

LEGISLATIVE COUNCIL.*Wednesday, 24th 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.E. (Nominated Unofficial Member).

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

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

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. 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).

The Hon. H. G. Seaford, O.B.E. (Nominated Unofficial Member).

MINUTES.

The minutes of the meeting of the Council held on the 23rd July, as printed and circulated, were confirmed.

ORDER OF THE DAY.**RICE (EXPORT TRADE) BILL.**

The Council resolved itself into Committee and resumed consideration of "A Bill to make better provision for the establishment of a Board to regulate and control the exportation of rice produced in the Colony."

Clause 7—Powers of the Board.

Mr. DE AGUIAR: The question of defining an agent is likely to lead to a number of difficulties and I do not propose to take the question any further.

Clause as previously amended put, and agreed to.

Clause 9—Fees to be paid to the Board.

Mr. BRASSINGTON: I move that sub-clause (2) be amended by the substitution of the word "twenty" for the word "fifty." I do not see why this fee should be increased to such an amount.

MR. H. G. SEAFORD: The Chamber of Commerce and the Rice Marketing Board gave a good deal of consideration to that point. It was brought to their notice that \$50 might be considered too high, but we thought it absolutely necessary. Furthermore, the Board have to collect some money, and if they collect \$50 the exporter will not have to pay more, for the reason that what he loses there he would get back under clause 9.

MR. DE AGUIAR: I support the hon. Member's view. This fee is the only means by which the rice industry can benefit by a reduction of the cost of export.

MR. BRASSINGTON: I am not going to press the amendment because it would be so much waste of time. The Council evidently is in favour of it, but I ask that my protest be recorded against it. I think it is iniquitous,

THE CHAIRMAN: I would not myself permit the clause to stand in the Bill if I thought it was going to cost the producer, whose interest I said yesterday the present Ordinance and the present Bill aim at protecting, any more than it costs him today. It has been pointed out that if the Board were to get its revenue in this way it would be possible for it not to levy the fee under sub-clause (1). I do not think it can be stated that this sub-clause will reach more hardly on the producer in any way than if the figure 50 were reduced to 20 and the necessity for levying the fee under 9(1) was thereby enhanced.

MR. BRASSINGTON: I should like to be informed what is the revenue expected to be got by the imposition of the extra \$30. I think this is a case where Government should pay whatever the difference is; it would be a gesture from Government to help the rice industry. If it is going to cost more to tighten up affairs Government should bear it and not burden the industry.

MR. H. G. SEAFORD: The clause is not put in as a means of collecting revenue but as a means of stamping out rebaters. It is difficult to estimate the amount of revenue because we do not know how many exporters there will be. At present there are 44, but a good many are registered for the purpose of rebating, and we

hope when this Bill goes through they will go out.

MR. WILLS: Why impose an annual tax of \$50 on a legitimate trader? It is an imposition on a person wishing to become an exporter; and it is going to whittle down the number of exporters. I am in agreement with the hon. Member for Western Essequibo that it will impose a hardship upon the exporter.

MR. DE AGUIAR: I am afraid the hon. Member does not understand the position. He says this is an imposition on a person wishing to become an exporter. Any person who is desirous of becoming an exporter makes application and pays \$50. The difference between the existing Ordinance and the Bill is that under the Ordinance an applicant is called upon to pay \$20 for all time, while the Bill makes the licence an annual one in order to give the Board an opportunity to review the activities of exporters. As has been stated, there are 44 licensed exporters under the Marketing Board, but that does not mean that 44 persons are engaged in the export of rice. You have to eliminate a number of persons who are registered but are not doing any business at all. There are also others who are doing very little or no business. The remainder are legitimate traders. Most of the people who apply for a licence to export rice and are willing to pay \$20 stand by and come in on the ground floor. I do not think Government should encourage any such thing. The object of this clause is not to prevent anyone from becoming a licensed exporter. If licensed exporters are prepared to do legitimate business and to comply with the law, no restriction will be placed on their activities. If the annual fee is sufficient to meet the expenses, the Board would be able to reduce the export fees paid at the present time. In other words, if it is found that a sufficient sum is collected to defray the expenses incurred by the Board it would be the obvious duty of the Board either to abolish or to reduce the present fee of two cents for every 100 lbs. of rice exported, which would be a direct relief. I challenge anybody to say that a licence of \$50 is a charge against the rice industry.

MR. H. G. SEAFORD: Sub-clause (3) simply means that the \$50 will be paid to the Board instead of to general revenue.

Mr. BRASSINGTON: I asked a question and the answer showed that there was a big surplus from the fees collected. I do not believe that there will be any reduction of the fees if the revenue exceed expenditure.

Mr. WALCOTT: My hon. friend does not know that the fees have been reduced to one cent. and that the Board is now collecting only one cent. The accumulated funds of the Board amount to about \$6,000 while the working expenses are about \$3,000 a year. With the tremendous falling off in export, due to a variety of causes, the revenue this year is likely to be less than expenditure, therefore the licence will go a long way to replace the loss of revenue. If it is found that the amount received from licences is sufficient to permit of the export fees being dispensed with, I am sure the Board will eliminate that collection; but the Board must for safety keep a certain reserve fund or else it would have to come back to this Council and ask for some money.

