

# SECOND LEGISLATIVE COUNCIL

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

Friday, 21st October, 1960.

The Council met at 2 p.m.

## PRESENT :

**Speaker,** His Honour Sir Donald Jackson

**Chief Secretary,** Hon. Major I. O. Smith, O.B.E. (acting)  
**Attorney-General,** Hon. A. M. I. Austin, Q.C.  
**Financial Secretary,** Hon. W. P. D'Andrade.

} *ex officio*

- The Honourable **Dr. C. B. Jagan** — *Member for Eastern Berbice*  
(Minister of Trade and Industry)
- „ **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, Q.C.** — *Member for Georgetown Central*  
„ **S. Campbell** — *Member for North Western District*  
„ **A. L. Jackson** — *Member for Georgetown North*  
„ **E. B. Beharry** — *Member for Eastern Demerara*  
„ **S. M. Saffee** — *Member for Western Berbice*  
„ **Jai Narine Singh** — *Member for Georgetown South*  
„ **A. M. Fredericks** — *Nominated Member*  
„ **H. J. M. Hubbard** — *Nominated Member.*

Mr. I. Crum Ewing—Clerk of the Legislature

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

## ABSENT :

Mr. Ajodha Singh—Member for Berbice River

Mr. R. E. Davis—Nominated Member

Mr. A. G. Tasker, O.B.E.—Nominated Member—on leave.

The Clerk read prayers.

## MINUTES

The Minutes of the meeting of the Council held on Thursday, 20th October, 1960, as printed and circulated, were taken as read and confirmed.

## ORDER OF THE DAY

## MOTION

THE DEMERARA ELECTRIC COMPANY'S  
BY-LAWS

**Mr. Speaker:** Council will resume consideration of the following Motion:

"Be it resolved: That in pursuance of the provisions of section 17(1) of the Demerara Electric Company Ordinance, Chapter 239, this Council approves of the By-laws made by the Directors of the Demerara Electric Company, Limited, on the 6th September, 1960."

The Motion was moved and seconded.

**Mr. Burnham:** Mr. Speaker, the hon. Attorney-General, during the course of his introducing the present Motion, remarked that there was some connection between these By-laws which we are being asked to approve in compliance with Section 17 of Chapter 239 and the take over, and as far as I am concerned there is some connection between the approval and the proposed take over of the Demerara Electric Company's assets, machinery and equipment. He did so remark and, knowing the Attorney-General as I do, if he did not so remark, he would have been on his feet by now.

**The Attorney-General (Mr. Austin):** A very remote connection.

**Mr. Burnham:** I think he is quite correct when he says, *sotto voce*, that there was a certain remoteness.

**Mr. Speaker:** You mean Section 17 of the Ordinance—to anticipate a take over?

**Mr. Burnham:** No, Your Honour. As I understand the hon. Attorney-Gen-

eral, he said that provision is being made in these By-laws to facilitate the take over of the Demerara Electric Company's assets, machinery and equipment; and he made reference to the White Paper which was laid upon the Table.

**The Attorney-General :** I merely made reference to the White Paper as a background. There is only a very, very remote connection between the take over and the By-laws.

**Mr. Burnham:** Then, Your Honour, I can hardly hear someone pleading remoteness in a case of this sort. But I shall not labour the point very much.

**Mr. Speaker:** Just one moment. You see 31? I did have a look at the By-law and it seemed to me that it is 'straight from the book'.

**Mr. Burnham:** But By-law 31 seems to anticipate and make provision for the smooth take over by the Government Corporation of the Demerara Electric Company's assets, machinery and equipment.

**Mr. Speaker:** It is not *ultra vires* 17?

**Mr. Burnham:** I would not say so. Your Honour. The Attorney-General now admits that he made reference to the White Paper. Today, I do not propose to deal with the White Paper for, in the first place, it was only recently tabled.

**Mr. Speaker:** That would have to be dealt with in a substantive Motion.

**Mr. Burnham:** I shall hope to do so as there are a number of technical terms which need explaining; and we shall have the opportunity to hear the Minister of Trade and Industry explain the inconsistencies between his broadcast as to no increase in rates, and this White Paper. But I noticed it was published not by him but His Excellency the Officer Administering the Government.

**Mr. Speaker:** I just want to remind you. I think I am correct in saying that the Minister of Communications and Works, after he had laid the document on the Table under the Head of "Statement by Member of Executive Council", said something to this effect: that on reference it will be seen that there are certain increases shown in the White Paper in relation to the charge, and that it was considered that that may create a hardship to one section of the consumers and it was not proposed to put it into effect before the matter was further gone into, at any rate.

**Mr. Burnham:** I am grateful to Your Honour for the reminder. I am grateful for the insubstantial assurance given by the Minister of Communications and Works, but I still allude to the statement by the Minister of Trade and Industry to the effect that there will be no increases at all.

But what I wanted to speak on today, Mr. Speaker, was By-law 31. I see here that provision is made for the majority of shareholders, who I understand to be the International Power Company, Limited, to compel the minority shareholders to sell. That is as it should be if Government is going to take over the Electric Company but, about half-way down this By-law, I notice :

"If a minority holder fails to comply with a take-over notice within seven days after the giving thereof by the Board, the minority holder shall be deemed at the end of such seven days to have authorised the Board to sell his shares and the Board may thereupon authorise some person to sign and deliver a transfer of the shares of such minority holder."

