

LEGISLATIVE COUNCIL

Wednesday, 25th April, 1951.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. J. Gutch, O.B.E., President, in the Chair.

PRESENT :

The President, His Excellency the Officer Administering the Government, Mr. J. Gutch, O.B.E.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson, O.B.E. (Acting).

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. C. V. Wight, C.B.E. (Western Essequibo).

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

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (Nominated).

The Hon. T. T. Thompson (Nominated).

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

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

The Hon. J. Fernande (Georgetown Central).

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 Clerk read prayers.

The minutes of the meeting of the Council held on the 20th of April, 1951, as printed and circulated, were taken as read and confirmed.

GOVERNMENT NOTICES**INTRODUCTION OF BILLS.**

The ATTORNEY GENERAL gave notice of the introduction and first reading, and of his intention at a later stage to move the suspension of the relevant Standing Rule and Order to enable him to proceed with the first reading of the following Bills intituled:—

“An Ordinance to make special provisions for the housing of labour workers on sugar estates”.

“An Ordinance to amend the Sugar Industry Special Funds Ordinance, 1947.”

“An Ordinance further to amend the Constabulary Ordinance with respect to the pensions payable to certain non-commissioned officers and constables.”

“An Ordinance to amend the New Amsterdam Town Council Ordinance, 1946.”

UNOFFICIAL NOTICES.**APPOINTMENT OF DR. HO AS EYE SPECIALIST.**

Mr. FERNANDES : On behalf of the hon. Member for Georgetown

South (Mr. Carter) I give notice of the following motion:—

“WHEREAS the recent departure of Dr. C. Murray, Eye Specialist, on leave has resulted in much distress among persons suffering from eye disease;

BE IT RESOLVED that this Council recommends to the Administration the immediate appointment of Dr. H. Ho to act as Eye Specialist during the absence of Dr. C. Murray on the terms offered by him.”

ORDER OF THE DAY.

SUSPENSION OF STANDING RULES AND ORDERS.

The ATTORNEY GENERAL: Before we proceed to the Order of the Day I beg to move the suspension of the relevant Standing Rules and Orders to enable me to have read for the first time the four Bills introduced at this meeting.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

BILLS—FIRST READING.

The ATTORNEY-GENERAL moved the first reading of the following Bills intituled—

“An Ordinance to amend the New Amsterdam Town Council Ordinance, 1940.”

“An Ordinance to make special provisions for the housing of labour workers of sugar estates.”

“An Ordinance to amend the Sugar Industry Special Funds Ordinance, 1947.”

“An Ordinance further to amend the Constabulary Ordinance with respect to the pensions payable to certain non-commissioned officers and constables.”

The ATTORNEY-GENERAL: I would like to say with regard to two of the Bills—the one relating to the housing of workers on sugar estates and the other relating to the Sugar Industry Special Funds—that I would like

to take them through their remaining stages on Friday.

The PRESIDENT: These two Bills are necessary in order that the issue of loans to workers for housing may be expedited.

EXTENSION OF RENT RESTRICTION ORDINANCE.

Dr. JAGAN: I beg to move:

“WHEREAS the provisions of the Rent Restriction Ordinance apply to all dwelling houses, whether let furnished or unfurnished; to all public or commercial houses, whether let furnished or unfurnished, and to all building land;

AND WHEREAS only Georgetown and the area within three miles outside the boundaries of the City and New Amsterdam, Christianburg and Wismar and Partica are included within the provisions of the Rent Restriction Ordinance;

AND WHEREAS tenants in other areas of the country are experiencing great difficulties;

BE IT RESOLVED that this Council recommend that the Rent Restriction Ordinance be made applicable to the whole Colony.”

The motion seeks to recommend to Government the extension of the provisions of the Rent Restriction Ordinance to the whole Colony. At the present time the Ordinance, as set out in the first preamble, applies to all dwelling houses, whether let furnished or unfurnished, all public or commercial houses, whether let furnished or unfurnished, and to all building land. Consequently we find that whole areas which are set out in the second preamble—Georgetown, New Amsterdam, Christianburg, Wismar and Bartica—are included in this Ordinance, there are large sections of this country which are excluded. We are aware of the fact that because of the increasing high cost of living Government sought to stabilize the amount paid for rents by people resident in those areas, so that they should not experience undue hardship. It may be argued that the rural areas do not particularly come within the con-

ditions as set out in those areas which I have just named because, as I said, in the rural areas most persons usually own their own dwellings. But we find that the Rent Restriction Ordinance applies also to building land which is defined as land on which houses are built, and we do find in the rural areas, in various parts of the country, that while an individual may own his house, that house is usually built on leased land. But since the Rent Restriction Ordinance is not applicable to those areas, we find that those renters do not have any security of tenure, and at any time the landlords can ask for an increase on the land rent, or in cases where houses are rented, they can also ask for an increase in the rentals. If these increases in rentals are not given, in many cases we find that notices to quit are usually given, and the occupiers of either building land or houses do not have any legal protection.

In view of that, this motion asks that Government be requested to extend the Rent Restriction Ordinance to cover the whole country. I think this motion is self-explanatory, and I do not think it needs much elaboration. Consequently I shall not waste too much of the Council's time, except to give a few instances where people have been suffering undue hardship. I have in my hand, Sir, many letters which have been forwarded to me from various areas, whereby an appeal was made to me to see what could be done, because of the rental increases which were made either on house or building land. I have a letter from Cumberland Village, East Canje, Berbice, showing that the person in question was paying a rental of \$4 per month and an increase of \$1 per month was requested. That is an increase of 25 per cent. of the original rental.

Mr. ROTH: To a point of enquiry? Is not Cumberland within three miles of New Amsterdam?

Dr. JAGAN: In respect of Georgetown the Ordinance applies within three

miles of the limits of the City, but I do not know if the same applies to New Amsterdam.

The ATTORNEY-GENERAL: I am not in a position to say, without having the particular Order in Council before me. I have to get it.

Dr. JAGAN: I have several cases, some of which I have already reported to the hon. the Colonial Secretary, and on which some action was taken. There is another matter which I recently took up through the Colonial Secretary's Office, and which was submitted to the Labour Department for their consideration. An individual, who was leasing a piece of land from Lusignan estate on which he built his house, sent some cane to the estate's factory to be ground. As we know, the canefarmers usually send their cane to the estates to be ground and they are paid a fixed sum per ton by the estate. When this individual applied for the money which was due to him for his cane, amounting to \$44.76, he was told that he could not get that amount as he owed the estate the sum of \$60 which was calculated on the basis of a land rental of \$12 per annum for a period of five years. This individual claims that he was paying a small sum per month and was never notified that it had been increased to \$1 per month. Consequently he did not feel that that sum should have been deducted from his cane money.

I have a few other cases from Turkeyen, Cummings Lodge, and Ogle pasture. I do not like the tone of the letters which were written to some of these residents notifying them of an increase in the rentals. In one case, I would like to read for the benefit of hon. Members of this Council, a notice to quit which was given subsequent to the notice for increased rental. The note which was appended to the notice to quit reads as follows:—

"After your tenancy has expired pursuant to the above notice, the estate intends to let the above premises at one

dollar per month, and is prepared to consider granting you a new tenancy on that basis."

In this case I am not arguing whether or not the estate was charging a reasonable rental, but it does appear that a notice was given for an increase in rental, and appended to that notice to quit was a note saying that if the individual agreed to the increase in rental, then a new rent contract would have to be signed. Those are reasons which prompted me to move this motion in this Council, because I do feel that some protection should be given to the inhabitants of the rural areas. I can anticipate the Government, or some hon. Members adducing the argument that it would be creating a great deal of work for the Magistrates in the rural areas, but I would point out that in the rural areas one finds that many houses and land on which houses are built are owned by the individuals occupying them, but there are a few cases in which houses, or land on which houses are built, are being rented or leased. Consequently I do not anticipate, if the Ordinance is extended to protect the inhabitants in the rural areas, that there would be an undue number of cases coming up before the rural Magistrates. In view of these circumstances I commend this motion for the consideration and approval of Members of this Council.

