

# LEGISLATIVE COUNCIL

(Constituted under the British Guiana  
(Constitution) (Temporary Provisions)  
Order in Council, 1953.)

FRIDAY, 27TH APRIL, 1956.

The Council met at 2 p.m.

PRESENT :

His Honour the Speaker, Sir  
Eustace Gordon Woolford, O.B.E., Q.C.

*Ex-Officio Members* :—

The Hon. the Chief Secretary,  
Mr. M. S. Porcher, (Acting).

The Hon. the Attorney General,  
Mr. C. Wylie, Q.C., E.D.

The Hon. the Financial Secretary,  
Mr. F. W. Essex.

*Nominated Members of Executive  
Council* :—

The Hon. Sir Frank McDavid,  
C.M.G., C.B.E. (Member for Agriculture,  
Forests, Lands and Mines).

The Hon. P. A. Cummings (Member  
for Labour, Health and Housing).

The Hon. W. O. R. Kendall (Member  
for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E.  
(Member for Local Government, Social  
Welfare and Co-operative Development).

The Hon. R. B. Gajraj.

*Deputy Speaker* :

Mr. W. J. Raatgever, C.B.E.

*Nominated Officials* :—

Mr. W. T. Lord, I.S.O.

Mr. J. I. Ramphal.

*Nominated Unofficials* :—

Mr. T. Lee.

Mr. W. A. Phang.

Mr. W. A. Macnie, C.M.G. O.B.E.

Mr. C. A. Carter.

Mr. E. F. Correia.

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertie H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

Mr. R. B. Jailal.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. E. V. Viapree.

*Absent*

The Hon. R. C. Tello

The Hon. L. A. Luckhoo, Q.C.,—  
on leave.

Mr. Sugrim Singh.

The Speaker read prayers.

The Minutes of the meeting of the  
Council held on Wednesday, the 25th of  
April, 1956, as printed and circulated,  
were taken as read and confirmed.

ANNOUNCEMENT

MR. LUCKHOO EXCUSED

Mr. Speaker: Application has been  
made by the hon. Mr. Luckhoo for leave  
to be absent from today's meeting.

## PRESENTATION OF REPORTS & DOCUMENTS

### TEACHERS' SALARIES STRUCTURE

The Chief Secretary (Mr. M. S. Porcher, acting): I beg to lay on the the table:

The Trading and Profit and Loss Account and the Balance Sheet of the Kama-rang (Imbaimadai) Trade Store for the year ended 31st December, 1955, together with the Director of Audit's certificate and report thereon.

Sessional Paper No. 4 of 1955—Salaries Structure for Primary School Teachers.

Annual Report of the Georgetown and New Amsterdam Fire and Ambulance Services for the year 1955.

In connection with the Sessional Paper dealing with teachers' salaries, I am suggesting, if hon. Members wish it, that a special meeting of Finance Committee be held next week to discuss the financial implications of the proposals. The Financial Secretary has expressed agreement with the suggestion.

### FINANCIAL SECRETARY REPLIES TO WELCOME

The Financial Secretary (Mr. Essex): With Your Honour's permission, as this is the first occasion on which I have the privilege of rising to speak in this Council, I would like first to say a few words which are not relevant to the item of business before the Council. First of all, I would like to thank Your Honour sincerely for your words of welcome when I took my seat in this Council for the first time a few days ago. Then I would crave the guidance of Your Honour's wise experience, particularly while I am new to the customs and usages of this Council.

I would also like to thank those hon. Members I have been able to meet,

for the personal kindness they have shown me. I hope that all Members will treat with tolerance any *gancheries* I perpetrate, and I believe that they arise from a lack of knowledge on my part and not any desire to offend. In short, sir, I hope that I shall find the power to get myself early accepted by hon. Members as being worthy to join their distinguished company.

I now beg leave to lay on the table:

Minutes of Meeting of Finance Committee held on 9th March, 1956. Statement of Loans from voted expenditure written off during the period ended 31st December, 1955.

Schedule of Supplementary Estimates for the months of January to March, 1956.