THE CHAIRMAN: Does the Board publish its accounts?

Mr. WALCOTT: Yes, sir, twice a year every six months.

Mr. BRASSINGTON: The Marketing Board is in a better position in having a big surplus. The Board is in a flourishing state and is yet making provision to get more money.

Professor DASH (Director of Agriculture): I think the whole position is becoming quite confused. The actual charge of \$50 when spread over a man's business is an infinitesimal charge. The hon. Member for Western Essequibo and the hon. Member for Demerara River have missed the point entirely. This is not a question of weeding out people but a question of a man who wants to go into business in a genuine manner. A man who wants to go into business in a genuine manner will pay his \$50. We find that the \$20 licence is not sufficient to keep out of the business people who merely wish to speculate. It is not a revenue collecting licence at all. It has been made clear that these fees are pooled, and if it is found that the Board can do its business with the money it has it

will reduce the charge per bag of rice, therefore the exporter has nothing at all to lose and it is a very helpful measure.

Mr. WILLS: When I stated that the licence is intended to whittle down the number of exporters I was making a statement which I know in another sphere has brought about a certain state of affairs which is undesirable. A similar fee is imposed on house agents. As soon as we imposed that fee on those poor men they came out of the market, and there are only a few people who can sell properties to-day without committing a breach of the law. I maintain that this \$50 will bring about the same effect.

Mr. F. J. SEAFORD: I would like to ask if Government is in a position to tell us how many exporters there really are. We have been told that 44 are registered, but I understand that there are about 17 only who are really exporters. Those who take an interest in this subject, even exporters themselves, do not know much about it and take no notice of reports laid on the table of this Council every six months. We come here and hear a lot of talk about the poor man being knocked out of his business, and Members of the House can place no reliance on those speeches because those who make them really do not know anything about the facts.

Mr. BRASSINGTON: I do not quite understand if the hon. Member is alluding to me. I am a rice exporter and have always been aware of the revenue of the Board because I asked questions about it. Sub-clause 9 (2) is on a par with clause 7 (b). It is a vindictively disciplinary measure. It is assuming that only a chosen few who export rice are honest men and the others are scoundrels. I say that with the amount of money at the disposal of the Board they should not increase the licence.

Clause put, and agreed to.

Clause 11—Notification of price of rice fixed by the Board.

Mr. F. J. SEAFORD: I think the price should be advertised in the Press, and I also think it would be advantageous. The objection to people in other Colonies

seeing it I do not think cuts much ice because anyone who takes an interest in it knows.

Professor DASH: The question of publication in the Press came up for consideration and quite a number of those specially interested asked that the price might be excluded from specific mention. There is no reason why it may not be published in the Press if the Board thinks fit from time to time, but whether it should be included in this clause or not is the question.

Mr. DE AGUIAR: What concerns me is that there is no provision for exporters respecting the knowledge of the change in price after the Marketing Board has agreed to change the price. In the past an exporter was guided by an announcement in the Press. We are removing that provision.

Mr. H. G. SEAFORD: There is another point. There is a likelihood of there being only two papers, and if we have to publish it in the Press the Board might be charged any amount for publishing it. The Board have naturally to notify exporters of any change of price, and in all probability, unless they are squeezed, they will publish it in the Press, but we have to safeguard ourselves against that possibility.

THE CHAIRMAN: I think it would help the Committee if it is shown what the objection to publicity is.

Mr. WALCOTT: The objection came from the Rice Association.

THE CHAIRMAN: Government is prepared to accept an amendment to the effect that the price may be published.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I suggest that in the second line before the word "communicated" the words "published in a daily newspaper and" be inserted.

Amendment put, and agreed to.

Clause 12—Appeal against revocation of licence.

THE ATTORNEY-GENERAL: I think it is better that a definite discretionary

power be conferred, and I therefore move the addition of the following sub-clause:—

(4) The Governor in Council may make such order on the petition as he may think just.

Mr. WILLS: Provision was made in clause 7 for reasons to be given by the Board when they refuse an application for a licence. I think sub-clause (3) should include the words "a copy of the minutes together with the reasons."

THE ATTORNEY-GENERAL: The reasons would form part of the minutes.

Mr. WILLS: If that is the interpretation I accept it.

Amendment put, and agreed to.

Professor DASH: I beg to move the insertion of a new clause 13 as follows:—

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.

Question put, and agreed to.

Clause 14 (re-numbered 15)—Prohibition of exportation of unsold rice.

Professor DASH: I move that paragraph (1) be amended by the insertion of the words "provided that he has first registered the contract with the Board" after the word "Colony."

Question put, and agreed to.

