

LEGISLATIVE COUNCIL

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

THURSDAY, 25TH APRIL, 1957

The Council met at 2 p.m.

PRESENT:

His Honour the Speaker:

Sir Eustace Gordon Woolford,
O.B.E., Q.C.

Ex-Officio Members:

The Hon. the Chief Secretary,
Mr. M. S. Porcher (Ag.)

The Hon. the Attorney General,
Mr. A. M. I. Austin,

The Hon. the Financial Secretary,
Mr. F. W. Essex.

*Nominated Members of Executive
Council:*

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

The Hon. P. A. Cummings (Mem-
ber for Labour, Health and Housing).

The Hon. W. O. R. Kendall (Mem-
ber for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E.
(Member for Local Government, Social
Welfare and Co-operative Develop-
ment).

The Hon. R. B. Gajraj

The Hon. R. C. Tello

Nominated Official:

Mr. J. I. Ramphal.

Nominated Unofficials:

Mr. L. A. Luckhoo, Q.C.

Mr. E. F. Correira

Rev. D. C. J. Bobb

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser

Mr. R. B. Jailal

Mr. Sugrim Singh

Clerk of the Legislature:

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature:

Mr. E. V. Viapree,

Absent:

Mr. T. Lee —on leave.

Mr. W. A. Phang —on leave.

Mr. C. A. Carter,

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

The Speaker read prayers.

MINUTES

The Minutes of the meeting of the
Council held on Wednesday, 24th
April, 1957, as printed and circu-
lated, were taken as read and confirmed.

ANNOUNCEMENT

MEMORANDUM FROM LANDOWNERS
OF BRITISH GUIANA

Mr. Speaker: I am not quite sure whether I ought to make an announcement now or immediately before the resumption of the debate on the Land Acquisition Bill. I feel that I should make it now because everybody is here and it concerns them, but I am not going to allow you to debate it.

I have received a document and have only just more or less looked at it and seen its heading. It is submitted to the Members of the Legislative Council by the Landowners of British Guiana. I have seen enough to know that it is contentious and I have asked the Clerk whether Members of the Council, like myself, have received copies. He thinks they have. I have asked the Mover whether he has received a copy and he says "Yes." It is one of those matters where the Speaker who has, or is supposed to have, the control of deliberations in this Council must exercise his discretion.

The usual practice is that memoranda should take the form of a petition or a representation. They should be signed by somebody. In this particular case the word "Landowners" conveys nothing to me. Of course, looking at it, it seems to be purporting to represent all the landowners in the Colony, but it doesn't. Whoever the authors of this memorandum are, it seems well-prepared. The English is good, the construction is good and it seems to have taken a long time to prepare and I should have thought that such an important question should have been sponsored in the sense that it goes to a Member. If it goes to a Member who knows what the procedure is, it should have come under Petitions or whatever it was. But I can't "father" it. I don't wish Members of the Council to

"father" it. Those of you who have received copies please let the Clerk know. I cannot allow passages from it to be read and things of that sort. Members will agree with me that I cannot allow that. It is also an anonymous document. It is anonymous in the sense that it purports to represent everybody. I don't know if the Chief Secretary has received a copy but I presume so.

Generally, I hope that Members have appreciated what I have said. There may be very good reasons why a memorandum like this might induce the Government to withdraw the Bill and that is why I am saying that I am not taking any responsibility for it. If the Members wish it, some procedure will have to be adopted perhaps by using a separate motion asking that the debate be extended in order to have this thing properly represented. Representations of this character should be brought to the Council's notice. I don't know why people in the Colony have not got a sense of responsibility. With a Bill of this importance these representations do not reach the Council until this stage and then Government will be criticized. It is for that reason alone that I brought it to your notice.

Mr. Ramphal: I did catch a few words. At one stage you said that Members of the Council should do something to the Clerk—I don't know exactly what we should do.

Mr. Speaker: You should notify him whether you have received a copy of the memorandum.

