

## LEGISLATIVE COUNCIL

FRIDAY, 10TH NOVEMBER, 1950

The Council met at 2.30 p.m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

### PRESENT:

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

The Hon. the Colonial Secretary, Mr. J. Gutch, O.B.E.

The Hon. the Attorney-General, Mr. F. W. Holder, K.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. Dr. J. B. Singh, O.B.E. (Demerara-Essequibo).

The Hon. T. Lee (Essequibo River).

The Hon. W. J. Raatgever (Nominated).

The Hon. V. Roth, (Nominated).

The Hon. G. A. C. Farnum, O.B.E. (Nominated).

The Hon. D. P. Debidin (Eastern Demerara).

The Hon. Capt J. P. Coghlan (Demerara River)

The Hon. Dr. C. Jagan (Central Demerara).

The Hon. A. T. Peters (Western Berbice).

The Hon. W. A. Phang (North Western District).

The Hon. G. H. Smellie (Nominated).

The Hon. J. Carter (Georgetown South)

The Hon. F. E. Morrish (Nominated).

The Hon. L. A. Luckhoo (Nominated).

The Clerk read prayers.

### TRINIDAD'S NEW CONSTITUTION.

Mr. ROTH: Sir, with reference to the remarks of the hon. Member for Western Essequibo (Mr. Wight) at the last meeting of the Council, I recollect that his colleague, the hon. Member for Western Berbice (Mr. Peters) who also went to Trinidad for the opening of the Legislative Council of that island under its new Constitution, also spoke on the matter. There is, however, no record in the minutes that he also spoke.

The PRESIDENT: Yes, I agree with the hon. Member that that should be recorded. The minutes will be amended accordingly.

The minutes of the meeting held on Thursday, the 9th of November, as printed and circulated, were amended as under and thereafter confirmed:—

Under the heading "Opening of the Legislative Council of Trinidad under the new Constitution", the following words were added —

"Mr. Peters associated himself with the remarks of Dr. Singh."

### ORDER OF THE DAY.

#### DRAINAGE AND IRRIGATION A COLONIAL QUESTION.

The Council resumed the debate on the following motion by Mr. DEBIDIN:

"WHEREAS British Guiana is essentially an agricultural country and this pertains chiefly to the Coastal Belt of the Colony which is approximately 6' below sea level;

AND WHEREAS it should be the Colony's complete responsibility and obligation to offset this natural disability of the Coastal Belt because:—

(a) The entire population must benefit directly or indirectly from the agricultural devel-

opment of the Coastal Belt and an increased production of food comprising of meat, milk, poultry, eggs, etc.;

- (b) Increased production by better drainage will tend to lessen the cost of living of the entire population;
- (c) It is to the interest of the Colony to establish a strong and prosperous peasantry; and
- (d) Encouragement is vitally needed for the excess and unemployed population to turn to the land for a living:

AND WHEREAS the present practice is to establish Local Authorities if there is not already one for the collection of maintenance expenses of Drainage and Irrigation, e.g., the Eastern Maïacony District — and this becomes so burdensome upon the farmers that it is uneconomic for them to cultivate their lands;

AND WHEREAS in most of the areas of the Colony farmers are in a state of distraction and constant sense of frustration over the huge loss in crops which they sustain year after year and the added burden of having to pay high rates and taxes;

AND WHEREAS in many cases farmers are compelled to abandon their lands or sell out completely because of these difficulties and mounting cost of living;

AND WHEREAS Sugar Plantations in the Colony undertake their own drainage and irrigation for sugar estates;

BE IT RESOLVED that this Honourable Council regarding the matter as a Colonial question recommend for adoption that the Government of the Colony meet all expenses for the carrying out of Drainage, Irrigation and Sea Defence Works and the maintenance thereof; save and except drainage and irrigation as relate to sugar plantations in the Colony;

AND BE IT FURTHER RESOLVED that this Honourable Council adopting the principle thereof recommend that Government take immediate steps to ensure a more effective drainage and irrigation policy in the Colony than at present."

The PRESIDENT: I think there was an amendment before the Council when we adjourned, or a proposed amendment, because it was not exactly an amendment by the hon. Member for Demerara River (Capt. Coghlan).

Capt. COGHLAN: The amendment will read:

"BE IT RESOLVED that this Honourable Council regarding drainage, irrigation and sea defence works and maintenance in this Colony as a Colonial question except such works as relate to sugar plantations recommends that His Excellency the Governor appoint a Committee to ascertain the cost involved in providing such services from Colony funds — including capital expenditure and maintenance."

The PRESIDENT: As I said yesterday, I do not think this is in the form of an amendment of the original motion; it is a substitution for the original motion.

Capt. COGHLAN: Quite so, Sir. If you give me time I would work it into the motion, provided it meets with the approval of the Council. The reason for it is that I do not think it would be right to ask the Members of this Council to vote on a motion without knowing what expenditure would be involved. There is already a plan by the Consulting Engineer, Mr. Hutchinson, for an expenditure of \$150 million on main drainage, and it would hardly be fair to expect this Council to vote on this motion without knowing what expenditure is involved, what it is for, and for whose benefit. That is the object of my amendment.

The PRESIDENT: In effect what the hon. Member says is that the matter should be examined by a Select Committee — that the financial implications of the motion should be examined.

Capt. COGHLAN: Yes, Sir. In the motion it is stated:

"And Whereas in most of the areas of the Colony farmers are in a state of distraction and constant sense of frustration over the huge loss in crops which they sustain year after year and added burden of having to pay high rates and taxes;

“And Whereas in many cases farmers are compelled to abandon their lands or sell out completely because of these difficulties and mounting cost of living;”

As against that I have documents before me which prove that farmers have bought lands on the West Bank of the Demerara River at from \$10 to \$20 per acre, and according to the Deeds Registry those lands are now being sold at \$298, \$308 and up to \$400 per acre. That shows that the value of land has increased appreciably within the last 10 or 15 years. So that if the value of land has increased by between 300 and 500 per cent. it is hardly likely that the people who are selling out their lands are doing so solely because they cannot make a living out of it. On the contrary, they are selling to other people who, even though they are paying 400 per cent. more, believe that they can make a living out of it.

