

## LEGISLATIVE COUNCIL.

FRIDAY, 7th MAY, 1948.

The Council met at 2 p.m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

### PRESENT.

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

The Hon. the Colonial Secretary, Mr. W. L. Heape, C.M.G.

The Hon. the Attorney-General, Mr. E. M. Duke (acting).

The Hon. the Colonial Treasurer, Mr. E. F. McDavid, C.B.E.

The Hon. C. V. Wight, O.B.E., (Western Essequibo).

The Hon. F. J. Seaford, C.B.E., (Nominated).

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

The Hon. Dr. J. A. Nicholson, (Georgetown North).

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (Nominated).

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

The Hon. G. A. C. Farnum (Nominated).

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

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. G. M. Gonsalves (Eastern Berbice).

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

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. C. A. McDocm (Nominated).

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

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

The Clerk read prayers.

The minutes of the meeting of the Council held on the 6th of May, 1948, as printed and circulated, were taken as read and confirmed.

### UNOFFICIAL NOTICES

#### THE COLONY'S SUGAR INDUSTRY.

Dr. JAGAN gave notice of the following motion:—

Whereas it is the desire of the United Nations Food and Agricultural Organization that every country should rationalise and re-organise its productive resources in man-power, land and machines towards increased food production so as to alleviate the world food shortage and thereby overcome starvation misery and death to millions of inhabitants of the world;

And whereas sugar is an all-important item of food of which world demand is far greater than present world output;

And whereas the production of sugar in this Colony has been declining and compares most unfavourably with pre-war production;

And whereas this decline in production has to a great extent resulted from a prolonged strained relationship between the sugar producers and the sugar workers;

And whereas this strained relationship has been the result of unfavourable wage, working and living conditions generally, and has been responsible for the present strikes at all the sugar estates on the East Coast of Demerara and may be responsible for future strikes throughout the Colony;

Be it resolved that this Council strongly recommends a Committee be set

up immediately to consider all the factors leading to present and past disputes and an examination of the present cost of production prices and profits to determine whether the sugar industry can afford increased wages and better working and living conditions for sugar workers;

And be it further resolved that the aforementioned Committee consider the desirability of abolishing the present plantation system of sugar-cane cultivation and substituting thereof a system of co-operative cane farming, the latter to be accomplished by the acquisition and distribution by Government of estate lands to sugar workers;

And be it further resolved that after the investigation by the Committee the reports be submitted to the Legislative Council for consideration and action.

#### NOTICE OF QUESTIONS

##### FIRE BRIGADE WORKING HOURS.

Mr. FARNUM gave notice of the following questions:—

(1) Whether it is a fact that the mechanical staff of the Fire Brigade work 84 hours per week?

(2) Do the firemen work the same number of hours per week as the mechanical staff?

(3) What is the maximum number of hours weekly fixed by law for manual and other workers?

(4) Has the Government arrived at a decision with regards to the proposals which were under consideration for the general re-organisation of the Fire Brigade?

#### ORDER OF THE DAY

##### GOVERNMENT LOANS TO INDIVIDUALS.

Mr. ROTH asked and the COLONIAL SECRETARY replied to the following questions:—

Q: 1: With reference to Government's "Replies to Questions" No. 24, laid on the table on 3rd October, 1947, regarding certain loans made by Government to Messrs. A. M. Edun, D. M. Harper and H. J. M. Hubbard, which loans these gentlemen undertook to repay before the 31st day of December, 1947, will Government now state:—

A:—Whether these undertakings have been honoured?

Q: 2: If the answer is in the negative how much does each of the said gentlemen owe?

A: (a) Mr. Edun—\$1,200

(b) The British Guiana Trades Union Council (on behalf of Mr. Harper and Mr. Hubbard)—an indivisible total of \$1,827.56

Q: 3: What steps does Government propose to take for the recovery of the amounts in question?

A. As the Honourable Member is aware, the Finance Committee recently decided that Government should take such action as was necessary to affect recovery of the advances, and action to this end is proceeding.

##### DRAINAGE OF EAST DEMERARA WATER CONSERVANCY AREA.

The Council resumed the debate on the following motion moved by Mr. DEBIDIN on the previous day:—

Whereas the East Demerara Water Conservancy of an area of 221 square miles releases its waters in wet seasons through four sluices exclusively into the Mahaica river, and this volume of thousands of millions of cubic feet of water released per day is far in excess of what the river can discharge per day, and would inevitably cause abnormal floodings of the lands not only on either bank of the Mahaica river but also of lands in the Mahaicony river districts and also aback of villages and other districts between Mahaicony and Golden Grove;

And whereas the aforesaid areas are most fertile and suitable for production in very large quantities of essential foodstuffs and has been in the past a source of very large supplies of rice, cattle, milk, poultry and eggs, coconuts and edible oil, ground provisions etc;

And whereas with the present rainfall there has been a most serious and heavy loss of such foodstuffs in the above referred to areas which would have a very adverse effect on the Colony's food supply and general economy and all this is likely to recur with every wet season;

And whereas the clearing by dredging of the Mahaica and Mahaicony river mouths would considerably improve the drainage of the above areas;

And whereas from the point of view of colonial development and the encouragement of peasant farming in the Colony and the preservation and protection of the above areas which are largely settled upon and are already noted for large production as aforesaid, it is most desirable to improve the drainage conditions of the said areas;

Be it resolved that this Honourable Legislative Council recognising the great need for better drainage conditions in the Colony approves and recommends that

Government take immediate steps to have discharged all the water of the East Demerara Water Conservancy during the wet seasons exclusively into the Demerara river and no longer into the Mahaica river and in this respect and for better drainage of the above areas this Council approves and recommends the immediate undertaking and commencement by Government of the following works:—

- (a) The building of the necessary outlets for water from the East Demerara Water Conservancy area to the Demerara river;
- (b) The dredging of the mouths of the Mahaica and Mahaicony rivers and the clearing of all overhanging trees and bushes at the various bends in these rivers; and
- (c) The erection of another pumping unit within the area between Golden Grove Village and Belfield on the East Coast Demerara.

Mr. SEAFORD: I would like at the outset to say I fully sympathize with the motion moved by the hon. Member for Eastern Demerara.

The ATTORNEY-GENERAL: May I interrupt the hon. Member? I do not think the motion has been seconded.

Mr. LEE: No, Sir; that is what I informed the hon. the Attorney-General. I formally second the motion.

Mr. SEAFORD: The motion shows that in that area and throughout the coastlands in this Colony there are no doubt harrowing scenes. We see the lands under water and the cattle having to go on the public roads. But that condition extends from the Pomeroon to the Corentyne River. Throughout the Colony we see the same thing. I am also in sympathy with the motion because I feel that if anything can be done to remedy the situation it ought to be done. The question that has been brought up by the hon. Member is not one that has come up today. I know it has been worrying the Government for a considerable time, and it has been worrying the Drainage Board for a very considerable time also, but the hon. Member must remember that he is a layman and that it is not quite as simple to carry into effect all he would like to do as it may appear to him. This is a very flat country and if he would study the coast-

lands here right through he would find that all the coastlands have been empoldered by dams around them, the East Coast Demerara especially. He referred to the coastal belt. All that land has been empoldered and dams put around it, and in most cases the water has to be pumped off the land. There is no other means of getting rid of the water except by pumps. That is the first thing one has to bear in mind.