That seems, Your Honour, to contemplate neglect rather than active refusal, and it could well be the source of a great deal of litigation afterwards if what is intended is not made clear. I would suggest that there should be an amendment to the effect that if any minority holder fails, neglects or refuses to comply, he should be deemed to have authorised

the Board; otherwise, as I remarked, it may be possible, in a court of law, for someone on behalf of such a minority holder who actively refuses rather than fails to comply, that there was no provision to compel him who refuses. That is about the only observation I propose to make at the moment.

**The Attorney-General:** Sir, these By-laws are made by the Directors of the Demerara Electric Company, Limited, and not by the Government. The Government's interest is to see that the Demerara Electric Company is not governed by unreasonable legislation, but it is in regard to the making of by-laws that the Company rightly has a wide measure of discretion. This is a Company which is not incorporated under the Companies Ordinance and as such it has a wide measure of discretion in drafting its Articles of Association. If the Directors of the Demerara Electric Company saw fit—and to my knowledge the Company has very wide legal experience at its disposal—to draft By-law 31 in these terms, then it is a matter for them if they find themselves caught up in legal proceedings; it is not primarily a matter for the Government, because the basis of the take over is that the International Power Company of Canada will transfer or cause to be transferred to the Government all the shares of the Demerara Electric Company and the take over will not be complete until they do.

How they will get hold of the shares to transfer them is not the concern of the Government, but it is a perfectly normal and straightforward procedure in company affairs. By-law 31 is a common provision because take-overs are very common these days—certainly elsewhere, where the tendency is for smaller units to be taken over by larger units. While I appreciate the hon. Member's point on this matter, I do not think it justifies him recommending to the Council that these By-laws should not be approved.

I can, and I shall pass on to the Company the observations made by the

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hon. Member, but I would suggest at this stage, and because the By-laws have been drawn up very carefully, that in the circumstances they should be approved as they are.

Question put, and agreed to.

Motion affirmed.

### EARLY ADJOURNMENT

**The Chief Secretary** (Major Smith, acting) : Before you proceed, Mr. Speaker, I crave your indulgence to mention that there will be a function today at five o'clock, to which Members of this Council are invited, and with the consent of hon. Members at four o'clock I shall move that we adjourn at that time—if there is no objection.

**Mr. Speaker:** If other Members are of that mind, they may let me know now.

**Mr. Burnham:** We have been having too many holidays; but if Members want to take another holiday, I have no objection.

**Mr. Speaker:** Well, there is no objection; is there?

**Mr. Burnham:** I objected.

**Mr. Speaker:** You made an observation.

**Mr. Burnham:** As Your Honour rules.

**Mr. Campbell:** I would agree to an adjournment as stated.

### COMMISSIONER OF TITLE (ADDITIONAL POWERS) BILL

**Mr. Speaker:** The next item on the Order Paper is the resumption of consideration of the Commissioner of Title (*Additional Powers*) Bill.

**The Attorney-General:** I beg to move that Council do now resolve itself into Committee to resume consideration of the Bill intituled

“An Ordinance to confer additional powers on a Commissioner of Title”

clause by clause.

**The Financial Secretary** (Mr. D'Andrade): I beg to second the Motion.

Question put, and agreed to.

### COUNCIL IN COMMITTEE

Clause 1.—*Short title*—passed as printed.

Clause 2 passed as printed.

Clause 3.—*Order of Commissioner of Title deemed to be that of a judge.*

**Mr. Burnham:** Mr. Chairman, during the course of the debate yesterday when we discussed this Bill, I made an observation on Clause 3, and I wonder whether the Attorney-General has had time to consider whether, and is satisfied that, Clause 3 as phrased does allow an appeal from the Commissioner of Title to the Federal Supreme Court.

**The Attorney-General:** Sir, I am grateful to my hon. Friend for raising this matter, because it is a very important one indeed. It is quite clear there must be no doubt that any decision made by the Commissioner of Title in these matters must be subject to appeal.

I looked into the point this morning, and I am satisfied that as it is drafted the section meets the case.

So far as the point regarding the award is concerned, as the Title to Land (*Prescription and Limitation*) Ordinance stands, the Commissioner of Title would be acting as a judge of the Supreme Court. Section 9(2) of the Federal Supreme Court (*Appeals*) Ordinance provides that an appeal shall lie

to the Federal Supreme Court for an order of or a judge of the Supreme Court. Clause 3 of this Bill provides that the order of a Commissioner of Title shall be deemed to be that of a judge of the Supreme Court.

My hon. and learned Friend suggested to me yesterday that the words "for all purposes" should be added. As a matter of interest, those words were added at one stage of the drafting of the Bill, and it was considered then that they added nothing to the meaning of the phrase, because if the Commissioner's order is deemed to be that of a judge of the Supreme Court, then by implication it is so for all purposes. I know the hon. Member is apprehensive since the Federal Supreme Court is jealous of its powers and is ready on good ground to say it has no jurisdiction to hear particular cases. One of my hon. Friend's applications has been turned down on this ground.

I can assure the hon. Member that the words, though few and simple, were adopted after consultation with other legal minds. It is not necessary to provide specifically that the Commissioner of Title's order can be taken to appeal.

Clause 3 passed as printed.

Council resumed.

