LEGISLATIVE COUNCIL

THURSDAY, 5TH JULY, 1951.

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

PRESENT:

The President, His Excellency the Officer Administering the Government, Mr. John 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. W. O. Fraser (Acting).

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, O.B.E. (Nominated).

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

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

The Hon. J. Fernandes (Georgetown Central).

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

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

The Hon. J. Carter (Georgetown South).

The Hon. R. B. Gajraj (Nominated).

The Hon. W. A. Macnie, C.M.G., O.B.E. (Nominated).

The Hon. D. C. J. Bobb (Nominated).

The Clerk read prayers.

The Minutes of the meeting of the Council held on Wednesday, the 4th of July, 1951, as printed and circulated, were taken as read and confirmed.

PAPERS LAID

The COLONIAL SECRETARY laid on the table the following documents:—

The Report of the Official Receiver and Public Trustee for the year 1950.

The Report of the Government Analyst for the year 1950.

UNOFFICIAL NOTICES

Dr. JAGAN gave notice of the following motions:—

REDUCTION OF POUND FEES

"WHEREAS the recent increases in the pound fees for strays found in the City of Georgetown are exorbitant and are creating severe hardship on the residents of the suburbs of Georgetown;

BE IT RESOLVED that this Council recommend to Government that the pound fees be reduced to the amounts charged prior to the last increases.

DISAPPROVAL OF RACIAL DISCRIMINATION

"WHEREAS the South African Government continues to pursue a policy of Apartheid and racial discrimination;

AND WHEREAS this policy has been openly criticised in several countries and is the subject of considerable concern not only to the countries where communities of different races live together but to all freedom-loving peoples;

AND WHEREAS such a policy tends to affect happy relations in communities where people of different races live together in amity and concord;

AND WHEREAS certain West Indian Colonies have expressed their disapproval in their Legislatures;

BE IT RESOLVED that this Council expresses its strong disapproval of the racial discrimination policy pursued by the South African Government and records its concern at the continuance of this policy as likely to affect good relations existing amongst the several races of this Colony and respectfully requests His Excellency to transmit a copy of this Resolution to the Secretary of State for the Colonies."

PETITION

DRAINAGE CONDITIONS IN CANALS POLDER

Capt. COGHLAN tabled a petition on behalf of the Canal No. 1 Farmers' Association, Limited, regarding drainage conditions in the Canals Polder area.

ORDER OF THE DAY

FREEHOLD TITLE TO SUGAR ESTATE LANDS

Council resumed the debate on the following motion by Dr. JAGAN :

"WHEREAS sugar estates control a total of 171,078 acres of land, 82,205 acres of which are freehold and 88,873 acres of which are leasehold at a yearly rental of $4,222.75 or less than 5 cents per acre;

AND WHEREAS only about 60,000 acres represent the area actually under cane cultivation, and about 20,000 acres the area being flood-fallowed or rested at any given time;

AND WHEREAS acreage tax returns indicate that much of the leased land held by sugar estates are not beneficially occupied;

AND WHEREAS Guianese farmers have to pay as much as $7.20 per acre for Government lands at Cane Grove, Anna Regina, etc.;

AND WHEREAS extra-nuclear houses are now being built on estate lands under leases with many objectionable features;

BE IT RESOLVED that this Council recommend to Government that either the leases for lands not beneficially occupied be withdrawn or the rental be increased to a figure commensurate with the rate levied for other Government lands;

BE IT FURTHER RESOLVED that this Council recommend that Government enter negotiations with the Sugar Producers' Association with the view of obtaining freehold title to estate-owned lands on which extra-nuclear houses are to be built in exchange for absolute grants of equivalent areas of land now leased."

Mr. DEBIDIN: I would prefer to hear the hon. Mover make his contribution now, but it is only right that he should reply to the opposition which would be raised on behalf of the sugar industry. In so far as the motion is concerned, I am heartily in agreement with the second resolution because it seems to me to be very appropriate at this stage. I do hope that hon. Members will consider it very carefully and endeavour to put it into effect. It would be wrong to enter upon any discussion as to the respective values of the front lands and the back lands in order to decide whether this resolution should be accepted or not. Its import must lie in the question—and in the one question only—whether this Government and this Council is prepared to recommend that these people should be given freehold instead of leasehold land.

I know that so far as Government policies are concerned, there has been a movement away from freehold land settlement towards a leasehold form of land settlement, but I suggest that this is not a question of land settlement at all. This relates to the housing of people, not for a year or two,

but for generations to come. As I see the situation, I think it would be very unfortunate if members of the particular community involved—the East Indian community—have been living on these sugar estates for over 100 years and in conditions which have been described as horrible and subhuman, and we do not try to remove them from those conditions and put them on a footing whereby they would be able to breathe God's fresh air freely and live as other people and establish themselves as free human beings.

I had an opportunity within the last week-end, and again on Tuesday last, to meet over 500 people at Pln. Enmore and a similar number at Pln. Nonpareil on this question of housing. In each case, especially at Nonpareil, I saw the housing sites and was surprised at the present conditions—the poor drainage, the nearness of the dwellings to each other, and the general atmosphere prevailing—especially in this rainy season when one can see everything showing up so badly. I was told that some of the people would be removed from their logies to surroundings hardly more suitable from the point of view of health and housing generally. First of all, we must raise objection to the size of the lots which are being given to these people. I do not regard one-tenth of an acre of land as being adequate for a working man to erect a house and live on. I think he should be given one-fifth of an acre at least. Apart from their dwellings, we know that these people often celebrate weddings and, in accordance with their religious customs, they erect tents in their yards for this purpose. From what I have seen, however, it would be impossible for them to erect these tents on such small house lots.

Mr. ROTH: To a point of order: I submit that the hon. Member is getting away from his subject altogether. We are discussing the question of freehold lots, but the hon. Member is speaking about the size of the separate lots.

The PRESIDENT: I do not think the hon. Member has strayed too far from the point. Will the hon. Member proceed?

Mr. DEBIDIN: We are dealing with the kind of dwellings the people ought to have, and I am pointing out what has been overlooked in the hope that there will be a complete reorientation of the present plans. I think that in settling people on a plantation particularly, this Government or any right-thinking Government should see that they are so settled that they would be free from any fear whatever, not only of victimisation but from the possibility of forced labour. I say that because the present set-up, starting with the actual conditions of leasehold given to these people, is rather objectionable. A lease is given of the piece of land upon which the worker has to build a house at his own expense, aided by loans in some cases, yet in the agreement of lease one finds that both house and land are tied together in the eyes of the estates, in the sense that the estate proprietors are the people who are granting the lease.

At Nonpareil the people stated that a lessee has to buy over $500 worth of materials from a loan to that extent, and so long as that money is not repaid the lessor can enter upon the land and forfeiture may result. It therefore follows that so long as the loan is not repaid, so long would these people be bound to the management of the estates and so long would there be fear that they have to conform to what the Management says with regard to arrears of payment or otherwise, and if there is no sympathy for them they may be required to give up their house lots. They should be allowed to enjoy freedom, however, and the knowledge that they would reside in those houses from generation to generation.

One worker told me that he could not get sufficient work from the estate and therefore he had to go outside and get other work in order to supplement the family budget, but when he returned the estate authorities registered him as a casual labourer which meant that he was relegated to the class which did not have the right to go and ask for work on the estate. It follows then that the people must be able to find work on the estates in order to be able to repay the loans advanced from the Welfare Fund, and so long as they do not get a sufficiently good wage or a saving wage, it is pretty nigh impossible for them to meet their demands with respect to their houses.

There is also a condition that a worker cannot transfer his property except with a written permission from the estate, but if any worker finds himself unable to meet his commitments he should be able to mortgage his house. If he wants to do so, however, to someone whom the estate does not like, he would not get that permission. Then he would find some other labourer, perhaps, who would take over his house. If that worker had freehold possession, however, he would not have had that difficulty and would not have had to ask for permission to get a mortgage.

Mr. MACNIE: To a point of correction. I do not think the hon. Member has a copy of the conditions, but I can find nothing wrong in them with regard to loans from the Sugar Industry Welfare Fund and their repayment.

