

with the tide for my own personal benefit.

I now come to the last part of the motion, and I can assure you, sir, that perhaps it is the most important, and that is the part which asks:—

“Be it resolved that this Council request Government to investigate the voting of members on various Advisory Committees to the Controller of Supplies on matters in which they are interested partners.”

That is very essential. If there is nothing wrong those Members of this Council who are on those Committees should have no hesitation in supporting it. If there is fear of what this investigation would show, then go right ahead and use your votes possibly to stop it. It will be remembered that I stood in a very similar position in this Council a few years ago when I gave notice of a motion to enquire into the unrest at the Mahaica Hospital. Now, sir, that is very essential. If there is anything wrong the Members of this Council who are on this Committee should have no hesitation whatever in supporting the motion.

Hon. Members will remember that, as a result of a similar situation which arose a few years ago, I gave notice of a motion in this Council for the appointment of a Committee to go into an unrest at the Mahaica Hospital. At that time, Mr. Heape was acting O.A.G., and I can assure you, Sir, I earned his displeasure as a result of that motion. I was accused of many things—of bringing forward the motion for religious reasons and everything else. My efforts to get that inquiry through were ignored and certain instructions were issued. It was not until I stood firmly on my legs that anything was done. I said it was my opinion since I became a Member of this Council that the Administration of this Colony was not what it should be and that it was wrong in many parts.

When we find action like this being taken by the Controller of Supplies at

the instance of commercial people what would Mr. Bustamante say? All he would say is: “I have said so already—the country is being run by shop-keepers.” I am going to say that and until we take the division on this motion here I am not going to believe it. Perhaps I may believe it after. If we are going to put up barriers against the people of this Colony and if this Government is being run by a few for the benefit of the same few, then the remarks of the hon. Member for Essequibo River would be more than justified and the hon. Member for Central Demerara—unfortunately he is not here today—would have had an opportunity to throw a lot of mud. If we are going to continue to do things like this—against the interest of the people—then the cost of living is bound to go sky high. If Government decides on any such measure it should be imposed by the Members of this Council who allege, in season and out of season, that they represent the masses. I have been told many times that I represent only a certain class, but today everyone is going to see who the various Members represent. I venture to say that every Member of this Council who has the interest of British Guiana at heart—who has no specific interest operating in the Colony and is not only waiting to grab for those who have also—would vote for the motion. If they do not and anything happens they cannot blame me.

Before I take my seat I want to say that it is very nice to hear the hon. Member for Western Essequibo say that he was a member of the Central Imports Advisory Committee, but was not present at the meeting when the Committee confirmed the decision in question. It only shows that some Members, when they see that the breeze is blowing in one direction, prefer to go in another. If they see that the breeze is blowing North they go North-west and if it is blowing towards the South they go south-west. The hon. Member moved a motion in this Council some time ago,

in which he was very strong against controls, but what has happened? Today he finds that that attitude does not suit him and so he goes on the other side. Now, sir, Government is making an attempt to shelter under the Committee of which the hon. Member is Chairman.

With your permission, sir, I would like to repeat from Hansard of July 13, 1951, what was my contribution to the debate on the hon. Member's motion requesting the appointment of a Committee to investigate the question of decontrol. I said:—

“...if this motion is carried and Government appoints a Committee immediately, I can quite see that we would not get the report for quite a long while, and then the implementation of the report will be another matter. Perhaps by the time the report is handed to us and we are ready to implement it, the situation might change again and we might have to get another Committee to consider the changes.”

Some people are wise after the event, but it is obvious that I was wise before the event. This Committee, by the time it submits its report, would be obsolete because the entire world situation is changing and it will have changed by the time the report is ready. I am going to ask hon. Members to ignore this amendment, but I must thank the hon. the Third Nominated Member for helping me to satisfy you that it should be ignored. He said that this amendment means nothing, but I am going to go further and say that it is a “face saver”. It would not help the butter supply or help the people to get the article at a cheaper price because, from my information, 95 per cent. of the butter obtainable under the licences issued for 6,660 lbs. has already been purchased and will arrive in the Colony. Instead of publishing the order it did when it saw that the butter situation was falling heavily, the Supply Committee, instead of acting like a Dictator—and all dictators come to an end, as hon. Members know—should have called the merchants together and said:

“There is more butter than we can sell, we want you to co-operate with us and see how much of your outstanding orders you can cancel.” There would have been nothing wrong with that, but this idea that whatever the Controller of Supplies and his advisers do is right, should be stopped if this country is to move along the proper lines, because it is a wrong idea.