THE ATTORNEY-GENERAL: I desire to move a new clause 16 to be substituted for the clause as printed:—

16—(1) A licensed exporter shall not, without lawful excuse the proof whereof shall lie on him,

- (a) sell rice for export at a price lower than the price at the date of sale as fixed by the Board;
- (b) where he has sold rice for export under a registered contract, accept for any of such rice a lower price than the contract price;
- (c) enter into any arrangement or bargain with a purchaser affecting the purchase price of rice sold to the purchaser by him for export either directly or indirectly, by

way of gift, barter, discount, rebate, salary, compensation or otherwise whereby the cost to the purchaser of the rice is reduced below the contract price.

(2) Where any allowance is made to a purchaser by the agent of an exporter of any part of the commission or other remuneration paid or payable to the agent by the exporter the sale in respect of which such allowance is made shall be deemed to be a sale at a lower price than that fixed by the Board or than the contract price within the meaning of this section, as the case may be.

The present clause is a compound of three different bits of legislation passed at different times, with the result that it becomes somewhat involved, and it is essential that it should be made as clear as possible.

Mr. HUMPHRYS: I cannot imagine a "lawful excuse the proof whereof shall lie on him."

Mr. F. J. SEAFORD: That is a point I also intended to raise. It seems to me that with a little collusion it is easy to prove what might be called a lawful excuse

THE ATTORNEY-GENERAL: This point was very carefully considered in 1932 when the Ordinance was being enacted and the same phrase was used, and this is simply a reproduction of it. It is difficult on the spur of the moment to imagine what circumstances would constitute a lawful excuse, but in certain cases when imperative legislation is enacted it has been found that a great deal of hardship is occasioned by what I might call the categorical imperativeness of the enactment. It is conceivable that something may exist or may occur in connection with the transaction, such as the case of a man's rice being destroyed, and proof of the excuse being on him he would have to satisfy the Marketing Board or a Court of Justice. As in other cases the Board itself may say "Under these circumstances you may take a lower price." That is a lawful excuse. It may arise from a variety of circumstances, and I would be sorry to see the expression "lawful excuse" struck out. I think it would be a retrograde step in a way. It is in accordance with the trend of modern legislation.

Mr. HUMPHRYS: If the Attorney-General is satisfied it is alright, but, speaking as a lawyer, it is going to leave a lot

of loop-holes to persons who sell below the fixed price. I would prefer to see "without the permission of the Board in writing." Those acquainted with the working of the Board are best able to judge whether it will work satisfactorily, but from my point of view it is going to lead to a lot of abuse.

THE ATTORNEY-GENERAL: What the hon. Member fears has not occurred during the last three years.

Mr. F. J. SEAFORD: Now that we are tightening up the Ordinance no gaps should be left. I understand that rice has been sold below the price abroad on the score that it has been damaged in transit. The Marketing Board has agents at the ports to which rice is shipped and it is easy for such rice to be inspected.

Mr. H. G. SEAFORD: There can be no excuse about bad rice. In cases of any dispute there is arbitration by the Chamber of Commerce. If a man makes an excuse he has to give a certificate to the Chamber of Commerce that the rice went to arbitration and an allowance was recommended.

Mr. F. J. SEAFORD: I understand cases have arisen, and, if the Marketing Board has representatives on the other side, they can advise what price should be fixed. I feel this is a big loophole when we are trying to tighten up the Bill.

Mr. HUMPHRYS: I move the insertion of the words "or without the permission of the Board in writing" at the end of sub-clause (1), but if the President of the Marketing Board is satisfied that the point will be met without my amendment that will satisfy me. I bring it to the notice of the Committee because the exporter will be seeking for a lawful excuse.

Mr. H. G. SEAFORD: I am quite satisfied from the point of view of the Marketing Board, but the amendment will do no harm. In every case I know of the shipper has come to the Marketing Board first to find out whether he could do it.

Mr. WOOLFORD: The words "lawful excuse" frequently receive a judicial interpretation, and the framing of this clause is not an excuse because an excuse has to

be lawful. I can conceive of a case under the circumstances we have heard to which the permission of the Board may be extended and yet not be lawful in itself. The amendment would give the Board greater freedom to exercise a discretion in certain cases and in certain other cases the words "lawful excuse" would govern it.

THE ATTORNEY-GENERAL: I think the majority view might be met by inserting the words "or without the permission of the Board in writing."

Clause amended accordingly, and agreed to.

Clause 17 (re-numbered 18)—Penalties.

Mr. HUMPHRYS: I should like a ruling from the Attorney-General on the question whether it is intended that the Magistrate should impose peremptory imprisonment without the option of a fine. That may justifiably be the intention of Government, but if the intention is that the Magistrate may give the option of a fine it should be made quite clear.

THE ATTORNEY-GENERAL: The term "imprisonment" in the clause is in relation to a fine that may be imposed. They are two wholly separate matters. It is entirely a question for the Magistrate whether he imposes a fine or peremptory imprisonment. That is the judicial construction of a clause of this nature. Further, where the Magistrate has imposed a fine he will prescribe the term of imprisonment which the offender must undergo in default of payment of the fine. The Magistrate may take a serious view of a particular case and impose peremptory imprisonment.