**The Attorney-General:** I beg to report that the Commissioner of Title (Additional Powers) Bill has been considered in Committee without amendment, and I move that the Bill be read the Third Time.

**The Financial Secretary:** I beg to second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

#### CIVIL LAW OF BRITISH GUIANA (AMENDMENT) BILL

**The Attorney-General:** I beg to move the Second Reading of the Bill intitled :

"An Ordinance to amend the Civil Law of British Guiana Ordinance with respect to property falling to the Crown under an intestacy".

Section 5 (6) of the Civil Law of British Guiana Ordinance, Chapter 2, provides, in effect, that where a person dies intestate, that is to say without leaving a will, and there are no legitimate heirs who are entitled to succeed under the rules of intestacy, the property shall fall to the Crown. This is a common provision, but it is equally common that Governments who receive this property from time to time in this way take a considerate view of any claims that are made for a distribution of such property to people who have a moral, if not a legal, right to it. Our law provides that the Crown may forego the right to vacant estates in whole or in part, and make a distribution in the proportion that it deems fit to people who make claim for it, and who would have been entitled at law to this property had it not been for the fact that there are no legitimate heirs of the deceased, although there are illegitimate heirs.

It often happens that one or more illegitimate children of a deceased intestate who has no other legitimate heirs, make a claim on the Government for a distribution of their father's estate, and sympathetic consideration is given to those claims. Elsewhere, in the United Kingdom and in Jamaica and British Honduras, the law is slightly different; there is a provision that in respect of vacant estates the Government may forego its right to the property and make a distribution of it in whole or in part either to persons who are dependents of the deceased, now fail to be supported by him, and who, therefore, on that account have a moral right to some or all of his property; or, to people for whom the deceased person could reasonably be expected to have made provision had he left a will. The basic principle is that

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the Government finds itself in possession of this sort of property quite fortuitously, and is prepared to redress any hardship by distributing all or part of it to people who have a moral right to it, because they have always lived with the deceased, or because they have been supported by him, or because they are people who, in the ordinary course, would have been remembered by him in his will if he had left one. Government tries, as it were, to do what the deceased would have done had he left a will.

It is found in British Guiana that our law is not really adequate to meet cases of genuine hardship of people who have a moral right to vacant estates. Property can be distributed to people who are illegitimately related to the deceased, but it is common here, all too common, for men to enter into what is known as common law marriages which, however, may be as permanent and satisfactory from all practical points of view, as a legitimate marriage celebrated under the laws of the country. Nevertheless, when such a man dies, and leaves a woman who has lived with him for many years, and who has been supported by him, and who is one for whom, had he left a will, it seems fairly clear he would have provided, our law prevents the Government from meeting this sort of case of hardship by distributing part of the estate to her.

There is another ground of hardship. Even if there are illegitimate relations to whom a vacant estate should be distributed, they have to wait for five years before it is distributed. These estates are administered by the Public Trustee, and there is a provision in the Ordinance that governs his operations, that he must hold any vacant property that comes into his hands for five years before he distributes it. That, in so far as the general principle is concerned, is probably wise, but it does cause great hardship in cases where a man dies leaving a small amount

of property and illegitimate children who should receive it and desperately need it to tide them over the period when they are re-adjusting themselves to live without their father and supporter. It is just then that the money is of most use to them, but they cannot get it.

The law, therefore, has been found to be inadequate to meet cases of real need in connection with vacant estates. The Government proposes in this Bill to amend it, not by cutting down in any respect the powers of distributing vacant estates to persons who would have succeeded but for illegitimacy, but by extending the categories of people to whom the Government can distribute vacant estates on the lines of the corresponding powers in the United Kingdom, Jamaica and British Honduras, by adding dependants and those for whom a deceased might reasonably have been expected to make provision.

Those are eminently reasonable provisions which really fulfil what I think was intended in the original law. What it comes down to is that those who are only *de facto* members of a family would not be prejudiced and allowed to suffer hardship under the law of the administration of estates, which they are at present. We want the power to do fairly by such people, and particularly at the time when they most need help, by distributing the property as soon as it is available. Although dealing with estates in practice is undertaken almost entirely by the Public Trustee, he is not referred to as such in this Bill, except with regard to the five-year limit exemption. It is the personal representative of a deceased person who administers his estate. The Public Trustee is the personal representative in many cases.

Government wants to safeguard the various persons involved in this procedure, of whom one is the personal representative, so that if he hands over to the Crown vacant property and subsequently a claimant comes up, and says "You should not have got rid of the property because I have a legitimate right to it",

he should be absolved from any liability to pay out to the claimant if he satisfies certain legal requirements. He can publish a notice that all claims should be received within three months, and if there are any claimants he will pay those that are due. He can then go to the Court and ask for advice or direction before he hands over to the Crown the remaining estate that is vacant. If he does that then he shall be absolved from any claims made thereafter against him, unless his action was fraudulent.

Secondly, the Government is anxious that if it pays out immediately to persons who have got a moral claim to a vacant estate, and subsequently a legitimate claimant comes up, the Crown will not be liable to pay out twice. In that situation the late claimant does not lose his right altogether, but his right is preserved to follow the money, as it were, to the person to whom the Government has paid out the whole or part of the vacant estate.

I commend to hon. Members this Bill which is a complicated one. It has taken a long time and a great deal of pains to draft in order to secure powers for the Government to do full justice in those distressing cases, but at the same time with safeguards that no party would be prejudiced thereby. I formally move that the Bill be read a Second time.