The motion proposes to exclude the sugar estates because they look after their own drainage. The sugar estate proprietors do not need any champion in me, but it would be very difficult to exclude them when they are also paying rates and taxes for the upkeep of the general community. Furthermore, if the sugar estate proprietors sold out their lands at any time, as they might do, to independent people then those people would not then have to pay rates on those lands according to the motion. For instance, the North Pouteroyen drainage scheme is supposed to cost \$62,000 at present, but in 1944 it was estimated to cost \$20,000. Every time a new estimate is submitted the sum has been increased on account of the high rates of wages. If \$62,000 is to be spent the people have already agreed to pay \$4.18 per acre for maintenance charges, and in view of the fact that the value of the land has gone up to such an appreciable extent they would be doing well to get the \$62,000, of which \$25,416 was contributed by the C.D. & W. Fund some six years ago. Had that money been used for the purpose intended the work could have been done for that \$25,000, but now the estimate has gone up to \$62,000. So that the longer the work is delayed the more it is going to cost.

As I have said, it would hardly be

right that all drainage and irrigation should be made a colonial question in view of the fact that the farmers are making a good living out of the land in spite of floods now and again. We do not have floods every year, and viewing the position as a whole I say that they do make a good living out of the land. In the case of the Canals Polder, with respect to which I received a letter a few days ago, it is estimated that it would require \$200,000 to look after their drainage, and the people in that district would be willing to pay by way of rates half of whatever amount is spent if Government would undertake the work. The land is at present of very little use, but if drainage is provided they would be able to repay Government by means of rates.

I feel that it would be very difficult for a Select Committee to supply anything like reliable figures as to the cost of making drainage and irrigation a colonial question. If Government is asked to dig drainage and irrigation trenches for people who would just sit down and reap the benefits I do not know where the money would be found to do so. The revenue of the Colony is about \$20 million. I think it would require at least three or four times that sum for maintenance alone of what is asked for in the motion. The revenue of the Colony would not cover one quarter of the cost of such an undertaking. That is my humble opinion, and I would be very glad if the mover of the motion would endeavour to supply some figures as to the probable cost of what he is asking us to vote for.

Mr. LEE: When I seconded the motion I thought of the issues involved, and that if we could get figures from a Committee in respect of certain areas we would be able to get some idea of the commitments involved. Last night I tried to find out exactly what sums of money we have received from the Development and Welfare Organization, and I read the report of Sir Hubert Rance on Development and Welfare in the West Indies, 1947-49. In paragraph 30 the report states:

“30. The chief interest where drainage and irrigation of the British Caribbean Colonies are concerned is centred in British Guiana. Loans and

grants totalling 5268,545 have been devoted to three drainage and irrigation schemes on the Corentyne Coast, designed to expand rice production and milling facilities, and on the Scheme for improving drainage in the Mahaicony-Abary district. All these Schemes had been completed at the end of 1949."

I do not think that statement is correct. Paragraph 31 of the report states:

"31. A free grant and loan totalling £915,080 have been made in respect of the major drainage and irrigation scheme in the Corentyne district, but work on the projected Torani Canal, which forms part of the scheme, has been suspended for the time being pending a further examination of technical matters. The Canal will be 18 miles long and is destined to divert the waters of the Berbice River, which flows through an area unsuitable for irrigation, but has a plentiful supply of surplus water at all seasons, into the Canje River district, which is a rice-growing area, but subject to drought."

Then paragraph 32 of the report states:

"32. The Boerasirie-Bonasika Irrigation Scheme which, by linking the existing irrigation system with the Bonasika River, should provide adequate water for some 50,000 acres of sugar, rice and ground provisions cultivation on the West Bank and West Coast, Demerara, is financed by Colonial Development and Welfare loans and grants amounting to £338,444. The Scheme is almost complete, but serious scouring of the headworks is being made the subject of further examination."

When we look at the summary of allocations in the report with respect to grants, loans and expenditure from the 1st of April, 1946 to the 31st March, 1947, we find that to this Colony was allocated a sum of £2,500,000 and a grant or loan of £1,619,865, and that the expenditure up to March was £837,990, so that there is a balance of £1,662,010 which should, if necessary, be diverted to this proposal for drainage and irrigation. I seconded the motion in order that this Council might be able to decide whether this expenditure can be financed by loan, or by an appeal for assistance to H.M. Government, or, as the hon. Member for Central Demerara (Dr. Jagan) has suggested, we may be able

to get help from the U.S.A. through E.C.A.

The PRESIDENT: Hon. Members, I think, I should say something on this matter. There are two parts of this motion. The first part, as I understand it, is that drainage and irrigation throughout the Colony should become a Colonial question. The hon. Mover has taken some objection to criticisms made in the Council as to the intention of the motion and what was involved in it. I am quite sure in my own mind what he thinks is involved in it. If his motion is limited to payments of the cost and maintenance of the main drainage and irrigation and from the very figures which he quoted, which I have not checked, he indicated that Government is already paying about 60 per cent. of those charges and, therefore, should pay the rest and to the extent of the sum of \$180,000, then that is not so serious a proposition. But if his motion is to be constructed in the wide terms in which it is put, that is to say all drainage and irrigation in the Colony with the exception of sugar estates should be borne by the general taxpayers or Government, as he chooses to call them, then he is entering on a very big question, and no one can say what the answer is. I am not sure what it is, but from what the hon. Member said he would be quite content to confine himself to the Government, which is already paying some 60 per cent., paying the other 40 per cent. That is putting it in very round figures.

But in the course of his remarks he referred to the increased rates and the cost of the salaries and wages of Government servants and quoted what I said a few days ago. We made an addition of \$3 million to the budget this year for that particular service, and he implied—though he did not definitely say so—that nothing had been done for the country people. Whatever failings any individual Members of this Council may have, I do not think any one of them is taking undue credit for what he has done or what the Council has done on a whole, and when any Member here suggests, or anyone else suggests, that very little has been done to help the farmer he is going very wide of the mark.