Mr. DEBIDIN: May I read what I am referring to? I am referring to clause 8 of the Agreement of Lease. I have a copy of what was circulated to hon. Members when the debate on housing took place in this Council. I am going to deal with the point raised by the hon. Member—that a worker has to get permission for the transfer of his lease. One also has to bear in mind that when the lease is entered into it is assigned to the Welfare Fund; the lessee does not have it in his possession. He has to obtain the permission of the management of the estate if he wishes to sell his house, and it seems to me that although the lease is supposed to apply to the land it is nevertheless also a lease of the house. For instance clause 7 of the lease states:

> "7. The lessee shall not sublet the House Lot or any part thereof except with the permission in writing of the lessor and no such permission shall in any way relieve the lessee or assigns from responsibility for non-fulfilment of any of the covenants and conditions of this lease or prevent the forfeiture of this lease for non-compliance therewith."

For what purpose would a lessee want to sublet a house lot except to build a house? When clause 7 is read in conjunction with clause 8 (c) one is able to connect up the two things. Clause 8 (3) provides:

> '8. The lessee shall not, without the permission in writing of the lessor:—
>
> (c) permit any person other than members of the lessee's family to occupy any part of the house lot or any part of any building erected thereon.'

One clause deals with the house lot and the other with any part of any building erected thereon. This clause strikes vitally at the freedom of the individual. To my mind the reference to "any part of any building" constitutes a very objectionable feature. It means that the lessee is not master of his own castle, but he is compelled under the agreement to declare how he will use the building. It strikes at the root of the liberty of the subject, and, to my mind, is the culminating point of the degradation to which those people will be subject under this so-called estate housing scheme. In the first place most of those people are without means to build their own houses, and perforce must ask for loans to do so, and to get such loans they must perforce enter into an agreement

with the management of the sugar estate with respect to house lots.

As regards the general conditions of the lease I agree with the condition that they must not erect cow-byres, and I have told the people point blank that I agree with that. But they are not even to plant a breadfruit tree on their house lots. There are at present on the settlement several lots with breadfruit trees, and in some cases coconut trees about to bear. The people were told to cut them down, and one lady told me she was very fond of breadfruit. When I told her it was not right that they should be told to cut them down she said "Praise the Lord." That is the position as I found it at Nonpareil where the scheme started long before the lease was introduced. I asked the people whether they knew of the conditions of the lease when they built their houses about two years ago, and they said they were not told about any conditions. They said that had they known of those conditions they would not have built their houses. That was the statement of the whole meeting. It seems to me that the statement that the people were so anxious that they were actually building, and that some had actually completed building, was not correct. Some of the men who work in the factory told me that they would not sign the lease on these conditions.

The whole situation, as I told the people, is one in which they are passing through a sort of second slavery imposed on them on the sugar plantations, and it seems to me that if this motion is not accepted there will have to be a bitter struggle for a second emancipation from another form of slavery on the sugar plantations. I am not one who will stand idly by and see people of my own kith and kin on sugar plantations being subjected to degradation and sub-human life. That such conditions should be perpetrated in the year 1951 is, to my mind, a blot upon the fair name of British Guiana. We should not subject one set of people to conditions which would not be accepted by other people. Let us be fair to all. Let all have the same rights in Georgetown, Campbellville and elsewhere. We are building mansions at Ruimveldt for the housing of people from the slum areas in Albouystown, and, providing for them all the amenities one can find in civilized countries in 1951, but other people on the sugar plantations are to be provided with pigstys for houses, because with loans of $1,000 they can only build pigstys.

It seems to me—and I must say I have told the people—that the Government of British Guiana has failed in its duty to them; that it has broken faith with them, for it was the Head of the Government who was responsible for the arrival of the Venn Commission in this Colony. At one time we wondered what would be the result of the investigations of that Commission, but I am happy to say, as I have said many times before, that the Report of the Commission, taken by and large, is a very reasonable and practical document. The Commission made it perfectly clear that they did not expect to find the workers on the sugar plantations living in logies, and recommended that Government should raise a loan to assist the people by building houses for them. Has Government implemented that recommendation? Why not? Isn't that a breach of faith? If Government cannot do it why should it not enter into negotiations with the sugar producers and see that the workers are granted freehold title to the house lots? Paragraph 52 on page 127 of the Venn Commission Report clearly states:

> "52. It should be possible to build, with pre-fabrication, a suitable cottage around the price of one thousand dollars exclusive of site preparation, roads, footpaths, drainage and services. The latter would add approximately two hundred dollars to the cost of each dwelling. Therefore the cost to the Colony would be in the region of six million dollars for the houses and one million two hundred thousand dollars for site costs. To implement our recommendation that all ranges should be cleared by the end of 1953, funds will have to be provided by the Colony. A public loan redeemable after twenty to twenty-five

years would enable the Government to deal with one of the most urgent needs of British Guiana."

Then paragraph 54 states:

"54. We therefore recommend that, with the exception to be made in the case of the nuclear schemes for certain types of worker now being adopted upon the estates, Government should accept responsibility for the provision either upon, or adjacent to, the estates of all housing for the workers. Both schemes should be subject to Town Planning regulations, the principles of which we observe with satisfaction have been recognised in the Colony."

Government has accepted the principle of slum clearance in Albouystown and has provided a decanting centre at Ruimveldt, for which $1½ million has been voted by this Council. Do we consider the people around Georgetown to be more entitled to such consideration, or to be of a better class than the people on the sugar plantations? In paragraph 42 of the Report of the Venn Commission it is clearly indicated that the people have not the means to build their own houses, and the paragraph ends with the statement:

"....and we are led to the conclusion that if, as indeed it must be, the housing problem on the estates is to be swiftly solved, then the rehousing of the surplus 'extra nuclear' estate residents cannot be left to be accomplished in their own time by their own efforts, but must be undertaken by the Colony."

The Venn Commission thus clearly indicated what should be done and who should be responsible for doing it. Haven't we gone very far away from the mark, not only in approving that form of lease but in doing what we have done? Many Members who voted for the Rent Restriction Ordinance to be made applicable to the whole Colony sat by and allowed the period of the lease to be increased from 21 to 25 years, and the provisions of the Rent Restriction Ordinance to have no application to the lease. I feel that the Rent Restriction Ordinance should apply so that the people on the sugar plantations might have a tribunal to which they could put their case. At least it would serve to ensure that there was no forced labour on the sugar plantations. Under the Deeds Registry Ordinance a lease for 21 years has to be advertised, but this Council passed the Bill which excluded this lease from that provision in the Deeds Registry Ordinance. I was unfortunately absent from the Council when that was passed—not that my presence would have prevented it.

Government has not only evaded its responsibility in this matter of housing of estate workers but is supporting the estate proprietors to achieve certain very large concessions against the interests of the estate workers, because if the lease was advertised like transports it would be more in the nature of freehold title. It would have had all the protection of the Deeds Registry Ordinance. I consider the exclusion of the lease from the provisions of the Rent Restriction Ordinance and the Deeds Registry Ordinance has been a sad blow to the workers on the sugar estates. The suggestion in the resolution is that Government is actually leasing back lands to the sugar plantations and should exchange them for front lands, if necessary giving three times as much back lands for the front lands. Housing loans should then be granted to the estate workers who could enter into a form of lease as security for the loans. In that way the workers would be able to breathe God's good air in an atmosphere of freedom, an atmosphere in which human beings can exist free from fear and want. My friend on my left says "free from work," but should they not be free to work where they wish?

Mr. ROTH: Sir, I rise to a point of order. According to the Standing Rules and Orders a speaker to a motion, with the special permission of the Chair, is allowed 30 minutes, and the mover of a motion 45 minutes. The hon. Member

has been speaking for 40 minutes, repeating his argument over and over again. I suggest that the Council has heard enough, and that he be asked to take his seat.

The PRESIDENT: The hon. Member is probably not used to having his back to the clock. He has certainly been speaking for over half an hour. Is he near the end of his speech?

Mr. DEBIDIN: I have very little more to add.

The PRESIDENT: I am prepared to give the hon. Member five minutes more.

Mr. DEBIDIN: I am sure that no Government would wish to scotch criticism on a subject of this kind, and I think that if the hon. Member had any interest in the Government of the Colony he would not have made that objection.

Mr. ROTH: My reason for objection is on account of the redundant rhetoric we have been listening to. What the hon. Member has said in the last 40 minutes could have been said in 20 minutes.

Mr. DEBIDIN: The hon. Member has opened himself to the remark that I am not a fossil in the constitutional and political progress of British Guiana. The hon. Member's place, I believe, is among the museum pieces with which his work is so admirable.