I ask hon. Members to ignore this amendment because it would serve no useful purpose, except as a face saver. From the time this notice came out there has been confusion. If the Controller wanted to cancel the licences he should have called the importers together and said “Let us rescind these Orders” and, having got their approval, he could have taken the necessary steps so long as he did the same thing as regards Holland and Denmark. I want to warn Government that this country would be turned upside down if this order is allowed to stand, and that in three or four months from now there would be a shortage of consumer goods except butter and cheese and there would be no excuse whatever for it. I want to warn Government to be very, very careful. With the help of the merchants the Controller of Supplies could also have got out of this mess in a much easier way, but he never thought of trying them. All he had to do was to ask Trinidad, Barbados and the other West Indian islands whether they would not oblige by taking some of our supplies of butter now and agree to replace them later on when any variation in price would be adjusted. Instead of that, he went ahead in another direction and created the situation with which we are now faced.

Before taking my seat I would like to say that this is the first time I have found the commercial community in British Guiana on the inside of the fence. The hon. the Third Nominated Member has said that he is the representative in this Council of the commercial community, but what I did not

agree with was that the commercial community wanted this ban. That was last Friday, and on Saturday morning I opened my newspaper and got hit straight in the forehead. What did I see? The Congress of the Caribbean Chambers of Commerce in which British Guiana had been taking part, unanimously agreed that controls should go, especially where they related to goods which did not call for hard currency. I leave it to hon. Members, therefore, to decide whether this is what they want. Do they want controls when they do not suit them and ninety-nine out of every 100 times they want decontrol? I shall ask hon. Members to vote in accordance with that. This is one time I shall ask them to support the request of the commercial community without any fear.

In the case of butter we should not have any control except price control. I am leaving my motion in the hands of the Council, knowing that there are many of us here who are paid to look after the interest of the public. I am sure that if an inquiry into this matter is conducted in the same way as the inquiry relating to the Mahaica hospital was conducted, the results will be similar—so startling that when the report has been put into the hands of Government, some would have to ask whether it will see the light of day. That Mahaica Hospital inquiry was held as a result of a motion I moved in to this Council, and from what was brought to light I am glad I moved it. I commend this motion to this Council and would ask that it be taken in two parts because it deals with two different things.

The President : I will put the first part of the motion moved by the hon. Member for Georgetown Central. If that fails, I will put the amendment by the hon. the Fifth Nominated Member.

Mr. Lee: I take it that the motion would be put in two parts.

The President: Yes. When this is settled I will put the second part, and if that fails I will put the amendment by the hon. the Fifth Nominated Member. I now put the question that the words stand as in the first part of the original motion.

First part of motion put, the Council dividing and voting as follows:—

For: Messrs. Luckhoo, Carter, Phang, Peters, Kendall, Fernandes, Capt. Coghlan, Roth, Lee and Dr. Nicholson—10.

Against: Messrs. Macnie, Smellie, Farnum, Raatgever, Wight, Dr. Singh, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—9.

First part of motion carried.

The President: I will now put the second part of the motion.

Second part of motion put, the Council dividing and voting as follows:—

For: Messrs. Luckhoo, Carter, Phang, Peters, Kendall and Fernandes—6.

Against: Messrs. Macnie, Smellie, Coghlan, Farnum, Roth, Wight; Dr. Nicholson, Dr. Singh, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—11.

Did not vote: Messrs. Raatgever and Lee—2.

Second part of motion lost.

LEGAL PRACTITIONERS BILL DEFERRED

The Attorney-General: I ask leave to postpone consideration of the Bill intituled:—

“An Ordinance further to amend the Legal Practitioners Ordinance.”

The matter is still being considered.

Bill deferred.

MILITIA (AMENDMENT) BILL, 1952

The Attorney-General: I beg to move the second reading of the Bill intituled—

“An Ordinance further to amend the Militia Ordinance, Chapter 29, with respect to the pensions payable to certain members of the Band.”

This Bill seeks to provide that members of the Militia Band shall be entitled to the same superannuation benefits as those enjoyed by public officers and members of the Police Force. Some time ago—in September last year—the Commandant of the Local Forces recommended for the consideration of Government that members of the Militia Band should be given the same pension rates as those given to public officers and members of the Police Force. The matter was considered and, ultimately, it was decided that legislation to give effect to this recommendation should be introduced. As I have said, this Bill seeks to provide that members of the Band should receive the benefits set out in it — the same as those enjoyed by public officers and members of the Police Force. It is considered that such provision should be made as all bandsmen, other than apprentices, are on salary scales with a maximum of \$1,200 per annum or over, and all permanent posts carrying such a scale of salary, are eligible to be placed on the Fixed Establishment.