It is just four years ago nearly that for the first time in this Colony we introduced guaranteed minimum prices to the farmers for their produce, a thing that had never been done here before; and when this Council adopted the proposal, as it did, and said to the farmers "We will take every ounce that you can produce at a guaranteed minimum price, pay for the cost of transporting it to Georgetown and pay for the bags to put it in; as long as your produce is of good quality and you can be assured of a market for it." That is what we did about four years ago. That was the first step to help the farmers. In 1946 when that scheme was introduced the purchases from the farmers of ground provisions and other produce such as tapioca, starch, citrus fruits, etc., amounted in value to a \$¼ million. It was a good start, but in 1949, that is last year, those purchases amounted in value to not less than \$850,000, which shows the progress which this marketing scheme has made in those four years, a scheme which, as I said, guarantees to the farmer a minimum price for his produce, pays for the transportation to bring it into the market and pays for the cost of the bags to convey it in.

I suggest to you, that this act done by this Council was a great stride forward, but it is not by any means all that has been done for the farmer. In working this scheme, which has not proved a financial success as far as Government is concerned, we had in effect to subsidise it during those four years to the tune of some \$350,000. That is to say, we bought the produce and sold it but the net result was we lost that sum of money. In 1948 when there was a large supply of yams and we could not dispose of the produce, we dropped \$60,000 on the year's transactions. That was quite exceptional, and the reason for it was that yams were a glut on the market. Government had guaranteed to take them and took them but had to sell at a loss. But it did help the farmers. In 1949 that loss was reduced to \$8,000. But all in all since that guaranteed scheme was introduced it has cost Government something like \$350,000, or the general taxpayers of this Colony, to operate it. Personally I think it is worthwhile, and it has been of great

benefit to the farmers. That is but one thing.

In what other directions we have been helping the farmers? I rather fear we forget how much we have done and what we have done. I am taking this four-year period when we adopted this new policy of assistance, quite apart from the scheme I have referred to. We have made loans, grants, etc., to farmers of no less than \$1 million. Our Food Production loans during that period amounted to \$660,000. We advanced further sums through the Co-operative Credit Bank of \$263,000. When we had the floods and storms at the end of last year and the beginning of this year we gave them Flood Relief, the total bill of which amounted to something like \$1 million. We came to their assistance and did what we could for them. They can say it was not enough, but it was an appreciable amount. That is the second thing I would ask hon. Members to remember so far as the farmers are concerned.

But there is a third way in which we assisted them and in an equally big way, and that is by the development of these Land Settlements. Taking the same period, the expenditure on our Land Settlements amounted to \$1¼ million, which has been voted by this Council to be given to our four big Land Settlements—Cane Grove, Vergenoegen, Charity, Eversham and Anna Regina. Whether that investment was economically sound in all cases is, I think, a little doubtful. In that figure there is \$600,000 for Cane Grove, but it does not include the additional sum that we have given them in the form of mechanical equipment amounting to another \$250,000 or \$300,000. The Finance Committee voted that additional sum. I think the total expenditure on the Cane Grove Settlement, which is in the hon. Mover's constituency, amounted to something like \$800,000, and it benefited 400 families. Whether it is really an economically sound concern, I am not so sure. We hope by next year that that Land Settlement will be going fully well. We hope to have all the mechanical equipment it wants and that it will reach a stage of 100 per cent. development.

With regard to the other Land Settlements, I think, they are very sound. Hon. Members will remember that I went to Anna Regina during last year. The Superintendent told me he could put another 1,000 acres in rice this year if we could give him mechanical equipment. You, as a Council, approved of that expenditure and the whole of that 1,000 acres is this year in full production and is producing anything from 30 to 35 bags of rice per acre, which is now being reaped. In fact in terms of the broader question of stimulating production in this Colony during the same period I am reviewing, we put under cultivation new ricelands of some 30,000 acres, and if you put production at 20 bags per acre we are producing 600,000 bags of rice more than when we began. That is not a net increase, because as you know there is considerable expansion elsewhere, but it does indicate that something very substantial is being done. I think, myself, there is room for more expansion of this kind in what I might call a small way. In other words, we are not making the maximum use of land which is drained and irrigated and which is cultivable that we should. There is a lot of it about, and a lot more can be done in a small way. Not that I suggest for a moment that is the full answer, or a substitute for our major drainage and irrigation projects.

There is, for example, Crabwood Creek, and Block III where new lands have been put into cultivation and, I hope, next year we shall have some 1,500 additional acres under padi. The reason we have been unable to do so this year is that we have not had the mechanical equipment to clear the land which is high bush and forest, and it cannot in these days be done by manual labour and done economically, but if we could spend a little more money and get that mechanical equipment we could get at least another 1,000 or 1,500 acres under cultivation next year and in production. We can do the same thing in a good many other places. But, as I say, that is not the answer to the problem. The answer to the problem comes from the second part of the motion, where the Mover suggests a more vigorous policy be adopted by the Government and this Council in regard to drainage and irrigation to include an increased produc-

tion of the Colony. What the hon. Member for Central Demerara (Dr. Jagan) said about increased production yesterday is nothing new, — he knows that it is a doctrine which has been preached in this Council not only by me but by every Member here since I have been in this Colony. There is no question that it is the right policy to adopt, but if you are going in for these great, big irrigation and drainage schemes you must understand they cannot be built in a day. Some of you know better than I do the mistakes made with past schemes of this kind, which had been embarked upon with enthusiasm but which have not proved so far to be a success. I have told you more than once the reason why it is — that we lack the basic information on which to formulate sound schemes. But we are now endeavouring to correct all that.