ORDER OF THE DAY

ACQUISITION OF LAND (LAND
SETTLEMENT) BILL

Council resumed the debate on the motion for the second reading of the Bill intitled:

"An Ordinance to repeal and re-enact the Acquisition of Land (Land Settlement) Ordinance."

Mr. Speaker: Dr. Fraser had concluded his speech when Council adjourned yesterday afternoon. I understand that Miss Collins is next on the list of speakers but is disposed to waive her right so as to allow Mr. Luckhoo to speak next. Is that so?

Miss Collins: Yes, Sir.

Mr. Speaker: Then I understand a Member of the Government would like to speak next, and in matters like this Members of the Government take precedence. I also understand that Mr. Correia wishes to speak.

Mr. Luckhoo: Your Honour, during the past few days we have listened attentively to the artistry of the hon. Mover of the Bill in his presentation of his case for the Government. We have listened to the forceful eloquence of Mr. Sugrim Singh whose convincing manner was matched only by his sustained eloquence over a long period of time, and then we appreciated the intelligent grasp of the situation which was evinced by Mr. Jailal who took us through the lands of Guiana from one area to another, and made his comments in a very telling manner. Unfortunately I was called away yesterday and did not have the full pleasure of hearing Dr. Fraser, but I was privileged to read his address in today's newspapers. But whatever may be said, I think in this debate a full opportunity is presented not only for one to deal with the particular matter at issue but with matters generally pertaining to land and to land policy. I think we, the Members on the floor, are grateful to Your Honour for your concession in permitting us perhaps to wander far afield, in order that we might use this opportunity for the expression of opinions which we hope may all not fall

upon barren or stony ground, but may be able to produce fruit.

Unlike Sir Frank McDavid who has put his speech in three categories or three divisions, I propose to put mine in four divisions. The first deals with the general principles which I feel affect all land, whether it is in British Guiana or any other part of the world; the second relates to application of those principles, and then thirdly certain questions which I will address generally in my speech but in particular to the hon. Mover, to some of which I have received answers, but to all of which I think it would be very helpful to us if we could get replies to them. The fourth point, which I feel is of equal importance to all the other considerations in this matter, relates to the legal implications of this legislation if it were accepted.

There are certain characteristics which are peculiar to land, and I think this may be put into four separate heads. Land is the source of all wealth, the source of all material wealth. This is a truism. Land is not created by man, although it may be modified by human labour. Land is everlasting and is not subject to the processes which destroy other forms of wealth. The last category is that it is limited in extent, this being true both of an individual country as well as of the whole surface of the globe. Consequently these characteristics one finds that certain principles have been evolved over the years. For these four reasons I have endeavoured to set out over a number of years the claim to enjoy private ownership seemed to have been an exorbitant one. In other words, over the years it was felt that because of those characteristics there should be no such thing as private ownership of land, and even today many economists

[Mr. Luckhoo]

and sociologists have denied that land can properly be subject to private ownership. People who are not necessarily either socialists or communists but people who have endeavoured to make a study of this particular problem, have maintained their stand that land should not be the subject of private ownership. Indeed it has been said that since land is essential to all, if the owners of it were to be given their full rights of property it would affect the lives of all men. In fact it is interesting to find that in Soviet countries this is propounded as one of their principal objects — the control of land in order to control lives.

Since land is limited in area the ownership of land becomes a monopoly. As soon as the density of the population has passed a certain limit the ownership of land becomes a monopoly. When the density of the population is against the availability of land and causes a problem of land and population, then measures have to be adopted to meet the exigencies which arise therefrom. In other words, when you have the density of the population increasing to such an extent that there is conflict between land and population, it is necessary for one to resort to certain particular measures in order to meet that situation.

As I have said, in this initial instance I shall be merely dealing in the first part with the general principles which I adopt and accept, and then I shall endeavour to take those principles and correlate them with the existing circumstances of our good land of Guiana. When you have a problem of land and population it seems that two solutions can be offered; one is nationalisation and the other taxation.

