

# SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956).

*Tuesday, 14th July, 1959*

*The Council met at 2 p.m.*

## PRESENT :

**Speaker**, His Honour Sir Donald Jackson

**Chief Secretary**, Hon. M. S. Porcher, acting

**Attorney-General**, Hon. G. M. Farnum, acting

**Financial Secretary**, Hon. W. P. D'Andrade, acting.

} *ex officio*

The Honourable **B. H. Benn**

— *Member for Essequibo River*  
(Minister of Natural Resources)

„ **Janet Jagan**

— *Member for Western Essequibo*  
(Minister of Labour, Health and Housing)

„ „ **Ram Karran**

— *Member for Demerara-Essequibo*  
(Minister of Communications and Works)

„ **B. S. Rai**

— *Member for Central Demerara*  
(Minister of Community Development and Education)

Mr. **R. B. Gajraj**

— *Nominated Member*

„ **W. O. R. Kendall**

— *Member for New Amsterdam*

„ **R. C. Tello**

— *Nominated Member*

„ **F. Bowman**

— *Member for Demerara River*

„ **L. F. S. Burnham**

— *Member for Georgetown Central*

„ **S. Campbell**

— *Member for North Western District*

„ **A. L. Jackson**

— *Member for Georgetown North*

„ **S. M. Saffee**

— *Member for Western Berbice*

„ **Ajodha Singh**

— *Member for Berbice River*

„ **J. N. Singh**

— *Member for Georgetown South*

„ **R. E. Davis**

— *Nominated Member*

„ **A. M. Fredericks**

— *Nominated Member*

„ **H. J. M. Hubbard**

— *Nominated Member*

„ **A. G. Tasker, O.B.E.**

— *Nominated Member.*

Mr. I. Crum Ewing — Clerk of the Legislature

Mr. E. V. Viapree—Assistant Clerk of the Legislature.

## ABSENT :

The Hon. Dr. C. B. Jagan, Minister of Trade and Industry — on leave.

Mr. E. B. Beharry.

The Clerk read prayers.

## OATH OF ALLEGIANCE

Mr. M. S. Porcher, Chief Secretary (acting) and Mr. W. P. D'Andrade Financial Secretary (acting) took and subscribed the Oath of Allegiance, and were welcomed as *ex-officio* Members of the Council.

## MINUTES

The Minutes of the meeting of the Council held on Friday, 19th June, 1959, as printed and circulated, were taken as read and confirmed.

## ANNOUNCEMENTS

## DR. JAGAN'S ABSENCE

**Mr. Speaker:** I wish to intimate that the Minister of Trade and Industry (Dr. Jagan) has been on leave from the 25th of June, to continue to about the 15th of August.

## PAPERS LAID

**The Attorney-General** (Mr. Farnum, acting): I beg to lay on the Table the

Report of the Select Committee appointed on the 20th March, 1959, to consider and report on the Land Registry Bill, 1959.

**The Financial Secretary** (Mr. D'Andrade, acting): I beg to lay on the Table the

Annual Report of the Financial Statements of the Post Office Savings Bank for the year 1958, together with the Director of Audit's Certificate and Report thereon.

**The Minister of Labour, Health and Housing** (Mrs. Jagan): On behalf of the Minister of Trade and Industry I beg to lay on the Table the following:

Report on the Geological Survey Department for the year 1958.

Report of the Directors and Statement of Accounts of the British Guiana Rice Development Company, Limited, for the year ended 31st August, 1958.

Annual Report of the Commissioner of Co-operative Development for the year ended 31st December, 1958.

On my own behalf I beg to lay on the Table the

Annual Report of the Department of the Government Analyst for the year 1958.

and the

Annual Report of the Director of Medical Services for the year 1958.

**The Minister of Community Development and Education** (Mr. Rai): I beg to lay on the Table the

Annual Report of the Essequibo Boys' School for the year 1958.

and the

Primary School Teachers' Salaries Anomalies—Sessional Paper No. 4/1959.