**Mr. Burnham:** So far as what this Bill intends to do is concerned, I am in agreement with it. But I still have to observe that it does not go far enough. The hon. the Attorney-General has informed us that it is a complicated Bill, and that I can see. He has also informed us that it took a lot of time to be drafted, and I appreciate that. What I would like to know is why the Law Officers spent so much time on it, and still failed to cover two of the greatest difficulties with which the would-be heirs and next of kin are faced on the death of a man of some means or competence.

I remember when the hon. Member for Central Demerara, as he then was, moved a Motion for the establishment of a Law Reform Committee, I alluded to the difficulties which arise in the case of illegitimate children who have always been treated by the deceased as children who have always been fully dependent on him or her as the case may be, and who could ordinarily expect the deceased to make provision for them.

The Bill proposed today does not cover that criticism, because its provisions become applicable only when there is a question of *bona vacantia*. What happens in a case where a man has formed a common law alliance—I do not call it marriage—and there are children as a result of that alliance? Some brother or sister of the whole-blood or half-blood, with whom the deceased was not on friendly terms and who could in no circumstances have anticipated any largess, gets the goods of the deceased because he dies intestate, and those persons who are in fact dependents are left out in the cold. This Bill does not assist such people, because the estate escheats to the Crown who passes it on to the next of kin.

I wonder why, after this particular difficulty was raised and discussed in the Law Reform Committee and a Motion was debated, after all of these months the Law Officers of the Crown should have toiled and brought forth something—I would not call it a mouse—which merely touches the surface of the problem?

I should have expected that the Law Officers of the Crown would have been *au fait* with the decision of the Federal Court in the case of Zuleika White. In that case the Federal Court held that “although an illegitimate’s mother can inherit collateral, if the claimant is tracing through the illegitimate’s mother he cannot get anything.” There are some of us in the legal profession who feel that the Federal Court’s decision was not right, but it is right until upset by the

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Privy Council. It is not very easy to take the question to the Privy Council, though one can go there *in forma pauperis*.

I often wonder why the Law Officers did not think fit to amend the law as interpreted by the Federal Supreme Court. I agree that the provisions of this Bill are rather complicated. I would say that the Bill is largely a lawyer's Bill. I would recommend to the hon. the Attorney-General, in the circumstances, that he agrees to the Bill being referred to a Select Committee for consideration. Perhaps out of that Committee may come a product which, instead of merely scratching the surface, makes a valiant attempt to solve the problem.

**Mr. Jai Narine Singh:** I am in agreement with this Bill, but, like the last speaker, I do not think it goes far enough. One of the things not clearly stated in the Bill is whether it will be retrospective. If it will be retrospective, how far back will it go? We know the great difficulties that exist regarding land in British Guiana. The lands are still lying there; the legitimate heirs cannot be found, and the titles date back to 1821. Many estates on both sides of the Demerara River and the Essequibo River are causing a lot of trouble because the legitimate heirs cannot be traced. The people can trace their kinship, legitimate or otherwise, back to, perhaps, 1821.

It is an established fact that it is only up to 1869 that births were registered with any certainty, and only since 1898 that marriages could be said to be registered with certainty. In the light of this state of affairs, the hon. the Attorney-General and the Administration should endeavour to help people other than those who can be dealt with *bona vacantia*. In some cases the legitimate heirs of land are still alive, but they have no titles. The appointment of the present Land Commissioner is not the solution to this problem. I feel that the

hon. the Attorney-General should have taken pains to cover a wider field when the Bill was drafted.

**The Attorney-General:** I am sure that when the last two speakers rose they intended to make a useful contribution to the debate, but, unfortunately, they have confused two entirely separate issues. This Bill is not intended to deal with the law of inheritance to estates—that is a separate matter altogether. This Bill is intended to deal with vacant property which falls to the Crown as of right, although the Crown has the power to pay out or distribute the whole or part of a vacant estate to people who would ordinarily have benefited had the deceased left a will.

Now the rights by law to inheritance of an estate are totally different from what we are dealing with in this Bill. We are not dealing with that particular aspect of the matter today. It would be unconstitutional to include the question of inheritance to estates in this Bill. The constitution provides that a Bill should deal only with one particular problem at a time.

The point raised by my hon. Friend the Member for Georgetown Central is not a novel one; it has been raised time and again. At first blush it appears attractive, but there are great difficulties in what he is urging. He says that a man may go through a form of marriage; he has children from his wife; the marriage subsequently breaks up but maintains its validity. He still has a legal wife and legitimate children. He then forms a union with another woman which is known as a common law marriage. He may live the rest of his life with her in harmony, supporting her as a lawful wife; he may have children by her, but his children would not be legitimate. At his death, hon. Members opposite are suggesting, that the common law wife and the illegitimate children should have the right to share in the deceased's estate on the same basis, possibly, as his legitimate wife and children



who are still alive. Think for a moment of the difficulties of administering such a law! How many illegitimate children does he have? If illegitimate children are going to share with legitimate children, it may well be that he had more than one common law union with various women. One might have endured for a long period, and others might have endured for a night. How are we going to prove whether the illegitimate children are his? It is easy to prove maternity, but it is very difficult to prove paternity.

