

## LEGISLATIVE COUNCIL.

*Thursday, 24th August, 1933.*

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

## PRESENT.

The Hon. the Colonial Secretary, Mr. T. Millard, C.M.G. (Acting).

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

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

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

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

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

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

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

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

The Hon. J. A. Henderson, M.B., Ch.B., B.Sc. (P.H.), (Edin.), D.T.M. & H. (Edin.), Surgeon-General.

The Hon. F. Birkitt, Postmaster-General.

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

The Hon. P. W. King, Official Receiver.

The Hon. H. P. Christiani, Commissioner of Lands and Mines (Acting).

The Hon. N. Cannon (Georgetown North).

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

The Hon. A. E. Seeram (Eastern Demerara).

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

The Hon. Peer Bacchus (Western Berbice).

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

The Hon. H. G. Seaford (Nominated Unofficial Member).

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

## MINUTES.

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

## PAPER LAID.

The following document was laid on the table :—

Report of the Director of Public Works for the year 1932 (*Major Craig*).

## UNOFFICIAL NOTICE.

## CUSTOMS WATCHERS.

Mr. SEERAM gave notice of the following questions :—

1. How many Customs Watchers are employed at the present time?
2. Are they sufficient to cope with the volume of work?
3. How many have been retrenched?
4. Are there any at the present time over 60 years of age who are employed? If so, how many?
5. Are there any special reasons why they have not been called upon to retire, having passed the retiring age?

## ORDER OF THE DAY.

## OPTICIANS BILL.

Dr. HENDERSON (Surgeon-General) : I move that "A Bill to make provision for the registration of Opticians, to regulate the practice of sight-testing and for purposes incidental thereto" be read the third time.

Mr. McDAVID seconded.

Mr. PEER BACCHUS: I crave Your Excellency's indulgence to ask that clause 16 (2) (b) be recommitted. I have spoken to the Surgeon-General and he has no objection to the amendment being made.

Dr. HENDERSON: The point raised is with respect to the wholesale dealer. The intention is that the wholesale dealer shall deal and not examine.

THE PRESIDENT: Are you satisfied that there is need that the Bill should be recommitted in order to correct a mistake in it?

Dr. HENDERSON: I do not think it is necessary; at the same time I do not have any objection.

THE PRESIDENT: On the third reading recommitment is only granted if the mover of the Bill is satisfied that a serious mistake has been made or some injustice has been perpetrated or will be done. The Council cannot go back on the third reading to correct something unless in the opinion of the mover it is in need of remedy.

Dr. HENDERSON: I am not satisfied that is the case.

THE PRESIDENT: I take it that the mover is not satisfied and I will put the question "That this Bill be now read a third time and passed."

Question agreed to.

Bill read the third time.

#### SEA DEFENCE (LOAN) BILL.

Major CRAIG (Director of Public Works): I move that "A Bill to make provision for the raising of a loan for the construction of sea defences under the Sea Defence Ordinance, 1933" be read the third time.

Mr. BIRKITT seconded.

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

Bill read the third time.

#### RICE FACTORIES BILL.

The Council resolved itself into Committee and resumed consideration of "A Bill to make provision for the regulation and control of rice factories and the manufacture of rice."

Mr. SEERAM: I understand it is the intention of Government to appoint a Committee to consider the question of fixing fees for milling padi and in the circumstances I withdraw the amendment.

THE CHAIRMAN: I give the hon. Member the undertaking that Government will look into this and one or two other points raised by the appointment of a Committee working in connection with the Rice Growers' Association.

Mr. SEERAM: I suggest that the Committee be also asked to look into the matter of land tenure.

THE CHAIRMAN: I suggest that the Association should put details before Government, one being this question of the cost of milling and another the price of padi.

Clause 11—Holder of licence to keep books and issue receipts.

Mr. ELEAZAR: I move that this clause be deleted.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): That amendment has already been moved and rejected.

Mr. ELEAZAR: I was not here and did not know.

