

LEGISLATIVE COUNCIL

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

FRIDAY, 10TH SEPTEMBER, 1954.

The Council met at 2 p.m. His Honour the Speaker, Sir Eustace Woolford, O.B.E., Q.C., in the Chair.

PRESENT :

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

Ex-Officio Members:—

The Hon. the Chief Secretary, Mr. F. D. Jakeway, O.B.E. (acting).

The Hon. the Attorney-General, Mr. G. M. Farnum (Acting).

The Hon. the Financial Secretary, Mr. W. O. Fraser, O.B.E.

Nominated Members of Executive Council:—

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

The Hon. G. H. Smellie.

The Hon. R. B. Gajraj.

Deputy Speaker:—

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

Nominated Officials:—

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

Mr. J. I. Ramphal,

Nominated Unofficials:—

Mr. W. A. Phang.

Mr. E. F. Correia

Rev. D. C. J. Bobb.

Mrs. Esther E. Dey.

Lt. Col. E. J. Haywood, M.B.E., T.D.

Mr. R. B. Jailal.

Mr. Sugrim Singh.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. H. H. Tross (acting).

Absent:—

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

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

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

The Hon. R. C. Tello.

Mr. T. Lee.

Mr. L. A. Luckhoo, Q.C.—on leave.

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

Mr. C. A. Carter.

Mr. H. Rahaman.

Miss Gertrude H. Collins.

Dr. H. A. Fraser—on leave.

The Speaker read prayers.

The Minutes of the meeting of the Council held on Thursday, the 9th of September, 1954, as printed and circulated, were taken as read and confirmed.

LEAVE TO MEMBERS

Mr. Speaker: The following Members have intimated their inability to be present today and leave has been granted to them. The hon. Mr. Luckhoo is engaged in the Criminal Courts. The hon. Mr. Macnie has asked for leave, and so have the hon. Dr. Fraser and the hon. Member for Local Government, Social Welfare and Co-operative Development (Mr. G. A. C. Farnum).

REPORTS AND DOCUMENTS

MINUTES OF FINANCE COMMITTEE

The Financial Secretary (Mr. W. O. Fraser, O.B.E.): I beg to lay on the table the Minutes of the meeting of Finance Committee held on the 26th of August, 1954, which can now be termed a public document.

Mr. Speaker: I wish again to emphasize that what I said yesterday was that the proceedings in Finance Committee were not given sufficient publicity in the newspapers. We do not want to admire ourselves, but as a frequent visitor to the neighbouring Islands, I know that one cannot get a newspaper from this Colony anywhere in those Islands. The *Trinidad Guardian* is sold in the streets in this Colony but one cannot buy a single copy of a newspaper of this Colony in Trinidad. There seems to be no system of Press exchanges, and I think that an opportunity should be afforded some of those people who would like to come here from Barbados and St. Lucia, for example, to know something about the development that is going on in this

Colony. I still do not think the B.P.I. gives the proceedings in Finance Committee the best coverage. I am not criticizing what appears in the newspapers, but such information is frequently tucked away. I do not think that Government news is always good news to some people; they are not interested. I think we ought to consider the matter from that point of view.

NOTICE OF QUESTIONS

RICE FARMERS (SECURITY OF TENURE) LEGISLATION

Mr. Phang, on behalf of **Mr. Lee,** gave notice of the following questions:

(i) **The Member for Agriculture, Forests, Lands and Mines:**

- (a) Is Government aware that the rice farmers are anxiously awaiting the enactment of the new Rice Farmers (Security of Tenure) Bill?
- (b) If the answer is in the affirmative, will Government state when the Bill will be introduced?
- (c) Has Government received the comments and amendments to the Rice Producers Ordinance No. 7/46 from the Rice Producers Association?
- (d) If the answer is in the affirmative, will Government circulate copies of the comments to Members of the Legislative Council and state when the legislation to amend the Ordinance will be introduced?
- (e) Is Government aware that the Rice Marketing Board has stated that they have explored every available avenue for the sale of parboiled rice?
- (f) If the answer is in the affirmative, will Government state where, when and to whom have such approaches for sales been made?