It will be seen from the Bill that clause 2 provides for the enactment of a new section, 78B, and that in subsection 1 (b) thereof there shall be inserted certain words as to the duty of the Bandmaster or bandsman to intimate to the Commandant in writing not later than a certain date that he desires that the provisions of this section shall apply to him. The date proposed is December 31, 1952. I should also like to draw attention to the fact that in the proviso contained in this sub-section the service qualifying for pension shall

commence at the age of 20 years. At the present time, the bandsmen are allowed under the Ordinance under which they serve, to qualify for pension from 18 years of age. The bandsmen are willing to forfeit the earlier age in order to come under the Police pension provisions, so that the qualifying service would now begin at 20 years instead of 18 years of age, as provided in the Ordinance under which they serve. It is appreciated by the bandsmen that they are getting a benefit by doing that. I should also point out that the commencing date is September 1, 1950, which is the time they received an increased salary putting them on the same level as the Police. I beg to move that this Bill be now read a second time.

Mr. Wight seconded.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE.

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

Clause 2—*Insertion of new section 78B in the Principal Ordinance.*

The Attorney-General : I beg to move the following amendments with respect to paragraph 1 (b) of the new section, 78B:—

- (i) insertion of the word “thirty-first” between the words “the” and “day” in the fifth line;
- (ii) insertion of the word “December” in the sixth line after the words “day of”; and
- (iii) substitution of the word “fifty-two” for “fifty-” in the seventh line.

Amendments put and agreed to.

Clause 2, as amended, passed.

Council resumed.

The Attorney-General With the consent of Council, I beg to move that this Bill be now read a third time and passed.

Mr. Wight seconded.

Question put, and agreed to.

Bill read a third time and passed.

AUXILIARY FIRE BRIGADE BILL, 1952

The Attorney-General I beg to move the second reading of the Bill intitled:—

“An Ordinance to provide for the establishment and control of an Auxiliary Fire Brigade, and for matters connected therewith.”

I should like to point out that arising out of experience gained and lessons from the Water Street fire which took place on November 30, 1951, the Superintendent of the Fire Brigade said he had reviewed many aspects of the situation. This matter has received the consideration of Government and it is felt that an organized body of properly trained men manning reserve fire engines and under the immediate leadership of their own officers and non-commissioned officers, could render valuable assistance during large-scale fire-fighting operations. This Bill seeks to provide for the establishment and control of such a body, to be called the Georgetown Auxiliary Fire Brigade, under the general command and superintendence of the Superintendent of the Georgetown Fire Brigade.

Clause 7 provides for qualifications for appointment to this body, and clause 8 refers to the question of equipment. It states:—

“8. Every member of the Brigade shall be provided with such clothing and other equipment as may be prescribed by Regulations made under this Ordinance. The cost of such clothing and equipment shall be defrayed from such funds as may be provided by the Legislative Council.”

Accordingly, if this Bill is approved, the necessary financial provisions have to be made on the Estimates for the coming year.

Clause 11 provides for the discipline and authority of that force, and states that:—

“11. Every member of the Brigade when called out to service shall have, exercise and enjoy the same powers, authorities, advantages and immunities as a member of the Georgetown Fire Brigade, and be liable to the same duties and responsibilities.”

I think it will be agreed that this is a very essential provision. If a member resigns or ceases to be a member he shall surrender his equipment or pay their value. With reference to clause 13 which provide that a member of the Brigade should remain within the district when called out for service, this is to ensure that at week-ends, holidays and such other times, all the members are not out of town or out of the vicinity and unable to respond to a call on their service when required. I may mention, sir, that the Fire Advisory Board agreed with the draft of this Bill and asked that it be proceeded with as soon as possible. They also mentioned that if this Bill is passed and becomes law, regulations have been already made under the provisions of clause 17. I beg to move that this Bill be now read a second time.

Mr. Raatgever seconded.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

Clause 1—*Short Title*.

The Attorney-General: I move the substitution of the word “styled” for the word “cited”.

Question put, and agreed to.

Clause passed as amended.

The Council resumed.

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

Mr. Raatgever seconded

Question put, and agreed to.

Bill read a third time and passed.