Clause 18 (re-numbered 19)—Exemption from licence.

THE ATTORNEY-GENERAL: This clause is new. The Board is exempt from the payment of what is commonly called "Trade Licence," but in the Tax Ordinance the expression is not used so we had to put it in this Bill.

Clause 20 (re-numbered 21)—No fee or stamp duty chargeable on declaration.

Mr. HUMPHRYS: I would like the

Attorney-General to state whether this clause applies to declarations sworn to by Commissioners who are not Government Officers. You cannot compel Commissioners who are not Government servants to attest declarations and not charge a fee.

THE ATTORNEY-GENERAL: The law pre-supposes two things in relation to a Commissioner vouching documents: one is a stamp duty imposed by law and the other a fee to the Commissioner. The law attaches a fee as the Commissioner's remuneration for the task he performs, but this legislation provides against payment in certain circumstances of the stamp duty or of the fee itself. Declarations may be taken by a Justice of the Peace or a Commissioner, and the provision is that in no case shall there be any fee or stamp duty.

Mr. WALCOTT: I beg to move the insertion as clause 23 of the following:—

(1) The Board shall have power to prepare and submit to the Governor-in-Council a scheme for organising an association to consist of all persons who then are or thereafter may be licensed exporters for the purpose of controlling all sales of rice for export.

(2) The Governor-in-Council may by order approve of the scheme subject to such modifications of this Ordinance as he may think fit.

(3) An order made under this section may be varied, amended or revoked by a subsequent order.

(4) Every order made under this section shall be published in the *Gazette*.

(5) Every order made under this section shall be laid before the Legislative Council within seven days next after it is made if the Council is then sitting, or, if not, within seven days after the commencement of the next ensuing session.

(6) The Governor-in-Council may by order declare the date at which an order made under sub-section (2) or sub-section (3) shall come into operation after it has been laid before the Legislative Council.

(7) An order made under this section shall have the same effect as if contained in this Ordinance.

My reason for moving this amendment is, as I stated before, that I do not consider the Bill provides sufficient cover against rebates. The acceptance of the amendment will be an admission of the principle of a single seller, and the details will necessarily have to be worked out by the Marketing Board. The Board have already submitted two schemes for single selling, either of which, with slight modification, could easily be accepted by the

Governor in Council and this House. I am not going to labour the point of a single seller, but I think that within a very short time of this Bill coming into operation the Marketing Board will find that their powers are not so much greater than they are under the Ordinance now in force. The penalties are greater, but if those people who deliberately endeavoured to injure the rice industry and other licensed exporters were not afraid of the penalties under the Ordinance, I very much doubt whether the new penalties are going to have the effect we contemplate. No legislation is justified, to my mind, unless it is going to do good to at least some section of the community, and certainly no legislation is justified which will permit of a continuance of an evil which is doing no good to anybody but the law-breaker and certainly a great deal of harm to those who are trying to obey the law. I know that legitimate exporters have suffered severe loss through rebating during the last two years. In 1933 I was optimistic enough to believe that the rebaters of that year had had sufficient punishment by the loss they sustained, but to-day I appear as a pessimist. I do not believe the deterrent effect will be what we expect, and I express the hope that Your Excellency will endeavour to get the Marketing Board to put forward at as early a date as possible such recommendations for a single selling organisation as will meet with the approval of Your Excellency in Executive Council. Unless that is done we are going to continue to suffer, and it is Government's duty to bring in a measure sufficiently strong to make it impossible for anyone to be a rebater.

Mr. JONES: Speaking as an honest trader and one who is afraid of the law and its penalties, I think the amendment is only the thin edge of the wedge to get in the single seller scheme. I do not think my hon. friend visualises to whom he is going to commit the single selling. I visualise two members of the Civil Service, two lawyers, two engineers and possibly a shipping agent: people who have no experience whatever of selling rice. These gentlemen have no Water Street experience. The only people who might be of any use are the lawyers. I understand they are good at selling, but I do not believe in them myself. I do not think it would be right to have the

Board so constituted. If we are to have a single selling organisation my idea is that the persons who comprise the Advisory Committee should be members of that Board. They are well fitted to undertake this duty. I have had some experience in single selling as I have sold rice on behalf of my firm. On this basis I had to go into the market and contract with other people, and the result has been disastrous. Fifty per cent. of the people with whom we had contracts have let us down. The same thing will happen to this single selling agency, and the Rice Marketing Board will be living in the Law Courts because it means that they will have to take action against people. Very few contractors are responsible. There are many things I can tell you, sir, against a selling agency, but it is not advisable for me to do so in public. I think if the hon. Member considers the matter again he would withdraw his amendment.