I do not propose to deal with all the numerous figures which the hon. Member quoted—thousands of millions of cubic feet—because I do not think the Council can take in such figures. It is a big task even with the figures in front of us. Nor do I prefer to refer to the number of cattle and number of ducks. This is an ideal country for ducks. There are other points I should like to refer to. I am not going to deal with figures but just with the general position. I am afraid the hon. Member has not got his facts quite correctly and, therefore, his deductions are also not correct. If I may refer only to one thing, and that is, in his preamble he mentions—“Whereas the East Demerara Water Conservancy of an area of 221 square miles releases its waters in wet seasons through four sluices exclusively into the Mahaica River, . . .” I think the hon. Member knows now it is led into the Demerara River and it is not exclusively into the Mahaica River. He did mention the sluice at Land of Canaan as discharging so many thousand millions, but that is not correct. Then he referred later on to how all the water of the East Demerara Water Conservancy should be discharged during the wet seasons exclusively into the Demerara River and no longer into the Mahaica River. Then he referred to the water flowing from the Mahaica Creek into the Mahaicony Creek and then into the Abary Creek. If we check up the levels there—they had been checked in the past—we would find that the water flows from the Abary Creek westward and not eastward in that area.

The hon. Member stated that both the Conservancy and the Mahaica areas are needed. I am in agreement with him. We need both; we need all the lands that we can make use of. The difficulty is to

know how to stop the water that comes down from all these small rivers in the Colony. You will find wherever we have small rivers that at a certain period of the year, whether you have a conservancy or not, they are flooded. The upper reaches of the Bonasika do not get the same amount of water because the rain level is 52 G.D. in the Demerara River and 57 G.D. there, a difference of 5 ft. Even the other day the Canje Creek overflowed its banks and did damage to the Corentyne Coast. The hon. Member referred to increasing the Conservancy so as to catch more water. That is partly correct. That is part of the reason that has been done, but although that has been done there is still not sufficient water for irrigation that is needed. But the major reason for the extension of the dam along the East Bank was to prevent the flooding of the lands on the East Bank Demerara in heavy weather. It was felt and recommended by Mr. Case that if a dam was built those lands would be a very much greater asset than they were. That dam has been built. If one should visit there it would be seen that plots of land have been taken in and cultivation is being carried out. That is one asset of the Conservancy Dam.

The hon. Member referred to the Bonasika and Torani Schemes where you are going to get irrigation water without maintaining a conservancy. I doubt very much if that is the case with the Bonasika Scheme. I am very certain that the Bonasika Conservancy will have to be maintained. At the same time this was one of the things we looked into—to get water from a conservancy, if it could not be brought down from the upper reaches of the Demerara River, to supply lands which are now irrigated with water from the East Coast Conservancy. But that was gone into by Mr. Case and he got out an estimate which, I think, was in the neighbourhood of \$3,000,000. That estimate today will be very greatly increased. But there is another snag about that, the point where it was hoped to take in fresh water. As hon. Members know, you have to go far enough up the river to get fresh water, a good distance beyond the point where any brackish water would reach. During the drought last year it was found

that salt water went higher up than the point where it was estimated to take in fresh water. The making of that sluice and other things which will be necessary I consider, will cost well over \$5,000,000. Government and its advisers considered at that time whether the money should be spent on that or on the Torani Scheme or on other schemes on the West Coast Berbice, and they came to the conclusion that the money could be better employed in other places than the East Coast Demerara. I had disagreed with that opinion and I am still of that opinion. However that was decided by Government, and for that reason no works were carried out there.

When we come to the actual flooding of the area, as has been pointed out by Mr. Case in his report, those lands would be flooded whether the Conservancy flowed into the river or it did not. In other words, he said that the amount of water coming down from the Catchment area was  $3\frac{1}{2}$  times more than the river can take off. The hon. Member said it is only  $2\frac{1}{2}$  times but even if that is so it still means that those lands will be flooded. This question arose a long time ago. Those lands were being flooded before the Conservancy was ever in being. Baron Siccama reported on them in 1879, and that was before this Conservancy came into being. Therefore I do not think it can be claimed that the water which the Conservancy puts into the Mahaica River is the cause of the flooding.

Mr. DEBIDIN: I have always admitted that the water from the Catchment area will flood the river; then added to that is the Conservancy water which means that the river will have double work to do.

Mr. SEAFORD: I am coming back to that. It is explained in this way: To make that Conservancy the rivers Maduni and Lama, tributaries of the Mahaica, together with their creeks were dammed off near the Mahaica River. That was done to conserve that water. I think, hon. Members would see that if the Conservancy was not there all the water collected in that area would naturally flow into the Mahaica River. That water is held up until we come to the very rainy season and then it is released as necessary. The Conserv-

ancy tried to extend the level of 58 G.D. as high as possible and, therefore, with the water they let out is the excessive rainfall that goes into it. It is the excess water that will naturally go into the river. By extending the level it is only the rain that brings the level up, and that is released into the Mahaica River. That is the only water that normally flows into the Mahaica River. If the Conservancy did not exist all that water would have gone into the river. The hon. Member, I think, referred to the fact that the water from this flooding went further afield and flooded the Mahaicony and the Abary. During the last rains, about a month ago, the lands adjacent to the Abary were 5½ ft. under water. The water was flowing from the Abary into the Mahaicony and, as I stated before, it was flowing westward and not eastward.

I would here like to refer to the work that has been carried out lately so as to give an indication of what has taken place which, I think, the hon. Member knows too. A road is being built from the Rice Expansion Scheme area to the public road. It is called, I think, the Burma Road. The proprietors on the western side of that land, on the Mahaicony side, are complaining that they cannot get water from the Abary as they used to, as the road that is being built makes a stop-off. They have gone to the Board and also to the Director of Public Works to find some means for them to get that water from the Abary to the other side of the road, that is the Mahaicony side of the land. That in itself indicates that the flow is from East to West.

The hon. Member also referred to 200,000 acres of these lands being flooded for the benefit of only 80,000 acres on the East Coast. I do not accept that. There are two things I would like to point out in respect of that. The first thing is, I think, it would not be altogether fair to take the acreage of land that is being benefited. It is the value of the crops that should be taken into consideration. I would here point out that had not those estates from Cane Grove right down to Georgetown empoldered their land and put dams at their back to keep the water out they

would all be flooded. As we know, in this Colony the only way to get effective drainage is by empoldering the land. On the Corentyne Coast, just the same as anywhere else, they had to put up dams all around to keep out flood water. On the whole of the East Coast Demerara and part of the Corentyne Coast it is necessary to put in pumps and to pump the water off the land. I am not suggesting that the people of this area should empolder the land and pump the water off the land, because I do feel that it will be entirely uneconomical. The crops you get there are not high enough in value to allow them to maintain that. I am only pointing that out, because I would like hon. Members to realize that you cannot keep the lands on the Coast free from flooding unless you empolder them and unless you can get rid of the water.