## GOVERNMENT NOTICES

## FINANCING DRAINAGE IMPROVEMENT SCHEMES

**The Minister of Natural Resources** (Mr. Benn): I beg to give notice of the following Motion:

Whereas section 6 of the Colonization Fund Ordinance, Chapter 54, provides for the financing from the Development Trust Fund of schemes designed for the improvement of social conditions in any part of the Colony and for the promotion of agriculture and other industry; and

Whereas several small drainage improvement schemes whose object was the promotion of agriculture in the Colony have been from time to time approved by the Governor in Council, with the concurrence of the Development Trust Fund Advisory Committee, to be financed from the Development Trust Fund; and

Whereas the expenditure so sanctioned to be incurred on these schemes totals in the aggregate \$393,015; and

Whereas in fulfilment of the provisions of section 12 of Chapter 54, the Secretary of State's formal approval has been obtained for incurring expenditure of \$393,015 on these schemes as a charge against the Development Trust Fund; and

Whereas by Resolutions Nos. III of the 17th December, 1942, X of the 30th December, 1942, and XXVII of the 4th November, 1943, the Legislative Council formally approved expenditure on these schemes as a charge against the Development Trust Fund up to a limit of \$241,660 only; and

Whereas final expenditure on these schemes is now expected to total \$320,738.50:

Be it resolved: That this Council, in terms of section 12 of the Colonization Fund Ordinance, Chapter 54, approves of additional expenditure totalling \$79,078.50 being incurred as a charge against the Development Trust Fund on the schemes approved by Council in Resolutions Nos. III of the 17th December, 1942, X of the 30th December, 1942, and XXVII of the 4th November, 1943.

## ORAL ASKING AND ANSWERING OF QUESTIONS

### MISSION TO BRAZIL

**Mr. Bowman:** I beg to ask the Minister of Trade and Industry Question No. 13 standing in my name on the Order Paper: Will the Minister of Trade and Industry state what action, if any, is proposed on Resolution No. XLVIII passed by this Council on 5th November, 1958, to send a Mission to Brazil to ascertain whether the Brazilian Government is still interested in establishing an outlet through British Guiana?

**Mrs. Jagan** (on behalf of the Minister of Trade and Industry): The answer to the hon. Member's question is as follows: It will be recalled that the Resolution to which reference is made recommended to Government that a Mission be sent both to Brazil and Venezuela. A Mission headed by the Honorable Minister of Trade and Industry and comprising ten other persons representing various business and commercial organisations in the Colony, visited Venezuela from 7th to 11th April, 1959. The possibility of a visit to Brazil is being pursued, and as soon as arrangements are made with the Government of that country to receive a Mission from British Guiana, one will be sent.

## DOMESTICS FOR CANADA

**Mr. Jackson:** I beg to ask the Minister of Labour, Health and Housing Question No. 14 in my name on the Order Paper: In view of the present unemployment figures in the Colony does the Government propose to take advantage in 1959 of any opportunity to recruit domestics suitable to the needs of Canadian homes and, if so, will the Government take steps to secure an increase in the number recruited in 1958?

**The Minister of Labour, Health and Housing** (Mrs. Jagan): The reply to the hon. Member's Question is as follows: The Government will be taking advantage of the quota of thirty domestics established by the Canadian Government for British Guiana in 1959, and Finance Committee will shortly be asked to provide funds to cover the cost of their training and to grant loans towards the cost of their passages. As in previous years, the Government has taken up with the Canadian authorities the question of an increased quota for British Guiana, and a reply is awaited.

**Mr. Jackson:** In view of the reply just given, does the hon. Minister have any indication that the matter of an increased quota with respect to domestics is likely to be one entirely for the Federal Government of The West Indies, and if any action is to be taken it will have to go through that Government?