This matter has been considered carefully, and it is one where a decision has to be taken on the balance of advantages after the problem is looked at thoroughly with all its implications. I can assure the hon. member that, whilst careful consideration will be given to any suggestions or propositions that he makes to avoid the difficulties that are inherent in this problem, it is unlikely that Government as at present advised, and advised with great care, would introduce a law to extend, as the hon. Member says, the property rights and privileges which this Bill seeks to provide.

The hon. Member for Georgetown South says that there are many parcels of land up and down the country where the owners have died long ago, and the legitimate heirs cannot be traced. These lands are for the greater part inherited. They are what is known as children's property, and it is precisely to deal with this problem that there is provision in the Land Registry Ordinance to enable a judicial declaration of title to be issued expeditiously, simply and cheaply. It is hoped that the problem raised by the hon. Member will be dealt with in that way. If he is seeking to deal with it by altering the laws of inheritance, I think he will involve himself into greater problems than he seeks to solve.

Question put, and agreed to.

Bill read a Second time.

Council resolved itself into Committee and approved the Bill as printed.

**Mr. Jai Narine Singh:** I want to ask the hon. Attorney-General if it is intended to be retroactive?

**The Attorney-General:** No.

Council resumed.

**The Attorney-General:** I beg to report that the Bill has been considered in Committee without amendment, and I now move that it be read the Third time.

Question put, and agreed to.

Bill read the Third time and passed.

#### DEVELOPMENT FUND (1959 APPROPRIATION) BILL, 1960.

**The Financial Secretary:** I beg to move the Second Reading of the

Bill intituled "An Ordinance to make provision for the appropriation to the Development Fund of a certain sum of money transferred thereto from the Revenues and Funds of British Guiana".

The purpose of the Bill now before Council is to obtain formal legislative sanction, as is required by Section 3 of the Development Fund Ordinance, No. 44 of 1954, to appropriate the 1959 surplus of revenue on the Recurrent Estimates to the Development Fund. The amount to be so transferred is \$3,255,992.13. The amount is required to cover expenditure made in 1959 on development works provided for in the development estimates for that year, and supplementary estimates.

It is the policy of this Government, as hon. Members know, to use the surpluses on the Recurrent Budget to help finance the development expenditure, and it had been the practice to introduce the Appropriation Bill after the budget surpluses have been determined.

**The Chief Secretary:** I beg to second the Motion.

Question put, and agreed to.

Bill read a Second time.

Council resolved itself into Committee and approved the Bill as printed.

Council resumed.

**The Financial Secretary:** I beg to report that the Bill was considered in Committee without amendment, and I now move that it be read the Third time.

Question put, and agreed to.

Bill read the Third time and passed.

**GEORGETOWN SEWERAGE AND WATER (AMENDMENT No. 2) BILL, 1960.**

**Mr. Speaker:** The next item is the Second Reading of the Bill intituled an Ordinance to amend the Georgetown Sewerage and Water Ordinance. *(Pause)*.

If there is no one to move the Second Reading of this Bill, perhaps, we might pass on to the next item.

*[The Minister of Community Development and Education, Mr. Rai, returned to his seat.]*

**Mr. Rai:** Mr. Speaker, I wish to move the Second Reading of a

Bill intituled "An Ordinance to amend the Georgetown Sewerage and Water Ordinance."

This is a very short Bill. It is being moved with the specific consent of the Georgetown Sewerage and Water Commissioners. Shortly, it seeks to introduce a contributory Group Pension Scheme and Group Life Plan for the benefit of their weekly and daily paid employees.

Question put, and agreed to.

Bill read a Second time.

Council resolved itself into Committee and approved the Bill as printed.

Council resumed.

**Mr. Rai:** I wish to report that the Bill intituled an Ordinance to amend the Georgetown Sewerage and Water Ordinance was considered in Committee without amendment, and I now move that it be read the Third time.

Bill read the Third time and passed.

**GEORGETOWN TOWN COUNCIL (AMENDMENT) BILL, 1960.**

**Mr. Rai:** I wish to move the Second Reading of a

Bill intituled "An Ordinance to amend the Georgetown Town Council Ordinance."

This, again, is a very short Bill. It has for its Objects and Reasons, firstly, a contributory Group Pension Scheme and Group Life Plan for the benefit of its weekly and daily paid employees; and secondly, the extension of the limit of \$1,500,000, which the Town Council may raise on loan by the issue of bonds, to \$3,000,000.

**Mr. Tello:** I simply would like to take the opportunity to commend Government for bringing this Bill to the Council. The employees of the Municipality have been, for some time, kept in a state of suspense and anxiety about this matter of a contributory pension scheme. Now that an active step has been taken in the right direction, I would like to place on record my approval of this decision which was so long delayed. I only hope that it will not be as long delayed in being implemented.

Question put, and agreed to.

Bill read a Second time.

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

## COUNCIL IN COMMITTEE

Clauses 1 and 2 passed as printed.

*Clause 3. — Amendment of section 196 of Chapter 152.*

**Mr. Burnham:** I beg to move that the word "three" in the third line of Clause 3 be deleted and there be substituted therefor the word "ten". Mr. Chairman, in 1918 when the borrowing powers of the Georgetown Town Council were limited to the sum of \$1,500,000 the budget was approximately \$200,000. And it seems to me that the increased responsibility and expenses of the Municipality plus the fact that the budget is now approximately \$2,500,000 that an increase in the borrowing powers of only 100% is certainly not realistic, for the budget of the Council has increased ten times. It seems unrealistic and unreasonable to increase the borrowing powers by only 100% while the budget has increased by 1,000%.