The hon. Member mentioned also that Mr. Case said that the Mahaica River is tidal right up to its source. I do not know whether that is in the report, but I know of no river in the world which is tidal up to its source.

Mr. ROTH: I know from personal knowledge that statement is not correct. It is tidal up to many many miles from its source. It is only as far as the second savannah. I am speaking from personal observation.

Mr. DEBIDIN: May I refer the hon. Member to the first page of the report where it reads:

"The Mahaica River is tidal up to the small creeks near its source;..."

Mr. SEAFORD: I am afraid the source of that river is very much further than those small creeks. I am afraid I have spoken rather long, but I do wish that hon. Members would appreciate the conditions that exist today on our coastal belt. If I may refer to the motion again, the hon. Member suggested that it would be necessary to build outlets from the East Coast Demerara Conservancy into the Demerara River. That matter has been gone into. It has been considered, but it is not an easy matter to find suitable land for these outlets. It is very difficult to build a relief canal or relief sluice

through pegasse soil. In fact it is impossible for a relief canal to be built and, I think, if we take the land on the East Bank Demerara River, we would find that most of it is pegasse. Hon. Members would remember the hon. Member mentioned that the relief canal and sluice which the Public Works Department had built at Friendship was incapable of being used for that very reason. It was built but it cannot be used as a relief outlet because of the condition of the soil. We have taken tests in various places and have found that the pegasse goes as far as 20 feet. Not far out of town the Public Works Department had put down a relief sluice on the Demerara River and within two years that sluice was in the river itself. They found that unfortunately they had not taken bearings, as two feet below the clay there was a strata of pegasse, and the whole thing found itself in the river.

The hon. Member suggests about dredging the mouths of the Mahaica and Mahaicony Rivers, as Mr. Case had pointed out, owing to the conditions which existed here, with our rivers bringing down water, we have a bar being formed at the mouths of all of our rivers. A bar would be formed within a very short time and it would be necessary to do continuous dredging of that bar. It is felt that that could never be an economic proposition. The land along the river could not pay for the continuous dredging that would be necessary.

Mr. Case also considered the question of cutting canals, but that was also found to be an uneconomic proposition, and that sufficient drainage would not be possible. We are up against the proposition that where we try to protect ourselves from the sea by putting up the sea defences we impede our drainage. If we decide to dredge we would have to undertake expensive works to maintain the channel so as to allow for drainage. The foreshore at the Mahaica Leprosarium was being washed away, and when a groyne was put up it impeded the drainage through the Mahaica river. Whatever we do we have to look at it from the economic standpoint. It is not for the want of trying, but so far it has not been possible to find the means of doing it. That is what has

led Mr. Case to suggest in his report that it would be easier to remove the people in that area to other parts of the Colony where drainage could be more economically and efficiently maintained.

I hope I have been able to make myself clear. I should welcome the question being referred to any Committee which Government may be inclined to set up, because the more consideration we give to these problems the more we learn and the more convinced everybody would be. It must not be thought, however, that such a Committee would be able to report in a short time. No technical man would report on a matter of this sort without making a proper survey. There would have to be a thorough survey of the whole area. That has been done to some extent, but anyone who goes into the question again would want another survey.

The motion recommends the erection of another pumping unit in the area between Golden Grove and Belfield which suffers from inundation practically every year. The matter has been before the Drainage Board from time to time, and as far as I recollect the Board has suggested to Government that the installation of another pump would help, but it would not solve the problem of flooding in that district. It would require four more pumping units to prevent flooding. The area is 5,011 acres, and with a drainage rate of \$4.65 per acre the annual cost of drainage is \$23,301. Of that sum Government contributes \$20,300, because it realises that a greater tax on the people in that area would put them out altogether. I was the Chairman of a Committee which went into all these things and recommended that Government should help as far as it could. Another pumping unit would cost something in the neighbourhood of \$150,000. It would be a great help, but I do not want anyone to think that it would prevent flooding. It is a matter for Government and this Council to decide whether they are prepared to spend that money. It cannot be an economic proposition, but as so many things have to be done in this Colony which are not economic propositions it is a matter that has to be considered by Government.

The Drainage Board has already put up to Government a suggestion to put in another pumping plant, but has safeguarded itself by pointing out that it would not provide sufficient drainage. I am only too anxious to give any help I can. It is heartbreaking for farmers to see their crops lost year after year, but we must consider the economic aspect, and whatever we do we must do with our eyes open. I sympathise with the mover of the motion who, as a layman, has seen what has taken place in the area, and as the representative of the district it is his duty to do all he can to help. I think he is fully justified in doing so.

The COLONIAL TREASURER: I have risen to intervene at this stage as a layman, just in the hope that the few words I have to say may assist the Council in coming to a quick decision on this motion. Personally I should like to join the hon. the First Nominated Member (Mr. Seaford) in commending the hon. mover of the motion on having brought this matter up. I am sure the Council appreciates his sincerity and the generosity of his purpose in bringing the matter before the Council. Nobody who has seen this district at flood times can fail to sympathise with the people who have the misfortune to reside along the banks of the Mahaica river. I would also like on behalf of the Council to thank the First Nominated Member for his very illuminating statement which I am quite sure will throw a good deal of light on this very complex matter.

I said I was speaking as a layman, but I have got some personal knowledge of the East Demerara Water Conservancy. I have had the good fortune to go over it many times. In fact I am very fond of the place and I need not disguise the fact that that fondness arises from the circumstance that there is no telephone communication with Georgetown, and the water abounds with a very delectable kind of fish. By reason of those visits I, as a layman, have appreciated what is being done in that Conservancy, and I would like to remind hon. Members that at the point where the Lama creek enters the Conservancy, or rather where a dam has been built at the Lama creek there is a monument built of rough hewn stone, and that

monument is a tribute to the memory of a very great man, Mr. Russell. I cannot remember the exact words of the inscription but it perpetuates the memory of William Russell who designed and carried into execution this Water Conservancy Scheme which has afforded the people, the villages and estates on the East Coast, Demerara, and the citizens of Georgetown an ample supply of water. It is a most magnificent scheme in conception and execution, and it is one of the most important things that has ever been done on the East Coast of this Colony. In fact, I make bold to say that our agricultural economy is founded largely upon the East Demerara Water Supply Scheme. If it were not in existence today we should never have been able to carry on the agricultural activities in sugar and other crops which now take place on the East Coast and also on the East Bank of the Demerara river.

The point about the flooding of the Mahaica river banks arising from the Conservancy is, to my mind—again as a layman—quite false, because I have seen the sluices which have been built both at the Lama stop-off and the Maduni stop-off, and all they do is to permit water to flow from the Conservancy into the Lama creek and into the Maduni creek. The First Nominated Member has explained that even if the Conservancy dams had not done so those lands would necessarily be flooded by the normal overflow of that water into the natural creeks. So that it cannot be charged against the Scheme that the sluices which permit the very thing that the natural creeks do are artificial constructions which cause flooding. That is not so at all. I do not want to go into that matter any more because the First Nominated Member has dealt with it very fully.