The ATTORNEY-GENERAL: I think the hon. Member should not make a remark of that nature which was quite uncalled for, unnecessary and unparliamentary. I think the hon. Member should withdraw it.

The PRESIDENT: I must ask the hon. Member to withdraw his remark. I have had occasion to call the hon. Member to order for making a remark concerning another hon. Member which was not befitting the dignity of this Council, and I very much regret that I have to call him to order again on the same point. I know that he is a strong upholder of the dignity of the Council, and a believer in democracy and so on. It is incumbent on hon. Members to observe the proprieties in their references to other hon. Members. It is now five minutes to three o'clock. I gave the hon. Member five minutes more which have now been taken up, and his speech must now be considered at an end.

Mr. ROTH: I ask that the hon. Member withdraw his remark about my being a museum piece.

The PRESIDENT: I call upon the hon. Member to withdraw his remark.

Mr. DEBIDIN: Is it on the condition that the hon. Member will withdraw his remark that I have not been debating properly?

The PRESIDENT: The hon. Member's remark was perfectly in order, and I have called upon the hon. Member for Eastern Demerara (Mr. Debidin) to withdraw his remark.

Mr. DEBIDIN: Before I withdraw that remark I will leave this Council. I am driven to it. (*The hon. Member began to gather up his papers.*)

The ATTORNEY-GENERAL: The hon. Member cannot take that course; it is more than improper. The hon. Member must remain and accept the ruling of the Chair. It is part and parcel of the proper conduct in the course of the debate, and I think the hon. Member, as a lawyer, should appreciate that aspect. We may in the heat of a debate say things which are not proper, but we should have the propriety to withdraw such remarks when required to do so by the Chair because, after all, the Chair represents the good sense and the desire for order, and the maintenance of order and proper discipline in this Council. I think the hon. Mem-

ber will realize that and do the proper thing.

Mr. DEBIDIN : I do in deference to the explanation of the hon. the Attorney-General concede the correctness of the procedure, and I do comply with the wishes of the Chair. ("Hear, hear".)

Mr. FERNANDES : It is a great pity that these two resolve clauses—

Mr. DEBIDIN : Before the hon. Member speaks I do trust that it has been recorded that I have been prevented from continuing my speech by the ruling of the Chair. I wish it to be recorded because it will be used in future.

The PRESIDENT : I must invite the Hon. Member's attention to the Standing Rule and Order which lays down that a Member's speech in moving a motion should not exceed 45 minutes, and in speaking to a motion he should be allowed 30 minutes. The hon. Member has not been placed on any unreasonable strain in having his remarks restricted to 45 minutes.

Mr. DEBIDIN : There is also a provision whereby the Chair may allow a member latitude to speak beyond the time allotted. Your Excellency's predecessor has permitted latitude to Members where the importance of the matter warranted it.

The ATTORNEY-GENERAL : Apparently the hon. Member does not appreciate that the fact that he has been permitted by the Chair to go beyond his time was an indication that the Chair permitted him to speak until the Chair was ed to stop him. The Chair having ruled that the hon. Member would be permitted only five minutes more, that was an end of the matter. The hon. Member was given the latitude to cease at five minutes to three, and he cannot argue that he was not given latitude. Obviously he was given latitude to the extent of 15 or 20 minutes. The next point is that it is undesirable that the hon. Member or any other hon. Member should make any statement or any suggestion that because a rule of procedure can be brought into play and acted upon, it should be used as a sort of threat. I think the hon. Member is going much too far when he says that it can be used. No Member should try by implication or suggestion to threaten the Chair in that way.

Mr. FERNANDES : It is a great pity that these two resolve clauses have been put in as one motion. I happen to be one of those who is strongly in favour of freehold when it comes to land upon which a person's house is built. I have said so in this Council time and again, and as I never somersault I say so once more. I think it would be possible for Government to negotiate with the proprietors of the sugar estates for an exchange of Government lands in the leases in place of lands now being used to house these workers. I have a feeling also that the proprietors of the sugar estates would themselves see the wisdom in allowing these people to hold the lands freehold. I have no doubt that with a little effort the negotiations for the exchange can be carried out.

The hon. Member for Eastern Demerara referred to the size of the lots and mentioned that they were one-tenth of an acre each. I think that one-tenth of an acre is a fair sized lot, if we compare it with the lots being used in and around Georgetown. At Subryanville a half lot in quite a few cases is not quite one-tenth of an acre which is 4,356 square feet, and I think that when the hon. Member suggests that what is wanted is twice that area—8,712 sq. feet for a house lot,—he is being a little bit unreasonable, particularly when one takes into consideration the fact that that plot of land will be used for housing and housing only. There will be no question of

planting provisions or having cattle byres and so on. I take it that land for that purpose will be provided elsewhere and, unlike the case of housing, it is not necessary that such land should be freehold.

I cannot support the first resolve clause because it would be unfair. I am sure that when these Government lands were leased to the proprietors of the sugar estates, perhaps 80 or 100 years ago, they were of very little value, and if they have some value today, I say without fear of contradiction that it is due to the fact that a lot of money has been spent from time to time for their proper drainage and maintenance. Reference has been made to the statement in the fourth paragraph of the preamble to the motion, that local farmers have to pay as much as $7.20 per acre for Government lands, but that $7.20 per acre is not for the use of the land only. It is for the use of the land plus the cost of drainage and other amenities. I do not know much about Anna Regina, but I do know that in order to keep Cane Grove dry a pump has to work for long periods of the day and night, and I would not be surprised if the figures show that the cost of operating the pump alone is something in the vicinity of $5 per acre, per annum. I would suggest that the leases be withdrawn or the rental increased to a rate commensurate with the rate for other Government lands, particularly when we have it that $7.20 per acre is the price of some Government lands.

It would be particularly difficult for Government to withdraw the leases. What would be the position if they did so? These lands are back lands and it is a question whether Government can pass a law to force the sugar plantations to drain that area. Some people have a queer notion of what is right and what is wrong. If the sugar plantations put a dam on their own lands they would still be useless, because no one would be able to use them. I am fair to everybody—the sugar plantations and everyone else. The estates might put these people on Government lands on which they would have to spend thousands of dollars, and people would cast envious eyes on them later. If the people ask for these lands in future they would either have to pay an enormous sum or give them up. I will make a suggestion to the hon. Member—I do not know whether it will be in order for me to do so—but I will suggest that we take the two resolve clauses separately because I am sure the second one will find quite a lot of support in this Council and I am equally sure that the first one will find quite a lot of opposition. If they are taken together it is obvious that anyone against the first would have to vote against both of them. That would not be fair, however, because the second resolve clause has quite a lot in it.

Capt COGHLAN: Like the last speaker, I have always been in favour of freehold land. I have advocated on many occasions in this Council that the land settlement schemes launched by Government instead of being by leasehold should have been by freehold to the people settled on them. The hon. Mover of the motion is not exactly correct when he states in the first paragraph of the preamble that of the total of 171,078 acres of land being controlled by the sugar estates 88,873 acres "are leasehold at a yearly rental of $4,222.75 or less than 5 cents per acre." This 88,000 acres are held under licences of occupancy and these licences, in many instances, date back 161 years ago—to 1790. They were given by the Dutch to the Dutch settlers at that time and when the lands were taken over the understanding was given, as the hon. the First Nominated Member (Mr. Roth) has pointed out, that the Dutch settlers would not be disturbed in their holdings.

I have had considerable experience myself with regard to this question of licences of occupancy, because nearly 30 years ago I held a licence of occupancy for the second, third and extra depths of Pln Klien,

Pouderoyen, Government told me they were going to cancel my licence of occupancy with the result that I was faced with being left with only a couple of hundred acres of freehold land and I was to be deprived of the lands held under licence. In a case like that—if that were possible—it would have meant that the couple of hundred acres of land anyone owned at the front would have been subject to the second, third and extra depths which could have swamped the front lands at any time and, in addition to that, it is only through the second, third and extra depths that you can get your irrigation for your front lands. That would render the position untenable for the person owning the first and second depths. I tested that matter out with Government; I went to the Archives, the Deeds Registry and the Lands and Mines Department and traced my title back until the Attorney-General at that time agreed with me that under the conditions I had stated I was entitled to a freehold of the entire estate. The authorities of Pln. Versailles which adjoins my estate approached me a few years afterwards and asked if under conditions similar to those by which I got freehold for my estate they would not be entitled to freehold also. I advised them on the matter and subsequently they obtained freehold title for Pln. Versailles on the south half of Pln. Klien, Pouderoyen.