Mr. DE AGUIAR: It is not unusual in this Council to hear a discordant note and I am not surprised at the hon. Member's remarks. I have heard him express them before on more than one occasion. I desire to remove from the minds of certain persons the erroneous impression that a single seller means a single individual. The idea is that the Marketing Board should have power to appoint a single selling organisation as agent of the Board, that organisation being controlled by men who are actually engaged in the business. It is not intended to create a monopoly. All we are endeavouring to do is to put the export market of rice on a sound footing, and only an organisation of the kind I have indicated would stop the practice of giving rebates.

Mr. F. J. SEAFORD: I wish I could understand what Government had in mind in accepting this amendment.

THE CHAIRMAN: Government accepts the amendment in principle, not absolutely.

Mr. F. J. SEAFORD: The mover of the Bill in his opening remarks stated that the Marketing Board had put forward a scheme which was objected to by the Chamber of Commerce and the Rice Association. This amendment gives the Marketing Board power to bring the scheme up again, and it will be brought up immedi-

ately. When the scheme is brought up again it is left to the Governor in Council to approve of it with modifications. If it is the intention of the Governor in Council to accept these proposals two days of the Council's time have been wasted in discussing this Bill. It appears that Government has practically accepted the idea that this Bill is unworkable and is therefore prepared to accept as early as possible some other means to get over the difficulty. After the scheme has been approved by the Governor in Council it is then to be laid before the Legislative Council. I am surprised that the hon. Member for Central Demerara, who is always so jealous of the privileges of this House, should fall from his high estate for a grain of rice (Laughter). What can this House do when the scheme is brought here? We can protest, but it will go through. It would be very much better to cut the whole thing out and leave it to the Marketing Board. I look upon the promise to bring the scheme before the Council as a sop and this amendment as a little bit of eye wash. If Government will admit that the object of the amendment is to bring in the single selling organisation then scrap the whole Bill right away. I would like to know definitely from Government if it is felt that this Bill is not going to be successful. I think Government will admit that there are loopholes in it, and if that is admitted I think we should drop the Bill.

The Committee adjourned for the luncheon recess.

Mr. PEER BACCHUS: In the first place, I should like to enquire from the Attorney-General whether the amendment can be properly incorporated in a Bill fixing the price of rice for export. The amendment delegates the powers and privileges of this House to another body. If the amendment is accepted, as the hon. Member for Georgetown North said, the time of the Council would have been wasted. It would be no surprise to me if Government accept this amendment. It has been admitted by Government that this Bill will not have the desired effect. If that is so and it is decided that we should have a single seller, then we should have proposals of a single seller placed before the Council for acceptance or rejection. I do not think it is fair to this

House that a recommendation of the Rice Marketing Board should be placed before the Governor in Council for approval and by an Order-in-Council given effect to. The rice growers have the right to criticise every scheme put forward by Government to control the industry, especially the fixing of the price for export. This amendment would take away the right of the producers to say whether they agree with such a proposal or not. In short the Rice Marketing Board would be composed of exporters only, and proposals would be recommendations from them only. Why should recommendations from exporters only be considered and no opportunity given the growers to say whether they agreed with them or not? I ask Government in considering the amendment also to consider the right of the rice growers to say how their produce should be handled.

THE CHAIRMAN: Any such scheme would come before this Council. That would give an opportunity to representatives of the rice producers to criticise the scheme before it is brought into effect. The hon. Member will observe that that is the intention of sub-clause (5) of the amendment.

THE ATTORNEY-GENERAL: Every order shall be laid before the Legislative Council.

Mr. F. J. SEAFORD: After it has been made; but Government has power to come to this House at any time and bring in another Bill.

THE CHAIRMAN: That is true.

Mr. DE AGUIAR: Most of us are in agreement with a single selling organisation. It has gone abroad that a single seller means a single individual, but that is not the idea. It means a group of persons for the purpose of controlling all sales of rice for export. I want to make my position perfectly clear. I am opposed to a single seller where it is a single individual, but I am in favour of a group of persons to control the export of rice. All the amendment is trying to effect is a definite step in that direction, and it is very desirable that something should be done as soon as possible. We are all in agreement that this

or any other Bill will not prevent the giving of rebates, which is the evil we want to remedy. A scheme has been already prepared which I am sure, with a few minor modifications, will meet the requirements of everybody engaged in the rice industry, but there are a few persons who will not sink their personal interest and personal differences. In other words, they do not seem to believe in the greatest good to the greatest number. Government is undoubtedly in a difficult position and the amendment is only an endeavour to make a step forward as soon as possible. If Government is willing to accept the principle of a single selling organisation being formed, and will give the Council an undertaking that early steps will be taken in that direction, I have no more to say on the subject.

Mr. HUMPHRYS: I think the suggestion which has come from the hon. Member is by far the best. As far as I can see there is nothing in the amendment which would prevent the Board from preparing a scheme and submitting it to this Council. What I do not like about the amendment is that after a scheme has been approved by the Governor in Council orders made under this clause are to be submitted to the Legislative Council. It seems to me that after the Governor in Council has made an order the Legislative Council would have very little say in the matter when it is laid before them. It would be a far better way after any scheme has been approved by the Governor in Council for Government to draft such legislation as may be necessary and bring it before this Council for consideration.