**Mrs. Jagan:** The Government of British Guiana deals directly with the Government of Canada, and has requested of the Canadian Government an increased quota for British Guiana. As I stated, we are awaiting a reply from the Canadian Government.

## STATEMENTS BY MEMBERS OF EXECUTIVE COUNCIL

### GUIANIZATION OF CIVIL SERVICE

**The Chief Secretary** (Mr. Porcher, acting): I wish to inform the Council

[THE CHIEF SECRETARY]

that Government has decided to review its present policy with respect to Guianization of the Civil Service, and after consultation with the various representative organizations of the Service and, if necessary, the Secretary of State for the Colonies, to set out in a White Paper the policy for Guianization which it considers should be followed in future.

The White Paper will be laid as soon as possible and hon. Members will be given an opportunity to debate the proposals in it. The hon. Member for Georgetown South (Mr. Jai Narine Singh), who has been informed of the Government's intention in this matter, has very kindly agreed that in the circumstances further action on his Motion should be deferred.

### LAND POLICY STATEMENT

**The Minister of Natural Resources** (Mr. Benn): Government is undertaking the formulation of a comprehensive land policy, and a Sessional Paper will be laid before Council at a later date. Meanwhile, in view of representations made by various interested persons, Government has taken the following decisions in respect of Crown or Colony land held under lease or permission for residential purposes:—

- (i) House lots in townships and elsewhere, unconnected with a land settlement scheme, which have hitherto been held under lease, permissions or any other form of title, will be sold freehold to the existing occupiers who have beneficially occupied their lots. Those persons who have not beneficially occupied their lots will be subject to a warning that if building does not commence within one year the land may be sold to others. The general policy for strictly residential lots will therefore be for outright sale.
- (ii) House lots in the existing land settlements will be sold to the

existing occupiers in view of the Government's past undertaking to do so;

- (iii) House lots in the new land settlement schemes will be "tied" to the farms. Consequently, the title thereto will be dealt with under leases now under Government's consideration.

Copies of this statement will be furnished to Members of Council and to other interested persons.

### INTRODUCTION OF BILLS

**Mr. Benn:** I beg to give notice of the introduction and First Reading of the

Rice Mills (Development) Bill, 1959.

### ORDER OF THE DAY

The following Bill was read the First time :

A Bill intituled "An Ordinance to make provision for the development and regulation of rice mills and the manufacture of rice".

### LAND REGISTRY BILL

#### REPORT FROM SELECT COMMITTEE

**Mr. Speaker:** Hon. Members, you will recollect that some time ago this Council considered in Committee, after it had been read a Second time, the Bill intituled,

"An Ordinance to provide for the registration of land and for matters connected therewith.

While this Council was in Committee, was agreed that the Bill be referred to a Select Committee. The Report of the Select Committee has been laid on the Table, and having regard to the fact that a motion was moved in Committee for the consideration of the Bill by a Select Committee, it is proper that we should go back into Committee.

## COUNCIL IN COMMITTEE

Council resolved itself into Committee to resume consideration of the Bill.

**The Attorney-General** (Mr. Farnum acting): I beg to report that the Select Committee on the Land Registry Bill, 1959, has considered the Bill and made recommendations as tabled in its Report today.

**The Chairman:** I hope Members have had an opportunity of looking at the Report. The Bill will have to be dealt with clause by clause, and Members will be perfectly free to accept or reject the recommendations, and also to introduce any suggestions.

The procedure I wish to adopt, subject to any comments any Member would wish to make on the Report, is to go through the Bill clause by clause. I have to remind you that Clause 1—*Short Title*—was passed, but if you look at the Report of the Select Committee you will find that it is recommended that in subsection (2) the common “c” in the word “council”, should be changed to a capital “C”. It seems a typographical error.

Question put, and agreed to.

Clause 1 passed as amended.