ENGINEERING SCHOLARSHIPS, 1953
AND 1954

(ii) **The Chief Secretary:**

Can the Government state why Engineering Scholarships were not awarded for 1953 and 1954?

ORDER OF THE DAY

UNDESIRABLE PUBLICATIONS (PROHIBITION OF IMPORTATION) (AMENDMENT) BILL

The Chief Secretary (Mr. F. D. Jakeway, O.B.E., acting): I rise to move the first reading of the Bill intitled:

“An Ordinance to amend the Undesirable Publications (Prohibition of Importation) Ordinance, 1953.”

The Attorney-General (Mr. G. M. Farnum, acting) seconded.

The Chief Secretary: Sir, I have His Excellency's consent to move a suspension of the Standing Orders to enable the Bill to be taken through all its stages today. I therefore move a suspension of the Standing Orders.

The Attorney-General seconded.

Mr. Bobb: I realise that this Bill has been published for a sufficiently long time to enable Members to become completely aware of its implications and to get what relevant information they desire, but it happens that in my case I have not had an opportunity to get all the information I wish to have in order to be adequately prepared to make what I regard as a satisfactory contribution to the debate on the Bill. It is partly my fault, I must admit, and partly the fault of the means of transmission of the information which I have been seeking. Therefore I shall be very pleased, Sir, if you could defer the debate on the second reading of this Bill, if it is within

your power so to do, and if it meets with the convenience of the hon. mover of the Bill. I think it is a very important subject, and for my part I should very much like to be given a further opportunity to prepare myself better in order to contribute to the debate and to follow the debate as the need might arise.

The Chief Secretary: Much as I should like to meet the hon. Member on this point I must point out that this Bill was published a fortnight ago, on the 28th of August. I think it will be agreed that 14 days is more than the statutory period required to enable the Bill to come before this Council for debate. I did intimate yesterday that I proposed to seek the Governor's authority to take the Bill through all its stages today. We are assembled almost for that purpose this afternoon, because there is practically nothing else on the Order of the Day. In the circumstances, Sir, I do not feel that further delay is justified.

Mr. Raatgever: I see no necessity for postponing the debate on the second reading of the Bill. It is quite a simple Bill; it is only correcting something that was omitted originally, and I think the sooner it is passed the better. I see no necessity for postponing the debate.

Mr. Speaker: Does any other Member wish to say anything on this subject?

Mr. Correia: The Bill is quite a simple one, and I do not see anything in it to justify its being postponed. As a matter of fact the Bill should be taken through all its stages as quickly as possible.

Mr. Speaker: I quite appreciate that the hon. Member Mr. Bobb would not have spoken as he did unless he had a strong reason for doing so. But

[Mr. Speaker]

I must be satisfied that the application made by him meets with the general approval of Members. It seems that the Bill has been sufficiently publicised and it is considered that there is nothing to be gained by a postponement. It is only an amendment of the existing Ordinance that is being given effect to. I hope the hon. Member will accept my ruling in the matter.

Mr. Bobb: I accept your ruling, Sir.

Standing Orders suspended.

The Chief Secretary: I rise to move the second reading of a Bill intituled:

"An Ordinance to amend the Undesirable Publications (Prohibition of Importation) Ordinance, 1953."

The object of this amending Bill is to ensure that the intentions of the main Ordinance are in fact achieved. At present they are being circumvented in two ways: firstly, there are a few powerful, subversive organisations churning out a vast quantity of undesirable literature, and if we are to prevent every item from entering here we will have to ban every single item by its name. This would be a large task requiring a large staff. In fact, it would be an impossible task because many of these publications have no name—they appear on our doorstep unannounced, and the first thing we know about them is that they are in the country. The second way in which the objects of the Ordinance are being defeated is that certain publications which have been banned are creeping into the territory or trying to get into the territory by the simple device of changing their names. "Caribbean News" published by the Caribbean Labour Congress—a recognised Communist organisation—since it has been banned, has appeared under the guise

of "Caribbean Review" and "Caribbean Advocate", and its latest cloak is "For Peace and Independence"—four titles for what was in fact the same publication. The World Federation of Democratic Youth, another Communist front organisation has put out a publication under the ingenious title of "A Special Newspaper for the 21st of February: International Day of Struggle against Colonialism and for Youth in Colonial countries." All that has to be done in this case is to change the date from the 21st of February to the 21st of March and it becomes a new publication.