The other point about changing the flow of the water eastward into the Demerara river strikes me, as a layman, as being a very massive conception on the part of the hon. Member. One must remember that there is an area of land between the Demerara and Mahaica rivers 20 miles in width, and there must be a natural divide at some point between. What the hon. Member is really conceiving is some scheme by which the

natural flow of water eastward could be completely diverted westward within this particular area. That may be very desirable but it is a very massive conception, and one which requires the very deepest and intensive expert investigation.

I come now to the real reason why I rose to speak. The resolve clause of the motion states:

Be it resolved that this Honourable Legislative Council recognising the great need for better drainage conditions in the Colony approves and recommends that Government take immediate steps to have discharged all the water of the East Demerara Water Conservancy during the wet seasons exclusively into the Demerara river and no longer into the Mahaica river and in this respect and for better drainage of the above areas this Council approves and recommends the immediate undertaking and commencement by Government of the following works:—

- (a) The building of the necessary outlet or outlets for water from the East Demerara Water Conservancy area to the Demerara river.
- (b) The dredging of the mouths of the Mahaica and Mahaicony rivers and the clearing of all overhanging trees and bushes at the various bends in those rivers and
- (c) The erection of another pumping unit within the area between Golden Grove Village and Belfield on the East Coast Demerara.

I scarcely think it would be proper for this Council to accept a motion of this kind. Quite obviously the proposition is an immense one, and to expect this Council to recommend the immediate undertaking and commencement of works of this nature is certainly a big mouthful to swallow. Before making a recommendation of this sort the Council would want clear proof that first of all the works projected would succeed, and secondly, what would be the cost. On that ground alone I think this Council cannot possibly accept the motion, and even if the Council accepted it Government would have to go very warily before it expended money on the project. I respectfully suggest to the hon. Member that his proper course, having brought the matter to light in this way, would be to withdraw his motion on the condition

that Government undertakes to have the matter properly examined and reported upon, and the report laid on the table of the Council for such further action as the hon. Member or the Council itself might deem fit.

It is a very immense proposition, and all that is really necessary at the moment is that the matter should be investigated. I know, as the hon. Member has said, there has been much talk on the subject before, but it is never too late to begin again, and if there is the slightest chance of some reasonable improvement and at some reasonable cost we should find out. Having brought the matter to light, and having heard the hon. the First Nominated Member on the subject, I suggest that the hon. Member withdraw his motion on the condition I have suggested.

Dr. SINGH: I would just like to say briefly that I know the area very well. Some years ago I was on the point of being involved in litigation when I endeavoured to bring about a settlement among the people resident in the area at that time with respect to the destruction of their crops and loss of their cattle as a result of flooding. Up to about three decades ago the Mahaicony creek was a very prosperous settlement. People lived on each bank of the Mahaica river, and in spite of the fact that there was periodical flooding it did not seem to affect them very much. Their losses were not great and they pursued their course in rice planting and cattle rearing. They built permanent homes, and the establishment of rice factories was an indication that they had determined to become permanent settlers in that area, but since the new arrangement by which the water in the Conservancy was released into the Mahaica creek whenever there was heavy rainfall in order to save the dams, the volume of water in the Mahaica creek resulted in flooding of the banks. The result is a sparsity of population in that area. The people left the district, and many of them went to India. In my opinion the conditions there are similar to those at Hague on the West Coast. I was heavily involved in serious litigation when, as a representative of the B.G. East Indian Association, I tried to do my best for the people and found myself in hot



particular motion becomes important. That brings me to the last point I wish to make on the question of deferment. I feel this is not like the Torani, or the Bonasika, or any scheme where it does not matter whether the solution is effected early. Here is where people are settled and where immediate help is needed. It is not something like a long-term measure, and that is why when the question was raised by the hon. the Colonial Treasurer of the immediate importance of the motion, I felt that he had overlooked the fact that the people are suffering annually. That is why, especially in so far as the second part of the motion is concerned, we are asking for an extra pumping station for Clonbrook. I would like to point out to the hon. the First Nominated Member that the people's experience was that before any pumping station was put there they had comparatively good drainage. It seems to me that because of the meandering and the present way of construction the water is sent back on the lands. That is the result of impeded drainage. They are saying that if you allow the existing sluices of the villages to function as natural outlet sluices with another pumping unit or two a complete solution would be brought about. I do not see any need for delay of this measure at least, and while it may be true that in so far as the Mahaicony problem is concerned some parts have to be surveyed and new levels taken throughout, it is proof that the Conservancy water tends to go eastward when the Conservancy is flooded. That can be gone into thoroughly, but the second part of the motion must be given immediate attention. After all this matter concerns the general economic of the Colony. It may affect the general national income of the Colony in the future if not tackled, and I feel it is therefore incumbent upon the Colony to face the task just as it faces any other development task and with as much seriousness and urgency as in the case of the schemes presently engaging the attention of Government.

I have been able to study the development plan mentioned yesterday, and it referred to something being done in the next five years in the Mahaicony-Mahaica area. I also observe that only relates to the digging of a canal between

Mahaica and Mahaicony. Whatever scheme is put up in the next five years will not affect what is being asked for in this motion. Sir, I would ask that the Mahaica part of the problem, as disclosed by this motion, be deferred for full consideration and investigation by the Advisory Committee. If, however, other Members feel that a Select Committee should be formed it is up to them to move an amendment. As I said, I accept the suggestion to let it go to the Advisory Committee of the Public Works Department, as it is a special committee of this Council containing Members of this Council, but the second part of the motion dealing with the putting down of a pump should be voted on at this meeting. It is something that is important and, I think, it should be gone into.

The PRESIDENT: This matter has been fully debated and is not, as one hon. Member says, a simple question. No half-way action is a remedy for the situation. We have had many views expressed on it during this debate and, I think, we all realize the problem is not a simple and straightforward one. I have already given the Council the assurance that this problem will be re-examined by the Government Experts. I do not think anyone in the Council can venture to say that we should take any steps or embark upon any scheme without getting their advice. I suggested yesterday that we may refer this matter to the Public Works Department Advisory Committee. It escaped me at the moment that we had a Drainage Board which is responsible for all these questions; perhaps, that might be the better body. I do not know whether the hon. Member would agree, because that Board is, of course, set up for that very purpose, and what I suggest is that the Government Experts re-examine it, and it be re-examined by the Drainage Board and the report brought to this Council. This Council will then decide what action should be taken on it. I think that would be the practical way. If the hon. Member accepts that I would accept the motion.

Mr. DEBIDIN: There is just one snag and that is this: Except for the Director of Public Works, the entire Public Works Department Advisory Committee is comprised of Members of this Council, and

that is why it seems to take the place very closely of a Select Committee being appointed. I will not agree to the Drainage Board because I feel that one of the principal functions of this Committee is to go into the question of cost when advice is given and to see that what is asked for under the motion can be carried out. The whole thing is Public Works and, I think, it should be restricted to that Committee because of its composition, and all assistance which can be given by the technical experts should be sought and taken by the Public Works Committee.