We have our Consulting Engineer who has taken the broadest possible view of the water control problem of the coastal belt and has already produced tentative projects, but they still require a great deal more examination and thought before we can, so to speak, put them into operation, or indeed before we can get the vast sums of money which will be necessary to put them into operation. But we are going along on the right lines. These things take time. They are long term, and we want to be sure that what we are doing is the right thing. I think that the problems which confront us here as far as drainage and irrigation are concerned are greater probably than anywhere else in the world. They are certainly not easy. There is no easy slick answer to these problems. When you realize that, as you go inland from the Coast, the land rises by about one and half inches every mile, and that obtains for 30 miles inland, when you keep that at the back of your mind and remember that that has to be taken into consideration in building up any great irrigation and drainage scheme, then you will realize how difficult and great the problem is. That is the problem we are confronted with. Take your Torani Canal. The water comes in at the Berbice end and before it can get down to the other end the tide is going out again, and so the water runs back into the Berbice river. That is the sort of problem our

engineers are considering' and trying to find the answer to. It is not simple. So when persons say or suggest that either Government or this Council is not taking this problem seriously, and very seriously too, I hope that Members of this Council would lend no support whatever to them.

We have our Drainage and Irrigation Board considering these problems. Every week almost they are going into them and trying to find the answer. You may think they are rather slow. You may think Government is slow, but I do assure you that it is a very big and very difficult problem. But what concerns us more than anything else, even if we find the answer, is where is the money to come from. Hon. Members have suggested where we can seek assistance from outside — E.C.A., or the International Bank. We are already doing that. But you cannot ask His Majesty's Government or the E.C.A. for assistance, unless you are satisfied your scheme is a sound one, and not only are you to be satisfied but they must be satisfied also before they would give you the money. That is the crux of the whole problem. Do not let us delude ourselves that nothing is being done, nothing being attempted. A great deal is being done, but a great deal is still to be done before we find the right answers.

Apart from these general observations there are the terms of the motion itself. I am not quite clear in my own mind how far the hon. Member wants to go. Every hon. Member has expressed some doubt and that the terms of the motion want further examination before we commit ourselves to it. As the motion stands itself, it gives the impression to the farmers that they have no longer to help themselves and that Government will come in and irrigate and drain the land for them and they will just have to cultivate the land and reap their crops, which is a very serious thing for any of us to suggest. I do not think the hon. Member intends it. What he said in his remarks and the figures he himself quoted show the great extent to which we have already assisted the farmers, and I have given you further evidence of it. I could go on with more evidence in the form of loans and grants given to Village Authorities for village purposes. They amount to many

hundreds of thousands of dollars, which the villages are receiving every year. I have not got the actual figures, but if you add those to the figures I have already given you would find a great deal is being done for the farmers and the rural people of this country and far more than is, I fear, recognized by certain Members of this Council. You have got nothing to be ashamed of as to what we have done. If we can do more let us do it, but to say or suggest that we are doing nothing is, I think, unfair to ourselves and unfair to the Government.

I do not know what the hon. Member proposes to do about the motion, but that is the position as I see it. If the Council think there should be some further examination of this question in the light of what I have said, probably that can be done. I have forgotten to mention the assistance also given to the farmers in admitting agricultural implements duty free and also allowing them gasoline duty free. Those are big concessions. Do not let us say we are doing nothing for the farmer or let the public believe that this Council is doing nothing for him. We are doing a tremendous lot, and do not let us encourage him in any feeling he may have that everything is going to be done for him and he has not got to do a little more himself.

Mr. DEBIDIN: Sir, to me it is a great pity that so many Members of this Council should have misunderstood the intentions of this motion, and it seems to me even more a pity that we have not taken into regard the main purpose of this motion. The main purpose of this motion, I have stated in clear language, is (1) to render relief to the people of the rural districts of this Colony in so far as the imposition and impact on the cost of living through Devaluation goes with them. That is the main purport of this motion. It seems to me to be clear from all that we have said here in the course of this debate that the people in the rural districts are very little remembered in so far as their living condition is concerned. I refer particularly to some of the remarks which the hon. the Financial Secretary and others have made. It seems to indicate that, and that is why I am very pained to find that references have been made to

the motion in the way they have been made. It is true what the hon. the Financial Secretary said, that the people help the Government and the Government helps the people, a paradoxical state of things. But he fails to realize this one thing, that if a principle is involved that principle has been broken already by Government granting a substantial percentage of relief in their contribution to drainage rates. So if it is a paradox and a principle is broken, then I err in good company if I am asking this Council to give to the people full relief instead of partial relief.

I must say at this stage how appreciative I am, and I believe Members of this Council too, for the manner in which you, Sir, have treated the whole question of help to the rural districts of the Colony, but nevertheless we have to consider a feature, and that is this: We must in the course of determining how we are to develop in this Colony, what is the nature of the development that we require for this Colony, industrially and otherwise, consider that we are hard put in this Colony to find other avenues for development besides agriculture. Up to now we have very little, just a few, perhaps, enterprises which we can call subsidiary industries of the Colony. Then what are we to do but to attempt to put this Colony in a position in which we can say we have an independent peasantry. I move around the people every day of the week and I cannot say that they can be regarded as being independent, in spite of the assistance which has been given them. This motion seeks to render them some assistance.

I am certain that the object of my motion has been misunderstood. I am attempting in no way to ask this Council to embark upon a \$100 million drainage and irrigation scheme tomorrow or at any time in the very near future. That is what the hon. Member for Demerara River (Capt. Coghlan) and a few other Members were thinking of when the hon. Member moved his amendment and made certain remarks. That is not the position. All that this motion seeks to do is to suggest that drainage, irrigation and sea defence works and the maintenance thereof should be made a colonial ques-

tion, except in respect of the sugar estates, and I gave my reasons why the sugar estates should be excluded. The position is that the Colony is already committed to capital expenditure on drainage and irrigation works, and is contributing towards the expenditure on maintenance to the extent of roughly 60 per cent. Therefore, in asking that the whole matter be made a colonial question, all that is involved is that the Colony should assume responsibility for the remaining 40 per cent. of the cost.