Clause 2.—*Interpretation.*

**The Attorney-General:** I beg to move that subsection (1) of this Clause should be amended as follows:

“Commissioner” — the mis-spelling of the word “jurisdiction” in the last line should be corrected.

“Court”—the words “British Guiana” should be inserted after the words “Supreme Court”. (This is the formal title of the Court as set out in the Supreme Court Ordinance, Chapter 7).

“document of title”—the mis-spelling of the word “person” in the second line should be corrected.

“instrument”—the word “degree” in the first line should be amended to read “decree”.

“judge” — for clarity the following new definition should be inserted following the definition of “instrument”: “judge” means a judge of the Court;

“land”—the word “this” should be substituted for the word “any” at the end of the second line.

It was thought undesirable to refer to other Ordinances. Different Ordinances define “land” in different ways according to their several purposes and such definitions may conflict.

“recorded plan” — the following words should be inserted after the word “mines” at the end of the definition: “prior to the coming into force of this Ordinance.”

The words “and includes any other plan . . . etc.” are meant to refer to any existing plans that may not conform with the general definition of “recorded plan”. They are not intended to authorize the future recording of plans that do not so conform.

“to register”—the words “shall be construed accordingly” should be substituted for the words “bear a corresponding meaning” at the end of the definition.

**Mr. Burnham:** Mr. Chairman, I am in agreement with the Motion, but I think there should be a slight change of something here. In the paragraph defining “Court”, the proposed insertion should be “in British Guiana” instead of “British Guiana”.

**The Attorney-General:** I have no objection, Sir.

Question put, and agreed to.

Clause 2 passed as amended.

Clause 3.—*Application of other Ordinances.*

**The Attorney-General:** I beg to move that subsection (1) be amended by the correction of the word “servitude”, which has been mis-spelled; and that subsection (2) be amended as follows:

the mis-spelling of the word “Except” at the commencement of the subsection should be corrected;

## [THE ATTORNEY-GENERAL]

the words "in any regulations, rules or" in the fourth line should be deleted as superfluous;

consequently, the word "laws" in the same line should be in the singular—"law".

Question put, and agreed to.

Clause 3 passed as amended.

Clause 4.—*Objects of Ordinance.*

**The Attorney-General:** I beg to move that subsection (2) be amended by the deletion of the words,

"Any rule of law or equity to the contrary notwithstanding".

The words might be taken to affect the rules of construction that are applicable to all laws.

Question put, and agreed to.

Clause 4 passed as amended.

Clause 5 to 11 passed as printed.

Clause 12.—*Qualification for appointment of Commissioners.*

**The Attorney-General:** I beg to move that this Clause be amended by the deletion of the printed Clause and the substitution of the following in its place:

"12. (1) No person shall be appointed a Commissioner unless he is a barrister or solicitor of not less than five years standing.

(2) No person appointed a Commissioner shall during tenure of office practise either directly or indirectly as a barrister or solicitor, or be in partnership with any person so practising.

(3) For the purposes of this section—"barrister" means any person duly entitled to practise as a barrister-at-law or advocate in any superior court of the Commonwealth;

"solicitor" means any person who has been admitted as a solicitor or law agent of any superior court of the Commonwealth".

There was no objection to the qualification being stated as originally worded and it was decided to re-word it more in accordance with the Legal Practitioners Ordinance, Chapter 30.

The Member for Central Demerara was of the opinion that the appointment should be limited to barristers, but on a division the amendment was carried.

Question put, and agreed to.

New Clause 12 passed.

Clause 13 passed as printed.

Clause 14.—*Land Court.*

**The Attorney-General:** I beg to move that the printed Clause 14 be deleted and the following be substituted therefor.

"14. (1) For the purpose of this Ordinance, a court of special jurisdiction shall be established for each district.

(2) Every such court shall be called a land court, and shall be a court of record and shall have a seal.

(3) A Commissioner shall be the presiding judge at every sitting of a land court".