Nationalisation, as hon. Members know only too well, consists of the transfer of land from the domain of private ownership to that of national ownership. It is a form of what they term as collective socialism. This can be done in two ways. Since nationalisation of land pre-supposes expropriation of the existing owner, it means that the law will have to be enforced. There are two ways in which this can be done — expropriation without indemnification, which is virtually confiscation. As a matter of fact in certain countries behind the Iron Curtain they say that you can enjoy the land as long as you live, but real property is not subject to inheritance, and so with the passage of time and your demise the land accrues to the State. That is an example of expropriation without indemnification. The other approach is expropriation with indemnification, which means very simply the purchase of land by the State.

In my endeavour to do some little research in this matter the earliest author whom I could find to profound this particular theory — for then it was merely a theory — was an economist named Jossen who said that the State could not in justice confiscate real property since it had been constituted and sanctioned under the guarantee of law. He said that for the state to do so it must have complete disregard for the sanctity and the fundamental principles of law. He went on to say that legal processes could be introduced into every country whereby, for the sake of public utility and public service, the State could acquire land. The exact words he uses are “expropriation for reasons of public utility on the payment of fair compensation.” Economists have severely criticised the good Mr. Jossen. They have pointed

out that if this were taken beyond the normal stage of acquisition of land in particular cases, and if it were to be regarded as a general principle the State would have to borrow money in order to be able to acquire those lands. And some of the economists feel that this would not be an economic proposition, since the results would not be equivalent to the interest which would have to be paid if the money were to be borrowed. Of course, if one did not have to borrow the money different considerations would arise. In later years this system was subject to very severe criticism, and one finds an American, Henry George, coming up with a system which, in his words, he was putting forward to replace the acquisition of land on the payment of compensation. His system is the taxation system, and this particular theory was also enunciated in France by Paul Tangore, and his approach to it was that man, with all his brilliance, cannot create land. He can occupy space but cannot create, and it is incumbent upon man to see that the land which is given, not by man but by a Greater Being, should be utilised in every possible manner for the benefit of mankind. And, secondly, if there was land which was not being beneficially utilized, then such areas as were not being beneficially used should be subject to a heavy tax.

The object of this was maximum utilisation of all space, and this is a principle which, Your Honour, so far as I am concerned, I accept. Land should be used and if land is not being used, then by all means tax land, and tax it good and severe. That is the principle under which several countries have from time to time operated and

it is interesting to find that in the Frank Brown Report he also makes mention of the question of taxation, but I will say more about that a little later.

Now, having enunciated very briefly the principles upon which land can be extended in this country and having set out the principles and the means of all wealth which does not diminish and so on, how would one take those principles and apply them to this country of Guiana? Do we have the density of population in British Guiana and do we find that there is not sufficient land to meet the cases which we envisage? I think the answer to that has been given very clearly and convincingly by previous speakers who have come before me. We in this country have five persons to a square mile unlike the good Barbados where they grow spuds and yams and what have you, with 1395 persons to the square mile. They say if you take Barbados and put it in the Essequibo River it would be the devil's own job to find it, quite like Trinidad.

The point is that we do have in this country a large area of land and we do have a very sparse and meagre population. Then can you say that there is in this country the necessary elements of land and population which would necessitate either nationalisation in one of its two forms? Perhaps, some other measure should then be adopted. If I were convinced that — I would like to make this point perfectly clear — this measure was necessary, I would not lack the courage to stand on my legs and advocate it clearly because it is one of my principles that for the landless there should be land. If there is available land, 90 per cent. of which belongs to the Crown, then wherein lies the necessity that we

[Mr. Luckhoo]

should be beyond the pale and take land without paying the proper market valuation? I would like to underline those words because those words to my mind are very important because at this moment if they are thought necessary, there are provisions in our Ordinances whereby land can be taken but not under this mode of compensation. That is another aspect which I shall deal with when I come to the fourth approach of the subject dealing with legal implications.