With regard to the granting of these licences of occupancy I discovered, as I have stated before, that some of them are something like 160 years old. It is common knowledge among the legal Members of this Council that if one has a conditional grant for 10 years it becomes absolute after that period in accordance with the conditions under which it was given. I think anyone would see that what I have stated entirely wipes out the first resolve clause in the motion. Even if Government wanted to give effect to the recommendation mentioned therein they could not do so because it is not possible to have that done. The only way, therefore, that Government can acquire these lands from the estates is by bringing the Land Acquisition Ordinance into play, but even in that case they could not expropriate the property. What they could do is to enter into negotiations with the proprietors of the estates and they could go to arbitration whereby Government would be forced to pay whatever rate or price is fixed by the judge, taking into account the value of the adjoining lands. As the last speaker has said, it is a great pity that the first resolve clause was ever put into the motion at all. Indeed, it would have been well if most of the preamble had been left out.

With regard to the second resolve clause, mention is made about entering into negotiations with the Sugar Producers' Association, but it must be remembered that negotiations cannot be unilateral and that there must be always two people to a bargain. If the parties cannot agree the only recourse would be the Land Acquisition Ordinance to which I have already referred. With regard to the question of exchange of lands, I would say let Government enter into negotiations and if these cannot be successfully carried out then let them bring this Ordinance into play. I do not see that any useful purpose would be served by barter when the second resolve clause says "in exchange for absolute grants of equivalent areas....." We all know that an acre of land at the back of the Canals is nothing in value to an acre of front lands used for building purposes. I know that an acre of front lands on an estate can be sold for about $600 whereas an acre of back lands can be obtained for about $200. It is not a matter of equivalent area but of equivalent value that one should consider. The matter could be settled by entering into negotiations with the proprietors of the estates and I have no doubt whatever that by

doing so a reasonable solution could be found to this entire problem. The Mover of the motion referred to his own case—how he was prevented from entering upon the estates. That matter was brought before the Committee of Privileges of which the Attorney-General, the Deputy President and myself are members, and we gave a decision which I am sure was forwarded to him. I think, therefore, that there is no need for him to go any further into this question. There is one thing we all should do and that is to be tolerant with those who differ from our views We should leave them to their own reason and judgement which might, in time, convert them. Error of opinion may be tolerated when reason is left free to combat it.

Mr. WIGHT: I will not say very much in this debate, except to point out that as far as my constituency is concerned I think everyone there would welcome a sugar estate or two on the Essequibo Coast. I hope the hon. the Seventh Nominated Member (Mr. Macnie) will consider that point, and if there is going to be all these labour troubles on the East Coast, Demerara, affecting the sugar estates there, he might advise the estate authorities to consider the advisability of transferring the estate to the Essequibo Coast. If that is done I shall be very thankful on behalf of the residents of that area.

Mr. MACNIE: I hope, sir, that I shall not exceed 40 minutes in what I am going to say, but before I start I shall ask your consent to exceed that period of time if the necessity arises. First of all, I will reply to the remarks made by the hon. Member for Western Essequibo and say I am afraid it is too late for sugar to go back to Essequibo. That brings me to the suggestion which the hon. Mover of the motion seemed to make, and that is the suggestion that the majority of the Members of this Council are under the control of these "bad boys" of sugar. The picture painted is one of vast areas and land starvation. It may be true that more than 50 or 60 years ago the sugar estates occupied the greater part of the coastlands in this Colony, but that is no longer true.

There are vast areas of coastlands both in Berbice and Demerara, and also in Essequibo, that are not under the control of sugar interests. Similarly, I think the hon. Mover has overlooked the fact that it is not only the sugar companies who own land under licences and pay rent in the vicinity of 5 cents or even less per acre. Village authorities, with whom I have had the pleasure of long association in this Colony, and private individuals, also hold large areas under licences. One can only wonder whether the intention of the motion is to increase the rental of these lands, whether they are held by sugar companies or not, or whether the intention is to single out the sugar companies for an additional form of taxation.

We should bear in mind that the sugar companies pay what is equivalent to increased taxation owing to the fact that they pay an acreage tax of 30c. per acre for all land under cane cultivation, whereas no other agricultural product in this colony pays such a tax. The hon. Mover referred also to the Report of the Venn Commission which we regard largely as the blue print for the sugar industry in this Colony and for the Government. He referred to the acreages put in there, but I think it is a pity that the entire figure relating to acreages were not quoted, so, with your permission, sir, I will read the relevant portion in paragraph 16, on page 6 of the Report. It says:—

> "16. Nowadays the extent and structure of the industry is as follows: The 21 surviving estates which, by suffixion of the words **cum annexis**, proclaim the century-long absorption of smaller properties, cover 155.000 English acres and raise 98 per cent of the Colony's sugar:

> locally the slightly larger Dutch or Rhynland, acre is still in common usage. This gives an average unit of some 7,000 acres with an individual range from just under 1,000 to over 13,000 acres, or, if combined management is included, of no less than 24,000 acres. A nominal list with statistical information will be found in Table XXIX at the end of the Report. Of the total land area thus involved approximately 25,000 acres are covered by buildings, foreshore, bush, water and swamp; slightly under 36,000 acres are used for grazing; 18,000 acres are under ground provisions, rice, coconuts and so forth, while 22,000 acres are at any given time being fallowed or rested. The balance of some 60,000 acres, represents the normal cane crop."

That is the end of the quotation. The position as set out there by the Venn Commission with respect to 1947-48 remains somewhat the same today, the main variation being that the area under cane has been increased by some 10,000 acres. I think that if hon. Members total all the figures I have given they will find that there is not much land unaccounted for.

Again, the hon. Mover of the motion has referred to what is known as the P. W. King Report, and the finding that the people only worked two or three days a week on the estates because they had their own land elsewhere under rice and farms. The hon. Member also alleged that as a result of that finding the sugar estates deliberately reduced the areas under rice and ground provisions. I think that was the statement made by the hon. Mover, and in support of that statement he quoted acreages under rice and ground provisions, comparing 1943 with 1947. Now, 1943 was a war year and, in fact, if the hon. Member had looked at the 1944 figures he would have got a higher figure and therefore, the reduction in 1947 would have been even greater. I think it would have been fairer if he had compared 1939 with 1947, because 1943 and 1944 were abnormal years. First of all, there was war and, secondly, as a result of the war and consequent shipping difficulties, sugar could not be shipped and sugar production was reduced. As a result more land became available for rice and ground provisions. Thirdly, and probably most important of all at the request of Government additional acreages were put under rice and ground provisions on sugar estates in those years. There are hon. Members around this table who will remember that the 1939 rice acreage figure was 9,665. The 1943 figure quoted by the hon. Member was 11,430, but in 1947 it was 9,381, and I submit that the figures that should be compared are 9,665 and 9,381. The position is very similar with respect to ground provisions.

I do not think I need labour the point except to add this: The Colony has set the sugar industry a target of 240,000 tons. The sugar industry is still far short of that target. This Colony has never produced 240,000 tons of sugar in a year, and if it is to achieve that target all suitable land that is available must as rapidly as possible be put under cane cultivation. Some progress has been made in that direction.

In the fourth paragraph of the preamble to his motion the hon. Mover refers to and compares by inference the rental paid by the farmers on Government lands at Cane Grove, Anna Regina, and other Government estates. I do not propose to say much on that point because the hon. Member for Georgetown Central (Mr. Fernandes) has explained that the rental paid on those estates covers drainage, irrigation, and maintenance of those works and at the high cost which that entails. In his remarks on the motion the hon. Mover suggested that the rental for Government lands held by sugar estates should be increased. With your permission, sir, I would refer to the debate in this Council not very long ago, during which the same question was raised. It was during the consideration of this year's Budget on January 10, and I would like to refresh the memories of hon. Members of what the hon. the Financial Secretary said, which is recorded in column

1,513 of *Hansard* report of January 10, 1951. The Financial Secretary said:

> "The suggestion to tax land — either by way of a tax on all lands or a special tax on lands which are not put to beneficial use—is an old one made over and over again. The hon. the Colonial Secretary showed me a report by that eminent economist, Dr. Benham, formerly Economic Adviser to the Comptroller for Development and Welfare in the West Indies, in which he said there was so much infertile land here not worth working that even a small tax would result in the land going into the possession of the Government and without any idea of what the Government would do with the land."