Since 1941 we have had a Drainage Ordinance under which certain districts have been declared to be Drainage Areas. Certain capital works were carried out, and to meet the expenses of maintenance rates were levied. Therefore, when the hon. the Sixth Nominated Member (Mr. Morrish) referred to the question of internal drainage that does not come into the matter at all, because if it is decided to make the matter a colonial question we would be dealing with works which have to be undertaken under the Drainage Ordinance. Other drainage and development works, whether they will cost \$43 million or \$160 million, have already been planned under our Ten-Year Plan. Those are works which will have to be undertaken slowly and cautiously, according to the Colony's means. That is capital expenditure which can never be made to fall upon the proprietors of land. Surely, if \$43 million is to be spent on drainage works in the Mahaicony-Abary area the proprietors around there are not going to be asked to put up that sum?

The PRESIDENT: There has been no suggestion by anybody that they would be asked to do so, but what they should be reasonably asked to do when the works are completed is to pay rates for the maintenance of those works. That is the whole point. No one is suggesting that this great capital expenditure should be met from anything but revenue, or some outside source.

Mr. DEBIDIN: I am glad that you agree with me, Sir. The very amendment suggests that. We want to see how much it would cost to provide drainage systems and to put arable lands in properly



drained condition. That is the effect of the amendment, and that is why I say some Members have been misconstruing the intention of my motion deliberately.

The PRESIDENT: The hon. Member must not say "deliberately."

Mr. DEBIDIN: If, as Your Excellency has said, the Colony is going to stand all capital expenditure on drainage and irrigation, then all that would be involved, if this motion is passed, would be the maintenance costs which are recoverable by drainage rates. In respect of some of the drainage areas in the Colony there is a total expenditure of \$193,000 on maintenance works, of which Government is contributing \$78,000. So that the difference involved is really \$115,000. Included in the drainage areas of the Colony are several Local Authorities who have to contribute the sum of \$130,000 in rates towards the total sum of \$193,000, but of the sum of \$130,000 Government is contributing \$76,000 and the Local Authorities \$54,000. So that the assistance sought to be given to the people by this motion is to the extent of \$54,000, and to the other drainage areas to the extent of the difference between \$115,000 and \$54,000. We have, therefore, only one issue to face. Is the Colony prepared to encourage the farmers in the rural districts more than it is doing at the moment by relieving them of that sum of \$115,000 and spreading it over the entire Colony? Are we prepared to give them that relief in the same way as we have given relief to civil servants and wage-earners?

The hon. Nominated Member (Mr. Morrish) asked why should Georgetown and New Amsterdam pay the maintenance costs of internal drainage of private proprietors? May I ask whether the \$3 million which has been added to the Colony's expenditure as a result of increased salaries and wages to Government employees is not shared by the people in the rural districts and the general taxpayers of the Colony? Why then should this relief to the people in the rural areas not be shared by the general taxpayers of the Colony?

The hon. the Financial Secretary re-

ferred to the Torani and Broomfield schemes as schemes intended to find more land. I have read, and I think it is common knowledge in this Council, that those schemes were intended specifically to benefit the sugar plantations in the areas served by those schemes. Apart from the assistance through those large schemes we are in a variety of other ways contributing largely to the support and proper running of the sugar plantations. You have said, Sir, that loans which have been given to farmers amounted to a sum in the region of \$1¼ million, but isn't it significant, from your own statement, that the value of the produce obtained is far less than the amount of the loans given? So far as loans are concerned I think Government will readily admit that a good deal of the money is still outstanding, which gives some idea of how much profit the farmers are making.

With reference to the land settlement schemes I may point out that what assistance has been given to Cane Grove is local assistance. It does not cover as wide a field in the Colony as the relief of drainage rates would afford. It seems to me that we must regard whatever expenditure is made on those settlements as capital expenditure, the results of which will be seen in years to come from the conversion of cane lands into rice lands.

So far as the guaranteed prices for farmers' produce is concerned we must bear in mind that if the farmers had been free to sell their produce at prices above the guaranteed prices, they would have got better prices for many items of their produce. Only recently the question of cassava starch was brought up in this Council. The producers had been getting 24 and 36 cents per pint, but the effect of pegging the price was that the consumers in Georgetown got the benefit. Milk is another example of the result of pegging. I think the producers ought to have been getting at least 15 cents per pint for their milk. It is true that prices have been guaranteed the farmers for their produce, but can it be said that those prices have been economically beneficial to them? That is a point which is still in issue, and one which we can only

examine very closely by making inquiries among the people themselves.

The psychological effect of this motion ought readily to be seen, and I am asking this Council to consider the people in the country districts when it is dealing with the cost of living. The monthly figures of the Cost of Living Index based on the 1942 survey, shows an Index figure of 138.3 on September 15 for working class families in Georgetown, and 162.5 for working class people on sugar estates. It is shown by this report that the cost of living in the rural areas is far higher than it is in Georgetown, as a result of the pegging of prices and the vast amount of assistance given to the people in the City. The people in the country districts do not strike. What would happen if they declared an economic strike and refused to produce foodstuffs because they are losing money?

If the Council by a majority decides to examine the financial implication of my motion I would be prepared to accept that decision, but I cannot accept the suggestion in the amendment that we should consider what amount of arable land may be put under drainage and irrigation. That would be taking us along a path which I never intended. I am not an old man but I believe I am nearing that stage. I can say, however, that in a century of years we have done comparatively little in the matter of drainage and irrigation in this Colony, and it seems to me that it cannot be sufficiently emphasized that we must embark upon a very vigorous programme. I know from conversation with Your Excellency, and from what you have said over and over in this Council, that no one is more imbued than you are with the necessity for a vigorous campaign for better drainage in this Colony, and I feel sure that you would be the best person to undertake the implementation of my motion. I feel sure that this Council can do no better than grant this relief to the people in the rural districts by making drainage and irrigation, like our sea defences, a colonial question.