I say that if the land is available and we have a population so meagre and so sparse, surely we do not have the pre-requisites. We do not have the foundation for the Bill which is before this Council.

I would like to ask the hon. Mover when he is replying to inform this Council—it is listed among my questions—as to what has happened to the estate of Lima. If my facts are correct and I believe they are, that estate consisted of 400 acres and was acquired by Government for Land Settlement in 1952. That land was being used then by the people for rice cultivation. So far as I have been able to ascertain of what happened is that Government has put itself in the place of a landlord. In other words, although the original concept was that out of this Estate of Lima we would have a Land Settlement scheme, what has happened is that we merely have a continuation of the relationship of landlord and tenant as between the owner and the tenant-farmers, except that instead of the owner being a private individual you have the Government now as the owner. One wonders whether it was Government's intention to create a land settle-

ment there, or whether having started with the idea of a land settlement it did not pursue that particular end. Perhaps, Sir, I can follow that up at this stage with the third part of my address and ask of the hon. Mover questions of this nature—Do we have enough Crown Lands available at the moment for land settlement schemes? If we have, why do we not utilize them? What is Government doing in respect of the recovery of leaselands which are not beneficially occupied or utilized?

I would like to ask how many acres of Crown Lands are at this moment leased, and how many acres has Government reclaimed or retaken within the past 18 months? Have we had a survey of the lands along the banks of the Demerara River? Mr. Frank Brown in his report recommended that a survey be made along the banks of the Demerara River. Have we had that survey made? Have we made a comprehensive survey of all our Crown Lands? Can the hon. Mover produce to this Council a map of British Guiana showing where we have Crown Lands, what is the position in respect of those lands, how much of those lands are being used beneficially, and how much of those lands are lying idle. If we have a large map showing there are Crown Lands but they are not available as they are being used, then, so far as I am concerned, my whole approach to this matter would be entirely different. The onus is on Government to establish its case for the change which it seeks. Government in establishing that onus can present to us certain facts upon which to make a reasonable and reasoned decision, an important and independent decision. Let us see that map.

My next point—I would ask if we ever used Chapter 180 of our Laws for the acquisition of land. I think there was some suggestion that we have never used it. I want to have something

more definite as to whether we ever used Chapter 180 which was passed in 19—.

Sir Frank McDavid: 1943.

Mr. Luckhoo: Thank you very much. Have we ever used Chapter 176, the Crown Lands Resumption Ordinance which was passed in 1906?

Sir Frank McDavid: An Amending Ordinance was passed in 1950.

Mr. Luckhoo: Yes, there was an amendment in 1950. Have we ever invoked this Ordinance which we have on our Statute Books? I feel that information of that kind would be very useful for us to have. I think we should have a proper picture before our minds. When we shall have exhausted all our investigations relating to Crown Lands, then we shall shift our attention to Crown Lands under lease, leases held by private individuals.

My fourth point relates to the legal implications. I would like to point out here the definition given of Land Settlement in the Bill before this Council. It states—

“Land Settlement Scheme includes any project intended to secure land for the establishment of farmers as an organised settlement; or for distribution by sale, lease or otherwise, to persons individually for agricultural purposes.”

The observation I would like to make is this. We had a previous Bill, which has been withdrawn before us in which there were certain objects listed. In that previous Bill No. 21 which was published in 1956 it says:

“It has become urgently necessary for the Government to acquire land for the purposes of land settlement in order to meet the needs of the increasing rural population. There are many areas of land in private ownership which are abandoned or uncultivated or only partially beneficially occupied, and it is proposed to

acquire such land in suitable cases in order to establish land settlement schemes . . . ”

I would like to ask whether since the publication of this original Bill there has been any change of heart, because then the question of land not beneficially occupied was omitted. But one sees in this Bill that in addition to “the establishment of farmers as an organised settlement” which is our normal conception of a land settlement scheme, there are the words “for distribution by sale, lease or otherwise to persons individually for agricultural purposes.” It will be interesting to know when and how this change has come about—the extension, so to speak, of what we may regard as the original purpose. In this Bill no method of compensation is set out. We have to go back to the Principal Ordinance, which is Chapter 179.