This increase in the limitation of the borrowing powers of the Council, which has to carry out certain capital works, can be embarrassing sometimes; because if the borrowing powers are as they were last year, almost exhausted, the Council therefore cannot undertake certain capital works unless rates and taxes are increased. I think it is accepted that capital works should not be paid for by taxpayers in one year: capital works benefit succeeding generations, or, to be a little more conservative, succeeding taxpayers. In the circumstances I would move, as I do move, that the borrowing powers be increased to \$10,000,000 instead of \$3,000,000.

**Mr. Rai:** Mr. Chairman, the figure of \$3,000,000, as inserted in the Bill, was put at the request of and with the consent of the Georgetown Town Council. They made no objection and, as I said, they asked that the figure be raised to \$3,000,000, and it is not an

unreasonable amount. The new limit meets with their approval.

**Mr. Burnham:** I do not deny that the Georgetown Town Council requested \$3,000,000, but in the first place, Mr. Chairman, the Georgetown Town Council, as at present constituted, is not likely to be in existence either as a body or as a number of persons very much longer if this Government would get on with its work of passing legislation. Furthermore, the conservatism of some Members which made the figure of \$3,000,000 should not be a guide. Our experience since that figure was put up has shown that those Members who were in favour of it have recognised the unwisdom of their conservatism. If they were to continue for some longer time they would find that they have curbed their own borrowing powers by not asking that the limit be carried up further. In any case there is no necessity to borrow to the limit.

If, however, during the course of the year and if with the advent of a new Mayor next year it becomes patent that \$3,000,000 is insufficient, they would have to have recourse to the Government of this country. Maybe a majority there now would say they should not go beyond \$3,000,000, but if a majority thinks differently next year, it means more paper, more time, more preparation by the Minister to find the right page, and more time wasted in this Council to increase the limit.

**Mr. Rai:** Mr. Chairman, the figure of \$3,000,000 was requested by the Town Council, a semi-autonomous body, of which my hon. and learned Friend is a Member. We had no objection from him, even when he was Mayor, and this is the first time we are hearing of it. He was there when the suggestion was made.

**Mr. Burnham:** I congratulate the hon. Minister upon his knowledge of very recent history, but I would like to observe that the Mayor has only one vote. [*Laughter.*] Of course, this is a source of amusement to those not enamoured of the voting processes, and I can understand their amusement and their humour. I am giving the point of view of some Members of the Town Council. There were others who were against my recommendation that it should not be limited to \$3,000,000.

I would expect this Council to appreciate this last point I made : there is nothing wrong in giving them greater power than that which, I consider, in their simplicity they asked for.

One thing I am very happy about is to hear the hon. Minister of Community Development and Education saying that the Georgetown Town Council is a semi-autonomous body and Government does not propose to interfere. I am very happy to hear that, because this same Government in the same place refused to allow the Council to borrow on overdraft in anticipation of an approved loan. This same Government is seeking to disregard the wishes of the New Amsterdam Town Council that the Mayor's allowance should be increased to \$1,000. This same Government has drafted a Bill which seeks to make the Georgetown Town Council a little village.

Question put, the Committee divided and voted as follows :

<i>For</i>	<i>Against</i>
Mr. Bowman	Mr. Hubbard
Mr. Beharry	Mr. Fredericks
Mr. Jackson	Mr. Gajraj
Mr. Burnham	Mr. Jai Narine Singh
Mr. Kendall — 5.	Mr. Saffee
	Mr. Rai
	Mr. Ram Karran
	Mrs. Jagan
	Mr. Benn
	Dr. Jagan
	The Financial Secretary
<i>Did not vote</i>	The Chief Secretary
Mr. Tello	— 12.
Mr. Campbell — 2.	

**The Chairman:** The Amendment is lost. The question is, that Clause 3 stand part of the Bill. Those in favour say "aye", those of the contrary opinion say "no".

Agreed to.

Clause 3 passed as printed.

Council resumed.

**Mr. Rai:** I beg to report that the Georgetown Town Council (Amendment) Bill was considered in Committee and passed without amendment, and I now beg to move that the Bill be read the Third time.

**Mr. Saffee:** I beg to second the Motion.

Question put, and agreed to.

Bill read the Third time, and passed.

## B.G. RICE MARKETING BOARD AS A CO-OPERATIVE

**Mr. Speaker:** Council will now resume the debate on the Motion moved by the hon. Member for Georgetown South :

"That this Council recommends to Government the introduction of legislation to provide for the Rice Marketing Board to be converted into a co-operative organization of rice producers of this Colony."

When the adjournment was moved on the last occasion the hon. Nominated Member, Mr. Tello, was speaking. He may resume now.

**Mr. Tello:** I was making the point that one advantage the co-operative

system would give to the rice producers is that to be a member of that co-operative one must necessarily be a rice producer in the full and practical sense of the word. For the purposes of a co-operative, there is no special legal definition of the word "producer". Producer would then carry the ordinary meaning — "those who produce". This would inspire a sense of comradeship among those who produce rice, and it would also be a safeguard against the entry into the industry of people who are not really producers and who wish to use their sagacity and their keener minds to impose their will upon lesser people. They sometimes move at such a rate that they destroy the objects of organizations they enter. I think that if the proposal of this Motion is accepted and implemented, certainly one can be assured that the rice producers' co-operative so formed would be a co-operative of people actually earning their living by producing rice.