Mr. CARTER: I beg to second the motion which has been moved by the hon. Member for Central Demerara. As a legal practitioner who practises not only in Georgetown but also in the country districts, I have come across quite a number of cases, not as many as in Georgetown, in which there has been a great deal of hardship on tenants who have been compelled to give up the occupancy of their holdings, or even in some cases to remove their houses from lands they rented. I have always wondered what was the reason for the non-inclusion of country districts within the realms of the Rent Restriction Ord-

nance. It may have been that when the Rent Restriction Ordinance was passed in this Council, there was no housing shortage in the country districts. If that was so at that time, I am sure it is not the case today in the districts on the East Bank, Demerara, particularly. I know that at the Providence Court applications have been made by landlords for possession of their houses, and those landlords had not to state any reason why they required possession, as is done in respect of houses within the Rent Restriction areas. For any whim or caprice they can get their houses vacated, or the land which they own, and on which people have built houses, vacated for their own use. I feel that the time has come when the Rent Restriction Ordinance should be extended throughout the country, and I have much pleasure in supporting the motion.

The ATTORNEY-GENERAL: Hon. Members are aware, I am sure, of the fact that under the provisions of the Rent Restriction Ordinance, No. 23 of 1941, section 4, power is given to the Governor-in-Council to extend the provisions of the Ordinance to any area. Section 4 of the Ordinance is as follows:—

"(1) The Governor in Council may by Order—

- (a) extend the provisions of this Ordinance to any area described in the said Order;
- (b) declare the manner in which the standard rent of any house or land made subject to the provisions of this Ordinance by any such Order is to be ascertained."

Therefore, power is given to the Governor in Council to extend the application of the provisions of this Ordinance to any area. Under those provisions, as the hon. Member for Central Demerara has said, the Ordinance was extended to Christianburg, Wismar, Bartica and to New Amsterdam. It was extended to Christianburg and Wismar and to Bartica in 1942, and to New

Amsterdam in 1944. Those are built-up areas, and clearly the object of the Rent Restriction Ordinance was to prevent the infliction of exorbitant rental charges by landlords. Obviously, where there are areas of land where this difficulty does not obtain, it would not be necessary to apply the Rent Restriction Ordinance. It would only be applied where there are such built-up areas where, as a result of a shortage of houses, landlords, following the law of supply and demand, may be tempted to charge exorbitant rentals. That is why the power is there and is put in that form. It was really with the object of safeguarding the tenants from undue charges and, one might say, exploitation at some time. But to apply the Ordinance as a whole to the whole of British Guiana, from a practical point of view one can appreciate that that would be neither necessary nor desirable. There are vast tracts of this country where there is not even a house, and there is no necessity for it.

I suggest to hon. Members that the provisions in the Ordinance are sufficiently wide to enable any of the objects which the hon. Member seeks to achieve to be realized. That is where there are built-up districts or areas, and it is established that from the nature of the holdings of the land, and from the nature of the tenancies, it is desirable that the Order should be extended or applied to those districts. Of course that can be done, but to apply the Ordinance wholesale would not meet the purpose at all, for the simple reason that hon. Members know that the coastlands are the inhabited parts of this country and of these coastland areas Georgetown, New Amsterdam, Bartica, Wismar and Christianburg are the built-up ones.

Mr. ROTH: I do not think Bartica, Wismar and Christianburg can be called coastland areas.

The ATTORNEY-GENERAL: I have added those. I am not as familiar with the interior as the hon. Member. I quite

appreciate his trying to make the distinction. The emphasis which I was endeavouring to put was on the built-up areas of the Colony. Obviously, rent restriction does not apply where an area is sparsely populated, and if you use it in the districts such as I have mentioned, where it becomes necessary from the nature of the circumstances, that the Rent Restriction Ordinance should be applied, it is a method of approach. This is a more positive way of providing against the difficulty.

The hon. Member for Central Demerara (Dr. Jagan) has emphasized the question of land holdings as against houses. The Ordinance provides for rent restriction to be applied to houses as well as land, and where it can be clearly established that there are districts where it is necessary and desirable that the Rent Restriction Ordinance should be applied, provision is made in the Ordinance for such application, and it is unnecessary to amend the Ordinance to apply to the whole Colony. The Magistrates in the districts take note of what cases are brought. The real position is that it is necessary to extend the provisions to certain areas which do not come within the Ordinance. The hon. Member for Georgetown South (Mr. Carter) said he had come across cases in which there had been a great deal of hardship to people in Georgetown and other areas, who had to remove their houses from leased lands.

Mr. CARTER: I referred to places on the East Bank.

The ATTORNEY-GENERAL: The argument is the same. Those are built-up areas, and where there is a shortage of houses and exorbitant rents are being charged for lots, the question can be dealt with under this particular section. Once it is established that there is necessity for the application of the provisions of the Rent Restriction Ordinance the Governor in Council can act. We cannot make provision for the Ordinance to apply to the whole Colony

when there are large areas of the Colony where there are no houses or settlements to come within the term of rent restriction.

Mr. LEE: I am in sympathy with the motion. In respect of lands owned by sugar estates, on which people have built houses, the rent of the land has been increased in certain instances as much as 1,000 per cent. Some people who were paying \$1 per month now have to pay \$10 per month. In other cases the rents have been increased from 50 cents to \$2 per month, and in some cases people who were paying \$5 per year are now asked to pay \$20 or \$25 a year. Those people cannot remove their houses. In some cases they cannot afford to do so, and in other cases they cannot get land. I am not suggesting that the lands on which the houses are erected are not worth more today, but in increasing the rents to the extent they have done, the proprietors have gone a little too far. The people are being compelled either to break their houses down or to work on the estates. It is a form of compulsion which is distinctly wrong.

In my constituency Government has condemned the ranges on the rice estates, and has promised to acquire land for the purpose of building houses. I hope the hon. Mover will introduce a motion requesting Government to carry out that promise, and I am sure he would get the support of the entire Council. There is a shortage of houses for working people who would like to live near the sugar and rice estates. I hope that the time will soon arrive when Government will see the necessity of converting these areas into Village Authorities. I refer particularly to the East Bank. I am aware of the hardship that is being experienced there, and I sincerely hope the proprietors will do something about it. The proprietors on the Essequibo Coast are also taking advantage of the situation. They cannot increase the rental of the lands for rice, but they have done so

in respect of the ranges and the fees for the agistment of cattle. Those things are wrong, and I would like Government to take note of them.

Mr. MORRISH: The hon. Member who has just taken his seat has made certain statements, one of which was to the effect that he knew of cases—I think I am correct in saying on sugar estates—where the rental of lands has been raised 1000 per cent. As a member of the Sugar Producers' Association I would be very grateful to the hon. Member if he would give us some information on that, because I am quite sure the Association would be glad to explore it further. It seems incredible that rents could possibly be increased by 1000 per cent. The hon. Member went on to say that he knew of a number of cases on the East Bank. It happens that the Company with whom I am employed, largely own the sugar areas on the East Bank, and I happen to know a very great deal about the rents for such parts of the estates as are leased to workers, and I am very surprised indeed to hear that there has been any extraordinary increase as suggested. In fact I can deny that very flatly.

The hon. Member also remarked about compulsion. I think it is common knowledge that the two Bills, the first of which was moved by the hon. the Attorney-General this afternoon, are very closely tied up with this matter of housing in country areas, with particular interest to the sugar industry. I think if the hon. Member would explore the Labour Welfare Committee's recommendations he would find that in the extra nuclear areas which it is proposed to create, I believe I am correct in saying that the rental for land is one shilling per month, which amounts to an indefinite lease. The suggestion of compulsion of such people as may take up lands in those areas is therefore out of the question and impossible to achieve, even if so desired.

There is one other point I would like to make which does not affect the industry with which I am connected. I refer to the question of the renting of houses. In fairness to the landlords, it must be remembered that the cost of building materials and maintenance has probably gone up 200 or 300 per cent. within the last five years, and while no doubt there are those who will exploit such a situation, it does seem that there is some justification for some moderate increase in rentals.

Mr. LEE: I would suggest to the hon. Member that if he looked at the files of the Local Government Board he would see that the residents at Grove were sent a notice in which certain percentages were charged, and that a request was made of the proprietors for the purchase of the land for conversion into a Local Authority.

Mr. MORRISH: To a point of explanation. I did not quite follow the hon. Member's remark. I would be glad if he would repeat what he said.

Mr. LEE: I referred to the notices in respect of the increase of rentals for land at Grove, which were given about four years ago, and to the request made by the people to Government to take over the land by compulsion and convert it into a Local Authority.