The point I would make is this: Under our present Bill, which we are considering at the moment, the method of assessment of compensation is to be either the capitalised value of the net annual income which will be derived from the use of the land, or the price paid for the land by the person who owned the land on the 1st July, 1955. I see no mode of arriving at a compensation other than those two. If we are to go back to the Principal Ordinance for our mechanics to see how we can process this matter in order to arrive at compensation, then we have to look at section 18 of Chapter 179. Paragraph (a) has been rescinded by this Bill while paragraphs (b) (c) and (d) are still present.

Section 18 of Chapter 179 is still present law. Let me read (b), (c) and (d).

“(b) any damage sustained by the person interested at the time of awarding compensation by reason of severance;

[Mr. Luckhoo]

"(c) the damage (if any) sustained by the person interested at the time of awarding compensation by reason of the acquisition injuriously affecting his other property or his earnings;

"(d) if in consequence of the acquisition he is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to the change;"

It seems to me that—supposing this Bill goes through—a person can say "I am not satisfied with what I am receiving. I am going to the Court." And when he goes to the Court the Court could, in addition to taking into consideration the price, that 1955 price, also take into consideration (b), (c) and (d) which I have just read.

Sir Frank McDavid: If you would allow me. I deliberately emphasized that in the amended Bill, in the printed Bill, paragraphs (b), (c) and (d) remained and therefore in assessing compensation either peacefully around the table or ultimately in front of the Court (b), (c) and (d) had to be taken into account. I myself emphasized those points.

Mr. Luckhoo: The point I am making is that if you are going to take into consideration in the assessment of compensation (b), (c) and (d) that should be clearly and specifically stated in this present Bill and not only put there when you go back to the Court for the Court to take these into consideration, because one supposes that these matters will not reach the Court. One hopes that they will not reach the Court, but how do we know that in assessing compensation, except for the *ipse dixit* of the hon. Mover, that consideration is going to be given by the officers doing the assessment when they are arriving at that compensation. All we have got here is what we would use

in arriving at the compensation and if you do not have these provisions specifically stated therein one would be quite right to ignore them if one were doing the compensation.

These are observations I am making on it from the legal approach. Let me say with every deference, without apology but with every deference, that I regard this Chapter 179 as being badly drafted and to my mind most unsatisfactory. I would have thought that if one were bringing forward a Bill of this kind it would have been better to scrap this completely and to come up with something that would be able to meet the problems which we find arising today. This Ordinance was passed in 1914, Sir. But let me point out what I mean about some of the difficulties which are not contemplated and I can see a tremendous amount of difficulties arising from it. Let me say this, Sir,—I say it weighing my words carefully—I could not see the Bill in its present form being brought into operation.

This is the position. If we are going to take the value — suppose that is the greater one — as at the 1st of July to the person who owns it then, not to the person who bought on the 1st of July. If I have bought land prior to the 1st of July, 1955, bought it before then but I am the owner then. The value that was paid for it—I may have bought it in 1920—might be \$100. Between the 1st of July, 1955, and the present day I sell it, not for \$100 but \$50,000 to someone else. The value that we are going to take would be the value of the \$100 because the person who owned it on the 1st of July had paid that amount for it. But the person who purchased it in the interim between the 1st of July, 1955, and the present day, say for \$50,000, he may have taken a mortgage for \$40,000. What is going to be