The PRESIDENT: I would like to point out that in one of the preambles to

his motion the hon. Member suggests that if we grant the relief sought it would cheapen the cost of living. I must make it clear that the increased cost of living is not principally due to increased prices of imported foodstuffs but to the increased cost of local produce. I do not know whether hon. Members are aware of it but I can assure them that it is a fact that the rise in the cost of living is more due to increases in the prices of local produce than to the prices of imported foodstuffs. That is not taking into account the fact that there is blackmarketing. As I have said, the farmers are not bringing their produce to the Government Produce Depot at the moment. You know where it is going as well as I do. It is going to the blackmarket. That is possibly a contributory cause to the rise in the cost of living. It is certainly more due to the increased prices of local produce than to the prices of imported articles. I do not know if the mover of the amendment has any suggestion to make. I cannot accept it as an amendment in the form in which it stands.

Capt. COGHLAN: As the mover of the motion is quite agreeable to your appointing a Committee to go into the details I would suggest that he be put on the Committee in order to guide them as to what he really intends his motion to convey when it suggests that Government should be responsible for "all drainage and irrigation." In view of the fact that the hon. Member is agreeable to the appointment of a Committee I would respectfully suggest to Your Excellency to do as you think fit in the matter.

The PRESIDENT: As the mover is willing to withdraw that part of his motion on the understanding that a Committee would be appointed to consider the suggestion that the matter of drainage and irrigation be regarded as a colonial question, I agree to appoint such a Committee.

Mr. DEBIDIN: If the proposal is to refer my motion to a Committee to consider all its financial implications and to report back to this Council I accept that very readily. I think the hon. Member for Demerara River agrees.

The PRESIDENT: Does the hon. Member agree that his motion be referred to a Committee to be appointed by me to examine and consider the proposals and to report to the Council?

Mr. DEBIDIN: Yes, Sir.

The PRESIDENT: The motion will be so referred if the Council agrees.

Motion to be referred to Committee to be appointed.

#### DOGS BILL, 1950.

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled:

“An Ordinance to render the owners of dogs liable for injuries done to cattle by dogs; to provide better protection from dogs; and for purposes connected therewith.”

Hon. Members are aware that the owner of a dog is not in law liable for damage done by the dog without proof of his knowledge that it had previously shown a propensity to do the particular damage. It is, however, considered desirable that this requirement should not be necessary in the case of damage done by dogs to cattle, and clause 3 of the Bill, which is based on section 1 of the Dogs Act, 1906 (6 Ed. 7, Ch. 32), seeks to do away with this requirement.

Clause 4 of the Bill is based on section 2 of the Dogs Act, 1871, (34 & 35 Vict. C. 56), and enables a Magistrate to order a dangerous dog to be kept under proper control or to be destroyed. I think hon. Members will appreciate the fact that in this Colony there are many cattle and flocks of sheep and it is desirable that there should be some legislation of this nature. When dogs become dangerous and harry sheep and cattle provisions such as these should be put on the Statute Book. I beg to move that this Bill be now read a second time.

Mr. RAATGEVER seconded.

Mr. DEBIDIN: This Bill has some very useful provisions, and I feel the provisions of this Bill are long overdue. But

I am at a loss to understand why — to put it in the words of somebody whom I overheard commenting on the Bill — animals are placed on a higher plane than human beings. This Bill excludes people and, as a lawyer, I know there are as many cases of dogs biting human beings as there are of dogs biting animals, and I certainly feel and have always felt that in the case of a dog running out and biting a human being there should not be any necessity to prove scienter, a term in law meaning “previous knowledge of ferociousness of the dog and its being accustomed to bite human beings”. It seems to me that what that definition boils down to is, you must always give a dog its first bite. I rather the first bite to be given for an animal than for a human being, because it may be a very bad first bite and the person bitten may lose his or her life. The whole idea is to prevent people committing perjury in the Court in these cases as to the dog having bitten someone before. Sometimes it is the first time the dog showed any such propensity, and it means the bitten person has no remedy. That is the intention of this Bill and I will, therefore, when the time comes — and I feel sure hon. Members of Council will agree with me — ask to be included somewhere in clause 3 something like “the owner of a dog shall be liable in damages for injury done to a human being or person, or to any cattle by that dog.” It is a matter for other Members to comment on. We are supplemented in our acts by legal talent and, I am sure, they are all going to express an opinion on this.

I feel it is placing too much burden on that proviso to say that because a dog is seen knocking around a place the owner of that place should be liable automatically. I think it is a very dangerous provision. All someone has to do is to bring two witnesses to say that the dog was seen on the doorsteps. It may be another dog of the same place. Why should X be made liable so easily? I think it should be left for ownership of the dog to be proved. We are helping in the point of scienter but we should not go any further to create hardship on the proprietors of houses. I think that pro-

viso may be eliminated, subject to what other Members feel on the point.

Mr. LUCKHOO: Sir, my first case at the Bar was one which concerned a dog and I am happy to see I am at least keeping in conformity with that start, when my opening remarks in this Legislative Council concern the same specie of animal. I am happy to see that this Bill has been introduced into this Colony, and I will observe not only it is long overdue but, as my hon. friend has just mentioned, it will save perjury and sins of a like nature being committed in our Courts of Law. But what perturbs me and I am a trifle confused, is the absence of any provision for cases where a dog is lawfully in a particular house or premises and cattle stray on to such premises and that dog, either in defence of his master's property or otherwise, attacks the particular cattle. Is that to be regarded, Sir, as making the owner of the dog liable in damages?

It would appear on reading this Bill that the owner of the dog will be liable, as I see no exceptions in the Bill. In like manner it would appear that dog may also be regarded as being a dangerous dog. I do not know, Sir, whether provision may not be made for such an eventuality, especially where in this Colony animals are prone to stray at will, and it is almost common to find cattle straying on to lands where dogs are kept for protection of the particular owner in that particular premises. I point that out in the hope that there may be some provision placed or instituted to prevent the owner from being liable in such circumstances.

