export.

Mr. H. G. SEAFORD: I do not think there is any necessity for that. The Board may fix the price as they please; it may be f.o.b.

Mr. WALCOTT: If the price is fixed on f.o.b. and somebody got free tonnage to take the rice to the port of destination that is a form of rebate.

Mr. DE AGUIAR: I agree with the view that c.i.f. is an important point. Unless the Board is by law compelled to fix the c.i.f. price the question will arise by somebody interested in export calling on the Board to fix f.o.b. price. The Board is fully acquainted with the fact that the correct price to fix is c.i.f., otherwise it introduces another form of rebate.

Mr. WALCOTT: I may mention that c.i.f. appears in the Regulations. I have a schooner of my own and all I have to do is to export my rice at two cents per bag. The result is obvious.

THE ATTORNEY-GENERAL: I think the point would be met by inserting after the word "price" the words "including cost, insurance and freight" in brackets.

THE CHAIRMAN: Does that meet the hon. Member's view?

Mr. WALCOTT: Yes, sir.

Question put, and agreed to.

Mr. ELEAZAR: I move that the words "provided that the Board may refuse to grant or renew a licence" in paragraph (l) be deleted. I think everybody who applies for a licence and is prepared to pay the cost of the licence and to enter into a bond should be issued a licence. I am in agreement that the Board shall have power to suspend or revoke a licence for any contravention of the provisions of the

Ordinance, but I do not think it should have the right to say that any person is not entitled to a licence.

Mr. BRASSINGTON: I support the amendment. It is a most arbitrary authority to give the Board. If a man can pay for a licence why should he not have it. Is liberty disappearing from this Colony?

Mr. H. G. SEAFORD: This is a very necessary provision. It is within the knowledge of the Board that a man gave a rebate before he got a licence. The Board had no power to refuse him a licence so we are simply deferring the granting of it. To stop rebating it is very necessary that the Board should have this power.

Mr. DE AGUIAR: I support the statement that this is a very necessary provision. I suggest to the hon. Member not to press the amendment and remind him that there is provision for an appeal to the Governor in Council.

Mr. ELEAZAR: I am submitting that there must be conditions under which a man may not get a licence and it should not be left to the Board to refuse him a licence.

Amendment put, and negatived.

Mr. WOOLFORD: I would suggest that in case of a refusal to grant a licence the Board's reasons should be given. This is more than a discretionary provision. A statutory right is being conferred on the Board and they should have no difficulty in assigning reasons for refusal of a licence. Clause 12 gives the right of an appeal against the revocation of a licence. It must be quite plain that it would be very difficult for anyone who has been refused a licence to appeal against the decision without knowing what the grounds for refusal are. The clause gives an arbitrary right to refuse to grant a licence. It may place the Governor in Council in a position not to be able to exercise his discretion either judicially or mercifully.

Mr. H. G. SEAFORD: The reasons will be recorded in our minutes which will be forwarded to the Governor in Council. In the instance I gave a letter came into the possession of the Board and I am not quite sure whether we can act on it or not.

The facts will be stated in the minutes and when the applicant appeals to the Governor in Council he can be informed of them there.

Mr. ELEAZAR: My point is that a man would be given no opportunity to refute the evidence upon which his licence has been refused.

Mr. H. G. SEAFORD: I think we might accept the suggestion.

Mr. WOOLFORD: In making my suggestion I wish it to be understood that I have no desire to fetter the Board, and I think the amendment should be made as wide as possible. The Board may refuse to grant or renew a licence for good and sufficient reason.

Mr. BRASSINGTON: I feel very strongly on this point and I am very glad that it has been raised. If a man who has applied for a licence has done any serious wrong amounting to a criminal act he can be prosecuted.

THE ATTORNEY-GENERAL: Perhaps it would meet the case if in the proviso there be inserted between the words "Board" and "may" the words "for good cause to be furnished in writing to the applicant."

Amendment put, and agreed to.

Mr. ELEAZAR: I suggest that the Attorney-General may now consider the question of giving an interpretation to "Agent" so that when a man does any of the acts constituting an offence he can be regarded as an agent of the exporter.

THE ATTORNEY-GENERAL: Having expressed my incapacity to do it I would have imagined that the hon. Member, who is an old and experienced lawyer, would have come to the assistance of this Council and have himself made a practical contribution to the Bill by furnishing a definition of the capacities that would constitute an agent. If the task is beyond the hon. Member it is also beyond me, and I shall discover as soon as the Bill is passed that certain people are omitted. It is not a matter that can be defined. You will have to enumerate not merely the classes of persons who would be agents but the capacities that must be fulfilled by

persons whether those persons are individuals, firms or juristic persons. With regard to the case put by the hon. Member for Central Demerara, the position is perfectly simple. A limited liability company, or a trade corporation, is in itself under the law a juristic person, and that person is separate and apart altogether from the individuals of whom it is composed. You may have a company with 1,000 shares and one individual holding 990 of those shares and his wife and son holding the other 10, but that company is wholly and entirely a separate person from the people who are members. In the case given by the hon. Member the mushroom firm in Trinidad will be clearly an individual, although the principal shareholder or person who controls all the shareholders is in this country, and he will find that he is exporting to an agent in Trinidad with whom the Board will deal.

THE CHAIRMAN: By an arrangement with the Colonial Secretary the Council will meet earlier tomorrow, provided the suspension of the Standing Orders is

passed now. I wish to suspend the discussion in order to bring it within the hour.

Mr. DE AGUIAR: I ask the Attorney-General to give consideration to the point of an agent-buyer apart from a man who is exclusively an agent, so that when we meet to-morrow he might be able to give us some further information on the question.

The Council resumed.

THE COLONIAL SECRETARY: I move the suspension of the Standing Rules and Orders to enable the Council to meet at 10 a.m. instead of 11 a.m. tomorrow on account of a request made by five Unofficial Members who are unable to be present between 12 and 1 o'clock.

Mr. SMELLIE seconded.

Question put, and agreed to.

The Council adjourned until the following day at 10 o'clock.