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines): I beg to lay on the table:—

The Trading and Profit and Loss Account and the Balance Sheet as at 31st December, 1954, of the Government Processing Factory, together with the Director of Audit's certificate and report thereon.

Report of the Inter-departmental Committee on Rice Farmers (Security of Tenure) legislation.

Mr. Kendall (Member for Communications and Works): I beg to lay on the table:

Report of the Director of Audit on the Accounts of the Transport and Harbours Department for the year ended 31st December, 1954, together with a certified copy of the Financial Statements of the Department for that year.

Mr. Farnum (Member for Local Government, Social Welfare and Co-operative Development): I beg to lay on the table:

Annual Reports of the Prisons Department for the years 1953 and 1954.

## GOVERNMENT NOTICES

## INTRODUCTION OF BILLS

**The Chief Secretary :** I beg to give notice of the introduction and first reading of the following Bills:—

A Bill intituled "An Ordinance to amend the Promissory Oaths Ordinance."

A Bill intituled "An Ordinance further to amend the Estate Duty Ordinance to transfer the functions of the Registrar thereunder to the Commissioners of Inland Revenue."

A Bill intituled "An Ordinance further to amend the Deceased Persons Estates' Administration Ordinance."

A Bill intituled "An Ordinance further to amend the Tax Ordinance."

A Bill intituled "An Ordinance to provide for the pensions of Officers whose service in Government has been combined with service in certain Health Services or the New Amsterdam Fire Brigade."

**The Financial Secretary :** I beg to give notice of the introduction and first reading of a Bill intituled:

"An Ordinance to consolidate and amend the law relating to moneylenders."

**Sir Frank McDavid** (Member for Agriculture, Forests, Lands and Mines) : I beg to give notice of the introduction and first reading of the following Bills:—

A Bill intituled "An Ordinance to regulate fishing in the waters of the Colony."

A Bill intituled "An Ordinance to make further provisions for the acquisition of lands to be used for the purposes of land settlement."

This latter Bill was first published on the 23rd July, 1955, and was given its first reading at the last session of the Council. It has since been re-published on the 21st April, 1956.

**Mr. Cummings** (Member for Labour, Health and Housing) : I beg to give notice of the introduction and first reading of the following Bills:—

A Bill intituled "An Ordinance to make better provision for the control of the profession of pharmacy and the trade in drugs and poisons."

A Bill intituled "An Ordinance to consolidate and amend the law relating to opticians".

A Bill intituled "An Ordinance further to amend the Public Health Ordinance with respect to the constitution of the Central Board of Health."

A Bill intituled "An Ordinance to amend the Factories Regulations (Validation) Ordinance, 1955."

## NOTICE OF MOTIONS

SUPPLEMENTARY ESTIMATES—JANUARY  
MARCH, 1956

**The Financial Secretary :** I beg to give notice of the following motion:—

"Be it resolved:

That this Council approves of the Supplementary Estimates for the months of January to March, 1956, totalling \$47,047.85, which have been laid on the table."

LAND TENURE AND REGISTRATION OF  
TITLES

**Sir Frank McDavid** (Member for Agriculture, Forests, Lands and Mines) : I beg to give notice of the following motion:

"Be it resolved:

That with reference to Sessional Paper No. 1 of 1956 this Council approves of the acceptance in principle of the Report of the Land Tenure and Registration of Titles Committee, and in particular approves of the introduction in Council of the legislation as proposed in the Sessional Paper."

CONTINUANCE OF RICE FARMERS  
(SECURITY OF TENURE) ORDINANCE

I also beg to give notice of the following motion:—

"Whereas by Resolution No. XXXIV of the Legislative Council passed on the 25th day of April, 1947, the Rice Farmers (Security of Tenure) Ordinance, 1945, was continued in force up to the 30th day of April, 1951;

And Whereas by Resolution No. XXXI of the Legislative Council passed on the 9th day of March, 1951, the said Ordinance was continued in force up to the 30th day of April, 1954;

And Whereas by Resolution No. VIII of the Legislative Council passed on the 1st day of April, 1954, the said Ordinance was continued in force up to the 30th day of April, 1955;

And Whereas by Resolution No. I of the Legislative Council passed on the 29th day of April, 1955, the said Ordinance was continued in force up to the 31st day of October, 1955;

And Whereas by Resolution No. XVIII of the Legislative Council passed on the 19th day of August, 1955, the said Ordinance continues in force up to the last day of April, 1956;

And Whereas it is desirable that the said Ordinance should continue in force for a further period:

Now, Therefore, Be It Resolved that the Rice Farmers (Security of Tenure) Ordinance, 1945, shall continue in force for a further period until the 31st day of October, 1956."