This amendment makes it clear that there is to be a land court for each district. As originally drafted it was not clear by what authority land courts would be constituted for various districts.

Question put, and agreed to.

Clause 14 passed as amended.

Clause 15.—*Jurisdiction and powers of Commissioners.*

**The Attorney-General:** I beg to move that subsection (2) of this Clause be amended as follows:

the word "including" shall be substituted for the word "and" in the second line:

and

the first "and" in the fifth line should be deleted.

This will make for greater clarity in the subsection.

Question put, and agreed to.

Clause 15 passed as amended.

Clauses 16 to 19 passed as printed.

Clause 20.—*Registrar's report on titles in the area.*

**The Attorney-General:** I beg to move the amendment to Clause 20, as recommended in the Select Committee's Report, by substituting for the words 'every such title', the words 'such titles'.

Question put, and agreed to.

Clause 20 passed as amended.

Clauses 21 to 23 passed as printed.

Clause 24.—*Adjudication by Commissioner.*

**The Attorney-General:** There is a typographical error in paragraph (d) of Clause 24.

**The Chairman:** There is a typographical error — the mis-spelling of the word 'identify'. 'Indentify' appears instead of 'identify'.

Question put, and agreed to.

Clause 24 passed as amended.

Clause 25.—*Further powers of the Commissioner.*

**The Attorney-General:** I beg to move an amendment to Clause 25 by deleting the word 'may' at the commencement of paragraph (f). 'May' is redundant.

Question put, and agreed to.

Clause 25 passed as amended.

Clauses 26 to 28 passed as printed.

Clause 29.—*Declaration of absolute title.*

**The Attorney-General:** I think in Clause 29 there is another typographical error.

**The Chairman:** The error is in the spelling of the word 'provisional' in the margin.

Question put, and agreed to.

Clause 29 passed as amended.

Clauses 30 to 37 passed as printed.

Clause 38.—*Application for declaration of title.*

**The Attorney-General:** I beg to move that Clause 38 be amended as recommended in the Report of the Select Committee.

Question put, and agreed to.

Clause 38 passed as amended.

Clauses 39 to 42 passed as printed.

Clause 43.—*First registration by transport.*

**The Attorney-General:** I beg to move that Clause 43 be amended in the terms of the recommendations of the Report of the Select Committee.

Question put, and agreed to.

Clause 43 passed as amended.

Clauses 44 to 54 passed as printed.

Clause 55.—*Provisions as to instruments.*

**The Attorney-General:** I beg to move an amendment to Clause 55 by substituting for subsection (2) as printed, the subsection draft appearing in the Report of the Select Committee.

Question put, and agreed to.

Clause 55 passed as amended.

Clauses 56 to 60 passed as printed.

Clause 61.—*Rectification of register by Court.*

**The Attorney-General:** I beg to move that the proviso to Clause 61 be amended by the deletion of the words "or any interest therein" in the first and second lines, and the words "a party or" in the third line.

Amendment agreed to.

Clause 61, as amended, put and agreed to.

Clauses 62 to 64 passed as printed.

Clause 65.—*Nature of title.*

**The Attorney-General:** I beg to move that subsection (3), paragraph (d) be amended by the substitution of the words "cause undue hardship" for the words "be inequitable" in the first and second lines.

Amendment agreed to.

Clause 65, as amended, put and agreed to.

Clauses 66 to 71 passed as printed.

Clause 72.—*Production of certificate.*

**The Attorney-General:** I move that Clause 72 be amended to read as follows:

"72. Where a certificate of title has been issued under the last preceding section it shall, unless the Registrar dispenses in writing with its production, be produced to the Registrar on the registration of any dealing with the land to which it relates and an endorsement of such registration shall be made thereon."

Amendment agreed to.

Clause 72, as amended, put and agreed to.

Clauses 73 to 77 passed as printed.