Mr. LEE: There is also a little provision that should be added. There is a decided case in the Colony where at one time any dog found on a premises the owner of that premises is liable to take out a licence; there were more than five or six dogs found on the premises and the owner was charged for being in possession of the dogs and convicted; he appealed and the Full Court upheld his contention that he was not the owner of those dogs, which had gone there as the result of his having a she-dog. Let us

assume for argument sake this Ordinance is passed. In the country districts all the yards are not paled around. The owner of a premises has a she-dog and several other dogs were there when cattle passed on the road and those dogs rushed out and attacked the cattle but not his dog. He will be liable in damages, as under this Ordinance the presumption of ownership is based on the dogs having been seen in the owner's yard or premises. There should be some provision whereby, as the hon. the Seventh Nominated Member has said, if a dog is repelling straying animals or persons in his owner's premises the owner should not be liable in damages.

Mr. CARTER: Sir, I would like to add force, if I may, to the argument of the hon. the Seventh Nominated Member. I do not think we can allow this Bill to go through without any provision to protect persons whose dogs are lawfully on their premises and have attacked sheep or cattle that strayed on those premises. I think it would be invidious if we allow this Bill to pass through this Council without having made some provision for injury caused to animals which have strayed upon premises on which dogs are kept and on which those dogs live. I am afraid that the hon. Member for Eastern Demerara (Mr. Debidin) stole my thunder when he pointed out that although protection is made for cattle no protection is made for mankind. I think it is a tribute to the charity of mankind that we consider the protection of animals before we consider our own protection.

So far as the argument of the hon. Member for Essequibo River (Mr. Lee) is concerned, I think sub-clause (2) of clause 3 meets that. The complainant will have to establish that the dog was kept or permitted to live or remain on the premises. He will have to show, I respectfully submit, not only that the dog was there on that occasion but it was permitted to remain there on that occasion and other occasions. So I do not think there is much substance in that argument. It will be dangerous, unless the hon. the Attorney-General convinces me otherwise, to allow the Bill to go through without making some provision

for cases where cattle trespassed upon people's land and a dog belonging to someone else there bites them. I would like to see scienter removed also in a case where human beings are attacked by a dog.

Mr. LEE: May I be permitted to reply to my learned friend and colleague? The sub-clause says "or remain at the time of the injury".

Mr. CARTER: It says "permitted to live or remain"!

Mr. PETERS: It is certainly refreshing to see that the time has at last come for us to begin to realize that this old-fashioned principle of scienter should be cast into oblivion in respect of the privilege that dogs are permitted to enjoy in a community. But I, too, must confess to a feeling of apprehension as to what was in the offing if we had come to the point to remove scienter so far as dogs attacking another animal is concerned and at the same time not so careful to see that human beings were accordingly protected in the same way. One question that arises, when one has a case in our Courts in respect of attacks by dogs, in addition to the principle of scienter is the proof of ownership. Proof of ownership is a rather elastic matter, because there is the principle, as we have incorporated in our laws, that if a dog is kept or is fed on one's premises one is presumed to be the owner of that dog. There have been cases in the Courts where the Revenue-runner, apart from the question of scienter, has more than once had the temerity to throw a stick at a dog, look to see where the dog runs for asylum, and conclude at once that the person to whose doorstep the dog had run is the owner. I say that because, when it comes to the question of making up our minds as to the ownership of the dog for the purpose of this proposed Ordinance, we must be very careful and sure that the hon. the Attorney-General will give due care to what definition we are going to place on the term "owner."

The ATTORNEY-GENERAL: I am going to take the last point raised first. With regard to the point about owner-

ship under the proviso which has been referred to by the hon. Member for Essequibo River (Mr. Lee), I agree that the words in the proviso to clause 3, sub-clause (2) "or remain at the time of the injury" is a presumption, and apart from that there is the question of "permitted to live" and "permitted to remain". So the fact in itself that the dog is seen on certain premises at a particular moment does not necessarily mean that the dog was permitted to live or was kept there. I think that answers the hon. Member's point, and I agree with the hon. Member for Georgetown South (Mr. Carter).

With regard to the point first raised by the hon. Member for Eastern Demerara (Mr. Debidin) one has to appreciate the background of this whole matter. I refer to the difference regarding human beings and animals with respect to dogs, and I would just like to quote from Salmond on Torts, 9th Edition, at page 557.

"The law," says Lord Holt, "takes notice that a dog is not of a fierce nature, but rather the contrary."

That is the reason why it is left out of this question in dealing with this matter. The same thing applies to cattle.

"At Common Law it was deemed not to be in the nature of a dog to attack sheep and cattle, and in such cases proof of scienter was accordingly required. On this point, however, the law has been altered by the Dogs Act, 1906, by which it is provided that "the owner of a dog shall be liable in damages for injury done to any cattle by that dog, and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of such propensity, or to show that the injury was attributable to neglect on the part of the owner."

The hon. Member's point is, you are lifting the cattle above the human being, and both the human being and the sheep should be put in the same category. That is what the hon. Member suggests, but I would point out to hon. Members that the provisions of the Dogs Act are certainly in the same terms. It was passed in England in 1906 and has worked

there up to now, and there has never been any attempt, so far as I am aware, to alter the law so far as scienter with regard to human beings is concerned.

Mr. DEBIDIN: To a point of correction! May I ask the hon. the Attorney-General whether scienter is not required to be proved in respect of mankind in this Colony.

The ATTORNEY-GENERAL: So it is in England. What I am trying to point out is, the Bill which is before this Council has been based on the Dogs Act of the United Kingdom of 1906, and there has been no attempt between 1906 and the present time to deal with the principle of scienter as applicable to human beings in the same way as it affects cattle as defined in the Bill. Still hon. Members seem to think that some such provision should be made in respect of human beings. I do not agree because, I think, the law is quite clear.

The other point raised by the hon. the Seventh Nominated Member, is where cattle stray on the lands of the owner of a dog and that dog interferes with or bites or harasses the animal, what is the position? My answer to that is, that does not alter the fact of the mischievous propensity of the dog. It does not matter whether it happens on the owner's premises or on the roadside, the mischievous propensity relates to the dog itself, the propensity of the animal as known to the owner. The fact that the dog bites on the owner's premises and continues to bite other persons, because the bite takes place on his premises ought to fortify or prove the fact of scienter; and the fact that animals may stray on persons' premises and be bitten by that person's dog surely fortifies the position so far as the mischievous propensity of the dog is concerned. The only point in this legislation is that the necessity for proving a first bite is being removed. The necessity of proving scienter is being done away with.