As noted on the Order Paper, I have been authorized by His Excellency to move a suspension of the relevant Standing Rule and Order to enable me to move this motion later on today.

UNOFFICIAL NOTICES

CONSTITUTION — ROYAL COMMISSION  
URGED

Mr. Lee : I beg to give notice of the following motion:—

"Whereas His Excellency the Governor's announcement of the details of Her Majesty's Government's proposals for introducing an elected element into the Legislature and Executive of the Colony has been received with general dissatisfaction among the people of the Colony;

And Whereas the people of the Colony are particularly concerned that they were not afforded an opportunity of expressing their views in the matter:

Be it resolved:

- (i) That this Council recommends that His Excellency the Governor be requested to inform the Secretary of State of the general dissatisfaction among the people of the Colony following the announcement of the proposed changes in the Constitution, and to ask for the appointment of a Royal Commission to visit the Colony to ascertain the wishes of the people and to make recommendations with regard to amendments to the Constitution.
- (ii) That the Secretary of State be requested to suspend further action on the proposals announced, pending the submission of the report of the Royal Commission."

NOTICE OF QUESTIONS

COST OF FEDERATION DELEGATIONS

Mr. Raatgever: I beg to give notice of the following question—

Will Government state the cost of sending—

- (a) the delegation to the Conference on British Caribbean Federation held in the United Kingdom during February, 1956;
- (b) a delegation to the Conference of the Standing Committee on Federation to be held in Barbados during May this year.

## CONTINUANCE OF RICE FARMERS (SECURITY OF TENURE) ORDINANCE

**Sir Frank McDavid:** I beg to move the suspension of the relevant Standing Orders in order to move the motion for continuing in force the Rice Farmers, (Security of Tenure) Ordinance of which I gave notice a few moments ago.

**Mr. Cummings:** I beg to second the motion.

Question put and agreed to.

Relevant Standing Orders suspended.

**Sir Frank McDavid:** In moving this motion I would recall to Council that on the 19th of August last year Council passed a resolution, No. 18, by virtue of which the existing Rice Farmers (Security of Tenure) Ordinance has been kept in force until the 30th of August. At the time that motion was passed I gave the undertaking in Council that we would proceed with all speed to prepare a new Bill. In pursuance of that a Committee, a departmental committee, was appointed which, after a very arduous amount of work, has produced a draft of the Bill. The Committee's Report has been tabled this afternoon and the Bill, after some consideration by the Government and minor revision, is now ready. I have the printed Bill here and I hope it will be published in the Gazette tomorrow. Well, of course, we must allow time for study of this Bill. It is somewhat unusual in its character but I think it will provide a new means of being fair both to the landlords and to the tenants.

Well now, to return to the motion. Since the law under which we now operate will expire on the 30th of April I am now seeking Council's further approval of the extension of this law until the 31st of October, 1956. Of course, if, as I hope, between now and

the 31st of October, 1956 a new law is passed it will repeal the existing law, so this motion is a temporary measure and subject to the enactment of new legislation. As I said, the new Bill is to be published tomorrow, and I hope that all Members will give it due attention, as it will be a week or so before I will introduce it into this Council. I beg to move the motion.

**The Attorney General (Mr. Wylie):** I beg to second the motion.

**Mr. Lee:** I would like to say something about the tardiness of the hon. Member in bringing forward the new Bill. He has moved a motion and tabled a Report, but he has not stated the reason for the delay. What I would like the hon. Member and Government to remember is that the price of rice as fixed by the B. G. Rice Marketing Board and published becomes effective on the 1st of October and here we are going to have this Ordinance extended to the 31st of October. I do not think that this is playing the game because, assuming for the sake of argument that the rice people desire to oppose the Bill, then they would have to do so in the face of the fact that the price of rice has already been statutorily fixed and they would lose some advantage in regard to their crops, and loans made by the millers.