THE ATTORNEY-GENERAL: There are one or two ways of looking at this matter. One is indicated by the hon. Member for Eastern Demerara in the suggestion that a scheme should be prepared and brought in by legislation. But there is another point. It is proposed to amend sub-clause (5) by making it read:—

Every order made under this section shall be laid before the Legislative Council within ten days next after it is made if the Council is sitting, or, if not, within seven days of the commencement of the next ensuing session, and if within the next twenty-one days resolution is passed by the Legislative Council that the order or any part thereof be annulled, it shall be thereby annulled.

The result of that would be, first of all,

that the Board will prepare and submit a scheme which would be considered by the Governor in Council. After the Governor in Council has approved of that scheme an order will be made in regard to it. When the order is made two things happen. First, it is laid before the Council for twenty-one days, after it had been already published in the *Gazette*, and during that time the Council can by resolution annul the order or any part thereof, and the matter would end there. If that is not done then the Governor in Council would make a further order bringing it into operation, so that this Council would have full control over the effect of any order to render it invalid. It would not prevent, however, a further scheme being brought forward which would meet with the sanction and approval of the Council.

Mr. HUMPHRYS: The point is that if an order is made by the Governor in Council before it is brought before the Legislative Council, it would place Government in a difficult position if the Legislative Council disapproved of that order. If, on the other hand, Government came to the Legislative Council with an open mind, Government might be persuaded that the order is not to the best interest of the industry. Where Government makes an order it must, to a very great extent, abide by what it has done, and it puts the Governor in Council in an invidious position.

Mr. F. J. SEAFORD: I agree that it would put the Governor in Council in an awkward position to make an order and revoke it afterwards. Sub-clause (1) gives the Board power to do whatever they like, and if they find the scheme is unworkable they could put up another. I do not see the advantage of the sub-clause.

Mr. BRASSINGTON: It appears as if there is an attempt by certain interests and certain Members of this Council to force Government's hands in respect of a single selling organisation. It is well known that there is a great divergence of opinion on the question. What I dislike about it is the repeated reference to the Marketing Board. I hear nothing about the Rice Association, and that is what a large number of rice producers feel. The rice industry is the outcome of the efforts of the East Indians, but they are being

shoved into the background and two or three men are arrogating to themselves the power to decide what those growers are to do. It is well known also that on the Rice Marketing Board there is a great divergence of opinion, too. The Rice Association, I understand, are solidly against it. What the hon. Member for Georgetown North said is right. After so much time and thought has been given to this Bill it should be given a trial. This is an attempt to place the industry in the hands of one or two men, and with all the breath in my body I oppose any such proposal. Hon. Mr. Jones sounded a grave note of warning to Government. It is astonishing to hear the views of some Members after voting 25 against 3 in favour of the Bill. Within a few hours they want to scrap the Bill and substitute a gamble in a single selling organisation. I urge on Government to give short shrift to any attempt to force through a single selling agency.

Mr. H. G. SEAFORD: Sir, if the hon. Member for Western Essequibo had attended some of the meetings of the Rice Association, as I have, he would know why it is that he has heard so much of the Rice Marketing Board and not of the Rice Association. I am a single seller and I am very strongly in favour of this amendment, but I do not agree with it as it seems to be a Bill within a Bill. If Government would accept the principle of the amendment and give an undertaking to instruct the Marketing Board to submit a scheme for single selling, Mr. Walcott will have accomplished his object and I can assure him that there will be no delay in the submission of the scheme. I suggest, therefore, that he withdraw his amendment if Government would give that undertaking.

THE CHAIRMAN: I shall be prepared to give that assurance. It will not necessarily imply that any scheme will be accepted if it be put up, but if the Bill is found to be unworkable I shall be prepared to instruct the Marketing Board to submit a single selling scheme in order to see if the position can be improved thereby.

Mr. WALCOTT: Under those circumstances, sir, I feel inclined to withdraw the amendment. In bringing forward the

amendment I have no intention or desire in any way to embarrass Government, but as I perceive, and I still think, I am right that this Bill will not serve the purpose for which it is intended. No legislation that is not going to do good, but might do harm, should ever be brought into being. To talk about my influencing Government is ridiculous. My idea always is to help Government, not to hinder Government. Unlike some other people I have taken the opposite course. I realise that there is nothing to be gained for the people of the Colony by trying foolishly to oppose Government. To achieve any success, whether we be Elected Members or otherwise, we must try to work with Government and let them get the honest views of the people of the country. I trust, sir, this question may be made a plank in the political platform of Elected Members who have to face their constituents, because I have no doubt myself of the result of such an appeal to the electorate. In the rice industry we have had all sorts of setbacks. We have had the Canje fly, black birds and recently floods and droughts, but I think the greatest drawback to the rice industry to-day is the political bird, the man who has an axe to grind and has not the interest of the rice industry at heart. With the assurance you have given, sir, I will draw the amendment as I feel sure it will not fail to carry out your promise to this Council.