his position when they take their valuations and he finds that Government is only going to pay him \$100 for it? In my mind this is a startling thing. Your Honour I say this, the hon. Mover made mention in the course of his speech in two places of Vrouw Anna and Henrietta. I took the trouble of going to the Deeds Registry to endeavour to find out what was the position in respect of those lands. I found that my fears had materialised in no small manner. This is the position as I find it. Vrouw Anna was purchased in the year 1936 for the sum of \$27,000. As a matter of fact this amount was not only for Vrouw Anna. Five estates including Vrouw Anna and Henrietta were purchased in 1936 for \$27,000. On the 1st of July 1955 the person who owned the estate, Mr. X—his name is irrelevant, it is the principle which concerns me—Mr. X who owned the land on the 1st of July 1955, paid for it \$27,000. He has sold, according to the Deeds Registry, Vrouw Anna and Henrietta last year and transport was passed early this year—Vrouw Anna for \$75,000, Henrietta, \$80,000, bringing you to a total of \$155,000. On that amount a mortgage is given in the sum of \$145,000.

What we have happening is that there is a mortgage on the land to the extent of \$145,000 and yet if we were going to accept it that Government is going to acquire this same land one would find that the purchase price which would obtain is \$27,000, or the capitalised value of the net annual income. One doesn't know what that is going to be. Let us suppose that it is \$50,000 and so that is the greater of the two. What is going to happen to the mortgage which attaches to the property for the remaining \$95,000? Government is not going to acquire subject to the mortgage. Government is going to come and say

merely "This is land we want to take. We pay according to the law. This is the law." I would like to ask "Who is going to bear this loss? Is it going to be the mortgagee? The mortgagor?"

Mr. Speaker: How can they obtain the title without removing the encumbrance, except it is going to be provided for in this?

Mr. Luckhoo: I see it would have to be a feat of legalistic gymnastics in order to be able to get over that hurdle—to give a title without making a provision where land has an encumbrance.

Mr. Speaker: It may be that land can be acquired by statutory enactment as distinct from a private Bill, but it is not so provided in the Bill itself. I don't know what is going to happen. At the moment, as you know, a mortgagee is not in possession of the land as in England. The law on land there is quite different. Are the rights of the mortgagee going to be protected?

Mr. Luckhoo: Where you have these encumbrances I would be interested to hear the answer—where you have the encumbrances and the Bill is entirely silent on it. One asks: "Is it Government's intention to acquire free from the mortgage? I do not see how they can do so. Acquisition must be subject to the mortgage, but to do so would defeat the purpose of the Ordinance. What then is Government's intention? Let us forget the legal point of view. It would be highly immoral that a person who has acquired the land for \$155,000 should still be faced with valuations which relate to a matter of \$27,000. It is entirely out of proportion.

Mr. Speaker: If you are dealing with the law on the subject it is just as well to let the matter be examined. Usually in a mortgage debt in the hypothetical sense created by the terms of the law, if it is obtained on the

[Mr. Speaker]

mortgagee's part for the particular property yields at the sale, the mortgagor has a right to recover any deficit from any other property the person has. The Attorney General in the Colony presumably knows a great deal. I only mention it because I don't know whether I would have another opportunity of mentioning it. You have to consider the rights of the mortgagee where an instrument of mortgage attaches to the land itself. He has a right to recover for the deficit whatever his mortgage may yield at a sale. He has a right against the mortgagee in respect of any other land the mortgagee has.

Mr. Luckhoo: As a matter of fact, arising out of that, what would happen is that people who own land and have mortgages would experience great trepidation and fear lest Government desires their land and acquires their land because if they have other land it might be prejudiced. Sir, I know and it is good to bring it to the attention, that even in respect of Crown land, there is a case in point where a mortgage was given in respect of some Crown Lands—the case is within the knowledge of the hon. Mover, I am not interested as legal adviser but I have heard that that matter is likely to engage the attention of the Court because land was resumed when there was a mortgage on the same leased land.

Sir Frank McDavid: I have an idea that was a case where the mortgage was not registered.

Mr. Luckhoo: I am reliably informed that this is a matter likely to engage the attention of the Courts.