Mr. MORRISH: To a point of information. I may state that the Demerara Company, who are very largely the owners of Pln. Grove, have indicated their willingness that that area should become part of the Local Authority.

Mr. LEE: I am glad to hear that.

Mr. FERNANDES: I have been asked on more than one occasion why the Rent Restriction Ordinance did not apply to the whole Colony, and I explained that there was provision in the Ordinance by which it could be applied to the whole Colony, or to any part of the

Colony to which the Governor in Council felt it should apply. Of course, at the outset the Governor in Council decided that the Ordinance should be limited to Georgetown and the areas within three miles of its boundaries, and to New Amsterdam, Bartica, Christianburg and Wismar. At that time there was no necessity to extend it any further, but on account of the very stringent housing shortage in the City some people have been forced to move beyond three miles of the boundaries of the City. The hon. Member for Georgetown South (Mr. Carter) referred to some of the people on the East Bank who are further away from the City than three miles. Lots of City people have now gone to Kitty and Subryanville, and some as far as Plaisance and Beterverwagting, and I understand that a few are within reach of Buxton. The invasion of the nearby villages by people from Georgetown has resulted in a shortage of housing in those areas, and as the Rent Restriction Ordinance does not apply there, I can quite see the proprietors of houses endeavouring to put their village tenants out in order to accommodate persons who are working in Georgetown, by charging them increased rent. Of course the owners of houses, like the owners of any kind of business, naturally try to get as much as they can out of their investments.

I am supporting the recommendation that the Rent Restriction Ordinance be extended to the whole Colony, in spite of the arguments adduced by the hon. the Attorney-General, because if it is just extended here and there there would be some difficulty in people not knowing exactly where it operates and where it does not. In areas where there are no houses the Rent Restriction Ordinance, even if in force, would have no effect. In areas where rentals have not been increased to any alarming proportion everybody would be satisfied, and nobody would go to the Courts to have their rents fixed. here are several laws in the Statute Book

which cover the whole Colony but only affect certain areas. I am sure that, with the exception of the areas around Georgetown and New Amsterdam, the Magistrates would have quite a lot of extra work. But that is no reason why, if those areas need rent restriction, it should not be made to apply there.

I am going to support the motion because I feel sure that rent restriction is necessary in a number of areas, and I would like to avoid the difficulty of knowing exactly where the boundaries are by making the Ordinance apply to the whole Colony, as there would then be no argument as to whether a person is on one side of the line or the other.

Mr. PETERS: As a practising lawyer who is supposed to know something about the operation of the Rent Restriction Ordinance and its enforcement by the Courts, it is my considered opinion that the provision in the Ordinance whereby the Governor in Council can from time to time declare certain areas of the Colony Rent Restriction Areas, is sufficient to take care of what my friend on my left (Mr. Carter) has in mind. We must realize that it was because the Legislature, in enacting the Rent Restriction Ordinance, felt that it might be necessary to extend its operation from one part of the Colony to another, it made provision in the Ordinance for the Governor in Council—not the Governor alone—to make such decisions. In a matter of this kind I feel that the Governor in Council is sufficiently competent to take cognizance of what is happening throughout the Colony in the matter of the rental of premises, whether houses or land. It is competent to do what is right and just in the interest of the people, and in view of that and my own experience of the operation of the law, I am afraid I cannot support the motion.

Capt. COGHLAN: The last speaker has said that the Governor in Council, and not the Governor alone, would make the provision necessary for

the extension of the Ordinance to other areas. When reference is made to the Governor in Council it is understood to mean the Governor with the advice of the Executive Council, but the Governor is not compelled to accept the advice of the Members of the Executive Council, so that the Governor in Council is in fact the Governor alone, if he wishes to override the wishes of the Executive Council.

With regard to what has been said by my friend on my right I do not see any harm could be done by extending the Ordinance to the entire Colony, because from time to time the rural areas will become more congested than they are at present. Evidence of that has been given by many Members, and in view of that the Governor in Council would be labouring from time to time to decide what area or areas should be proclaimed. The difficulty would be avoided if it were decided once and for all to make the Ordinance applicable to the entire Colony. I therefore think that, notwithstanding Section 4 of the Rent Restriction Ordinance of 1941, which gives the Governor in Council power to extend the application of the Ordinance to any area, no harm would be done by allowing this motion to go through.

With regard to the suggestion that rents have been greatly increased on sugar estates, I can say from my own knowledge of the Managers of sugar estates—and I know quite a few of them—that I think the situation is perhaps a little exaggerated when it is suggested that rents have been increased by 1,000 per cent. There have no doubt been increases of rent on sugar estates, and perhaps there may be specific cases of grievances, but, generally speaking, I do not think the sugar producers would have the slightest objection to this motion going through, because I do not think they wish to do anything which would greatly operate against the people who are renting houses or land from them on the suga^r.

estates, provided they work on the estates.

Mr. MORRISH: To a point of correction! The sugar estates do not rent houses.

Capt. COGHLAN: No, they rent land on which the houses are built.

Mr. FARNUM: I feel that I will have to support the motion, because while it is true that the Governor in Council has power to apply the Ordinance to any area within a 3-mile limit of Georgetown and New Amsterdam, application has to be made to the Governor in Council to have it applied to some district.

The ATTORNEY-GENERAL: I do not think there is any application to be made at all. The law does not say so.

Mr. FARNUM: How would the Governor in Council extend the Ordinance to other areas?

The ATTORNEY-GENERAL: How did they extend it to Christianburg and Wismar? If it comes to the knowledge of Government that it is desirable that there should be an extension of the provisions of the Ordinance to a particular area it can be done.

Mr. FARNUM: I have in mind that for the Governor in Council to apply the Ordinance to some area application would have to be made. I know of areas outside of villages where the people are exploited by increased rent of land. They suffer a great deal of hardship and have no means of bringing the matter to the attention of the Government.

The PRESIDENT: The District Commissioner or the Local Authority would bring it to the notice of Government:

Mr. FARNUM: I was referring to the Rural Sanitary Authorities.

The FINANCIAL SECRETARY & TREASURER: When the hon. Member for Demerara River (Capt. Coghlan), was speaking I gathered that he was referring to this matter in terms which seemed to imply that the Rent Restriction Ordinance was a permanent feature. He used the words: "Let us settle this matter once and for all."

Capt. COGHLAN: Do you say that I said that?

The FINANCIAL SECRETARY & TREASURER: The hon. Member used the words: "once and for all." Perhaps the conclusion I am drawing from what he said is erroneous. The point I am making is that rent restriction by legislation is, I hope, an emergency feature. It is true it has lasted for some time, and under the conditions which beset us today it will be necessary for it to continue for a longer time but, nevertheless, this compulsory feature by which rents are kept down is not a normal feature of legislation at all. Let us all hope the time will come when it can be rescinded. As a matter of fact I believe I am right in saying that the Ordinance itself fixes a limit, a date for its expiry, and it is continued by virtue of resolutions of this Council from time to time.

It is not a permanent feature at all. This does not go to the root of the motion, but I do think that by reason of that fact, and by reason of the fact that the provisions can be applied on application either by any person in authority or any member of the public, all that is necessary is for the Governor-in-Council to become cognizant of a situation and to apply the provisions accordingly.

Dr. JAGAN: I will take the hon. the Financial Secretary and Treasurer first. He stated that the Rent Restriction Ordinance is merely an emergency measure. It has been an emergency measure in order to protect the people in the areas, to see that

they maintain their standard of living in the face of the increasing cost of living. Why is it felt by the hon. Member that because it is an emergency feature it should be applicable only to certain areas and not to the rural areas in general? While it is an emergency feature I would like to point out that the hardship experienced by the people in the rural areas is as great as that experienced by the people in the areas mentioned in the Ordinance. We know that at the present time the people in the rural areas are mostly farmers planting rice, ground provisions, etc., and we know that the recent guaranteed prices fixed by the Government are more or less the same as those fixed three years ago. But when we consider the increased cost of living to these people, and that they have to pay not only the same prices as in the city of Georgetown and other places listed in the Ordinance, but in many cases more, even though it is said that the Rent Restriction Ordinance is an emergency feature and should last while the emergency is there so as to protect the people, I submit that in the same way as it is felt that certain areas should be protected by the Ordinance, the other areas should also be included.