Later in the same debate the Financial Secretary said:—

> "When he (Dr. Jagan) talks about the sugar estates' lands, it is true they are paying some 5 cents per acre on Crown lands held under lease or licence, but when they got those lands there were swamps, and they had to spend money on them. I do not want to justify the sugar estates' position because they can do it themselves, but let us be fair. When the sugar estates took over those lands they could not be used for cultivation, and they spent immense capital to bring them into beneficial use. At this stage must we go and increase unduly and unreasonably their rental merely because we want to get some money? We have to be fair."

I do not propose to say any more on the first resolve clause. I turn now to the question of what are known as extra-nuclear housing areas. The hon. mover of the motion referred to the proposal which is made in the Ten-Year Development Plan, under which certain sugar companies were to donate fairly large areas of land for housing purposes free of charge. That is perfectly correct. That was the proposal, but I would remind hon. Members that that was an entirely different scheme to the one at present in operation, or just started. That was a scheme for the building of houses, which was to be financed by grants from the U.K. Government with some assistance from this Government, and it was included in the Ten-Year Plan. That scheme has been abandoned. As far as I know funds are not available for its implementation as part of the Ten-Year Plan. I think it has been dropped.

I submit, therefore, that what we are considering now is something entirely different from that which was previously proposed, and what has gone should be forgotten. The present scheme is not being financed by Government. I would join with the hon. Member for Eastern Demerara (Mr. Debidin) and say that I am sure the sugar companies would have been only too happy if Government had been able to see its way to implement the recommendation of the Venn Commission to set aside funds and get on with the re-housing of sugar workers. We all deplore the conditions under which people have to live in those appalling ranges, not only on sugar estates but on every abandoned sugar estate, some of which now belong to Government. We are all anxious that those conditions should be improved.

This scheme is not being financed by the sugar estates. The loans which are being made to the people are not being made by the sugar companies. That was the point I was trying to make on a point of correction when the hon. Member for Eastern Demerara (Mr. Debidin) was speaking. The loans are not connected with the leases except, as the hon. Member says, that the borrower or lessee cannot dispose of his house. They are made by the Sugar Industry Labour Welfare Fund Committee from funds which accrue from a cess of 10/- per ton on every ton of sugar exported from this Colony since 1947, and, I hope, for a good many years, because the money is needed for housing, and that should be remembered when suggestions are made about people not being able to repay the loans to the estates. It is true that they pay them to the estates but they are only acting as the receiving agents for the Committee which controls the Labour Welfare Fund. The managements of the

estates have no interest in the loans; it is not their money. All they are doing is to pass it on to the Committee where it belongs. They are also paying it out.

It is not the concern of the sugar companies whether the loans are repaid or not. That is the concern of the Committee. I desire to make that very clear, and at this stage I will say this: that in no way does the loan or the lease bind the lessee or the borrower who builds a house, to work for the estate. He is free to work where he likes but as far as the estate is concerned he has to pay the nominal rent of one shilling a month (12 shillings per year) for his house lot. As far as the Welfare Committee is concerned he has to repay his loan, which is not the direct concern of the management of the estate. When he has repaid his loan the Committee is not further concerned, and it is the hope of the sugar companies that in due course they will not even be concerned about the rent. I will come to that later. They do not want to keep those areas under rent forever.

There have been lengthy arguments in this Council before. I have for some time been studying the reports, and I have read as far back in the years past about leasehold v. freehold on the questions of house-lots in particular. Quite recently, within my knowledge, hon. Members in this Council were reminded by the Nominated Member (Mr. Morrish) to whose place I have been provisionally appointed, of a statement made by Mr. Laing in a debate which took place in this Council. I do not propose to burden the Council by reading from the debates again, but the conclusion reached in those debates is clear—that the decision was in favour of leasehold until an area has been developed, houses built and people properly settled, and everything found satisfactory for freehold to be given. Again I will say at the end what I feel about this question of freehold, which is dealt with in the second resolution of the motion.

But before I come to that I think I should answer some of the points made about the lease—the so-called horrible, objectionable lease. Objection has been taken to the clause which prohibits the growing of trees. Clause 5 of the lease states:

> "5. The lessee shall not plant on the House Lot bananas, plantains, coconuts, or any trees detrimental to the health conditions of the housing area, nor erect on the House Lot any cow byre of pig sty, nor keep nor permit to stray on the House Lot any cows, pigs, horses, sheep, mules, donkeys or goats."

That means that a lessee can keep a kitchen garden and he can keep poultry, or both, if he wishes. What I would like to say is that prohibition of trees was introduced into the lease in the interest of health, in the view of the Committee which drafted the lease. It was not drafted by the sugar companies but by the Committee which administers the Fund. That clause was put in as a result of a recommendation by the Health Officers of the Medical Department, which was endorsed by the Central Board of Health before the lease was prepared. I have the report here but I do not propose to read it.

Objection has been taken to the fact that the lease says:

> "Clause 8. The lessee shall not, without the permission in writing of the lessor:—
>
> (c) permit any person other than members of the lessee's family to occupy any part of the house lot or any part of any building erected thereon."

That has been done in the light of experience. In some areas in which extra-nuclear houses have already been built with loans from the sugar companies, those people have turned their houses into slums by renting their rooms and taking in transit workers, creating over-crowding and slum conditions. That has happened in some areas already, and in one particular area at Skeldon the situation now is very serious from the health point of view. The Cen-

tral Board of Health is very worried about it; the estate authorities are equally worried but are unable to do anything about it, not through any fault of theirs but because they were persuaded to sell the lots before the settlement had been properly developed. It is a freehold settlement, a place called Kingston at Skeldon, and the slum conditions which have developed there are deplorable, and causing a great deal of worry to the Central Board of Health. If those people had been under this type of lease it could not have happened. If they had been under a Local Authority, as I think they should be, it might be stopped in due course, but it would take a long time.

The hon. Member for Eastern Demerara (Mr. Debidin), when seconding the motion, objected to the clause in the lease which prevents a lessee from transferring, mortgaging or sub-letting. I think I am correct. I have in my hand a copy of a lease of Colony land for residential purposes made by Government, two clauses of which read as follows:—

> "4. The lessee shall not be entitled to transfer or mortgage his interest in the lands comprised in this lease, or any part of them save with the permission of the lessor and in accordance with the provisions of the Crown Lands Regulation for the time being in force relating to transfers and mortgages and to oppositions to transfers."

> "5. The lessee shall not sub-let the lands comprised in this lease except with the permission in writing of the lessor, and no such permission shall in any way relieve the lessee or assigns from responsibility for non-fulfilment of any of the conditions of this lease, or prevent the forfeiture of this lease for non-compliance therewith."

So I do not see how this terrible lease is so very objectionable after all. The proposal in the second resolve clause of the motion is that Government should endeavour to obtain freehold title to estate-owned lands on which extra-nuclear houses are to be built, in exchange for absolute grants of equivalent areas of land now leased to the estates. Other Members have spoken against that and I endorse their views. I do not propose to say more than that I share with them the view that such a proposal is entirely unreasonable, and I hope the rest of the Council will share that view.

I come now to the suggestion that these areas should become freehold. I think we all share the view that a man who has a house should have a reasonable expectation of owning the land on which the house stands. I think we are all agreed on that, but there are certain conditions which, in the case of this scheme, should first be fulfilled for the reasons which I have tried to give in my opening remarks—to avoid a repetition of the conditions I have referred to and the creation of slum conditions. When the housing areas which are at present being built up, and even those which were built up in the past and suitably situated, but certainly those that are being built up now—when they are developed and satisfactorily settled the sugar companies will be willing to negotiate reasonably with Government for the disposal of the areas of land on which the houses stand, with a view to those areas passing to the control and ownership of Government, and from Government to the present tenants, making them freehold owners. That will be the position of the sugar companies when the areas are fully developed and satisfactorily settled—to negotiate with Government for the disposal of the lands so that the people can look after their own affairs and the areas administered under the provisions of the Local Government Ordinance.

Before I take my seat I would like to say that everyone deplores the conditions under which people have to live on sugar estates, in ranges where they still exist on some estates, but they are fast going out. The scheme which the Sugar Industry Labour Welfare Committee has evolved is an improvement on the scheme at Non-

pareil which the hon. Member for Eastern Demerara (Mr. Debidin) picked out. That scheme is not one which has been put through by the Committee. It is an old one. I would have preferred if he had referred to the schemes which have been approved by that Committee at Uitvlugt Front, Annandale, near Buxton, and elsewhere, and if he had gone and looked at those areas where, within a matter of months, houses have sprung up at the rate of more than a dozen in a month or two. What I would ask is that we should let the Sugar Industry Labour Welfare Fund Committee help the people we are trying to help, and let them get on with the job, and, as I have said, when the areas are properly taken up and located the sugar companies will be only too glad to dispose of the land and let the people look after their own affairs as little village communities.