THE CHAIRMAN: I am glad the hon. Member has taken that course. I accept his amendment in principle because I feel that to do otherwise I would have to declare myself against a single selling scheme, whereas I have always been in favour of keeping an open mind. The discussion has ventilated the subject very usefully and I repeat the assurance, which I gave just now, that if this Bill were passed into law fails to serve its purpose and rebating is still serious I shall instruct the Marketing Board to submit for consideration a scheme of a single selling. That, of course, as I have said already, does not commit Government necessarily to the acceptance of the scheme.

The Council resumed.

Professor DASH: I move that this be read the third time.

Major CRAIG seconded.

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

Bill read the third time.

HONORARIUM FOR INVENTION.

Major CRAIG (Director of Public Works): I beg to move:—

THAT, with reference to Message No. 26 of the 11th of July, 1935, this Council approves of the payment to Mr. F. H. Allen, Executive Engineer, Public Works Department, of the sum of \$600 as an honorarium in respect of his invention of a special reinforced concrete sheet pile groyne and driving frame used in connection with the construction of sea defence works.

If hon. Members will read the Message they will note in it that by the use of this invention a sum of \$38,000 has been saved on the construction of groynes on the West Coast, Demerara, over a period of 10 years. That in itself, I think, is sufficient for the motion to meet with ready approval. The groyne has all the essential characteristics of a perfect groyne; it is simple in its construction, it is easily placed in position, and it is easily maintained. The main characteristic of a groyne, which Mr. Case has always referred to, is its being water-tight. This groyne is particularly water-tight, and Mr. Case reported on it as follows: "The new groynes now being built on the West Coast could not be better. They are being constructed very cheaply and are, I think, a credit to the Public Works Department." I think that is sufficient, without anything further from me, for hon. Members to accept the motion. I may say that letters patent have been granted to Mr. Allen, but all rights are assigned to Government, so that Mr. Allen gets no further benefit from the particular groyne.

Professor DASH seconded.

Mr. HUMPHRYS: I do not think any member will oppose this motion, especially as Mr. Allen has taken the trouble to make the inquiries I have made. I have ascertained that this invention is a very good one, and the amount of money saved to the Government is certainly a great credit to the inventor of the groyne. Generally speaking, hon. Members are disposed to oppose claims to Government officials when we feel that they are paid for the work they do, and which we expect

them to do in the best possible way, but here is a case where merit and ability should be rewarded. Mr. Allen has done a great service to this Colony, and, apart from the saving effected on the work already carried out on the groynes, I understand that some 800 ft. of sea walls have been constructed on the same principle.

Mr. F. J. SEAFORD: I am a member of the Sea Defence Board and I do not know of any sea walls that have been constructed on the same lines.

Mr. HUMPHRYS: I am sorry; I meant koker runs.

Motion put, and agreed to.

SUPPLEMENTARY EXPENDITURE.

THE COLONIAL SECRETARY (Major Bain Gray): I beg to move:—

THAT this Council approves additional provision being made to meet expenditure in excess of the provision already made for the year 1935, as set forth in the schedule for the remainder of the year.

Mr. SMELLIE seconded.

THE COLONIAL SECRETARY: In moving that the Council go into Committee, sir, I may mention that this schedule of additional provision has been prepared in accordance with Your Excellency's undertaking that, as far as possible, the Council will be asked to vote these supplementary items before the expenditure is actually incurred. The majority of the items comprised in this schedule have not yet been incurred and the schedule is an effort to anticipate expenditure that will be inevitably incurred during the remainder of the year. There are items consisting of revotes and items which I think it will be found impossible for Government to avoid incurring such expenditure, but the object is to provide the Council with an estimate of expenditure that will be required for the rest of the financial year.

Mr. F. J. SEAFORD: On behalf of the Elected Members we appreciate this new system adopted by Government of obtaining authority for expenditure anticipated before it is incurred. In the past the money has been spent and then Government has come to the Council for addi-

tional sums. We look upon this procedure as a token of much friendlier relation between Government and the Elected side of the House and appreciate it.

Mr. DE AGUIAR: I wish to endorse the remarks of the hon. Member.

The Council resolved itself into Committee to consider the schedule item by item.

EDUCATION DEPARTMENT.

THE COLONIAL SECRETARY: I beg to move that the following items be inserted: "14 (a) King's Jubilee Scholarships, \$50;" "15. Agricultural Scholarship, \$120."

Question put, and agreed to.

Item 27—Purchase of school building at Beterverwagting, \$2,870.

Mr. DE AGUIAR: I should like to know whether it is intended to use this building entirely as a Government school or as a school under the control of any particular denomination.

THE COLONIAL SECRETARY: It is to be run as a Government school, and the actual Manager of the school is a Member of this Council, the District Commissioner.

Mr. F. J. SEAFORD: Is it going to be a general principle of Government to take over schools which cannot be run by the authorities?

THE COLONIAL SECRETARY: This school will be run on its merits. It is to meet the needs of the village and the district, and, personally, I think it would be a good arrangement in this and any other district, but it does not necessarily commit Government to provide schools in other districts.