RICE MARKETING (AMENDMENT) BILL

The Attorney-General: I beg to move that a Bill intituled:—

“An Ordinance further to amend the Rice Marketing Ordinance, 1946 with respect to the payment by the Rice Marketing Board for rice purchased, and in other respects,”

be read a second time. Hon. Members will recall that on the first day of February of this year a resolution was passed by this Council—it was a motion by the hon. the Sixth Nominated Member (Mr. Luckhoo)—to the effect:—

“That this Council recommends to Government that the British Guiana Rice Marketing Board Ordinance be amended to provide for—

- (a) payment by the Board for rice purchased to be made directly to the rice farmer of such sum as may be properly due to him;
- (b) the setting up of buying depots at such convenient points in the three counties where rice may be graded and purchased by the Board.”

This Bill seeks to give effect to paragraph (a) of that resolution which was passed by this Council. The second part of the resolution has been found on examination by the Rice Marketing Board not to be practicable and, in fact, the Board was then dealing with the question of providing suit-

able accommodation in certain districts where the Board is operating. Clause 2 of the Bill seeks to limit the definition of the expression “rice producer” to landlords and rice farmers and to manufacturers. I think all hon. Members will agree that the present definition is too wide and provides an opportunity for persons who are not *bona fide* interested in the production or the manufacture of rice being entitled to be regarded as rice producers under the provisions of the Principal Ordinance. I think it will be agreed that the proposed definition which appears in clause 2 and reads:—

“rice producer” means—

- (a) any landlord of rice land within the meaning of these terms as defined by section two of the Rice Farmers (Security of Tenure) Ordinance, 1945;
- (b) any rice farmer who cultivates his own land or any land let or leased to him or which is otherwise lawfully occupied by him;
- (c) and manufacturer;”

fully covers the situation with regard to those who can properly come within the terms of the definition of rice producer. Clause 3 provides for the payment for rice purchased by the Board to be made directly to the rice farmer of such sum as may properly be due to him. That is in terms of paragraph (a) of the resolution which was passed by this Council in February of this year. Clause 4 seeks to give the Board power to execute in favour of a Bank a floating charge over any buildings, structures or erections, packaging materials, office and warehouse, equipment and machinery, thread and twine in the ownership of the Board and of agricultural machinery and equipment held by anyone under a hire-purchase agreement with the Board. It is known that the activities of the Rice Marketing Board have been expanded, and it is convenient that they should make arrangements

so as to deal with their expanding activities. So this clause seeks to empower them to pledge all the assets of the Board for the purpose of obtaining money to carry on their extensive operations.

Clause 5 seeks to empower the Board, with the consent of the rice farmer, to deduct from the purchase price for rice payable to the rice farmer by the Board and pay to the manufacturer any amount in which the rice farmer is indebted to the manufacturer. That is related to clause 3 which provides for payment directly by the Board to the rice farmer. Clauses 6 and 7 seek to provide for certain consequential amendments to be made to the Principal Ordinance. The Bill really enables the Board to deal with their movable assets. I understand that this is really a matter of some urgency, because the Board's dealings are very extensive and this is the time of reaping of padi and the manufacturing into rice and, therefore, the Board require all the available money they can get for the purpose of dealing with this very extensive and expanding industry. I beg to move that the Bill be now read a second time.

The Financial Secretary and Treasurer seconded.

Mr. Lee: There is one thing that strikes me as being not in keeping with what I may term the practice. Clause 5 reads:—

“Where a person named as owner on the covering notification prescribed under subsection (1) of section twenty-four of this Ordinance is indebted to the manufacturer, the Board may deduct from the purchase price payable to such owner and pay to the manufacturer the amount of such indebtedness or such other amount, if so authorised in writing by such owner.”

Let us assume for the sake of argument that a farmer takes his padi

to be milled and the manufacturer mills it into rice. Unless the owner of that rice gives to the manufacturer a written document to the effect that he owes him so much that rice is never shipped to the Rice Marketing Board, nor can he as owner get control of that rice. It remains at the mill and the farmer is thereby kept away from the money he should get from the Board. I believe there should be some provision that after the rice is milled and the manufacturer refuses to send it to the Board the owner can go to the Board and report the matter. There must be some protection given to the owner of the rice. Your Excellency, it has been found that after the rice has been milled the deduction for milling fee is not \$1.20 but \$1.50 and the owner can do nothing but receive the money from the miller. The manufacturer had said he was charging \$1.20 but there is nothing in writing and when he is ready to send that rice to the Board he demands \$1.50 per bag as milling fee. The owner can go and complain anywhere but can receive no redress because there is nothing to compel that manufacturer to send the rice to the Board. His only remedy is to sue the manufacturer before the Court for delivery of his rice or move a *mandamus* on the manufacturer to send the rice to the Board. The owner cannot remove the rice from the mill because if he does that he opens himself to a penalty for removing it without permission. The Board at the present moment cannot compel that manufacturer to send the rice unless under a special order. I feel that there should be some provision whereby after the manufacturer has milled the grower's rice it should be sent within a specified number of days to the Rice Marketing Board. I ask that Government consider that.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

Clause 5—*Power of Board to make deductions from purchase price with consent of owner.*

Mr. Lee: I would like to move an amendment—that another section be added to the effect that “the manufacturer shall within one month after milling of rice send it to the Board.”