The COLONIAL SECRETARY: I should just like to put on record briefly Government's attitude towards this motion. At this stage of the debate I have little new to offer, since most of the more important points have been adequately covered. As far as the first resolve clause is concerned the first important point, as the hon. Member for Georgetown Central (Mr. Fernandes) has explained very clearly, is that one cannot compare the rental of unimproved lands with the charge which Government makes with respect to land settlement schemes, which charge has to cover drainage, irrigation and administrative expenditure on the scheme. In fact the Financial Secretary has calculated that if one takes into account the amount of capital spent on improving those lands, the interest and sinking fund charges on that capital, together with the maintenance costs, one would reach the conclusion that the value of the amount of work put into the land is very much in excess of the rental of $7.20 charged.

As regards the second point I am advised that a revision of the rental in this case would involve legislation, and it is, I submit, very doubtful whether we should introduce legislation to alter the conditions of a contract freely entered into. It would certainly not encourage confidence in the integrity of the Government.

The third point is that it is not the sugar estates alone who hold lands for which they pay rent at a very low rate. In fact I am informed that there are 23,757 acres of land held by persons other than the proprietors of sugar estates along the coast, the rentals of which are between 3 and 5 cents per acre. It would clearly not be fair to discriminate against the sugar estates, and any action such as that proposed in the resolve clause of the motion would have to be applied generally.

There is also the practical point on which the hon. the Sixth Nominated Member (Mr. Macnie) quoted remarks by the hon. the Financial Secretary to the effect that even a small tax on land not beneficially occupied would result in the land coming into the possession of Government without any idea of what Government would do with it. Clearly those lands, if surrendered, would be of no value to anyone but the sugar estates, and as it would be impossible to provide drainage and irrigation they would be no good at all.

Finally, on the question of land availability there are, according to the Commissioner of Lands and Mines, some 50,000 acres of land in different parts of the Colony which are fairly easily accessible in the upper Berbice River and in Essequibo, which could be occupied if there was a very serious land hunger.

As regards the second resolve clause, this question of leasehold as against freehold was debated at some length very recently when, under the Sugar Industry Labour Welfare Fund, special provisions relating to housing of labour workers were before this Council, and it is presumably unnecessary to repeat the arguments

which were advanced then. On the question of Government undertaking the responsibility for re-housing extra nuclear sugar workers, that is also dealt with in the Venn Commission Report which has been often debated. It was pointed out by the Chair on one occasion that sugar workers have no more right than any other class of workers to special treatment. Then again, there is the possibility of giving help under the Welfare Fund in connection with the erection of houses. Sugar workers are better off in this respect than the rest of the population. The problem of rural housing, is to be considered as a whole. In the Development Plan provision has been made for rural housing but there is no reason why sugar workers should be given preference in this matter. They have to take their chance with the rest of the rural population, and the housing problem must be tackled as best we can within the limits of the funds we have been able to make available.

The question of leasehold as against freehold lands, as I have said, has been discussed already under another Bill. The hon. the Seventh Nominated Member (Mr. Bobb) has referred to remarks made by Mr. Laing in this Council when acting as Colonial Secretary, and they are on record in *Hansard*. I do not think I need say more on that subject.

The PRESIDENT: I now call upon the hon. Mover to reply.

Dr. JAGAN: Some of the hon. Members who spoke and offered criticism to this motion seemed to suggest that I was trying to be unfair, particularly to one set of people who occupy lands belonging to Government —that I wanted to penalize them and leave out others. Attempts were made to give figures and to show that there are other lands which are paying small rentals of only 3c to 5c per acre and, consequently, if there is to be any increase of rent these people would have to bear their fair share of it. I have no objection to that argument at all, but I would like hon. Members to bear in mind the substantial wording of the first resolution. It requests this Council to "recommend to Government that either the leases for lands not beneficially occupied be withdrawn or the rental be increased to a figure commensurate with the rate levied for other Government lands." The emphasis is on the words "beneficially occupied" and I am saying that the rental for all lands occupied by the sugar estates should be increased to 7c or 10c per acre, or to whatever figure Government chooses to charge.

What I am also saying is that all lands not beneficially occupied should be taxed, so that the estates would have to bring them back into cultivation or hand them back to Government. That is an entirely different proposition from the one suggested by those who spoke on the motion. The hon. the Sixth Nominated Member (Mr. Macnie) read from the Report of the Venn Commission showing the ways in which the various acreages of land are held—some under housing, some under cane cultivation, and so on—but I would like to point out to this Council that much of what the Venn Commission has written is merely what was given to them when they made their investigations. The Commission accepted figures, but some of them were probably obsolete figures. I also submitted figures to the Commission, and to give one example I would like to quote from a report on the evidence I gave to show that I dealt with this question of an acreage tax for lands that are not beneficially occupied.

It is bad logic for the Commission to take the acreage tax returns submitted by the Lands and Mines Department and put them in the Report which has been submitted. When

we see that at Pln. Ogle alone no less than 2,000 acres of land are being rented, we need to find out what are the returns and whether these lands are being beneficially occupied. I am not even satisfied with the explantation given by the hon. the Sixth Nominated Member (Mr. Macnie) as to these land holdings. He says that in order to get a clear picture we must not compare 1943 with 1947, but should compare 1939 with 1947. He also went on to suggest that the 1939 figures were almost the same as the 1947 figures as regards acres—approximately 7,000 acres.

The hon. the Sixth Nominated Member (Mr. Macnie) also makes the point that the reason why rice and provision lands were taken away from the workers was because the sugar estates which had to curtail production in 1943 needed those lands to increase production in 1947 and 1948. The hon. Member also said that in 1943 the lands were not being occupied because of shipping difficulties—sugar could not be taken out of the country. But what I would like to explain to this Council is that while cane was not being planted in 1949 the estates were going in for extensive cultivation of peas, beans and so on. In one of their reports the sugar companies stated that at the end of the war period they gave up the cultivation of peas and beans because it was not a paying proposition. I would like to know what happened to all the lands they occupied for the cultivation of peas, beans and so on.

When we consider that 3,000 acres of land were taken away from the people to be put under cane cultivation, we would like to find out what happened to the land that was used for the cultivation of peas and beans. The hon. Member further suggested that too much importance or emphasis must not be given to the Report of the P.W. King Committee which found that the reason why available work was not always taken up on the sugar estates was because some of the workers found the working of their own rice or provision farms to be a more profitable occupation. Here is an instance where we find that the estate workers considered it more profitable to work on their own farms or ricefields than on the estates, while at the same time, the estate proprietors could not find it profitable to work provision farms. They preferred to do cane farming, naturally, because the exploitation profits from cane farming are very high. I have already said so in this Council; almost 50 per cent. of a man's daily labour is given for nothing on the sugar estates. That is the reason why, I suggest, the lands were taken away from these people.

The hon. Member for Western Essequibo wants sugar estates to go back to that county, but I remember that when I went to Essequibo some time ago I heard the people say that the county was not in its present economic plight because the sugar estates had gone out of operation there, but because the sugar industry has a strangle hold on the economy of this Colony and has no interest in matters such as land reform, if there is anything at all in land reform, prices and so forth. That is why I suggested on several occasions that unless the economy of this country is allowed to have natural expansion—without any obstruction and possible knocks—the people in Essequibo, as in other areas, would never be in a prosperous condition.

The hon. the Colonial Secretary has pointed out that, according to the Lands and Mines Department, there are thousands of acres of land on the banks of the rivers and that these lands are available to the people, but let us look at the situation realistically. In the rural areas today, with the possible exception of Essequibo where the majority of the people plant rice, we find that the bulk of the population is centred around the sugar estates

and if that factor is taken into consideration, there is a fight to give these people full employment. When they are not employed on the sugar estates they would need other employment so that they could be fully occupied. The only means of helping these people to secure full employment is to give them the lands which are uncultivated and lying idle in the areas.