The FINANCIAL SECRETARY & TREASURER: I do not deny that.

Dr. JAGAN: It seems that the hon. the Financial Secretary and Treasurer is under the impression that it is no use making the Ordinance applicable all over the country. With reference to the hon. the Attorney-General's speech, what I would have liked to hear him say was that the application of this Ordinance to the whole country would have created great difficulty, but so far hon. Members of this Council have not been given the privilege of hearing what those difficulties would be. All he has said is that if there is necessity for protection in the rural areas then the Governor-in-Council would deem it fit to extend the provisions of the Ordinance to those areas. The mere fact that we have scattered over

this Colony several villages, country districts and what are known as rural districts, wherein houses as well as land are being rented, we can visualize the numerous cases which may not come to the attention of the Governor-in-Council, but nevertheless they are there and are creating a hardship. I myself, as I have pointed out, have had to write the hon. the Colonial Secretary several letters on behalf of many of those persons, and there are many others for whom I have not written and whose cases I have not represented. I am sure hon. Members of this Council have had similar experience.

Let us take the villages in this country. Most of them are not protected by the Ordinance at the present time, and the Members of this Council who represent the Village Chairmen's Conference, can confirm that the tendency today in many villages is for landlords to build houses to be rented to individuals. Because of that factor we find there is necessity for protection of those people who may be renting dwelling houses. What is the Governor-in-Council to do? Will it say that one set of villages in one constituency will need protection and not the others? I feel it would be much fairer to extend this Ordinance to cover all the villages throughout the whole country. Almost every constituency has Village Authorities. Even if we take what are known as Country Districts, where there are no elected members of the Local Authority but nominated councillors, we find there is necessity for such protection.

The hon. Member for Essequibo River (Mr. Lee) cited cases of his experience on the Essequibo Coast. There we have landlords who not only rent land but rent house spots to tenants. The renters of rice lands are protected under the Rice Farmers (Security of Tenure) Ordinance and thus increased rentals cannot be charged. But the landlord is free, if he desires to increase his rentals, to push it on to

the house or house lot, and who can prevent him from doing that at the present time? We have instances of that not only in the Essequibo River District, the West Coast, Demerara, and Eastern Demerara Districts, etc.

I can see that no harm would be done if the Governor in Council or the Government agreed to extend this Ordinance so as to make it applicable to the whole Colony. If the Governor in Council were left to decide what areas are to be protected, then we can very well see that the areas to which this Ordinance will not be extended by the Governor in Council may have several cases of people experiencing hardship: The point is, not that the majority of people in a particular area may need protection under this Ordinance, but there may be a minority in these areas which may need that protection as set out in the Rent Restriction Ordinance, and ought to be protected. That is why I suggest it should be made applicable to the whole country. I can understand that the fear is that undue hardship would be placed on the Magistrates. That is the point I want the hon. the Attorney-General to emphasize, but he has not emphasized it. He merely went on to the point that the Governor in Council can extend this Ordinance to any particular district. That will not remedy the situation because, in every district, cases are turning up for protection under this Ordinance. Therefore I feel this motion should receive support, and I recommend it wholeheartedly to Members of this Council for approval.

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

For—Messrs. Carter, Phang, Fernandes, Farnum, Thompson, Roth, Lee and Captain Coghlan—9.

Against—Messrs. Morrish, Smellie, Peters, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—6

Motion affirmed.

GOVERNMENT ACQUISITION OF NEWTOWN.

Dr. JAGAN: I beg to move:

"WHEREAS the residents of Newtown, East Coast, Demerara, are generally insecure, being month-by-month tenants of the proprietors of Newtown;

BE IT RESOLVED that this Council recommends that Government acquire Newtown, East Coast, Demerara, and resell house lots to the residents on an easy payment plan over a period of twenty years."

This motion seeks to ask Government to acquire Newtown, East Coast, Demerara, and resell the house lots to the residents on easy payment spread over a period of 20 years. I remember not too long ago, the hon. the Financial Secretary and Treasurer, in moving the motion to acquire Campbellville, suggested that the people in that area were subjected to insecurity of tenure. They were month-by-month tenants and, consequently, it was felt that some protection should be given to those people.

The FINANCIAL SECRETARY & TREASURER: May I rise to a point of explanation. I did not say those words. I said they might be subjected to insecurity if the property was sold by the present owners to others. In fact I made the point that the tenancy was quite reasonably satisfactory from their point of view, because of the goodwill of the present proprietors which might not exist after the property was sold to others.

Dr. JAGAN: That is a further elaboration of the point. Anyway this motion seeks to give protection to the tenants of this era who have been residing there for many years. Newtown is comprised of an area of approximately 59.98 acres. The area is fully developed but it is owned today by private individuals who lease the land in house lots to the residents of that area. The residents pay a month-

ly rental but their tenure is otherwise than secure. To provide hon. Members of this Council with some information as to the land, I have extracted from the Deeds Registry certain relevant information so that if this Council decides to purchase this area Members would know the whole story—the total number of acres involved and the number of people resident there, etc. Part of this area was first purchased in 1911. Mr. George Garnett, as the Attorney of La Penitence Estates, Ltd., transported to Mr. Antonio D'Andrade and Mr. Manoel Da Silva 35.35 Rhineland acres for \$5,713.25.

Mr. SMELLIE: The name is George Russell Garnett.

Dr. JAGAN: I did not include the middle name. It is George Russell Garnett. There was a subsequent transport in 1912 by the same person, in favour of the said two persons of 24.63 Rhineland acres for \$4,000.50. In 1913 Messrs Antonio D'Andrade and Manoel Da Silva transported an undivided one-third share of the total holdings, having a value of \$3,243.91. In 1944 one-sixth of the whole area of 59.98 acres was transported to M.C. Gouveia and others for a total sum of \$28,587.50. That is approximately 10 acres for \$28,587.

I have moved this motion because I feel that this area is very near to the City, and while City residents are enjoying certain amenities the people in this nearby district of Newtown are not at present receiving the same amenities. By amenities I mean, Sir, supply of piped water, proper roads, etc. In Newtown there is no proper provision for piped water into the homes of the residents. The ordinary trench water has to be utilised for the purpose of washing, and in many cases for the purpose of cooking. I do think that in this day and age such a situation is far from satisfactory, especially when we consider that Newtown is almost within the City of Georgetown. We do know

that from the Town Planning Authority's scheme for a Greater Georgetown, such areas are included for the expansion of the City of Georgetown, and consequently should Government acquire this area, set it up as a Local Authority, and resell the house lots to those who are now occupying them, I feel sure it would provide greater amenities for the residents and in due course make that area as good as the City of Georgetown itself. At the present time certain roads in Newtown are closed to traffic. That causes a great deal of difficulty to some of the residents in cases of illness. In rainy weather, when some of the roads become very bad, the residents experience a great deal of difficulty, especially since motor cars cannot travel along these blocked roads. Just as in the case of Campbellville, which is an area a little farther from Georgetown than Newtown, and which Government has decided to acquire for the purpose of the protection of the residents of that area, and in order to bring greater amenities to the people resident in Campbellville, I feel that this intervening area of Newtown should also be acquired by Government so as to give similar protection to the tenants there and also to create the necessary amenities which are certainly required by those residents in and around the City of Georgetown.

We have been told, Sir, that the potable water supply scheme will soon come into operation, and that within a month or two the people in Georgetown would be receiving and enjoying the benefits of this pure water supply scheme. I am told that if the Government were to expend a few thousand dollars more this potable water supply scheme could be enlarged to include the areas of Kitty, Lodge, Newtown, Campbellville and perhaps Subryanville and Bel Air. I do not know whether those people want it or not, but my information is that at a relatively lower cost, since the scheme has to continue in any case, an additional quantity of water

could be provided for the amenities of the inhabitants in the surrounding areas in what is known as Greater Georgetown. But I can foresee that as long as private individuals own large sections of land, and as long as the individuals feel that it is against their financial interests to agree to such a scheme as a potable water supply, certainly such a scheme would not be extended to those areas, and the people would not be receiving the benefits of such a scheme. In view of those circumstances, Sir, I have great pleasure in recommending this motion for the approval of hon. Members of this Council.