The hon. Nominated Member, Mr. Davis, has told this Council that one who is qualified to advise on the organization of co-operatives had told him that an organization of the magnitude of the Rice Marketing Board was not one which could be converted into a co-operative because a co-operative normally started in a small way and grew up. It is a great pity that the hon. Nominated Member became acquainted with the rice industry at an adult age, so that he really does not know the historical background of the rice producers. I have grown up in an area where there were a great many people making their livelihood by producing rice, and in my early days I saw those people engaged co-operatively in planting and harvesting their rice. I have also seen co-operatives not controlled by any rules but simply run by mutual understanding. I have seen rice produced, milled and sold co-operatively. I have also seen many rice producers grouping themselves into *ad hoc* co-operatives for the purpose of shipping their rice. It is a great pity that the hon. Member did not inform the expert of the

historical background, for I am certain he would have got quite a different opinion.

It is quite true that as it stands the Motion is somewhat untidy, because one cannot ask for special legislation to provide for a co-operative organization when a Co-operative Ordinance is already on our Statute Book, but I can appreciate what the hon. Mover intends. I have no intention to move an amendment to his Motion but I would suggest that it might be necessary to repeal the Rice Marketing Ordinance so as to permit the rice producers to convert the Rice Marketing Board into a co-operative organization if they so desire. Perhaps in his amendment he might request that a plebiscite be taken to ascertain the wishes of the rice producers in the matter.

What is very unfortunate is that I am reliably informed that this Motion was first tabled in January or February, 1959, and was re-introduced in January of this year. So that this Government was aware that there was a considerable clamour to have the Rice Marketing Board converted into a co-operative, and it is inexcusable conduct that it did not take steps to ascertain the wishes of the producers before bringing the recent amendment to the Rice Marketing Ordinance. Government had more than a year to toy with the hon. Member's Motion, and if it is true that the Majority Party desired that democracy should be properly practised in the control of the Rice Marketing Board, and knowing that it was the desire of at least some of the rice producers, a good democratic people's Government would have certainly heeded the people's wishes before enacting legislation to tie the rice producers to the Rice Marketing Ordinance.

**The Minister of Trade and Industry (Dr. Jagan) :** This matter was taken up by the Rice Producers' Association with all its District Associations. The whole question of a co-operative organ-

(DR. JAGAN]

ization was discussed, and it was agreed that the Rice Marketing Ordinance should be amended so as to democratize the Rice Marketing Board. The hon. Nominated Member is therefore accusing the Government wrongly.

**Mr. Tello:** I am pleased to hear the hon. Minister say that, but I still say that the Majority Party has always shown preference to deal directly with the people themselves, and on this matter of major importance there was ample time to survey the wishes of the people themselves because even in the Rice Producers' Association itself there are members who do not approve of continuing the administration of the Rice Marketing Board under the statutory provision. To say that when the amendment was made to the Rice Marketing Ordinance the rice producers took advantage of it to assume major control, is sufficient evidence that they are desirous of controlling the Rice Marketing Board. The question is whether or not we are going to allow the industry to be administered by the producers themselves who have been clamouring for it for years. I say that this Motion is intended to remind the Government of the people's wishes, and I would suggest that although the Rice Marketing Ordinance has already been amended and made a little more liberal, the Motion should commend itself to the Council.

**Mr. Beharry:** This Motion seeks to democratize the Rice Marketing Board, but since it was moved I have discovered that the Rice Marketing Ordinance has been amended in order to give the rice producers greater control of the affairs of the Board. I have listened attentively to the speech of the hon. Minister of Trade and Industry (Dr. Jagan) who suggested to the hon. Mover of the Motion that it should be withdrawn in view of the fact that the affairs of the Rice Marketing Board are now in the hands of the elected leaders

of the rice industry. I say that that is just a half-truth. The Minister did mention that for the first time in the history of the Board control of its affairs was in the hands of rice producers elected by the industry, but he did not state that for the first time in its history the Rice Marketing Board and its overall marketing policy had been brought under the portfolio of an elected Minister — the Minister of Trade and Industry and the leader of the Majority Party.

When the Majority Party assumed office in the Government we saw the policy evolved through the then Minister of Natural Resources (Mr. Beharry), of increasing the agricultural produce of the country. [Laughter]. We saw more lands being brought into production. Why was that done? It was done because it was necessary to increase the national wealth of the country, but the Minister of Trade and Industry had not the vision to see that marketing facilities should have been attended to. We saw for the first time in its history that the Rice Marketing Board, placed under the control of the Minister of Trade and Industry, has run true to form like all other Government organizations; it has suffered a loss of nearly \$400,000 as a result of inefficient marketing policy.

**Dr. Jagan:** I wonder whether the hon. Member would tell this Council whether he was a Member of the Rice Marketing Board at the time?

**Mr. Beharry:** I was a member of of the Board at the time. As I have said, the Rice Marketing Board was included in the portfolio of the Minister of Trade and Industry. I say that the question of the marketing of rice should have been dealt with by him on a national level, and not by the Rice Marketing Board. I have read in the newspapers of Ministers going on extensive foreign holidays. I have read repeatedly of visits to Cuba to sell our national produce, and of visits to Venezuela and to East Germany

which we were told were in the national interest.