THE CHAIRMAN: The position is that the rejection of the whole clause has been moved and defeated. If the hon. Member wishes to speak on the clause he will be in order in doing so.

Mr. ELEAZAR: I wish to speak on the clause and my suggestion is that there is more in the clause than meets the eye. It is imposing on the miller certain obligations which the producer will have to meet—in fact increasing the cost of production to the grower. On the Corentyne Coast the grower takes his padi to his own home but sometimes he takes it to the mill where he gets accommodation at his own risk.

THE CHAIRMAN: The hon. Member cannot deal with the question of registration but with the principle.

Mr. ELEAZAR: I am not dealing with the question of whether a register should be kept or not but only pointing out the effect of registration. I am pointing out that it imposes expenses on the grower.

THE CHAIRMAN: The general principle of a book being kept has been already approved; the objection to the clause has been defeated.

Mr. ELEAZAR: Nothing I say is intended to convey what Your Excellency has just said to me.

THE CHAIRMAN: Well, say it in a few words.

Mr. ELEAZAR: The grower takes his padi to the mill with his own men and they do all the preparatory work. The miller has nothing to do except to mill the padi, for which he is paid 40 cents on every bag of rice. This clause imposes duties on the miller and he will increase his fees in consequence. The miller will have to keep a book and employ somebody to weigh the padi, neither of which he does now, and he is going to increase at once the price of each bag of rice milled.

Amendment negatived without a division.

Clause 12—Returns to be made to the Commissioner.

Mr. DE AGUIAR: I move the deletion of the words "March" and "September" and the substitution of the word "half-year" for the word "quarters." It would entail too much work on the millers to send in quarterly returns, which in my opinion would be absolutely unnecessary. In some districts two crops of rice are reaped annually, one around April and May and the other around October and November. My own view is that if provision is made for the returns to be sent in one month after the expiration of May and November the position would be met. I do not think it is the intention to give the millers unnecessary work.

Professor DASH: I am not opposing that amendment; I think it meets the case.

There is another small verbal amendment, the changing of the word "ten" to "eleven" in the sixth line.

Mr. ELEAZAR: I move a further amendment that the period be the month of December. In districts where people have not commenced to reap their padi they might have some left over from the last crop. My amendment is that it should be an annual instead of a half-yearly return. Everybody reaps by the end of December and that is the time they should be asked to furnish the return.

THE ATTORNEY-GENERAL: I am afraid the hon. Member has missed the point. The return required is not a return in connection with the reaping of the crop. The return relates to the work in the factory under clause 11 and the first amendment proposes that it should be made half-yearly instead of quarterly. If by any chance the miller finds that he has to make no return for a particular half-year he sends in a nil return and I cannot see any labour or trouble which it is going to cause him to send in that return. If the miller has been doing work it is proper that he should send in a half-yearly return.

The Committee divided on the second amendment and voted:—

*Ayes*—Mr. Eleazar—1.

*Noes*—Messrs. Walcott, Seaford, Jones, Peer Bacchus, De Aguiar, Seeram, Gonsalves, Wight, Cannon, Christiani, King, McDavid, Birkitt, Dr. Henderson, Major Craig, Luckhoo, Brassington, Professor Dash, Major Bain Gray, Dias, Smellie, the Attorney-General and the Colonial Secretary—23.

Mr. DE AGUIAR'S amendment, as supplemented by the Director of Agriculture, was agreed to.

Clause 13—Power to enter and inspect factory and examine books.

Mr. BRASSINGTON: I do not see the necessity for giving power to so many people to enter into a rice factory and cause unnecessary trouble to the person running the factory. I think the Director of Agriculture or the Commissioner or a Government Medical Officer of Health quite sufficient and move that the words

“or any person authorised in writing by any of them” be struck out.

Professor DASH: I do not think the clause as it stands is in any way harmful to the rice millers. At present a number of officers visit rice factories from time to time, and it is only right and proper that officers who have anything to do with the industry should be empowered to depute the powers to visit to their subordinates and to check stocks and look into various points connected with the industry.