There is another aspect to which some consideration will have to be given, and I do not think it has been fully appreciated. I refer to the ques-

tion of title to land, prescription and limitation, which is dealt with in Chapter 184 in sections 3 to 5. Section 3 states :

"Title to land (including land of the Crown or of the Colony) or to any undivided or other interest therein may be acquired by sole and undisturbed possession, user or enjoyment for thirty years, if such possession, user or enjoyment is established to the satisfaction of the Court and was not taken or enjoyed by fraud or by some consent or agreement expressly made or given for that purpose:

Provided that except in the case of land of the Crown or of the Colony, such title may be acquired by sole and undisturbed possession, user or enjoyment for not less than twelve years, if the Court is satisfied that the right of every other person to recover the land or interest has expired or been barred and the title of every such person thereto has been extinguished".

Then section 5 says :

"5. No action shall be brought by any person to recover any land after the expiration of twelve years from the date on which the right of action accrued to him, or, if it first accrued to some person through whom he claims, to that person."

One is regarded as the spear and the other as the shield. In this country we know the number of persons who have squatted on land and remained there; their children came along and also remained there, and in some cases their children also came and remained on the land. What is the position of those people who have been on land for more than 12 years?

Mr. Speaker: There is a decision on the point. Those people remain in possession notwithstanding the transfer of the property, and the fact that they have no title.

Mr. Luckhoo: The point I am making is that even though Government may acquire those lands those people can still remain there, as there

is nothing in this Bill which says that they cannot remain there. There are very patent defects, not so much in this Bill as in the Principal Ordinance, which did not contemplate these several matters. This is a matter which I feel should also be given consideration. I do not think it has been given adequate thought in this Bill—the question of prescription and limitation of rights which arises from that particular Ordinance.

I am a greater believer in freehold. I realize the criticism which may be levelled at it but I see human nature as it is. People like to feel that they own something; that they have a right to it, and that they can plant permanent crops on their own piece of land. What I would like to see in this country, speaking generally, is an opportunity offered to the genuine tenant farmer, that if he commences his occupation of land on a leasehold basis he should have the right to move on from leasehold to freehold. I feel that that should be not only an accepted principle, but that farmers would be encouraged greatly to go and develop land if they felt that it was their stake in the community, and that they would be able to get their papers, their *kagaj* and that they would be able to pass it down.

What Government is endeavouring to do in this Bill is, to my mind, unfortunate. It is seeking to set up a state of affairs which, at the moment, should not be necessary in this Colony. We have had Ordinances that have not been utilized at all or very little, and we are endeavouring now to adopt a different mode, a different yardstick by means of which people can have their lands taken from them on payment of compensation by Government. Human values must take into account the steps whereby a man who has acquired his property, his piece of land, whether large or small, and that he has done to and has exercised his independence and his right of ownership.

To do anything to disturb that right there must be good and proper reason. I have pointed out that this is not a question of population and land in conflict. We have not had before us the necessary prerequisites upon which we can say that this Bill is well and truly founded, and that it is necessary to invoke this legislation in order that people could have land. I go further. I say that the failure to develop our present land settlement schemes fully would be further amplified and this development would be retarded if Government acquired privately owned land instead of concentrating on those areas where its land settlement schemes have been going on for years by piecemeal methods.

If we had the machinery by all means we could go right out and get as much land so that every individual who wishes land could get land for the purpose of cultivation. But when one sees before him the stark facts of life, that for a number of years our land development has been land undeveloped; when we see instead of progress a marking time reminiscent of our own position in this Council; when we see instead of expansion of our lands and new areas being put actively under cultivation, we are told that this scheme is going to take X years and the other scheme Y years. We say that what is required is a greater intensification of the drive to have those lands made available. What we require is a drive to see that those schemes which are there really produce something, rather than to move ahead and enter into the domain of private owners at a heavy cost to Government not only to acquire lands but to develop them for land settlement.