The PRESIDENT: I do suggest that we should have the advice of the Drainage Board on this matter. If Members agree to a joint committee of the Drainage Board and the Public Works Department Advisory Committee I would be quite agreeable to that. We want a final solution, we all agree, but we do want a thorough and proper examination. That is a practical suggestion if the Council approves. I hope the hon. Member has no rooted objection to the Drainage Board handling something for which it is set up.

Mr. DEBIDIN: That suggestion is very good, but there is this to it. On the Drainage Board you have a number of men coming from Essequibo and the Managers of estates. What interest they may have in it we do not know, but there is this: There are on the Public Works Advisory Committee not less than three Members of this Council who are on the Drainage Board. There is a connection between the Drainage Board and that Committee. I was thinking of the smallness of the Committee and its sub-committee's functions. It can be truly regarded as a sub-committee of this Council when it reports.

The PRESIDENT: I do think my suggestion goes half-way to the hon. Member and he should come half-way to me. It is a sound suggestion. We should take advantage of the brains of both committees. I do suggest that we form this committee comprised of both.

Mr. LEE: As I have seconded the motion, may I suggest to the hon. Member that he accepts Your Excellency's sugges-

tion with this reservation—that evidence might be taken by the Committee from people of the district who know and have lived there all their years, some of them over 65 years. The Committee will be able to gather much from their evidence.

Mr. DEBIDIN: I agree to the suggestion.

The PRESIDENT: I agree to the Committee doing what it likes to find out the truth and come to an answer to advance to this Council.

Mr. DEBIDIN: I suggest that the question of the Pumping Station at Golden Grove be also referred to this Committee.

The PRESIDENT: The whole question will be referred to it.

Mr. SEAFORD: That already has been the subject of recommendation from the Drainage Board.

Mr. DEBIDIN: The reason why I ask that is this: It is admitted it is work to be done. I have a report from Mr. Pudsey in which the principle has been explained, so the question as to whether it needs to be gone into again is redundant. What can be done is, we will go into that first. With the permission of my seconder I ask leave to withdraw the motion, and when we get something concrete to bring it back here.

Motion withdrawn.

#### LOAN FOR ROAD CONSTRUCTION

The following motion by Mr. DEBIDIN next engaged attention:—

Whereas the roads of the Colony are a disgrace and a standing indictment on the prestige of the Colony as a first class colony;

And Whereas for generations the skill in road making and the kind of materials used leave very much to be desired and are largely responsible for the shocking condition of the main roads today—chiefly the Georgetown-Rosignol, New Amsterdam-Skeldon and East Bank roads;

And Whereas the Georgetown-Rosignol road connects the two main cities and counties of the Colony and serves 69 miles of important villages and other populous districts; the New

Amsterdam-Skeldon road is the only connection between these points and of the many villages, sugar estates, and rice areas in Berbice; and the East Bank road connects the city with the international aerodrome at Atkinson Field and its bad condition would prejudice the minds of tourists;

And Whereas these roads, chiefly the Georgetown-Rosignol road, have been so badly neglected and are in such a bad state of desrepair that they are not only a danger to human lives but also destructive to all types of vehicles using them;

And Whereas existing development plans do not or do not sufficiently provide for the immediate improvement of the roads of the Colony;

And Whereas the Colony is rich in most of the essential materials for building first class roads, and first class all weather roads will reduce the present very heavy annual maintenance cost considerably;

Be It Resolved — That this Council recognising the urgent need for better roads for the Colony strongly recommends to Government its immediate embarkation upon the construction of first class all weather roads in the place of the present burnt earth roads, and for this purpose that Government immediately raise a loan to meet the necessary amount involved.

And Be It Further Resolved — That priority in construction be given to the Georgetown-Rosignol, the New Amsterdam-Skeldon, and the Georgetown-Atkinson Field roads.

And Be It Further Resolved — That Government in the meantime undertake immediately and on a much wider scale the proper repair of all its roads even if this would mean exceeding the maintenance vote for the year.

The PRESIDENT: I do not want to stop what the hon. Member wants to say, but I hope he realizes that the substance of his motion is the substance of a recommendation of the Main Development Committee which will be coming before this Council soon. The substance of that recommendation is that three different sections of roads should be dealt with. The present state of the roads is generally admitted to be most unsatisfactory, and for various reasons. All this has been carefully investigated by the Main Development Committee and they have forwarded a report and recommendations to Government on it. Those recommendations will have to come before this Council for approval and to vote the necessary

funds. I suggest then, that this is not the time to bring this matter up. The hon. Member can certainly do so now, but we cannot get any further until we get the funds and until we get the machinery, which we are trying to get as soon as possible. It has been indented a considerable time ago. Whatever the Council decides, we cannot go on with it immediately as we have not got the machinery. We are trying our level best to get it and our level best to get the funds. I suggest to the hon. Member to leave his motion for debate when the recommendation of the Main Development Committee comes up.

Mr. DEBIDIN: Your Excellency, I do regard your remarks as sincere that you desire to see our road communications better and that soon, but I will not accept that the whole of this motion is looked after by the Development Committee.

The PRESIDENT: I said the whole question of roads is looked after by the Main Development Committee. That Committee's recommendations include two of the roads mentioned in the motion.

Mr. DEBIDIN: It is because I have had a chance to study the report of the Road Communications Sub-committee, and it is because that Committee recommended the construction of two roads — one on the East Bank Demerara from Georgetown to Atkinson Field and the other in Berbice from New Amsterdam to Crabwood Creek. The intention is a long term programme for the other roads. But I prefer to refer briefly to the roads in the motion which I have brought. I would ask leave to pursue it in that light.

Mr. LEE: May I ask the hon. Member to accept Your Excellency's suggestion and defer consideration of his motion. If the recommendation of the Main Development Committee has to be brought forward here to be discussed, he would have an opportunity to press that his roads be given priority. He need not withdraw his motion. If no steps are taken by Government then he can ask that his motion be put on the Order Paper again. If it is debated now he would not have that chance.

Mr. DEBIDIN: May I ask when it will be brought to this Council?

The PRESIDENT: I do not know exactly, but it will be as soon as possible. We are all very anxious to get on with development. We have just cleared the Budget out of the way; it was an enormous task. The next big thing is to consider the development report and when we see signs of getting the money to put concrete proposals before this Council. I am, however, anxious that we do get on with it as soon as possible. I cannot give the hon. Member the date but it will be very soon. I do not want to anticipate the debate on the report, but it will open up the whole question of Road policy. A good many Members of this Council have different ideas as to which roads should come first, and it is a very big question. I do suggest that it is better not to anticipate that debate.