In my opinion, it would be preferable if the Ordinance were extended to the 30th of September, before which date Government would see that the final position is decided on. That is why I am saying that the hon. Member is not doing that which is right. The tenants have to be considered as well as the landlords. If the landlords desire an increase in the rent of their lands this would have to be considered in the light of the price fixed by the Rice Marketing Board on which the hon. Member, as Chairman of the Rice Development Company, will have a voice. I

[Mr. Lee:]

would like him to consider these things and, if necessary, ask for an extension of the Ordinance to the 30th of September, 1956 instead.

**Mr. Raatgever :** The hon. Member, Mr. Lee, has suggested that certain factors are related to the fixing of the price of rice by the Rice Marketing Board. I do not know what he means by that. The price of our rice is related to the world price of rice. It has nothing whatever to do with the cost of production in British Guiana. As a rice-producing country we are only a drop of water in the ocean, and I think that we are even lucky to obtain the world market price. So the cost to the landlord or the producer here has nothing to do with the fixing of the prices. I agree with the hon. Member that the Member for Agriculture has been playing with the situation in coming here annually to have the provisions of the Ordinance extended—as I have pointed out before, on two or three occasions—but I am not going to lambaste him this time, because he says that we have copies of the new draft Bill in front of us.

**Sir Frank McDavid :** I said, “the Report.”

**Mr. Raatgever :** “The Report” — which has no doubt been taken into account in the preparation of the new draft Bill that is to be published tomorrow if time allows. I am going to give the hon. Member a chance, but that does not say I shall not come here and oppose it if I cannot agree with it.

**Sir Frank McDavid :** If I may take the hon. Member up on the use of such an unfortunate word as “lambaste” with special reference to me: I am not sure whether it is English! On the other hand I understand what it implies.

I am sure the hon. Member, Mr. Lee, did not understand what I said when I moved the motion. In the first place, let me take up his accusation of tardiness. The resolution was passed on the 19th August, 1955, and in pursuance of what I said, and with the approval of the Governor I appointed this, shall I say technical Committee on the 25th August, 1955. The Committee submitted its Report on the 7th April, 1956. If there is any tardiness, then one must blame the Committee, but I can assure hon. Members that the Committee spent hours and hours of time and any amount of labour in trying to produce a structure on which farmers' rents can be based. There was no delay; on many occasions the Committee worked far into the night on what I hope everyone will agree is a good Bill. The Report was submitted on the 7th April and the draft Bill was handed to me on the 14th April. Today is the 27th. Between the 14th and the 24th April the Ministry of which I hold the portfolio did all the work of getting it presented to the Executive Council, considered and approved, and what is more getting it vetted by the hon. the Attorney General to whom I owe a great debt of gratitude for putting in an enormous amount of work. So I hope the hon. Member will withdraw his accusation of tardiness. I can assure him that an enormous amount of work has been done.

Now on the question of the relationship between rice prices and the Bill, may I say that I appreciate what the hon. Member, Mr. Lee was trying to convey. In his mind there is a distinct relationship between the Bill and what may be described as a method of fixing rents and the prices which the producer should get for his padi. There is such a relationship and therefore the remarks he made has some basis, but I will suggest to him that before making observations of that sort that he study very carefully the Report itself and

the terms of the draft Bill which I think, generally speaking, covers minor increases in the value of padi. I fully appreciate his reference but he need not worry about it. I would ask him to study the Report.

**Sir Frank McDavid :** Before the hon. Member speaks, this is one point which I omitted to mention. The date, 31st October has no particular reference at all. Members will realise it is a six months' extension. If the new legislation is adopted in June and is brought into force at the end of June, let us say, then of course the existing law and this resolution die. It does not matter whether it is the 31st of October, the 30th of September, or the 31st December. The 31st of October has been named because we assume that six months is a good time to be put into the resolution:

**Mr. Speaker :** This is an important matter and the hon. Member will be allowed to make an amendment and to speak as concisely as he can.