Clause 2 of the Bill seeks to prohibit publications on the basis of the publisher rather than the name of the publications. Clause 3 of the Bill seeks to ensure that when undesirable publications come into the possession of the authorities, if these have not been banned, the Governor in Council may make an Order preventing their circulation.

I think we would all agree that the main Ordinance which this Bill seeks to amend comes under the category of a disagreeable necessity which circumstances have imposed upon us. Freedom of speech is one of our cherished liberties. Freedom to discuss and to know the facts is essential to democracy as we understand it. But the unpleasant fact is that there are powerful organisations in existence today whose purpose is to use that very freedom of speech granted to them in order eventually to destroy it. The intention is not to spread the truth, but by pumping out propaganda, and by a system of misrepresentations and half truths, and malicious attacks, to create an atmosphere of discontentment and disaffection in which their political objectives could be obtained. We can be sure that if these political

objectives are obtained one of the first things they would do is to impose restrictions on what people are to read far more rigid than we contemplate.

I should like to emphasize that the powers granted to the Governor in Council have been exercised with the greatest restraint and will continue to be. No publication is banned unless it has been carefully considered and definitely regarded as of a subversive nature and of subversive intention.

We are not alone in this colony in recognising the need for legislation of the kind envisaged by this amending Bill. Clause 2 follows word for word legislation in Northern Rhodesia. The Government of Nigeria have announced that they too, propose to take steps to prevent publications of such organisations as the World Federation of Trade Unions from coming into the country. That comes from a territory governed by the very people whom they say they are setting out to liberate. If we must agree that legislation of this kind is necessary under the circumstances, then it must be clearly effective legislation. It is no good having an Ordinance which does not achieve its object, and the purpose of this Bill is to ensure that the Ordinance is effective.

Council resolved itself into Committee and considered the Bill clause by clause.

The Committee passed the Bill as printed.

Council resumed.

The Chief Secretary: I beg to move that the Bill be read a third time and passed.

The Attorney-General seconded.

Question put, and agreed to.

Bill read a third time and passed.

Mr. Speaker: I see no harm in suggesting that before the third reading of Bills is taken there should be a short interval of time after a Bill has been read a second time before the third reading is moved, except in cases of extreme urgency making it advisable that the Bill should become law as early as possible. This practice would allow mistakes or omissions in a Bill being rectified. After a Bill has been read a third time and passed we cannot go back into committee if there were something left to be considered.

Items 3, 4, 5 and 6 will be postponed.

CINEMATOGRAPH (AMENDMENT) BILL

The Attorney-General: I beg to move the first reading of a Bill intituled:

“An Ordinance further to amend the Cinematograph Ordinance with respect to the granting of licences.”

The Financial Secretary seconded.

Question put, and agreed to.

Bill read the first time.

The Attorney-General: I beg to move the suspension of Standing Orders to allow this Bill to be taken through all its stages today.

The Financial Secretary seconded.

Mr. Speaker: Does this Bill have something to do with safety?

The Attorney-General: This Bill, Your Honour, does not require the granting of new certificates: it merely requires the same certificates to be given by different persons.

Question put, and agreed to.

Standing Orders suspended.

The Attorney-General: I beg to move that the Bill be read a second time.

The Financial Secretary seconded.

Question 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 2—*Amendment of Section 5 of the Principal Ordinance.*

The Attorney-General: I would like to move a slight amendment to sub-clause (2C), that a comma be inserted after the word "Health" in the second line, and the words "their servants or agents" be substituted for the words "or any person authorised by him."

Question put, and agreed to.