Mr. DEBIDIN: Your Excellency, when this question of building the East Coast road comes up I may not be in this Council. According to this, roads other than the two mentioned are to be built, so many miles per annum—5 or 10 miles I think—at an annual expenditure of \$200,000 to \$500,000. I am afraid that most of these very urgently required work will not be done where the people are really meeting up with a certain amount of inconvenience and suffering. Something must be done immediately there. I use the word “immediately” again. There is no doubt that recent happenings in respect of the Transport and Harbours Department have proved where the road on the East Coast Demerara can be very important for traffic and general communication. That is why when one considers what is the condition of this road and what is back of the idea of Government — I don't know whether it is coming from the Transport and Harbours Department — that as long as there is to be a railway that road is to be neglected, I want to bring this matter very prominently forward for discussion because that road certainly is a danger to the public and a disgrace to the Colony. It is something that must be looked after immediately. We are going to run into a serious accident some day. I travel over it every day, and I think that some-

thing ought to be done so far as repairs are concerned.

If I am to defer this motion I may consider the question of bringing up at another time some motion for Government to have a bigger plan for repairing all roads. There is no doubt that we cannot go on with the roads we have. The method of burning earth is something that amounts to a scandal. No clinker is used, just mere mud. Just a small surface of burnt earth is placed on the roads and when the first wet weather comes along it is just washed out, and in the dry weather it is pulverised and becomes dust. Something better must be done. That is why I feel we should get the materials quickly and start repairing the roads with first class materials. We must have better roads.

Mr. LEE: As I was saying just now, I am asking the hon. Member to postpone the debate on this motion. He can ask, if no satisfactory action is taken, that his motion be put on the Order Paper two or three months hence. Your Excellency has pointed out certain things. He has to a certain extent expressed what is public feeling in respect of the manner in which burnt earth is being used. The postponement of this motion does not say that he cannot ask Government to put it on again for discussion, but the moment it is debated it cannot be brought back again. The hon. Member should ask that consideration be deferred and, if nothing is done, he can then ask that it be brought up for discussion.

The COLONIAL TREASURER: The most important resolve part of the motion is “that priority in construction be given to the Georgetown-Rosignol, the New Amsterdam-Skeldon, and the Georgetown-Atkinson Field roads.” The Georgetown-Rosignol road is something that is opposed to one of the recommendations in the Development Plan, although in the sub-committee's report an estimate is given for the cost of making the Georgetown-Rosignol road, but it has not been given priority. Secondly, this is really an attempt to counteract the effect of the Development Plan. It is therefore much more convenient in every way when a comprehensive motion is tabled inviting this Council to accept, alter or amend this

Plan, that the hon. Member at that stage should attempt to convince the Council that first priority should be given to the Georgetown-Rosignol road. This is not the right time to do it. This is an attempt to negative something that is coming forward in a few weeks' time. If the motion is rejected the hon. Member would not be able at that time to bring it forward, as the hon. Member for Essequibo River has stated. The hon. Member should wait and bring it forward as an amendment to the comprehensive motion.

The COLONIAL SECRETARY: Your Excellency has invited the hon. Member to become a member of the Advisory Committee of the Public Works Department, in which case if he accepts he would be in the best position to see all the repairs that can be done are done.

Mr. WIGHT: May I suggest to the hon. Member that, perhaps, if he asks permission of the Council or suggests that the motion be deferred to be brought up on the agenda two months hence, by then he would be in a position to know what has happened to the recommendations of the Main Development Committee. There will be a decision arrived at, and when the Council meets two months hence the motion will be there on the agenda.

Mr. DEBIDIN: I accept the suggestion of the last speaker and also that of Your Excellency.

Dr. JAGAN: I see the Director of Public Works is here. I would like to make one suggestion which can be carried into effect right away. It has nothing to do with roads but the safety of the roads. I know the road from Georgetown to Rosignol is one winding and tortuous one in certain parts.—

Mr. ROTH: To a point of order: The mover having asked that the motion be deferred the hon. Member cannot speak to it.

The PRESIDENT: The hon. Member can raise that matter with the Director of Public Works himself and hear what he has to say.

Motion deferred.

#### DISTRICT LANDS PARTITION AND RE-ALLOTMENT BILL.

A Bill intituled "An Ordinance to make special provision for the partition of certain areas of land, for the re-allotment of holdings therein, for the issue of titles thereto, and to render the occupation thereof more beneficial."

The ATTORNEY-GENERAL The District Lands Partition and Re-allotment Ordinance requires as a condition precedent to the operation of its provisions that there should be a petition signed by one set of the owners of the land which it is proposed to partition, but it infrequently happens that by reason of the fact that the persons in *de facto* possession of the land are not clothed with legal title. It not infrequently happens that it is difficult to get a petition signed by the requisite 51 per cent. of the proprietors. Some of those areas are mentioned in the Schedule to this Bill, and those areas that are mentioned are in urgent need of partitioning and re-allotting because their present laying-out is not satisfactory and not conducive to the efficient or effective use of the land which the persons in question occupy.

I would like to invite the attention of the Council to clause 4 of the Bill which provides for the extension of this Ordinance to areas which are not specifically set out in the Schedule. It is proposed that the extension should be done by Order in Council after due enquiry, and after an Order is made there is provision in clause 4 whereby it would be necessary for the Order in Council to be laid before the Legislative Council; and there is also provision in clause 4 whereby the Legislative Council can annul the Order in Council. From time to time, Sir, Ordinances similar to this Bill have been introduced into this Legislative Council and have been enacted, and it is felt that these cases are continually arising and there would be more quick action if provision is inserted in this Bill whereby the objectives which are hoped for would be achieved by means of an Order in Council.

There will be ample opportunity for the Legislative Council to annul that Order in Council if it so thinks fit. Then if the Order in Council is annulled the land would not have the benefit of the

special provisions of this Ordinance. I formally move that the Bill be read a second time.

The COLONIAL SECRETARY seconded.

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

Clause 2.—*Power to appoint Partition Officer.*

Mr. LEE: I would suggest that the Order should not only be published in the *Gazette* but posters should be posted up in the areas affected. Not many people see the *Gazette*, and it is absolutely necessary that they should know what particular areas are being dealt with so as to be able to make objections I make this suggestion because I know of an instance on the West Bank in which a lady did not know of the partition until the awards were being made but luckily for her the area had not been properly described, and the partition had to be done over again.

Mr. WIGHT: The hon. Member is probably looking at the wrong Bill. This clause refers to the publication of the appointment of a partition officer. I consider it a good suggestion, but instead of putting it in the Ordinance it should be done by way of administrative action.

Mr. LEE: I am suggesting that the publication of the name of the partition officer should also be done by posters.

The ATTORNEY-GENERAL: I think the hon. Member would be well advised to wait until the other Bill comes before the Council when I will explain the point he has made quite satisfactorily. That Bill will be the general Ordinance. This Bill waves certain provisions of the District Lands Partition and Re-allotment Ordinance, Chapter 169, in relation to the petition which is required to be made to the Governor in Council.

Clause 2 agreed to.