Mr. CARTER: Would a burglar be in the same position if he enters a second time?

The ATTORNEY-GENERAL: No; he is a trespasser and more. In that case, I think, the dog should be congratulated. Those are the points raised—the question as to the dog itself and its mischievous propensity—and I suggest that the propensity in the dog is not varied by its going out on someone else's land or on the roadside and biting an animal. It is the same whether it bites on its owner's premises or on the highway. If it is done on the owner's premises he should know all the more of the dog's propensity. So far as the Bill itself is concerned, as I have pointed out to hon. Members, it is in the terms of the Dogs Act of 1906 which was passed 44 years ago. As to the feeling of hon. Members that there should be some amendment in regard to human beings, that question should be dealt with in the Committee stage, but on the general principle, I take it, hon. Members agree that a Bill such as this is required.

Mr. CARTER: I think there is legislation in England now removing scienter in the case of human beings. It was passed early this year.

Mr. LEE: May I ask the hon. and learned the Attorney-General to review the matter in the case of a trespass?

The PRESIDENT: I think hon. Members agree with the principle of the Bill as being necessary.

Question put, and the Council divided and voted as follows:—

For: Messrs. Luckhoo, Morrish, Carter, Smellie, Phang, Peters, Farnum, Roth, Raatgever, Lee, Dr. Jagan, Dr. Singh, the Financial Secretary, and Treasurer, the Attorney-General and the Colonial Secretary — 15.

Against: Mr. Debidin — 1.

Motion adopted and the Bill read a second time.

Mr. DEBIDIN: May I move that further consideration of this Bill be deferred and a Select Committee be appointed to consider and draft what amendments should be put in. That is

the reason why I voted against it. There are too many amendments to be done in the Committee stage just on the spur of the moment. It requires legal knowledge with authorities before you.

The PRESIDENT: The Bill has been read a second time. If the hon. Member wishes to move that further consideration be deferred he can do so.

The ATTORNEY-GENERAL: May I point out to hon. Members that it is desirable to know clearly on what points we must have amendments.

Mr. CARTER: I second the motion of the hon. Member for Eastern Demerara. I understood the hon. the Attorney-General was sympathetic so far as the case of trespass is concerned. In this country where there are not many fences as in England cattle stray and people own dogs to protect themselves and their property, and if there are trespassers whether in the form of human beings or cattle, I think the dog is permitted to injure any trespasser. That is why we keep dogs in this Colony, not only as pets but to protect us. If there is a proviso, possibly to clause 3 of the Bill, it would meet with the general approval of this Council.

The ATTORNEY-GENERAL: While I appreciate what hon. Members are saying I will have to re-draft the Bill in the light of the general expressions of opinion. We want to get down to something more definite and concrete. The first point raised is with regard to human beings and the question of *scienter*. Then there was the point raised with regard to animals, and a third point with regard to the question of ownership. I do not know whether hon. Members are agreed on those three points, or whether they are merely expressions of individual opinions.

Mr. DEBIDIN: There is one way we can test that and that is to have a Select Committee to go into the suggested amendments.

The PRESIDENT: I would have thought that the principle of the Bill

being accepted, the three points which have been raised should be considered in the Committee stage. If the majority of the Council does not agree with them then they go out of the Bill. Let us discuss in Committee those three points as regards human beings being included, dogs trespassing upon other people's property, and the question of ownership. I thought the Council was fully agreed on the principle of the Bill — that there must be some legal protection against dogs. As to the extent of the protection, that we can discuss in Committee.

Mr. DEBIDIN: Those three points require very careful consideration as to the manner in which the drafting should be done. There is still some dispute as regards animals trespassing in a yard — whether the owner is liable, and things of that kind. The hon. Member for Georgetown South (Mr. Carter) says that there has been an Act passed in England with respect to human beings being bitten by dogs. The legal Members of the Council should be able to consider all those things and decide on the proper phraseology of any amendments.

Mr. ROTH: I think it would meet with the approval of the majority of Members if the Committee stage was deferred. It would give Members an opportunity to consider what amendments should be made and how they should be framed.

Mr. PETERS: Some time ago there was a Bill before the Council which called for serious consideration. It affected the professional prospects of the legal Members of this Council and Your Excellency was good enough to suggest that consideration of the matter be deferred in order that the Attorney-General might have a conference with those Members. I think that at that conference we were able to iron out a good many defects in the Bill. This Bill proposes a radical change in the law, and I think the purpose of the legal Members is not to oppose or obstruct the Attorney-General's purpose but to assist him. I am sure the Attorney-General will be amenable to the suggestion to meet the legal Members of

the Council who practise in the Courts and are able to give assistance. I do urge that the Bill be deferred for further consideration.

The PRESIDENT: I am quite agreeable if it is the wish of the Council that consideration of the Bill be deferred so that hon. Members may confer with the Attorney-General on the amendments.

The ATTORNEY-GENERAL: I appreciate the hon. Member's point, and I am always willing to meet the legal Members of Council on matters of legislation. The three points which have been raised naturally involve a certain amount of re-drafting of the Bill. The point I was endeavouring to make is whether they are definitely agreed upon among Mem-

Dr. SINGH: Members of the Council have lost sight of the fact that the owner of a dog is supposed to take out a licence.

Mr. LEE: Not in the country districts.

The ATTORNEY-GENERAL: I am prepared to meet the legal Members of the Council before the Bill is brought back to the Council in order to settle outstanding points.

The PRESIDENT: I hope hon. Members who have suggestions to make on the Bill will make them to the Attorney-General, and having received them we will resume consideration of the Bill in Committee. Consideration of the Bill in Committee is therefore deferred.

The Council was adjourned until Thursday, November 16, at 2 p.m.