Clause 78. —

**The Attorney-General:** I move that the marginal note be amended to read "Life interests."

Amendment agreed to,

Clause 78, as amended, put and agreed to.

Clauses 79 to 94 passed as printed.

Clause 95.—*Surrender of leases.*

**The Attorney-General:** I move that Clause 95 be amended by the insertion of the words "and the lessor" after the word "lessee" in the second line.

Amendment agreed to.

Clause 95, as amended, put and agreed to.

Clause 96 to 128 passed as printed.

Clause 129.—*Fund not liable in certain cases.*

**The Attorney-General:** I beg to move that this Clause, at paragraph (d) be amended by the deletion of the words "a party or" in the third and seventh lines.

Question put, and agreed to.

Clause 129 passed as amended.

Clauses 130 to 145 passed as printed.

Clause 146.—*Appeal against decision of Commissioner.*

**The Attorney-General:** I beg to move that a new subsection be inserted as subsection (3) of this Clause, as follows:

"(3) The Full Court shall, on the application of any party who has been



deprived of any land and who has only a right of appeal on a question of law and may, on the application of any other party, state a case for the consideration of the Federal Supreme Court of the West Indies."

Under the Federal Supreme Court (Appeals) Ordinance, 1958 (No. 19), an appeal lies to the Federal Court on a question of law. The Committee was of the opinion that in certain cases the Full Court should be required or empowered in accordance with section 9(1) of that Ordinance to state a case.

Question put, and agreed to.

Clause 146 passed as amended.

Clauses 147 to 150 passed as printed.

Clause 151.—*Special powers of attorney.*

**The Attorney-General:** I beg to move that this Clause be amended by the insertion of the words "all dealings in" between the words "to" and "registered" in the second line. This amendment would extend the scope of a special power of attorney to all dealings in land.

Question put, and agreed to.

Clause 151 passed as amended.

Clause 152 passed as printed.

Clause 153.—*Protection of Registrar against actions.*

**The Attorney-General:** I beg to move that this Clause be amended by the substitution of the word "purported" for "supposed" in the fourth line.

The Committee preferred the former word.

Question put, and agreed to.

Clause 153 passed as amended.

Clauses 154 and 160 passed as printed.

Clause 161.—*Fees.*

**The Attorney-General:** I beg to move that this Clause be amended, at subsection (1), by the deletion of the words "and contributions" at the end of the second line, and the substitution of the plural "fees" for the word "fee" in the fourth and fifth lines.

The words were considered to be superfluous, "contributions" being covered by "fees".

Question put, and agreed to.

Clause 161 passed as amended.

Clause 162.—*Declaration as to consideration.*

**The Attorney-General:** I beg to move that this Clause be amended, at subsection (1), by the insertion of the words "except in the case of a mortgage, charge or lease" between the words "shall" and "be" in the second line. In the case of a mortgage, charge or lease, any deliberate under-statement of the sum involved must operate to the detriment of one of the parties, and it is assumed, therefore, that special precautions against it are necessary.

Question put, and agreed to.

Clauses 163 and 164 passed as printed.

*First Schedule.*

**The Attorney-General:** I beg to move that the First Schedule be amended as recommended in the Report of the Select Committee.

Question put, and agreed to.

*Second Schedule.*

**The Attorney-General:** I beg to move that the Second Schedule be amended at paragraphs 1(b), 2, 2(a), 8 and 9 as recommended by the Select Committee.

Question put, and agreed to.

Second Schedule passed as amended.

Council resumed.

**The Attorney-General:** I beg to report that the Land Registry Bill, 1959, as well as the various amendments recommended by the Select Committee, have been considered in Committee stage, and I beg to move that the Bill be now read the Third time and passed.

Question put, and agreed to.

Bill read the Third time and passed.

ADJOURNMENT

**The Chief Secretary:** I beg to move that the Council adjourn without a date.

**Mr. Speaker:** The Council is now adjourned to a date to be notified.