Clause 4.—*Extension of Ordinance to*

*areas of land not described in the Schedule.*

Mr. WIGHT: I would like to take this opportunity to thank Government for having brought forward this measure, and I hope that as soon as it is passed the survey and re-allotment of the Pomeroun district will be undertaken. The people in that district are in a hopeless state because of their inability to get title for their lands. It takes months to prove their titles, and I hope that in the interest of the Grow More Food Campaign the necessity for titles will be appreciated.

Mr. LEE: I would like to support the hon. Member's remarks because the same situation exists in Leguan at the moment.

Mr. DEBIDIN: This is one occasion on which I am not opposing the transfer of power to the Executive Council, but I would like to point out that there is a certain time within which certain things have to be done under the Lands Partition and Re-allotment Ordinance, and if the Legislative Council is not in session it may not always be possible for the Order made by the Governor in Council to be laid before the Legislative Council within 14 days after it is made. I am not suggesting that the Legislative Council should ever want to pass a resolution annulling an Order made by the Governor in Council.

The ATTORNEY-GENERAL: It takes months, sometimes years, before a partition is concluded, and the Legislative Council is certain to meet at least once a year.

Mr. WIGHT: The Order does not become effective until it has been laid before the Legislative Council, and 14 days after the partition proceeds.

Clause 4 agreed to.

Schedule.—

Dr. GONSALVES: I have been requested to make certain observations leading to a request to Government, and I think this is the proper time to do so. Paragraph 3 of the Objects and Reasons of the Bill states:—

"3. With regard to the first mentioned area in the Schedule, i.e., Lot No. 53 situate on the Corentyne Coast, Government has undertaken a drainage improvement scheme which embraces this estate. It is proposed also to establish a Local Authority which will include this area, and it is important that the land in the said area should be partitioned and re-allotted in order to provide for effective administration and the recovery of maintenance rates when the scheme is completed."

The people do not seem to oppose the general principle of the partition, but they contend that if they are to be placed under a Local Authority the portion of land from which they will derive revenue to enable them to pay their rates and maintenance charges is held under lease for 21 years from Gulam Hussain. They point out that only part of the land is empoldered, and in view of the arrangement made at No. 54, where a new land settlement scheme is being introduced from the Whittaker Dam, they are asking if Government could find it possible to give them back part of that land as the owners of the first depth so as to enable them to pay their rates when they come under a Local Authority.

The CHAIRMAN: That is an administrative matter which has nothing to do with this Bill.

Dr. GONSALVES: They are asking Government to give an undertaking in keeping with what was told to me by the Commissioner of Local Government, that they would be given land to cultivate their rice so as to enable them to pay their rates properly.

The CHAIRMAN: I am afraid I cannot give any undertaking except that the matter would be looked into.

Dr. GONSALVES: I have already spoken to the Commissioner of Local Government who has given a reasonable promise, but the people would feel more secure with an undertaking from Government that they would be given part of the land at No. 52. They also ask that after 21 years the lease should revert back to them.

The CHAIRMAN: I will promise the

hon. Member to look into it. I cannot give an answer off-hand. If the Commissioner promised that something would be done, I think it would be done if it is reasonable, but I cannot give an undertaking without looking into the matter.

Mr. LEE: I would suggest that the hon. Member get the Commissioner of Local Government to put his promise in writing.

The Council resumed.

The ATTORNEY-GENERAL: 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.

#### DISTRICT LANDS PARTITION AND RE-ALLOTMENT (AMENDMENT) BILL, 1948.

A Bill intitled "An Ordinance to amend the District Lands Partition and Re-allotment Ordinance with respect to petitions and appeals, and for purposes connected with the matters aforesaid."

The ATTORNEY-GENERAL: For some considerable time there has been complaint that the District Lands Partition and Re-allotment Ordinance, Chapter 169, was somewhat defective in its procedure, not only in relation to the originating of a petition for partition but also in respect of appeals from the decision of the partitioning officer. This matter has been discussed from time to time, and at long last this Bill has been introduced which it is hoped will in principle prove satisfactory. At the present time when a petition under Chapter 169 is presented it is stated in the petition that the petitioners own 51 per cent. of the area, but the Ordinance makes no provision whereby the petitioners may be compelled to give particulars of their title. Of course, one would expect that petitioners, if they were aided by a legal practitioner, would disclose particulars of their title, but in many cases those people are not assisted by legal practitioners, and one has an enormous amount of trouble in getting

them to disclose particulars of their title because, in the first place, they say that the Ordinance does not provide for it. One of the objects aimed at in clause 3 of the Bill is that petitioners shall be required to state particulars of their title.

Clause 3 also makes provision for an investigation of the facts on which the petition is based before the matter goes to the Governor in Council. People are inclined to think that so long as a petition under the Ordinance is presented it must go straightaway to the Governor-in-Council without investigation. Clause 3 makes it quite clear that there should be an investigation, and it provides the procedure for that investigation. The District Commissioner is required to make the investigation. He has to give notice to people, and the particular sort of notice is prescribed. After that he has to make a report.

In clause 3 (1) (c) (7) I propose in the Committee stage to move a slight amendment because it may not always be possible for a District Commissioner to conduct an investigation himself. I therefore propose to move an amendment, the effect of which is that the petition shall be investigated by the District Commissioner or the Assistant District Commissioner. After the petition is investigated a report will be made to the Commissioner of Local Government who will communicate with the Governor-in-Council.

Clause 4 is intended to remedy something which has been giving trouble for years, and that is that people have from time to time complained that the partition officers who are appointed may overcharge. Clause 4 provides that the Governor in Council shall fix the remuneration of a partition officer. Then there is a sub-clause which says that no remuneration shall be paid to or received by the partition officer other than the remuneration fixed under the law by the Governor-in-Council.

Clause 5 of the Bill provides that after a partition officer is appointed he shall convene a meeting of the owners and other persons alleging that they have

right title and interest in the land, and that the officer not less than 21 days before the date of the meeting shall do many things. One of the things he is required to do is to cause copies of the notice convening the meeting to be posted in conspicuous places in the office of the District Commissioner of the district within which the area of land is situate, and in every post office and police station within such district. So that when the officer is appointed he has to give public notice of the convening of the meeting. There is a section in the original Ordinance which says that this notice must be published in the *Gazette* and in one newspaper published in the Colony, but clause 5 makes it quite clear that copies of the notice, although so published, must also be given full prominence and public display in the area in question. I think, Sir, that that would meet the point made by the hon. Member for Essequibo River (Mr. Lee).

Section 91 of Chapter 169, provides for the employment of a land surveyor to assist the partition officer, and complaints have been made from time to time that some land surveyors charge too much. The object of clause 6 is to provide that the Governor in Council shall fix the fee which the land surveyor is entitled to charge.

Clause 8 of the Bill sets out in detail what the partition officer is required to do after he has decided how the land is to be partitioned and re-allotted, and provides that he shall transmit to the Local Government Board:

- (i) a report setting out briefly the claims made in respect of the land and his decision upon each.
- (ii) a plan of the proposed partition or re-allotment, as the case may be, with the names of those entitled to the lots defined on the plan.
- (iii) a list giving the Sections and numbers of the lots into which the land has been partitioned or re-allotted and the names of those entitled by his decisions to such lots, together with the name of any mortgage, the amount of the mortgage and the lots affected by such mortgage.