Every time the Ministers go abroad they return and say that they were selling the national produce of the country and so on. When the Minister of Trade and Industry, under whose portfolio the Rice Marketing Board falls, goes abroad he uses the opportunity on his return to say that he was selling the national produce of the country whether he went on behalf of the interest of the rice producers of this country or otherwise. But when the Rice Marketing Board suffers a loss of nearly \$400,000 for the first time the Minister says nothing about it. Just imagine that the Board has failed to make a profit the first year in which we have had an Elected Minister running things! We have seen why the Government industries in this country are not moving forward. In every sector of trade and industry in this country run by Government there is stagnation.

I say that the Minister of Trade and Industry has failed in discharging the duties under his portfolio in the national interest of the country. The very first year in which there was an Elected Minister in charge the Board lost \$400,000. The year before there was a Nominated Minister — I am not defending the Nominated System of Government. The man who talks about freedom is the man who has failed his people. Yes, freedom for the purpose of getting a better price for our rice, but freedom in the context in which I am hearing about it today is mere words.

This Organization, the leader of the Majority Party says, is truly democratized and, therefore, I feel that this Bill should be withdrawn. I agree with him that the Organization is democratized in the sense that it is controlled by the rice producers, and it is further democratized in the sense that it is controlled for the first time by an Elected Minister. However, the very first time

an Elected Minister controlled it the Board lost nearly \$400,000. One of the reasons for the loss is due to the fact that adequate space was not provided for storing the produce, and increased rates had to be paid for storage facilities in private warehouses.

I charge the hon. Minister of Trade and Industry with negligence, because he should have foreseen that there would have been an increase in rice production as a result of the agricultural policy that was being carried out at the time. I also charge him with not having evolved a marketing policy on a national level to give full protection to the rice producers and the rice industry in British Guiana.

This year we have more land under the plough. It is expected that we shall produce more rice this year than last year, but there has not yet been a definite alternative market in sight. Perhaps it does not matter whether the industry loses money or not! The Minister says that the Rice Marketing Board is unlike a private industry; it does not have private shareholders and, therefore, dividends do not have to be paid to shareholders. He also says that when the Rice Marketing Board makes profits, the profits are passed on to the rice farmers in the form of increased prices and other benefits.

However, he kept quiet on the question of when losses occur. When a loss occurs it also has to be passed on to the Rice Farmers. The Minister did not tell us that last year the Organization, which is capable of turning over \$18 million a year, was unable to make one cent profit and that there was a loss of \$400,000. This first-class Minister of Trade and Industry!

This Board has been in existence for nearly 25 years, and it still trades on borrowed capital from the Banks in this country. The Minister of Trade and Industry is not satisfied with that; he

[MR. BEHARRY]

intends to go further and allow the Organization to lose more money because of a backward national marketing policy. I do not know why some people do not stick to the profession for which they are best qualified! [Mrs. Jagan: "Selling saltfish and potatoes"?] Time and history will prove to the people of our country whether what I am saying today is correct.

Some time ago said something in this Council and I am going to repeat it today, because whenever I see a policy introduced by this Government that I consider to be against the interest of the country I will give my candid and frank views on it. The Minister of Trade and Industry should realize by now that British Guiana with a half-million people consume approximately 30,000 tons of rice. He is cognizant of the fact that the Islands of the West Indies which have joined the Federation have a population of nearly three million people who have the same eating habit as the people of British Guiana, but they only consume 60,000 tons as against the 30,000 tons consumed in British Guiana. Much more could be done in the direction of improving the rice industry and giving stability to this second largest agricultural produce in this country.

I am surprised to find that Government have only been trying to democratize the Rice Marketing Board, and they have not formulated a policy whereby they could take care of the marketing interests at a national level. They have told the Rice farmers that they have given them the right to control the day to day policy of the Board. Nevertheless, the overall control of the Board which falls under the portfolio of the Minister of Trade and Industry is not what it should be.

I sat here two days ago and heard the hon. Member on my left (Mr. Bowman) asking the Minister of Labour,

Health and Housing whether she drew her salary while she was in Cuba? She replied "that she was looking into and observing the health conditions in Cuba."

The Minister of Trade and Industry has visited every country at the expense of the taxpayers, and on his return he informs the people that he was looking after the rice market.

**Mr. Speaker:** I think you will have to continue at our next meeting. I am not sure whether you were here earlier, but hon. Members have agreed that we should adjourn today at four o'clock.

**Mr. Beharry:** Very well Mr. Speaker, if you wish to adjourn.

### GEORGETOWN TOWN COUNCIL (AMENDMENT) BILL

**Mr. Speaker:** I think the hon. Minister of Community Development and Education would like to draw attention to something which we should attend to before we leave this afternoon.

**The Minister of Community Development and Education (Mr. Rai):** My attention has been drawn to the fact that there was a previous amendment to the Georgetown Town Council Ordinance earlier this year and, therefore, the provision in Clause 1 should be described as "(Amendment No. 2)".

**Mr. Speaker:** There was an Amendment before, and the Council will have to agree to it.

Question put, and agreed to.

### ADJOURNMENT

**The Chief Secretary:** I beg to move that this Council do adjourn until 2 p.m. on Wednesday, 26th October, 1960.

Agreed to.

*Council adjourned accordingly, at 3.55 p.m.*