Mr. LEE: I have great pleasure in seconding this motion, but I would certainly ask the Mover to consider the question of compulsory acquisition by the Government, because I know as a fact that the heirs of this property are not willing to sell, and unless it is compulsorily acquired by Government it cannot be obtained. No one can deny the fact that if the City is to be extended it has to be towards the east and the south, and this property would have to be acquired in order that that extension east can be done. It ought not to be done in a piecemeal manner.

The FINANCIAL SECRETARY & TREASURER: Does the hon. Member say that the land has to be acquired by somebody?

Mr. LEE: I did not say that, I am saying that the land has to be compulsorily acquired for such extension of the City east, because the heirs of this property are not selling. They say it has been left to them by their forefathers and they are not selling it. Therefore Government would have to acquire it compulsorily. Government could then turn it into a Local Authority or, if the City is going to be extended, the City can take it in. Perhaps, I am misunderstood. If the City is to be extended it would have

to be taken in. Government could make it a Local Authority, as will be done with Campbellville, and in time to come it could be taken over by the Municipality. It is only a question now of acquiring it. Because of the high rates and taxes in Georgetown the residents of Kitty are against joining up with Georgetown, but if they see that they would be benefited by joining up with Georgetown they are going to do so. At present they feel it is not to their advantage to do so. The amenities that are required for a proper standard of living, and which obtain in the nearby City, are not provided in this little area, but that can be provided if the residents so desire after the acquisition. I feel that they should be given that opportunity, and the opportunity to purchase the land on a long-term basis of 20 years in order that they could have freehold title to the land. The roads are bad, and there is no doubt that the proprietors are not making them up, because they do not want to spend money on the roads out of the rentals they get. They are very near to the water supply station of the Georgetown Municipality, and I feel sure that water supply can be extended to them. I would warn Government not to pay the high price that certain other land-owners have demanded of Government for their lands. I would not agree if these people want an exorbitant price.

Mr. FERNANDES: I am a little amused at the remarks made by the hon. Member who moved this motion. The figures supplied were very interesting. Everyone knows that the division between Newtown and Campbellville is just a canal and a road, yet a short while ago we heard of the terrific price which this Government was paying for Campbellville. That price was in the vicinity of \$1,900 per acre, yet the hon. Member today tells us that as far back as 1924, when land values were lower than they are today, that portion of this block of land right in front of Campbellville was trans-

ported or sold at \$2,800 per acre. As one who supported the purchase of Campbellville at \$1,900 an acre, I feel very happy today to find that my decision in supporting that price is more than justified by the figures provided this afternoon by the hon. Member who was bitterly opposed to the purchase. I was also surprised at the remark made by the hon. Member for Essequibo River (Mr. Lee) when he said that for the City to be extended to the east the land at Newtown would have to be forcibly acquired. That is something which is very far from the truth. If Newtown is included in the City there is nothing to prevent its present owners from continuing to own the land. The only thing is that the owners of the land would have to pay taxes to the City Council which would take care of all the amenities in the area, such as roads, water supply, and things of that kind, and of course the people of Newtown who own houses but are not paying any kind of taxation, would also have to pay taxes. That is all it would mean.

I am one of those who feel very strongly that every person who owns a house and has the ambition to acquire the land on which the house stands, should be given an opportunity to do so. Of course Newtown is in a very much different position from Campbellville. In the case of Campbellville the ownership was being changed. There was no moral obligation on the new owners to give any sort of consideration to the people who already occupied the lands. The new owners would have been quite in order to adopt every means allowed them by law to get the best they could out of their bargain if they had been allowed to purchase Campbellville. Of course Government stepped in and was able to protect the people. In this case that condition of things does not exist. The people are paying leases, and as far as I know there has not been any general dissatisfaction over the rates charged, or things of that kind. We have heard today that they have not

got potable water piped into their houses, and things of that kind, but that they would get those things if Government acquired the area and sold the lots to those who were willing to pay for them. They could petition the Governor to have the area declared a village area, or, as the hon. Member for Essequibo River (Mr. Lee) suggested, it could be absorbed into the City. Of course we cannot get amenities unless we are prepared to pay for them.

While I strongly urge that every opportunity should be seized to enable those people who own buildings on leased land to purchase the land, I would hesitate to recommend to Government the compulsory acquisition of those lands, because I am sure that the price of land acquired by such means would be beyond the means of those people who own buildings in that area. I say so because the lands are valuable. There is no doubt about that. The hon. Mover did not see it fit, as he did on the previous occasion, to give us an idea of the profits made by the owners of the area. I suppose that because its not a limited liability company he was unable to get the information. On the last occasion he gave us information as far back as 1940, but on this occasion I would have liked information as to the profits made in 1950, because I can assure the Council that while I have good reasons to believe that this area is a very good investment to those who own it, as they bought it a long time ago when land was cheap, and that they are quite satisfied with their present returns, it would be a very poor investment at 3½ per cent. if Government had to pay the price those lands would be worth if they were put on the market at public auction today.

That being so, while I am in sympathy with the people of Newtown and would like to see them own their house lots, I would support the motion if the hon. Member had asked Government to explore the possibility of nego-

tiating for the purchase of the area. But I cannot support it if it is the hon. Member's intention that Government should go right ahead and take the land away from its owners and leave it to the Court to assess the price that should be paid for it, because I fear that the valuation would be far greater in comparison with what it is costing those people today to have the use of those lands. If the amount they would have to pay for the land at 3 per cent. would be twice as much what they are paying as lease I am satisfied that the compulsory acquisition of the area would not benefit the people. As a matter of fact they would be harder pressed than they are at present. I therefore cannot support the motion as it stands, except the hon. Member amended it so as to recommend to Government that negotiations be entered into with the owners with a view to acquiring the land. If the negotiations are successful and a price is submitted to this Council, I would then decide whether it would benefit the people if Government purchased the land on their behalf at the price at which the proprietors would be agreeable to sell.

Mr. CARTER: I desire to support the motion but, as the last speaker has said, only if it is amended. I am afraid that the last speaker rather stole my thunder because, when he spoke about the suggested amendment and I looked at what I had written I found that my views corresponded with his. Therefore, I am going to move an amendment to the motion as I had written it before the last speaker made the suggestion. I move that the resolution be amended to read:

"Be it resolved that this Council recommends that Government enter into negotiations with the proprietors for the acquisition of Newtown, East Coast Demerara, with a view to reselling house lots to the residents on an easy payment plan."

I do so not only for the reason stated by the last speaker, but because I do

not think this motion should be in the mandatory form in which it is. I feel that Government should negotiate with the owners instead of resorting to a compulsory acquisition of the land which would tend to influence the purchase price. I am very pleased that this motion has been brought before the Council, because I feel that Government should take the initiative in endeavouring to provide security of tenure for persons who own houses on leased land. The hon. Member for Eastern Demerara (Mr. Debidin) is not present, but he mentioned during the debate on the Campbellville purchase that there were other lands on the East Coast with respect to which he proposed to make a similar request to Government, and I think that, wherever possible, Government should pursue this policy of acquiring land for the purpose of reselling on a plan and pattern similar to that adopted in respect of the purchase of Campbellville and Bel Air. I feel that Government should negotiate immediately for the purchase of Newtown, and if and when a purchase price is arrived at the matter should be referred to Finance Committee, by whom it could be decided whether or not the purchase would be in the interest of the residents in that area.

Mr. FARNUM: I believe that I know the Newtown area better than any other Member of this Council, and I think the time has come when an effort should be made to enable the tenants there to acquire the lands on which their houses are built. I agree that negotiations should be opened with the proprietors with a view to arriving at a purchase price satisfactory to both sides. If negotiations fail I think it would be incumbent upon Government to investigate the terms and conditions of the leases. I regard them as being absolutely unconscionable. I have lived quite a long time in that district and have received many complaints about the month-by-month tenancy. No tenant can dispose of his building without first offering it to the proprietors, who

have the right of refusal. If a tenant disposes of his building without the knowledge of the proprietors he is liable to have his tenancy terminated. A case was brought to my attention about two years ago of a poor woman who leased a portion of a house lot from someone else. The woman, who seems to be a bit of a politician, summoned a public meeting in the district to complain against the absence of amenities and the general unsatisfactory conditions in the area. About a week after the lessee of the house lot was given notice by the proprietors to give his sub-tenant notice to remove her house from the lot, failing which his tenancy would be terminated. In order to protect himself the lessee gave the woman notice to remove her house. The woman had nowhere to remove her house and she was eventually summoned before the Rent Assessor who ordered that her house be demolished. The house was demolished and piled up on the parapet of the road.