After the report is received the Local Government Board will consider it, and if it is considered satisfactory it will approve of it or any part of it. The express power is given to the Board to send the report back to the partition officer for further consideration. This is new. There is no such provision in the existing law.

Then the proposed new section 15 provides that when the report, plan, and list of decisions have been finally approved by the Board, the officer is required to send to the District Commissioner a copy of the plan. This, Sir, is very important. I have known of several cases where there have been partitions and it was impossible for anybody to hit upon the plan. I have known of cases, Sir, where a certain Surveyor did not even have the plan recorded in the Lands and Mines Department, so that one could not even go there and see it. The object of this particular sub-clause is to prevent abuses like that continuing because it is impossible for a person to appeal against a decision when he sees his plan in respect of what the Surveyor has put down as Lot 16, section C. He might be satisfied with what the Surveyor has shown him on the land, but when he sees the plan it might be Lot 17—a lot which might not have any coconut trees on it, whereas lot 16, section C, might have. Those who have had to do with partitions from time to time would know of the abuses perpetrated under the existing law.

Sub-clause 15 (5) provides that the Officer shall post or cause to be posted in the district, copies of the approved list of decisions. Every effort was made in drafting this sub-clause (5) to make it clear that proprietors interested in the area which is being partitioned would have noticed that the decisions are there to be read. I forgot to mention, Sir, that a copy of the plan sent to the District Commissioner will be open for inspection by any person who wishes to see it in his office, so that a person residing in the Corentyne district would not have to come to Georgetown in order to see a

plan. He would be entitled to see it in his own district.

The new clause 16 relates to appeal from the decision of an Officer. At the present time such appeals are heard by the Local Government Board and the procedure is not very satisfactory. I remember some years ago—about 10 years ago—when I was a junior Law Officer, I attended a meeting of the Local Government Board at a time when there was an appeal from that body and it seemed to me somewhat strange because I was viewing those proceedings as I would a junior tribunal, but I observed that one member would go outside and another member would come in and then another go out and another come in, and I had to be continually watchful to see that a proper quorum of the requisite number was present throughout the whole of the proceedings. The object of the new clause 16 is to provide that appeals from the decisions of a Partitioning Officer should lie to a judge in Chambers and then to the Full Court of the Supreme Court if needs be. That is a requirement for which legal practitioners have been asking for years. That is the main purpose of this Bill and I move that it be read the second time.

Mr. DEBIDIN: I beg to second the motion. In doing so I would like to offer my congratulations not only to Government but to the hon. The Attorney-General for bringing this Bill forward. I assume that the Attorney-General is the author of this Bill and I can assure him that it is going to work well because of his immense experience in matters of partitioning. There has been much complaint in the past about charges made for partitioning and I feel that this Bill will remove some of the problems and difficulties. I heartily support the Bill.

Mr. LEE: There is only one thing I would ask you to consider, Sir, and that is, the Principal Ordinance speaks of 51 per cent. as regards the extent or value of the land owned by the petitioners in the area to which the petition relates, and that same 51 per cent. is mentioned in the amendment contained in clause 3 of this Bill. I feel, Sir, that there are many

cases in this Colony in which ownership by the petitioners would be less than 51 per cent. but in which the proprietors desire to have their land partitioned in order that they could get proper title and be able to raise money to build houses, or do otherwise. Owing to the present unsettled state of things there are certain persons who hold 51 per cent. or more of the shares in certain land and are getting away with the rights of the holders of the smaller quantity. I feel, therefore, that if the minimum is reduced to 33 1/3 per cent. it would be better for all concerned because after all it is for Government to decide whether they would permit the partitioning to be carried out. I think Government should exercise this discretion in order to protect a smaller number of shareholders. I know of an old village which was established since the days of slavery and where the proprietors owned more than 51 per cent. of the land. Those proprietors are now about twenty in number and they refuse to allow the land to be partitioned or to allow other persons to get title for their shares. I do feel that Government should see its way to reduce the minimum shares of petitioners to 33 1/3 per cent. as I have requested.

The ATTORNEY-GENERAL: It appears that the hon. Member for Essequibo river has not appreciated what the previous Bill is intended to achieve. The object of that Bill is to provide that section 3 of the District Lands Partition and Re-allotment Ordinance is not to have any application, but in certain cases under clause 4, it is provided that an affidavit must be presented to the Government Governor in Council proving that the petitioners own 51 per cent. of the area of the land in question. In that Bill this section 3 does not have any application and, as the Deputy President has stated, except in special cases the people who are asking for partition, do not know, or cannot prove that they own 51 per cent. of the land in question and it would be left to the Governor in Council to determine whether the provisions of the District Lands Partition and Re-allotment Ordinance should apply, in the light of section 3 which says they must own 51 per cent.

Mr. LEE: To a point of correction;

I cannot see the point. Where is it stated in this Bill before us that any person or number of persons who do not own 51 per cent. of the shares in the land in question can petition the Governor in Council for a partition? Further, the Principal Ordinance must apply because that Ordinance speaks of 51 per cent. This amending Ordinance only speaks of proceedings in which the Governor in Council will act in the appointment of any person for partitioning and the manner in which the partitioning should be done, but it does not say that any number of persons owning less than 51 per cent. of the land in question can petition the Governor in Council and get a partition if in the opinion of the Governor in Council it is necessary.

The ATTORNEY-GENERAL: I do not like to interrupt the hon. Member, but if he would look at clause 3 of this Bill he would see that it clearly states that sections 3 and 4 of the Principal Ordinance do not apply.

Mr. DEBIDIN: Clause 2 of the previous Bill makes it clear when it says:—

“2. Within one month after the commencement of this Ordinance the Governor in Council may, by Order published in the *Gazette*, appoint a person or persons to partition and re-allot, or to re-allot, the area of land described in the Schedule to this Ordinance.”

The PRESIDENT: I am afraid the hon. Member is not in order. We are not in Committee and he cannot speak twice. He must wait until we get into Committee.

Motion put and agreed to.

Bill read a second time.

#### COUNCIL IN COMMITTEE.

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

Clause 3—Amendment of section 3 of the Principal Ordinance.

The ATTORNEY-GENERAL: I desire to move an amendment to sub-clause (7). We will delete the words “After investigation of the petition, the District Com-

missioner" and substitute therefor the following:—

"(7) The petition shall be investigated by the District Commissioner or Assistant District Commissioner, and after such investigation the District Commissioner or the Assistant District Commissioner."

That is to provide that the Assistant District Commissioner can act.

Amendment put and agreed to.

Clause 3, as amended, passed.

Council resumed.

The ATTORNEY-GENERAL: I beg to move that this Bill as amended in Committee be now read a third time and passed.

The COLONIAL SECRETARY seconded.

Motion put and agreed to.

Bill read a third time and passed.

The PRESIDENT: It being close upon 5 o'clock, the Council will now adjourn until Thursday, May 20.