**Mr. Rahaman :** I beg to move an amendment to the resolve clause of the motion to the effect that the Ordinance shall continue in force for a further period until the 31st day of December, 1956.

**Mr. Speaker :** A longer period?

**Mr. Rahaman :** Yes, Sir, because the reaping of the Autumn crop begins in October and the Ordinance states that all rents should be paid before 31st December. Otherwise it would be something like changing horses in mid-stream. The tenants know exactly what rents they have to pay to the landlords and the landlords know exactly what they will receive from the tenants. I do not think it is right to end it in October when the Ordinance states that all rents must be paid by the end of December.

**Mr. Correia :** I beg to second the amendment.

**Mr. Macnie :** I have got the opportunity to ask a question of the hon. the Member for Agriculture before he replies: whether the Bill he speaks of is expected to be published shortly.

**Sir Frank McDavid :** Tomorrow.

**Mr. Macnie :** I want to ask him also, whether the Report will be printed as well.

**Sir Frank McDavid :** Well it has been published but I do not know that the Clerk of Council has arranged to have it printed. I am quite sure that most of it, if not all, will get into the Press.

**Mr. Macnie :** My point is that those concerned should understand the Bill and should have an opportunity of reading the Report because, as I gather, the Bill is based on the recommendations in the Report. It might be that the Report will be printed in the Gazette.

In regard to the amendment I would suggest, Sir, that the hon. Member, Mr. Rahaman, leave the motion as it is, and the question of the operative date of the Ordinance can then be debated when the Bill is before this Council.

**Mr. Lee :** I agree with the hon. Member, Mr. Macnie. If the Bill is passed before September 30, it would serve a very useful purpose to the industry. Every purchaser of padi would know exactly what price he should pay, and the producers would know what returns they should expect from their crops. The Bill should not come into operation unless there is a specific clause to that effect. As regards the point raised by the hon. Member, Mr. Rahaman, I would point out that quite recently the Court of Appeal held in this Colony that in any case the farmer has to pay the rent

[Mr. Lee:]

fixed by the Ordinance, and it appeared that the law had been wrongly interpreted previously. There can be no change in the rent fixed until next year, so that whatever rent has been fixed under this Ordinance it will have to continue until next year at least. The new arrangement will come into effect from next year. If the Rice Farmers (Security of Tenure) Ordinance is examined, it will be seen that the rents are fixed and are payable in either October, November or December, and nothing can change that except an amendment of the Ordinance. I suggest, therefore, that we leave the Ordinance as it is.

**Sir Frank McDavid :** Again I should like to emphasize that the date in this resolution has no special significance. The actual wording is correct and so, as the hon. Member, Mr. Raatgever, has stated, the application of the new legislation will depend upon the law itself. It will depend on the Proclamation. I entirely agree with what the hon. Member, Mr. Raatgever, has said. Members have probably forgotten that the crop year begins from May 1. It is true that the actual payment of rents is not due until December 31, but the crop year runs from the 1st. of May until the 30th of April in the next year. This question of a change in the basis of the rentals has been on the tapis for a long time. The Lee Committee considered the matter and ascertained that there

were considerable hardships on both sides—that of the landlord and that of the tenant—and that there was much need for a change in relation to the out-of-date method of collecting rents in past years. Consequently, what will be proposed in the Bill—and it will be a matter for this Council to decide when the amendments come before it — is that the rentals for the coming crop year should apply as from the 1st May, 1957. That is why I have been very anxious to get this report and this Bill published before the 30th of April. I, personally, could do nothing to stop it, but members of the Board felt that it would be unreasonable and unrealistic to pass a law now fixing rents, which only begins to apply from the 1st May, 1957. When the time comes I hope Members will support the idea that in so far as these rents are concerned, the structure of the Ordinance as regards its application to zones might well apply to the coming crop year.

**Mr. Rahaman :** With your permission, Sir, I beg to withdraw my amendment — after having heard the remarks of the hon. Member for Agriculture.

Amendment withdrawn.

Motion put, and agreed to.

**Mr. Speaker :** I now adjourn Council until 2 p.m., on Thursday next, May 3.