The terms of the leases are very unconscionable, and I think the time has come when Government should enter into negotiation with the owners of the area with a view to purchase and resale of the lots to the people who lease them. In the absence of the purchase of the area the terms of the lease should be examined, and some proper form of lease prepared for the protection of the people who own houses at Newtown. I do not know whether Government has that power. I understand that some time ago when representations were made it was stated that it was a question of a contract between proprietor and lessee, and that if the lessee was not satisfied with the terms of the lease he need not enter into the tenancy. But, after all, houses are required for the people.

Another matter, which is perhaps not known to hon. Members, is that there are few roads in Newtown, and only two of them are open to the public. The other three or four roads are private

roads which can be closed at any time the proprietors desire. If Government proposes to develop Campbellville, which is immediately east of Newtown, it will be necessary for the people there to have outlets to the public road. That is a matter to which Government will have to give consideration. No tenant is allowed to keep a shop in Newtown, and carts are not allowed to take supplies into the area. The residents in the area have to purchase their goods from the shops carried on by the proprietors. All those hardships exist in Newtown, and I think the time has arrived when something should be done to give the residents some sort of security.

Mr. CARTER: Did the hon Member second the amendment?

Mr. FARNUM: No.

Mr. FERNANDES: I would like to second the amendment moved by the hon. Member for Georgetown South (Mr. Carter).

Mr. WIGHT: I was not here during the earlier portion of the debate, but I gather from the question which the hon. Member for Georgetown South has just asked, that he, or some other Member, has moved an amendment to the motion recommending that negotiations should be entered into with the proprietors for the purchase of Newtown. If that is so I can see no objection to negotiations taking place with respect to all those areas around Georgetown within a radius of $3\frac{1}{2}$ miles. I say that because, for several years, the Georgetown Town Council has made representation to Government that the area of land surrounding the City within a radius of $3\frac{1}{2}$ miles, should be incorporated into the City. That, of course, has aroused some measure of opposition from the residents at Kitty, but the City has to be extended either up the East Coast or on the East Bank. It cannot be ex-

tended north into the sea, or west, unless we bridge the Demerara river.

It is amazing to find the hon. Member for Central Demerara (Dr. Jagan) moving this motion to acquire Newtown. It seems to me that there is a notion held in this Council, especially by the hon. Member, that lands should be acquired from their owners by compulsion. Presumably, that is the doctrine of the U.S.S.R., with which I believe the hon. Member is very familiar, and no doubt follows to the fullest extent. Fortunately, we are not yet controlled by that system, and I hope that in the interest of humanity we will never come under that system. Anyway, the hon. Member is suggesting the acquisition of that area. I wonder if he has thought for one moment about the price that would be asked for those lands? In the previous debate the hon. Member was against the purchase of Campbellville by Government for \$480,000. I can assure him that it is very unlikely that Government would be able to acquire Newtown for anything like \$480,000.

I am sorry the hon. the Attorney-General is not in his seat to confirm what I intend to say—that the Courts have a fixed principle upon which acquisition of land for public purposes is allowed. I do not think the Attorney-General would advise Government to rush hastily into the compulsory acquisition of any land unless this Council was prepared to vote whatever compensation was awarded by the Court. I am not too sure but I would say that it would be at least seven or eight times more per lot to acquire Newtown than it would be to acquire house lots at Campbellville or any other surrounding lands. There is no harm in this Council recommending that Government should negotiate with the proprietors of Newtown, but I would seriously advise against compulsory acquisition unless this Council would be prepared to vote whatever sum the Court awarded.

Mr. FERNANDES: I wish to speak on the amendment. Since it was moved, the hon. the Fourth nominated Member (Mr. Farnum) made some remarks in connection with Newtown which bear on the amendment. He said that if it was not possible for Government to arrive at an agreement with the proprietors (or words to that effect) for the purchase of those lands, the terms of the lease and things of that kind should be gone into. I agree with that, but the hon. Member mentioned the case of somebody's building being thrown on the side of the road. It was done on an order by the Rent Assessor, and I am sure the hon. Member does not suggest that in doing so the Rent Assessor acted in collusion with the proprietors of Newtown.

Mr. FARNUM: There was no reference whatever, or any attempt to suggest that there was collusion between the Rent Assessor and the proprietors of Newtown when the order was made. What I pointed out was the result of the woman having the audacity to convene a public meeting to protest against the unsatisfactory conditions in the area.

Mr. FERNANDES: I thank the hon. Member for proving that he said exactly what he did not intend. In other words his point is that the Rent Assessor made the order because the woman made a political demonstration against the lack of amenities in the area, and the hon. Member was at pains to say that this person was thrown out because she dabbled in politics in order to show that the area was not being administered as it should be. Before the house was demolished the owners of Newtown had to establish to the satisfaction of the Rent Assessor that their case was a just one, and if their reason for wanting possession of the land was because of the political demonstration then the Rent Assessor acted in just the manner I suggested.

However, I will leave that point for the moment to say that I seconded the amendment because I feel very strongly that everybody should own the land on which their houses are built—not because I fear that the people at Newtown can be exploited. I do not fear that, because the Rent Restriction Ordinance applies to the whole of Newtown which is less than three miles from Georgetown, and as long as the Rent Assessor does his duty—and I think everybody will agree that he does it fearlessly and honestly—I have no fear of the lessees of the house lots being exploited by the present owners of Newtown. It is because of that that I do not recommend that Newtown should be expropriated. The hon. Member for Western Essequibo (Mr. Wight) suggested that Government should start right away to acquire all the land within three miles of Georgetown, for the purpose of having it absorbed into the City. My home is situated less than three miles from Georgetown, and if it is Government's intention to absorb into Georgetown the area in which I live I would be very pleased to start negotiations with Government for the purchase of my bit of land (it is one acre) for the purpose of having it incorporated into Georgetown, and I would move further up.

Mr. WIGHT: I have not spoken about acquiring individual areas of land. The hon. Member knows full well that he lives within Subryanville. Nobody is suggesting that Government should purchase private lands and property. I suggested that Government should acquire those areas for the purpose of extending the City, and my friend knows very well what I meant.

Mr. FERNANDES: I thank the hon. Member for the explanation, but the word used is "acquire."

Capt. COGHLAN: I would be very thankful, Sir, if you read the amendment.

Mr. ARTER: It reads:

"Be it resolved that this Council recommends that Government enter into negotiations with the proprietors for the acquisition of Newtown, East Coast Demerara, with a view to reselling house lots to the residents on an easy payment plan."

Capt. COGHLAN: Thank you. The original amendment was to negotiate. It takes two persons to negotiate; not one person. With regard to compulsory acquisition of land it is no use labouring the point. We all know that while there is the Compulsory Acquisition of Land Ordinance, that does not give arbitrary powers to the Government or anybody to fix the price which would suit them but not suit the vendors. Therefore, taking into account that we must enter into negotiation for the acquisition, the vendors may put such a price on these lands that Government intends to acquire that we can get no further than that. That seems to be the intention of the remarks made by Members of Council. Therefore, if, as has been said, the price that will have to be paid if a purchase takes place will be so high that the people who are renting the lands at the moment instead of paying less would have to pay very considerably more over a period of 20 years, I fail myself to see the object of even going through today with the amendment. There is no reason whatever why the motion and the amendment cannot be postponed, and Government be allowed to enter into negotiation in the meantime. This motion could then be brought up when Government has ascertained the price the vendors are asking, or is settled upon by a Court of Arbitration. I would strongly recommend that the motion be withdrawn temporarily until Government finds out what is the price that can be arrived at either by negotiation, arbitration or otherwise.

Dr. SINGH: I am sorry I was not present when the debate began. I had to attend another meeting. The area in question, Newtown, is just above the periphery of Georgetown. As

a matter of fact it is on the borderline of the City. Since it is so near the border of Georgetown it should be kept in a healthy and hygienic condition. The people there are paying good rentals, and I do think they are not getting justice for the amount of money they are paying. In the rainy weather doctors cannot go into the area as the roads are closed to vehicular traffic. I feel that those people have been suffering for too many years this inconvenience in times of sickness I think that something should be done either by the acquisition of the area or some sort of supervision be imposed so that the people would be able to have the facilities to which they are entitled.