Item put, and agreed to.

MILITIA.

THE COLONIAL SECRETARY: I beg to move that the following item be inserted: "(b) Band—22, Miscellaneous, \$101." It has been discovered that we have not been discharging our legal responsibility to the authors of copyright music. The Society which looks after the

interests of composers and authors have drawn our attention to the fact, and we have to make a certain payment to author and composers. This is the total amount we have to pay, some of which is recoverable from the two Municipalities. Government is advised that it is legally liable

Mr. WONG: I am asking that arrangements be made for the Band to visit Leguan and Wakenaam occasionally when they make the annual visit to Essequebo. I think it can be shown that with no inconvenience or expense it can be arranged for the Band to visit these islands.

THE CHAIRMAN: I will have the hon. Member's request put forward to the Inspector-General of Police.

Mr. WILLS: I may add that it will afford great pleasure if the Band when it goes over to the West Bank will travel as far down as Wales. The fame of the Bandmaster has gone abroad and whetter the appetite of the people for music, and my constituents have asked me to put before Government their earnest desire to hear the Band. The East Bank is also a populous district, and the people there would also be grateful if the Band would play once or twice a year at Agricola or Peter's Hall.

Mr. GONSALVES: I suggest to Your Excellency to let the hon. Member have the Band before the new Council meets. (Laughter).

Mr. HUMPHRYS: If the hon. Member is serious in his request I may say that the people between Vigilance and Mahai-cony are also very fond of music.

Mr. BRASSINGTON: I have listened with great interest to these applications for the Band, and with some degree of satisfaction, because I was the first Elected Member to move that the Band should visit outlying districts. The visit of the Band to Essequebo and elsewhere was due to my initiative, and I think other parts of the Colony are also entitled to hear it

Mr. DE AGUIAR: You will observe, sir, that I have not made any request. As far as I know the Band goes to Buxton. I might have to ask for it to give a few programmes at Kitty, but the time is not yet ripe. I suggest the appointment of a small Committee to go into the matter.

THE CHAIRMAN: In order to save other Members speaking—(laughter)—I will say I will invite the attention of the Inspector-General to this discussion.

Item put, and agreed to.

PENSIONS AND GRATUITIES.

THE COLONIAL SECRETARY: I move in as item 15 "Ex-gratia award to the children of the late Edan, a labourer employed at Springlands Stelling, \$600," which has been already approved by resolution.

Item put, and agreed to.

SUBVENTIONS, ETC., OTHER THAN MUNICIPAL.

THE COLONIAL SECRETARY: Under this head I beg to move the insertion of two new items, also approved by resolution: "11 Contribution towards the Imperial Agricultural Bureaux and the Imperial Economic and Shipping Committees, \$480"; and "11 (a). Contribution towards the work of the Farnham House Parasite Laboratory, the Biological Field Station (Stored Products Research), Slough, and the Low Temperature Research Stations at Cambridge, East Mallang and Aberdeen, \$192."

Items put, and agreed to.

MISCELLANEOUS.

THE COLONIAL SECRETARY: I move the insertion of the item "33. Compensation for the removal of stone by Public Works Department from private property in Leguan between June and August, 1920, \$600," which has also been approved by resolution.

Item put, and agreed to.

MR. F. J. SEAFORD: May I ask what is the position with regard to Alastrim?

DR. DE FREITAS (Surgeon-General): I am happy to say the Colony is free from the disease.

MR. DE AGUIAR: Not long ago I made a personal appeal on behalf of Overseers employed by the Public Works Department that their services be considered and they be placed on the Fixed Establish-

ment. I am not dealing with that question to-day. I am now referring to the clerks of the District Engineers. The salary of these men is \$25 per month, and they have no chance of obtaining any promotion. When you compare the position of these clerks, who are handling quite a large sum of money, with the position of clerical assistants, you will agree with me that their case deserves consideration. The salary is niggardly pay and they have no hope of promotion, and I am suggesting that they be graded and put under Class III., which will be some encouragement to them.

DR. SINGH: I join in that appeal. These clerks are in a responsible position and their salary is less than those of some messengers.

Major CRAIG: I am very pleased that the hon. Member has brought up this question. It has already been represented to Government and is now under consideration. These clerks do exceptionally good work and they are very efficient, and I trust the suggestion will result in an increase to their salary.

THE CHAIRMAN: I shall certainly give it my consideration.

MR. WALCOTT: I ask Government to consider in connection with the Estimates for next year an item for a telephone line for officials on the East Coast. The lines are overladen at present, and private renters find that more often than not they are occupied on official business. A separate line for officials would save a lot of friction on both sides.

MR. F. J. SEAFORD: I endorse the remarks of the hon. Member. It was admitted by the Postmaster-General at the annual session that the station at Mahaica is too small for the weight, but he said they had no money.

THE CHAIRMAN: I will have a note made of the question.

The Council resumed.

Motion put, and agreed to.

The Council adjourned *sine die*.