Amendment carried.

Clause 3—*Inscription of new schedules in the Principal Ordinance.*

Mr. Ramphal: I think the words "redesignating" and "redesignated" should carry a hyphen.

The Attorney-General: I think the hon. Member was once a schoolmaster.

The Council resumed.

The Attorney-General: I move that this Bill be now read a third time and passed.

The Financial Secretary seconded.

Question put, and agreed to.

Bill read a third time and passed

CUSTOMS ORDER IN COUNCIL NO. 45 OF 1954

The Financial Secretary: I beg to move the following motion standing in my name on the Order Paper—

That this Council in terms of Section 9 of the Customs (Consolidation) Ordinance, 1952 (No. 69) confirms Order in Council No. 45 of 1954 which was made on the 17th of August, 1954, and published in the Gazette of the 28th of August, 1954.

I gave notice of this motion yesterday and Members, I think, would recall that earlier this year a Mission of F.O.A. Experts arrived in the Colony and offered us technical assistance. With the permission of Her Majesty's Government this Government has entered into an agreement with the United States of America in connection with the assistance to this Colony by F.O.A. technicians. In that agreement this Colony undertakes to allow those experts coming in to assist us with our development programme to obtain their supplies, equipment and materials as well as their personal and household effects free of duty. Unfortunately our Customs (Consolidation) Ordinance makes no provision for the free entry of the items which I have just mentioned, but under section 8 of that Ordinance the Governor in Council has power to make an Order to that effect. This Order which I will now read was made by the Governor in Council on the 17th day of August, 1954, and was published in the *Gazette* on the 28th day of August, 1954:

"Under section 8 (b) of the Customs (Consolidation) Ordinance, 1952, it is hereby ordered by the Governor in Council as follows:—

Part III of the First Schedule to the Customs (Consolidation) as substituted by section 4(2) of the Customs Duties Ordinance, 1953, (which substituted the Second Schedule to the Customs Duties Ordinance, 1953, for Part III of the First Schedule to the Customs (Consolidation)

Ordinance, 1952), is hereby amended by the addition thereto after item 54 of the following new item—

"55 (1) Supplies, equipment and materials introduced into the Colony by the Foreign Operations Administration of the Government of the United States of America, either directly or through contract with any public or private organization, for purposes of effectuating the Agreement for technical co-operation reached between the Government of the Colony and the Government of the United States of America on the 12th day of July, 1954.

(2) Personal and household goods of all kinds for the personal use of themselves and members of their families, imported by personnel of the Government of the United States of America, whether employed directly by the said Government or under contract with a public or private organization, in the Colony in connection with the technical co-operation programme to be carried out pursuant to the Agreement referred to in (1) above."

Under section 9 of the Customs (Consolidation) Ordinance it is required that the Order be brought before the Legislature for confirmation within 21 days. It is also prescribed that the Legislature has the power to revoke, amend or approve of the Order. I therefore seek the approval of this Council to that Order which I have read. On the Order being approved, as soon as it is published it would take the place of an Order in Council and become a part of the First Schedule to the Customs (Consolidation) Ordinance. I accordingly move that the Order be approved by this Council.

Mr. Gajraj seconded.

Mr. Ramphal: This is the least we can do for the people who are doing so much for us.

Question put, and agreed to.

Motion adopted unanimously.

CUSTOMS ORDER IN COUNCIL, No. 46 OF
1954

The Financial Secretary: I beg to move the following motion—

That this Council in terms of Section 9 of the Customs (Consolidation) Ordinance, 1952 (No. 69) confirms Order in Council No. 46 of 1954 which was made on the 18th of August, 1954, and published in the Gazette of the 4th of September, 1954, with the following amendment—Renumbering of the item added to the Schedule of Customs (Consolidation) Ordinance, 1952 (No. 69) in the said Order as "Item 56."