It is not that I am trying to single out the sugar industry for the imposition of any penalty, but because these people are concentrated in such large numbers around the sugar estates that we must try to find ways and means to provide them with full employment. They are not getting full employment at present, and if they are we must be sure that they are not doing so with wages and other conditions that are unsatisfactory. We must not force or exploit these people. It is said that there is no forced labour on the sugar estates, but forced labour could be employed in several ways. Slavery has been abolished for a long period and the system of indenture has ceased, but nevertheless the old practice of keeping people running around the sugar estates still exists. That is another reason, sir, why I want these lands which are being wilfully held and left to lie idle by the sugar estates to be taxed so that they might come into full occupation. That does not mean that lands which are being allowed to lie idle in other parts of the Colony and which are being rented at 3c and 5c per acre should not be taxed. If that is the view held by hon. Members I should like to correct it.

The PRESIDENT: I see nothing about "tax" in the hon. Member's motion.

Dr. JAGAN: I use the word "tax" in place of "increased rental" which means, more or less, the same thing. It might not be exactly the same wording, but that is what I mean. The term land tax, in reality, means a rental. Another argument raised in the course of this debate is that the proprietors of the sugar estates have spent their capital for the improvement of these lands and so on, but I submit, sir, that that does not hold much water because we know that there is no concern—no capitalist concern—which keeps pouring money into any set-up year after year without balancing its books at some time or other. What has been spent on these lands has been amply repaid in profits and other returns to the industry over a long number of years. One must remember also that a great deal of the work that has been put into the sugar industry—the digging of canals and so on—was done in the time of slavery when the cost of labour was dirt cheap.

The wording of my motion has, apparently, not been studied very carefully by hon. Members of this Council. I have said in the first resolution "that either the leases for lands not beneficially occupied be withdrawn or the rental be increased to a figure commensurate with the rate levied for other Government lands." That certainly does not mean that we must impose a rental of $7.20 per acre immediately on lands not being usefully occupied by the sugar estates. As some hon. Members have pointed out, in cases where the rental is $7.20 per acre—at Anna Regina, Vergenoegen and so on—other facilities are provided—drainage and irrigation particularly, apart from a hidden subsidy. So it might be said that in the case where these lands are rented at about $12 per acre, consideration was given to the drainage and irrigation costs and also to the hidden subsidies. I am merely implying that Government should take into consideration what it costs the sugar producers to drain the lands and deduct the amount from the increased rental so that in the end the sugar producers will pay more or less the same thing that the people on Government estates are paying. I can see nothing wrong with that proposition at all.

With regard to the second resolution—dealing with the question of exchanging leasehold for freehold lands

—I feel that much has been said which is not on good or solid ground. The hon. the Sixth Nominated Member referred to the Kingston area in Skeldon and to the slum conditions existing there, but I would like to point out not only to this hon. Member but to all hon. Members of this Council, that people live in slums not because of their own choice but because of economic circumstances. The hon. Member spoke as if it is humiliating to live in slums unless you force the people to improve their own conditions. I certainly do not feel so. I feel that it is due to the housing problem on the sugar estates that the people, in their poor economic circumstances, have been forced to rent out part of their houses to others.

We must remember that on many of these estates there are what is called migratory labour—people who move from one place to another seeking employment—and when they go to look for work they do not move back and forth every day. Some of them do not want to stay in the commen logies provided for the known resident workers and they possibly bunk with other families who may have their own houses. That is the situation which may have created the slum conditions at Kingston. One should not say that because there are slum conditions in Georgetown the people should stay in the same way as these in this Kingston area are supposed to be doing. Until those conditions are improved can we say that we have been able to solve this problem of slum clearance and housing?

I am going to suggest that the way to solve this problem is not to shackle the people with leases which seem to suggest that they are not to keep anyone in their houses except members of the family. If that is the way it is going to be done, I suggest that it is a very wrong way. The motion asks that this land exchange should take place immediately, whether the sugar estates are prepared to do it now or not. If they are not prepared to do it now, then it must be done within the next few years. The lands could be sold to Government and Government, if it chooses, could sell to the residents, but we do not want to find another Campbellville situation facing us. We have had a long debate in this Council already about Campbellville. We know how much it was worth and that when it was sold to Government the price was increased some nine or ten times. I hope, however, that when this matter is settled it will be settled amicably and to the satisfaction of all concerned.

With regard to the question that these people will not be allowed to create slum conditions on the sugar estates, I see no reason why the estates cannot sell the lands immediately to Government and let Government, in turn, sell to the people, introducing sanitary measures directly on them. The suggestion has been made that I should substitute the word "values" for the word "areas" in the second resolution, but I do not think I should agree to that because the sugar producers are spending money for building roads and so on in these areas Whatever money they are now spending to put down these roads and so on, however, should be the subject of a different arrangement with Government.

I do not feel that this second resolution, as it stands, should meet with any severe opposition because it is merely a question of the physical occupation of the lands. The question of improvement can be a matter between Government and the sugar producers. It has been suggested that some hon. Members are in agreement with one resolution and not with the other, but I took opportunity to move the second resolution at the same time because I felt it would be of no use to bring forward another motion and possibly waste another day and a half to discuss the same issue. If hon. Members desire it, however, sir, I shall ask you to put the two resolutions separately to the vote.

The PRESIDENT: I have no objection to putting the two resolve clauses separately, because they embody two different propositions.

First resolve clause put, the Council dividing and voting as follows:—

For: Dr. Jagan and Mr. Debidin—2.

Against: Messrs. Bobb, Macnie, Gajraj, Carter, Peters, Fernandes, Coghlan, Roth, Wight, Dr. Singh, the Financial Secretary & Treasurer, the Attorney-General, and the Colonial Secretary—13.

Did not Vote: Mr. Lee—1.

First resolve clause lost.

The second resolve clause was then put and the Council divided and voted:

For—Messrs. Bobb, Gajraj, Carter, Peters, Fernandes, Debidin, Coghlan, Lee, Wight, Dr. Jagan and Dr. Singh —11.

Against — Messrs. Macnie, Roth, the Financial Secretary and Treasurer, and the Colonial Secretary—4.

Carried.

MUSIC AND DANCING LICENCES (AMENDMENT) BILL, 1951.

Council resolved itself into Committee to resume consideration of the Bill intituled:

"An Ordinance to amend the Music and Dancing Licences Ordinance with respect to the granting of licences."

The ATTORNEY-GENERAL: It will be within the recollection of hon. Members that during the course of the consideration of this Bill certain suggestions were made in connection with paragraph (b) of the proposed new section 12A(1) as inserted by clause 3 of the Bill, and it was then suggested that Government should obtain the views of the Georgetown Town Council with regard to securing the services of the City Engineer in this matter. In a letter dated June 15, the Town Clerk states:

"This matter was brought before the Council at the statutory meeting held on 11th instant through Councillor C. V. Wight and the Deputy Mayor, Hon. Lionel Luckhoo, when it was decided that the Council would permit the use of the City Engineer's services, but suggested also that provision be made in the Bill for the services, alternatively, of the Assistant City Engineer."

Hon. Members have before them a draft alternative paragraph (b) which has been prepared in accordance with the decision of the Town Council as communicated to Government. The new draft reads:

(b) a certificate from the Director of Public Works, or, where such place is situate within the city of Georgetown, a certificate from the City Engineer or the Assistant City Engineer, that such place is fit for use for any of the purposes specified in section two of this Ordinance,

I think that meets the point raised in the course of the debate and I ask that the new paragraph (b) be substituted for the one printed in the Bill.

The second point raised was that the Superintendent of the Georgetown Fire Brigade should be empowered to authorize in writing any fit and proper person to examine buildings and give certificates for the purpose of this section. An alternative definition sub-clause (3) has been circulated to hon. Members and I ask that it be substituted for the printed sub-clause. The new sub-clause reads:

(3) In this section—

"The Director of Public Works" includes any fit and proper person authorised in writing by the Director of Public Works to examine places and give certificates of fit-

> ness in respect of such places for the purposes of this section; and
> "the Superintendent of the Georgetown Fire Brigade" includes any fit and proper person authorised in writing by the Superintendent of the Georgetown Fire Brigade to examine places and give certificates for the purposes of this section.

Nothing has been said about fees, but I think the intention of the Town Council is that they would follow the lead of Government in that regard. I think the view of hon. Members was that no fees should be charged for the certificates in view of the fact that the Director of Public Works and the Superintendent of the Fire Brigade are in the Public Service. The same thing cannot be said with regard to the Town Council or its employees, but I understand that they are quite prepared to fall into line with what Government does.