Mr. ELEAZAR: I move that the words “Director of Agriculture or the” and “or a Government Medical Officer of Health, or any person authorised in writing by any of them” be deleted and only the Commissioner retained. What does the Medical Officer of Health know about the quality of padi and rice?

The Committee divided on the second amendment and voted:—

*Ayes*—Messrs. Peer Bacchus, Eleazar, Cannon, Luckhoo and Brassington—5.

*Noes*—Messrs. Walcott, Seaford, Jones, De Aguiar, Seeram, Gonsalves, Wight, Christiani, King, McDavid, Birkitt, Dr. Henderson, Major Craig, Professor Dash, Major Bain Gray, Dias, Smellie, the Attorney-General and the Colonial Secretary—19.

The Committee divided on the first amendment and voted:—

*Ayes*—Messrs. Walcott, Eleazar, Cannon, Luckhoo and Brassington—5.

*Noes*—Messrs. Seaford, Jones, Peer Bacchus, De Aguiar, Seeram, Gonsalves, Wight, Christiani, King, McDavid, Birkitt, Dr. Henderson, Major Craig, Professor Dash, Major Bain Gray, Dias, Smellie, the Attorney-General and the Colonial Secretary—19.

Clause 14—Padi to be sold and bought at 143 lbs. gross per bag.

Mr. SEAFORD: I move that the words “clean, dry and well winnowed” be inserted in this clause, also that 148 lbs. gross be substituted for 143 lbs. If 148 lbs. is agreed to it will necessitate a similar amendment in clause 11 (2). If padi is clean, dry and well winnowed two bags

of 143 lbs. will not give a bag of clean rice.

Mr. SEERAM: I am going to ask the House not to accept that amendment, particularly as clause 11 (2) has been passed. This is one instance in which Government can grant relief to the rice growers. It is in giving heavy weight in padi that the growers are “pinched.” Two bags of padi of 136 lbs. each will produce a bag of rice of 180 lbs. If the miller does not take the precaution to see that padi is clean, dry and well winnowed it is his fault. The maximum weight in the Mahaicony district is 143 lbs. when dry and 145 if damp, but in some districts it is 140 lbs. If this amendment is carried millers are going to demand 148 lbs. and it would do an injustice to the growers.

Mr. DE AGUIAR: While it may be true that two bags of padi weighing 136 lbs. gross will give a bag of rice, that is not the correct position at all. It is true to say that the price of padi is controlled by the price of rice, but the price of padi is based on the weight and you have to adopt the practice at present in vogue. In some districts padi is sold at 155 lbs. per bag, in others 150 lbs., and yet in others at 146 lbs. and 143 lbs. The price in the various districts also varies and it is therefore safe to assume that where the weight is less the price of padi would obviously be less. In Essequibo the weight is 155 lbs. and it is known that a higher price is paid there for padi than in any other district in the Colony. I am inclined to accept the amendment to fix the weight at 148 lbs.

Mr. SEERAM: In Essequibo the price is the highest because of the superior quality of padi.

Mr. DE AGUIAR: That statement is not correct. There is one Member of this Council who pays the same price as in Essequibo and claims that his rice is better.

Mr. ELEAZAR: I do not know who represents the grower or the buyer. The grower is not considered. Why should you give more weight except at the cost of the grower. I ask Government not to accept the amendment. As it is it is bad enough, but let it remain so.