This motion is very similar to the one just adopted and is also brought under the Customs (Consolidation) Ordinance. It has to do with persons entering into contract with the Government of this Colony and such contract which have been entered into before by this Colony. Provision is now being made in respect of contracts recently entered into in connection with the development schemes for supplies and equipment to be obtained in the Colony free of duty. The Customs (Consolidation) Ordinance does not make provision in its Schedule for the exemption from duty of equipment which may be imported by the contractors for use in connection with their contracts. The Governor in Council under section 8 of the Customs (Consolidation) Ordinance made an Order on the 18th day of August, 1954, and it was published in the *Gazette* on the 4th day of September, 1954. In accordance with section 9 of the Ordinance it is now brought to this Council for ratification. There is a slight error in the Order. The item is numbered "55" instead of "56", and I ask this Council to allow me to amend it by substituting "56" for "55". The item in the Order reads:

"56 Material and equipment imported by any person for the purpose of carrying out any works in pursuance of any contract between such person and the

Government of the Colony, where the Comptroller is satisfied that such materials and equipment are necessary for the performance of such contract and that such contract provides that such material and equipment shall be exempt from import duties of Customs;

Provided that on the completion of such works the importer shall be liable to pay existing rates of duty on all material not used up, and on all equipment unless such material or equipment is re-exported."

Subject to the amendment which I have made I ask this Council to approve of the Order I have just read.

Mr. Gajraj : I beg to second the motion and merely to say that we are repairing an omission in the Customs (Consolidation) Ordinance which is a very desirable feature.

Mr. Ramphal: I wonder if I may be permitted at this stage to put in a plea to the hon. the Financial Secretary who has charge of the Customs Department for those schools in the Colony which import exercise books with their own names printed on them? In the days when I was running a school those books used to come in free of duty. I understand under the Schedule these schools have to pay duty on those books just the same as exercise books coming in for sale in the book stores. Exercise books with the name of a school printed on them belong to that school and are handed out to the children of that particular school. I want to make a special plea to the hon. the Financial Secretary on this occasion to see that the old facilities and privileges be re-bestowed on our schools.

Mr. Speaker: Have you made application to the Comptroller?

Mr. Ramphal: I have gone a little higher—to the Member in charge of the Department,

Mr. Speaker: I do not think that is quite the proper channel. The hon. the Financial Secretary may see his way to pass it on to the Comptroller. It is a matter of revenue.

The Financial Secretary: I make a note of what the hon. Member has said and will go into it and see if the concession can be granted.

Mr. Speaker: These books do not, I hope, include undesirable publications. (Laughter).

Mr. Ramphal: No, Sir.

Question put, and agreed to.

Motion carried unanimously.

SUPPLEMENTARY ESTIMATES, JUNE & JULY, 1954

The Financial Secretary: I beg to move the following motion—

That this Council approves of the Supplementary Estimates for June (2) and July, 1954, which have been laid on the table.

I also gave notice yesterday that I proposed to ask this Council to adopt these supplementary schedules of estimates. These schedules have all been gone into by Finance Committee and, as far as I can recall, there are no controversial items in the schedules. The schedule for June amounts to \$507,218.82 and consists of Revotes, \$85,000, Extraordinary Items, \$307,654 and Excess of Recurrent Votes, \$24,244. There is provision for Land Settlement, \$207,000 of which 180,000 has already been provided for land sites.

The schedule for July amounts to \$217,431. Revotes amount to \$23,423, Extraordinary Items, \$128,603 and new recurrent excesses, \$65,495. As I have said, I do not recall there are any controversial items in the schedules of

which I have just given a summary. I ask this Council to approve of these supplementary schedules of expenditure.

Mr. Gajraj seconded.

Question put, and agreed to.

Motion passed unanimously.

SUPPLEMENTARY DEVELOPMENT
ESTIMATES
MAY-JULY, 1954

The Financial Secretary: I beg to move the following motion —

That this Council approves of the Supplementary Development Estimates for May, June and July, 1954, which have been laid on the table.