Mr. FERNANDES: The question of fees was also raised when the Bill was being discussed, but I take it for granted, as nothing has been said about fees, that there will be no charge. If there was a charge of $10 for each certificate it would cost each person $20 to hold a public dance. If there is to be any charge at all I think it should be a very nominal charge so that no great hardship may be created. Of course the law covers not only the casual inspection of a building for a charity dance but also the permanent dance hall. In the case of a public dance hall I think the fee should be a little higher, because it is an annual licence, but in the case of other buildings a licence has to be obtained on each occasion — perhaps five times in one year.

The ATTORNEY-GENERAL: The Director of Public Works has made the comment that the examination of buildings is usually tedious work, which one can very well imagine, and that the costs should be borne by the applicant. The object of the inspection is to see that the structure is sufficiently strong to bear the weight of those who foregather for the purpose of entertainment, but as the hon. Member has observed, if fees are charged at all they should not be exorbitant, because this is being done as a precautionary measure from the point of view of the public who may pay an entrance fee. It is to ensure that a building is strong enough to carry the weight of the people who go there for entertainment.

Mr. GAJRAJ: What has been stated by the hon. the Attorney-General as regards the discussion in the Town Council is correct. The matter was introduced in the Council two meetings ago, I think, and it was decided that we would like to have the City Engineer, acting on behalf of the Town Council, to certify those public buildings which may be used for dancing, but since we do not know what number of buildings would normally be liable to examination, and in view of the possibility that the City Engineer may not be able to perform the task, it was decided that the Assistant City Engineer should also be empowered to inspect such buildings.

I was not present during the debate on the second reading of the Bill but I take it that the idea is that there should be adequate provision, firstly for escape from fire, and to make sure that a building is sufficiently strong and fit to carry extra weight. Those are worthy objects and Government ought to be congratulated upon bringing forward such a measure, but I think it is only fair and right, from the point of view of the Municipality, for me to point out that the Mayor and Town Council have been for many years aware of the necessity for keeping a check on buildings used for such purposes within the City of Georgetown. Apparently there has been no such provision for the rural areas, therefore this Bill will remedy that defect. So far as the City is concerned we have had our Building By-

laws of 1946 whereby all public buildings or buildings used for public purposes have to be certified by the City Engineer, on the certificate of a properly qualified Building Engineer, and such certificate has to be submitted to a Magistrate before a licence is granted. That has been done for many years, and I think it is only fair that I should pay tribute to the City Engineer, Mr. Rattray, on whose recommendation the By-laws were introduced.

One defect which I find in the Bill is that it merely refers to inspection, in one case by the City Engineer or his Assistant, and in the rural districts by the Director of Public Works. In the case of the Municipal By-laws provision is made for at least an annual inspection of such public buildings, and authority is also given to the City Engineer, or someone authorized by him, to enter into any building at any time he feels there is necessity for him to check-up and see that it is kept in order and repair so as to be considered safe to accommodate a large number of people. That is something which we should incorporate in this Bill, and we should extend it to all areas in the Colony.

The point has struck me that whilst we are providing precautionary measures against the collapse of public buildings we know that private homes are very often places where large numbers of people assemble for similar purposes, and those private homes are not built of sufficient strength to carry the extra weight which is involved when large numbers of people gather. The City Engineer tells me that when he is inspecting a building for a certificate for public dancing, or a public hall, he checks very carefully the size of the building, beams, sills, etc., in order to make sure that at least the building can withstand a weight of 100 lbs. per square foot, and in the case of dwelling houses, a weight of 60 lbs. per square foot. While we may not be able to make provision for it in the present Bill I make the suggestion in the hope that the hon. the Attorney-General may bear it in mind. I do not know if it is possible for the Attorney-General to introduce an amendment to provide a right of entry into premises in order to make sure that they are still in the condition in which they were when a certificate of fitness was issued.

Mr. PETERS: In respect of the provisions of the proposed amendments one has to predicate the need for a further searching of heart, because there are many institutions in our community which occasionally find it necessary to promote dances in order to carry on their work. It seems to me that this Bill overlooks the fact that there is necessity for us to give some consideration to the charitable work done by certain institutions which now and again must organize a dance to assist their funds. There is a suggestion about a fee, and if that does arise in the long run I would suggest that we should not leave it to the Director of Public Works or the City Engineer to impose that fee. If we feel that a fee for inspection is necessary we should not impose any new burden on churches and charitable institutions. I grant that periodical inspection is certainly necessary, but we should not do anything which would impose any hardship on charitable institutions. I refer to institutions like the Y.M.C.A. and Y.W.C.A. It is for us to do all we can to encourage them.

As regards the question of music and dancing licences as a whole we should give some consideration as to what should be done in respect of the institutions I have referred to as regards inspection. For instance, if the Y.M.C.A. building, or any school-room attached to a church was inspected for one function during a year, and it is proposed to hold other functions, I certainly do not think it should be

necessary to have those buildings inspected on every occasion. I think we should give some thought to that aspect of the matter.

The ATTORNEY-GENERAL: I think the debate has expanded the original idea underlying the amendment which has arisen out of a desire to provide some security with regard to fire hazards and the use of a building in the case of entertainments by a larger number of people than should be accommodated, but hon. Members have raised several other points. The hon. the Fifth Nominated Member (Mr. Gajraj), in his capacity as Mayor of Georgetown, has intimate knowledge of these matters and the By-laws which, as he pointed out, were brought into existence on the advice of the City Engineer. He raised the point with regard to private houses which are occasionally used for the purpose of dancing and other entertainment without inspection, and it is quite likely that what we are seeking to avoid may occur in a private house which has not been constructed with any idea of carrying the load which is sometimes put on it. That raises another issue as to what provision should be made for the inspection of private houses used for such purposes.

The hon. Member for Western Berbice (Mr. Peters) has raised the point as to how far this legislation should be a burden on charitable organizations. Of course a danger is a danger whether it is incurred in a good cause or not, and there might well be a collapse of a building during a dance in aid of a charitable organization, followed by large headlines in the newspaper the next day. We have to have a balance. I know that the hon. Member is interested in charitable organizations, but so am I. In considering legislation of this nature, which is designed for the purpose of protecting people who attend entertainments, we cannot allow the fact that the organization concerned is carrying on very useful work to blind our eyes to the necessity for certain safeguards.

Mr. PETERS: It is not that I am averse to the idea of inspection. My point is that if there is to be a fee those institutions should be considered and provision made to exempt them as regards the payment of fees.

Mr. FERNANDES: There is another point which I think the hon. the Attorney-General has missed. Nobody is against a thorough inspection of a building, but what difference does it make if a building is used by a charitable organization four times a year and it is used by a business organization the same four times a year or 12 times? In the case of a charitable organization which has no annual licence for dancing there would have to be an inspection of the building on each occasion before a licence is granted, but with the same building used strictly as a dance hall all that is necessary is that the owner get an inspection of the building for the purpose of obtaining an annual licence. I cannot see how anybody can justify the discrimination. I maintain that if all that is necessary with respect to a dance hall is inspection once a year, then the same thing should apply to a private house or institution, except in cases where the examining officer says that in view of the condition of a building and the possibility of early deterioration he can only certify it for three or six months. I agree with that limitation being made where the condition of a building is questionable, but if a new building is hired to a charitable organization for the purposes of entertainment the conditions should be the same as if the building were a permanent dance hall. An examining officer should not have to certify that building more than once in 12 months.

In the case of the Superintendent of the Fire Brigade it is even worse because, if he is satisfied that exits

have been provided, they are permanent arrangements, and it is hardly conceivable that anybody would remove them during the year. In his case, therefore, one should not need more than one certificate a year. Of course it is not necessary to put that in the law, because there is nothing which says that a building must be inspected by the Superintendent of the Fire Brigade every time an application for a licence is made. As I see it, it would be quite all right for the City Engineer to issue a certificate to cover any period he sees fit. I only make the point to make sure that Government knows what is in the minds of Members of this Council, and the way in which they expect this law to be administered when it is passed.

Mr. LEE: When an application is made for a dance hall licence a fee of $1 is paid and the two certificates are filed with the application. The building is licensed for a year. After that no further certificates are required if application is made for permission to hold a dance in the building during the period of the licence.

The ATTORNEY-GENERAL: I move that the Council resume, with leave to the Committee to sit again.

Council was then adjourned until 2 p.m. the following day.