The PRESIDENT: I take it that the seconder of the amendment agrees to this revised amendment.

Mr. FERNANDES: Yes, sir.

Dr. JAGAN: Sir, I have listened with interest to Members speaking on this motion, especially since not very long ago some of these hon. Members presented such forceful arguments for the purchase of Campbellville. In this particular case we are told by the hon. Member for Georgetown Central that the Rent Restriction Ordinance applies, and consequently these people have adequate protection. But I would like to tell him that even in the case of Campbellville, whether the original owners to keep the lands or even if they sell them to other individuals, the Rent Restriction and the Landlord and Tenant Ordinances apply. So that the arguments which were presented by me the other day for the acquisition of Campbellville certainly hold good today.

Mr. FERNANDES: To a point of correction! The arguments are not on all fours. The land was offered to Government by the owners in that case, but this is a motion to expropriate the land. Had Campbellville come before us for expropriation I certainly would have opposed it. I said that I would

not recommend and permit Government to go to the extent of expropriating lands.

Dr. JAGAN: I wonder where the hon. Member sees the word "expropriation" in my motion? I have not mentioned anything like that in this motion. I cannot see where the hon. Member has got the word from.

Mr. FERNANDES: To a point of correction! The word is "acquire," but if the people are not selling the land then the only way to acquire it is to expropriate it.

Dr. JAGAN: The point is that the hon. Member mentioned that in the case of Campbellville there was an offer to Government, but he must remember that before the offer came to Government as the result of petition, Government decided to acquire the land. It was not merely a question of an offer. The hon. the Financial Secretary and Treasurer himself said he approached the owners after it was felt the people had to be protected. It is the same thing. In this case the people have to be protected because they were not protected in the past, and have been suffering undue hardships. Members seem to see red and to see "Communism" everytime they see the word "acquire" mentioned. Acquisition simply means "to get hold of". Long before there was Communism in Soviet Russia people were acquiring; in Mexico they acquired the oil wells. There is no harm in using the word "acquire".

Why I object to the amendment to this motion is the fact that if Government is to acquire, negotiation must first of all take place. I am not suggesting for one moment that the Government should go and say to the proprietors "We intend to take over the land." That is not the object of this motion. The object of the motion is that, in the interest of the people, Government having decided that they should own the land for their own

protection, the land should be acquired for the benefit of those people.

How is the land to be acquired? That is a different matter altogether. If it is to be acquired, and that is the primary concern for the moment, then there must be negotiation. If it is not to be acquired, then let us not make negotiation. What is the purpose of accepting the amendment if Government decides that there is no purpose in acquiring the land? First, the purpose of acquiring must be decided, and having so decided then the next step would be to negotiate. If Government decides, or this Legislative Council agrees, that Government should acquire in the interest of the people, then obviously negotiation must take place. Let us assume for the moment that the negotiation breaks down, and that the price demanded by the landlords is exorbitant, then obviously the same necessity to acquire in the interest of the people is still there, and that is the only instance in which the Compulsory Acquisition Ordinance would come in. Government having decided that it is in the public interest, and having failed through negotiation, or arbitration, or whatever you want, as it is still in the public interest to acquire, the only possible way to do it is under the Compulsory Acquisition Ordinance. I do not see why Members should go into the question of expropriation and all such statements associated with that word for the moment.

I quite appreciate the views held by the hon. Members who have moved and seconded the amendment. But what would happen in the event of the landlords suddenly deciding they would have nothing to do with the selling of this land? Suppose this Council accepts the amendment and Government decides to approach the landlords, and the landlords immediately say "We will have nothing to do with this; we are not selling for any price whatever. We love the land and so will not part with

it for anything". Obviously, even though this Council would want to protect the tenants, it would have no means of protecting those people. The hon. Member for Georgetown Central suggested that the Rent Restriction Ordinance applies to these people, and consequently the Rent Restriction Ordinance is protecting these people at the present time. That is only so far as rental is concerned and their security is concerned, but the hon. Member has yet mentioned there are road blocks which prevent doctors from visiting the area. Can the Rent Restriction Ordinance compel these owners to remove those road blocks? Can it force the landlords to provide proper roads? Can it force them to keep the drains properly cleaned and see that the people get a proper water supply?

Mr. FERNANDES: The Sanitary Authorities can.

Dr. JAGAN: The Sanitary Authorities may do so, but we know what conditions the Sanitary Authorities will ask. We have had the Venn Commission Report and we have been told that in the case of the sugar estates the Sanitary Authorities are not operating there as wholly as they should. Let us leave that out for the moment.

The FINANCIAL SECRETARY & TREASURER: May I suggest to the hon. Member that the answer to the problem is not acquisition but bringing the place within the realms of a Local Authority? In Georgetown you have not to acquire property to bring it within the amenities.

Mr. LEE: Then it has to be declared by legislation.

Dr. JAGAN: It is really surprising that at one time we hear the champions advocating the cause of people own their own little houses, and on other occasions we hear the question of price. A lot has been said about the

Compulsory Acquisition Ordinance, and if the land has to be acquired what tremendous price would have to be paid because of the values at the present time. I can see that that Land Acquisition Ordinance will have to be seriously amended very soon to take into consideration other factors, such as the value of the land when it was purchased; at what price it was purchased; how much profit was made; how much expenditure was made on it, etc., and not only what it is worth in relation to other lands. I can cite examples to show where values fell overnight. If the Government were to bridge the Demerara River by spending \$5 million of the taxpayers' money, overnight the value of the lands on the other bank of the river would increase, and possibly land values in Georgetown would increase also. Value of land has some relationship with other factors which must be given due consideration. I do hope that this Land Acquisition Ordinance will be amended so as to give consideration to these factors, aside from the one consideration which has been quoted—the relationship to the value of lands surrounding it.

Mr. LEE: To a point of information! My hon. friend should realise that in the Land Acquisition Ordinance—

The PRESIDENT: The hon. Member cannot make another speech.

Dr. JAGAN: The hon. Member for Georgetown Central suggested that the rentals charged at the present time are relatively low, and consequently—

Mr. FERNANDES: To a point of correction! I never suggested that. I never said the rents are high or low. It may be cheaper to keep paying the rents than to have to pay for the value of the land if acquired against the wishes of the proprietors at 3½ per cent.

Dr. JAGAN: I was coming to that very same point. If the lands are being rented at a specific sum at the present time, and if subsequently Government were to acquire the area and it was found that the price which they had to pay was so high that the interest charges on those sums would, in the long run, place an even greater burden on the people, the argument does not necessarily follow that the whole burden would be placed on these people, because I could have adduced the same argument so far as Campbellville was concerned—that buying at the price which was then sought to be given, and taking into consideration that interest had to be paid, whether by the individuals or by the Government (if in the case of Government it had to be passed on to the individuals in the long run) the people would possibly be better off paying the rentals they were paying. But I did not adduce that argument, because I felt that in the interest of the people, and for their security, the lands should be acquired. That is how I am underlining the argument again—in the interest of the people the land should be acquired. If the price is too high and interest charges which Government has to bear wholly or proportionately, are high, then I suggest there are other ways of meeting those charges instead of passing them on to the people.

If it is assumed that certain amenities are to be provided for these people, I see no reason why Government should not subsidize certain amenities as it is doing for other areas in this country. We know that the rural areas and Local Authorities are being given sums by Government year by year, and we do know that the Municipality of Georgetown is being given a subvention to maintain roads, etc. Consequently, if areas such as these are to be purchased by Government, even though at high prices, I feel that certain benefits have to be placed there at the disposal of these people, and if it is found that with the income which these people obtain, they

cannot pay for all those benefits, then it is the duty of Government to subsidize the people by providing those benefits. Consequently, I do not see the necessity at the moment for accepting the amendment as suggested by the hon. Mover and Seconder, because this Council is not called upon not to decide on any question of price at the moment but to decide whether the land should be acquired in the interest of the people. That is the consideration which must be given to this motion at the present time, and I say that if that is the prime consideration then the matter of negotiation or compulsory arbitration would have to come later.