Mr. Fernandes: I would ask the hon. Member not to press his amendment because there is going to be some difficulty in that. If the grower wants to have his rice held back for his own consumption, with such a provision the manufacturer would be compelled to send all the rice to the Board. I give the hon. Member the assurance that I will give the matter my personal attention and see that no hardship is created. If such is created I would come to Government and ask that the provision be made. I know it has happened in a few extreme cases, but we will take all the steps we can under the Ordinance to enforce delivery.

The Financial Secretary and Treasurer: No hardship arises in this particular clause which merely seeks to enable the Board to deduct what is due to the manufacturer. I do not know if the hon. Member assumes this particular enactment is one which gives rise to difficulty. If the growers are to be protected, then the amendment ought to be in a different place. This clause has nothing to do with the delivery of rice.

Mr. Wight : Within the last few days I have heard—the hon. Member

may have heard it too as it came from his constituency—that certain persons are going to hold back both padi and rice because of some propaganda that they are going to get \$6 per bag for padi. I think it is advisable that the Board or someone should explain to those people that there is no question of any increased price either for padi or rice. I think there were some rumours on the Essequibo Coast that \$1.00 more is to be paid for padi. I think the Rice Marketing Board ought to dispel that idea. I do not know the Rice Marketing Board is a sacrosanct place. They may have something in their minds and are going to do it. We should get some expression of opinion as to whether they are going to get \$6 per bag.

Mr. Lee: There is another thing in this Bill that strikes me on reading it. The authority to deduct must be in writing by the owner, but many of these rice growers cannot sign their names. What is going to happen in that case? The manufacturer is going to say to him “You owe me \$40” but writes down “\$50.” How are you going to guarantee these things? I am not saying that the manufacturers are not honest, but there are times when some of these growers have been fleeced. They have brought that information to me in respect of milling fees. How can we get the District Commissioner to sanction these things all the time? The clause says “*authorised in writing by such owner*”, but if the owner is illiterate it should be witnessed.

The Attorney-General: Obviously the hon. Member is aware of the fact that where a person signs with his mark it has to be witnessed. That happens all the time. A person who is illiterate touches the pen and someone signs as witness. The hon. Member may advise them to get a policeman or someone responsible in the district as witness.

Mr. Fernande : If the Rice Marketing Board deduct money without a proper authorization in writing, they would be liable to refund it. The authorization, as I see it, has to be a proper one.

The Financial Secretary and Treasurer: I think what is being overlooked is this: The crux of this Bill is to give the Board authority to pay the grower, and Clause 5 is consequential to give the Board power to deduct from what is going to be paid what the grower owes the manufacturer. Clause 5 is consequential on clause 3 which has been just passed.

Clause 5 passed as printed.

The Council resumed.

The Attorney-General: With the consent of Council I move that the Bill be now read a third time and passed.

The Financial Secretary and Treasurer seconded.

Question put, and agreed to.

Bill read a third time and passed.

BRITISH GUIANA RICE PRODUCERS
ASSOCIATION (AMENDMENT) BILL

The Attorney-General: I beg to move the second reading of the Bill intituled:—

“An Ordinance to amend the British Guiana Rice Producers Association Ordinance, 1946, with respect to the definition of the expression “Rice Producer.”

As hon. Members will appreciate, this Bill is consequential on the Bill

which has just been passed—clause 2 of that Bill in regard to the definition of “rice producer.”

Mr. Wight: I second the motion and hope that it is perfectly clear that those gentlemen who desire to call themselves rice farmers are precluded from taking—shall I say—a couple of acres of land, letting it out and putting themselves up for nomination in the Rice Producers' Association. I hope this Bill precludes anything like that.

Question put, and agreed to.

Bill read a second time.

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

The Council resumed.

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

Mr. Wight seconded.

Question put, and agreed to.

Bill read a third time and passed.

The President: It has been suggested that we should adjourn to 2.30 p.m. tomorrow.

Mr. Fernandes: Your Excellency may make it from 3 p.m. to 5.30.

The Council adjourned to 3 p.m. on Friday, 7th November, 1952.