Mr. WALCOTT: I am glad to find myself in agreement with the hon. Member for Eastern Demerara on this occasion. I do not think there would be any necessity for increasing the weight from 143 lbs. to 148 lbs. if the words "clean, dry and well winnowed" are inserted. My experience has been that if you get thoroughly dry, clean and winnowed padi free of what is known as wind rice, you can produce 177 lbs. of rice from 280 lbs. of padi. I had my books made up yesterday and found that we came out at a slight fraction above that return, so that if the padi is good and free from wind rice 280 lbs. would give 177 lbs. I would like to say in fairness to the other dealers in rice that in my case the padi is winnowed by special winnowing machines. Therefore the padi received in the factory is absolutely clean and free from wind rice. If it were not I could not get the return I do. I know from experience that a lot of the padi which goes into the factories is not clean. There are bad millers and I know that on many occasions growers have tried to "put it over" millers, knowing that the full crop is on and it is impossible for the millers to examine every bag of padi. I think the hon. Member for Eastern Demerara realises that too. I think the addition of the words "clean, dry and well winnowed" will cover what the hon. Nominated Member requires and what is also required by the East Indian Association.

Professor DASH: I appreciate the points that have been made by the hon. Members who have spoken. At the same time I cannot quite see how we can have an amendment relating to "clean, dry and well winnowed" padi in this clause. It is up to the miller to see what he buys. I know that in regard to weight there is a considerable difference of opinion about the figure 143 lbs., but we have taken a great deal of time to go into this matter and find that 143 lbs. is the figure which has been suggested by the grower. I admit that the weights vary, but I think it is very desirable that we should have some standard, especially now as the grade of padi is improving in all the districts and there is no reason why we should not have some standard. There has been a great deal of feeling engendered in respect of weights and measures and this Bill presents an opportunity for fixing a definite

figure. There is no doubt that the grower has been trained to accept that two bags of padi will give a bag of rice; he turns that over in his mind in relation to the price he gets for his padi, and I think that should continue as far as we possibly can. I have checked up old records of the Department and found that all calculations have been based on 143 lbs. That indicates that there has been a feeling in the past that 143 lbs. is a fair weight, and in testing the feeling in the districts through the Commissioners we have come to the conclusion that 143 lbs. is a fair weight.

Amendment negatived without a division.

Clause 16—Penalties enforceable under Summary Jurisdiction Ordinance.

Mr. WALCOTT: Difficulties have arisen in the past through our not having a Public Prosecutor. The Commissioner or somebody else should be responsible to prosecute.

THE ATTORNEY-GENERAL: Any person who is aware of the fact that an offence has been committed can lay an information and prosecute that offence. The hon. Member loses sight of the fact that if it is restricted to the Commissioner nobody but the Commissioner can lay an information, and it is not desirable that an officer like the Commissioner should be laying information. It should be done by a subordinate or anybody, and I think the Public Health Department or the Agricultural Department will see that the Ordinance is properly carried out through their officers. Public-spirited citizens will also do so in the interest of public health, sanitation and so forth.

Mr. ELEAZAR: There are statutes which cast the duty on the officers of the Department with which the matters are concerned. In a case where weights and measures are dealt with the Commissaries should prosecute, but some person should be mentioned.

THE ATTORNEY-GENERAL: There are certain statutes which name the persons who should conduct prosecutions. Most of them are Customs Ordinances, but apart from them the Police may also prosecute. Crown lands are the property of the Crown and the officer

in charge of those lands and his subordinates are the persons on whom the primary duty is cast. It is an unusual thing to put in an Ordinance a restriction of the kind indicated to-day. There is provision that it is the duty of the Police to prosecute in cases of a summary conviction offence. The Police, the officers of the Public Health Department, also the officers who are connected with the Administration, will all have full powers of prosecution under this Ordinance, but it will be a mistake to put it on to a particular Department.

The Council resumed.

Notice was given that at the next meet-

ing of the Council it would be moved that the Bill be read the third time (*Professor Dash*).

THE PRESIDENT: The further business before the Council is the introduction of a Bill with regard to the Rice Marketing Board and further amendments with regard to strengthening the powers of the Board. I believe there is also one other Bill. In view of the consideration that will have to be given to the Rice Marketing Board Extension Bill, the Council will adjourn over the week-end to enable the Bill to be discussed with the rice industry generally.

The Council adjourned until Wednesday, 30th August, at 11 o'clock.