If I were to withdraw my motion in favour of the amendment and the matter is negotiated and it was found that the price is too high, or the owners refuse to sell, then this motion, or the principle which is being created in this motion, will be lost, because even though we may agree that the people are suffering hardship, and that the land must be acquired, if we accept the amendment we would find later that if there is any refusal to sell by the landlord, or the price is too high, the principle set out in the motion would not be really accepted. Therefore I ask Members again to give this matter serious consideration before deciding how to vote either on the motion or the amendment. As I see it, the amendment really has no place. It is really expressing the terms of the motion to acquire it by negotiation.

Mr. CARTER: I do not think I am allowed to reply, but I may point out to the hon. Mover of the original motion that if his resolution is carried to its logical conclusion it would mean that Government can just announce at any time that this place has been purchased for any sum.

The PRESIDENT: I think that is appreciated. The hon. Member for Georgetown Central pointed that out

The original motion was put, and the Council divided and voted as follows:—

For—Messrs. Phang, Roth, Lee, Dr. Jagan, Dr. Singh—5.

Against—Messrs. Morrish, Carter, Smellie, Peters, Fernandes, Farnum, Thompson and Wight—8.

Did not vote—The Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—3.

Motion negatived.

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

For—Messrs. Morrish, Carter, Smellie, Peters, Fernandes, Farnum, Thompson and Wight, Dr. Jagan and Dr. Singh—10;

Against—Messrs. Phang and Roth—2;

Did not vote—Mr. Lee, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—4.

Amendment affirmed.

CONTROL OF RETAIL PRICE OF PETROL.

A motion by Mr. Debidin, seeking the control of the retail selling price of petrol was next on the Order Paper.

The COLONIAL SECRETARY: I would like to mention here that the hon. Member for Eastern Demerara is unfortunately indisposed, and has asked that his motion be taken at a later date when he is able to be present.

REFUND OF STAMP DUTY TO CHRISTIAN CATHOLIC CHURCH

Mr. PETERS: I beg to move:

“Whereas a Bill intituled “An Ordinance to incorporate the Christian Cath-

olic Church was on the 24th of November, 1950, passed by this Honourable Council;

And Whereas the sum of one hundred dollars was paid as Stamp Duty pursuant to the Tax Ordinance, 1939 (No. 43), in respect of the said Bill;

And Whereas the said Church has made useful contribution to the religious and educational life of this Colony during its operations in this Colony;

And Whereas it has been customary for this Honourable Council to recommend the refund of Stamp Duty paid in respect of private Bills dealing with the incorporation of Churches;

Be it Resolved that this Honourable Council be pleased to recommend to Government the refund of the sum of one hundred dollars paid in terms of the Tax Ordinance, 1939, for the private Bill intitled "An Ordinance to incorporate the Christian Catholic Church."

Sir, I need hardly take up much of the time of this Council in discussing the terms of this motion, because we have already acted on the question of the incorporation of the Christian Catholic Church in our land. My duty is simply to invite hon. Members of this Council to follow the time-honoured tradition, which hitherto meant extending the consideration of the Council towards such institutions, and which it has been always pleased to do by remitting the sum of \$100 which had to be paid as Stamp Duty. This Church, as I said on a previous occasion, is comparatively new in our land, but it has done excellent work, especially in areas which have not been adequately served for any religious purpose whatever. In addition to the work that it endeavours to do along religious lines the Church has also established schools where either there was none, or where the service was inadequate. I am asking this Council, as it has done before, to extend this courtesy and considerateness to a Church which gives promise of great usefulness to the people of our land.

Mr. LEE: I beg to second the motion, and to say that it is a deserving cause.

Dr. JAGAN: I personally have no objection to what is being sought by the motion, but I would like to find out whether the statement in the fourth preamble is correct—that it is customary for this Council to recommend the refund of stamp duty paid in respect of private Bills dealing with the incorporation of Churches—because I would not like to vote for the motion on any misunderstanding of the position.

Mr. PETERS: I recall that not many months ago I piloted through this Council a similar Bill in respect of the A.M.E. Church, and the motion requesting this Council to remit the stamp duty was couched in similar language and passed without question. I believe that in wording the motion in these terms I have simply followed what has been done in the past.

The ATTORNEY-GENERAL: Remission of stamp duty is not granted in all cases, of course, but in cases such as the one now before the Council. Hon. Members will recollect that in the recent case of the Hand-in-Hand Insurance Co. Bill the Company was required to pay the stamp duty.

Dr. JAGAN: I am referring to Churches particularly.

The ATTORNEY-GENERAL: So far as I recollect refund is granted in respect of Churches.

The FINANCIAL SECRETARY & TREASURER: There is no doubt that this Council has recommended remission of stamp duty wherever legislation dealt with charitable or religious bodies, and not with regard to commerce, as in the case of the Hand-in-Hand Insurance Bill.

Mr. FERNANDES: As the Member who moved the Hand-in-Hand Insurance Bill I can assure the Council that the Company has no intention whatever of applying for the remission of the \$100 paid as stamp duty.

Motion put and agreed to.

APPOINTMENT OF DR. HO

Mr. CARTER: Sir, before we proceed to the next item on the Order Paper I ask leave to move the suspension of the relevant Standing Rules and Orders in order that the motion which has been tabled in my name by the hon. Member for Georgetown Central (Mr. Fernandes) may be proceeded with now. It is a motion which concerns a public emergency and I would be very grateful if you would grant me the indulgence of suspending the Standing Rules and Orders in order that it might be taken now. I formally move the suspension of the Standing Rules and Orders.

Mr. PHANG seconded.

The COLONIAL SECRETARY: I am afraid I must oppose the request that the motion be taken this afternoon, for the reason that it relates to negotiations with Dr. Ho to provide a temporary replacement while the Government Ophthalmologist is away on leave. The matter has been very thoroughly ventilated in the Press, and hon. Members will no doubt have read the statements that have appeared. The reason why I object to the motion being taken this afternoon is that in this matter Government acted after consultation with, and with the unanimous agreement of, the Legislative Council Medical Advisory Committee which comprise the Hons. Dr. Singh, Chairman; Dr. Nicholson, Mr. Raatgever, Dr. Gonsalves and Dr. Jagan, and Mr. Kendall. Only two of the six members of the Committee are present here this afternoon and, of course, none of them had any knowledge that the matter was going to be raised. I think that hon. Members will appreciate that in fairness to their colleagues they should be given an opportunity to be present.

I may say, Sir, that I should be prepared to agree that the motion might be put on the order Paper to be

dealt with on Friday. This Council will not be sitting tomorrow in view of the meeting of the Finance Committee, but the motion might be put on the Order Paper for Friday if that is the general wish of the Council. What I would suggest is that the hon. Member might move his motion on Friday before we proceed to the Order of the Day, and in the meanwhile I will inform the members of the Advisory Committee so that they may come if they wish to be present. In the circumstances I feel that it would not be fair to those members to take the motion this afternoon.

Mr. CARTER: I have no desire to have a snap vote on this very important subject, and in view of the suggestion made by the hon. the Colonial Secretary I would agree to the motion being taken first on the Order of the Day on Friday.

The PRESIDENT: I should like to add that this is a matter which has been causing Government and myself very grave anxiety, and I should welcome this opportunity of a debate in Council so that hon. Members may have a chance to ventilate the facts, and also their views of what should be done in relation to the *impasse* which has arisen.

CIVIL AVIATION (BIRTHS, DEATHS AND MISSING PERSONS) (AMENDMENT) BILL, 1951.

The ATTORNEY - GENERAL: With the consent of Council I ask leave to move the second reading of a Bill intituled:

"An Ordinance to amend the Civil Aviation (Births, Deaths and Missing Persons) Ordinance, 1950."

Last year this Council passed a Bill, now Ordinance 38 of 1950, to make provision for the registration of births and deaths occurring in any part of the world in aircraft registered in this Colony. I emphasize the words "occurring in any part of the world." This

Bill seeks to provide for such registration in cases of births and deaths occurring in or over this Colony only. With the words "occurring in any part of the world" in the Ordinance they give us extra territorial powers which we do not have. This Bill seeks to set that right and to provide that the registration shall only take place in the case of births and deaths occurring in and over this Colony. I move that the Bill be now read a second time.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a second time.

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

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

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a third time and passed.

The ATTORNEY-GENERAL: For the information of hon. Members I wish to state that I propose to take the Income Tax Bill on Friday.

Council was adjourned until 2 p.m. on Friday, 27th April, 1951.