Since the main development estimates were passed some time in April I have not brought to this Council any supplementary schedule. I was hoping that the entire programme would have been approved by Finance Committee, which seems to be the best course. These supplementary schedules have been introduced since the main estimates were passed. The supplementary schedule for the month of May amounted to \$1,850,961, divided between Postal Department and Public Works Department. The schedule for June amounted to \$2,305,541, distributed between Agriculture, Geological, Housing, Lands and Mines, Postal Department and Public Works Department. The schedule for July was a much smaller amount, \$428,612, divided between Agriculture, Civil Aviation, Forest, Housing, Lands and Mines, Land Settlement and Public Works Department. These schedules were all gone into by Finance Committee and are merely brought for formal approval by this Council.

Mr. Gajraj seconded.

Question put, and agreed to.

Motion passed unanimously.

CROWN LANDS (AMENDMENT)
REGULATIONS, 1954

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines): I beg to move:

"That this Council approves of the Crown Lands (Amendment) Regulations, 1954, which have been laid on the table."

This is one of those curious instances of Regulations which have to be made under an enactment made both by the Governor and by the Legislative Council. These amending Regulations were made by the Governor on the 26th of August, and the Council is now asked to approve so that it could also be signified that they were made in this Council. The object of these Regulations is to bring the provisions in regard to royalty and certain other matters into complete conformity with the Forest Regulations. I think I am right in saying that although the Crown forests are now under the jurisdiction of the Forest Department there are certain areas which still remain under the control of the Commissioner of Lands and Mines. Those areas are particularly those lands on the coastal stretch and along the banks of certain rivers; for example the Abary, Mahaicony and Mahaica, and also lands which, it is expected, will pass into agriculture in the not too distant future. Consequently, two sets of Regulations have to be kept in force, and, as Members will appreciate, it is extremely necessary that they should be in harmony one with the other.

The most important of these Regulations is Regulation 5 which reproduces in the Crown Lands Regulations the Schedule of rates of royalties which are already in force under the Forest Regulations, and have been in force since the 1st of April, 1954. They have been operative in both Departments but it is

[Sir Frank McDavid]

necessary to put ourselves in order by including them in the Crown Lands Regulations.

The other Regulations are beneficial in their purpose, though their object does not appear by reading the Regulations themselves. For example, Regulation 2 of the Principal Regulations is being amended by the insertion of a new sub-regulation (5), the object of which is to remove the liability for payment of a fee of \$5 in the case of applications for wood-cutting leases or licences. Under the Forest Regulations no such fee is payable, and it is desired to be as generous under the Crown Lands Regulations. The object of the amendment is to make it unnecessary to demand payment of any fee in the case of such applications, except where a survey fee is required.

Regulation 3 substitutes for the words "twelve months" the words "two years" in Regulation 48 of the Principal Regulations. The effect of that is that where an application is made for a renewal of a lease the term of the renewal will be two years instead of twelve months. Here again there is an attempt to be beneficent.

Regulation 4 is even more generous. At present there is a rental payable on a licence or lease of 5 cents per acre per annum for the first 2,000 acres, and one cent for every acre in excess thereof. Under the Forest Regulations no rental exists, and all that is collected is a completely nominal fee of one cent for every lease for the period for which

that lease applies. The reason for that is that the Law Officers advised that in the case of a lease of this nature it is necessary to have some rental, however trivial. This Regulation merely authorises a charge of one cent and not the rental charge which exists.

There is nothing else in these amending Regulations to which I need draw the Council's attention. The rates of royalty have been in force since the 1st of April, 1954, and royalty has actually been collected on that basis by both Departments. The whole object of these amendments is to bring the operations of the two Departments into harmony. I move that the Regulations be approved.

The Financial Secretary seconded.

Question put, and agreed to.

Regulations approved.

Mr. Speaker: The question of adjournment arises again. In the House of Commons there are seasonal sessions, and recesses are taken accordingly. For instance, there is an adjournment for the Easter and Whitsun holidays. There is no such practice here. I would be glad if Members would give this matter some attention.

Sir Frank McDavid: Are you thinking of adjourning for the Christmas holidays now, Sir?

Mr. Speaker: No. I will adjourn the Council *sine die*.