One feels that this Bill, in a different setting, might have received the approbation not only of legislators but of the entire community, but we do not have the climate to welcome such a Bill;

[Mr. Luckhoo]

we do not have the facts to justify such an undertaking which Government is seeking approval of. Transposed out of its context the most admirable measure can become the most undesirable of measures, but when the circumstances do not warrant it, legislation of this kind becomes not only undesirable but dangerous and inimical to the best interests of the community. I repeat that I can see circumstances wherein a Government would have to resort to measures of compulsory acquisition of land and payment of compensation. I say that those circumstances do not exist in this Colony at this time to justify this measure, and if those circumstances did exist a person with the brilliance of the hon. Mover could surely have presented them to us for our perusal. I have endeavoured to read, not once or twice but on three occasions, that admirable document, the *Hansard* report of the hon. Member's speech in introducing the Bill, but I have not seen in it such cogent facts as would persuade me even the slightest bit that this is a measure which should have the acceptance and approbation of this Council. On the contrary, this Bill seems to be begging the question. It seems as if there was great indecision as to what should be done, and this is an effort to find a solution. If this were part of a general blueprint then one could say that it finds its place readily in that pattern.

I do say that we are endeavouring to insert into our Statute Book a compensation clause such as we have before us today—not to pay the market value but our own value, the price paid for the land by the person who owned it on the 1st July, 1955, or the capitalized value of the net annual income, whichever is the greater. Therefore I say definitely that this Bill is repugnant

and cannot be accepted. If it is aimed at getting land on the cheap which Government had hoped to acquire and might even have entered into negotiations to secure, and then subsequently saw a means of doing it, I say again it would be ill befitting our high sense of government that this should be done.

I feel that this is not merely a Bill for the acquisition of land. It is a Bill which strikes at one of the fundamental principles which we must safeguard; that the right of ownership, whether it be of land or chattel, should always be observed in the sanctity of the law, and that except, unless and until good reasons are shown why we should abrogate that principle and introduce a new one, the existing one should remain. That is the right of ownership, whether it be of land or things this right should always be observed in the vicinity of the law, and that except, unless, and until reasons are shown as to why we should deviate from those principles and introduce new ones, the present existing ones should remain.

The point I make is that if there were minor defects in our Land Acquisition Ordinance, and it was intended to correct those, there could be no grouse because this Ordinance is on our books; but, when you endeavour to change one of the main conditions, the mode of estimating the compensation and removing it from the market value which is the yard-stick for so many valuations in other matters, then you are creating a precedent, dangerous to the community and inimical to the best interest of the country. I say in this land of Guiana we have lands. Those lands must be made available, and when I say those lands, I refer to the lands held by the Crown. When the time comes that the density of the population is so great and the availability of land so little that there is a problem

as between land and population, then the time has arrived wherein we should seek to introduce measures of this type. But, even then Your Honour, I hold the reservation that the principle should not be changed. These people who by means of their efforts have been able to acquire lands should not be given this mode of compensation, but they should be paid a fair valuation. If necessary let that fair valuation be determined by the Courts, but a fair valuation it must be.

I take my seat anxiously awaiting the replies to some of the questions I asked in the course of my speech. I know, maybe it is not possible to answer all, including all the points that several members have made, but I would ask that if there is a document which could show us a realistic picture of the lands in this country, where they are, what are owned by the Crown, those that are leased and are not being used and why they are not being taken back. If we could see the position, then I am sure that on a perusal of that picture, upon an investigation of those facts, I have no doubt that the hon. Mover will himself be convinced and will be persuaded to agree that it is wrong, and the request would come from him that this Bill be withdrawn.

The Attorney General (Mr. Austin): Until today the arguments as addressed to this Council seemed to put the picture before us—of Government creating a new and dangerous machine with which it was going to stampede all over the country and deprive small farmers who are farming their lands well for their livelihood. It was described as preaching a new ideology that all lands belong to the state. It was described as a measure which would be anti-Indian and which would play havoc with the social structure of the country. At least one speaker has acknowledged that this is not a new measure at all.

It is an amended Bill—amending a law that has been on the Statute Books for some 14 years and to that extent, it is nothing new. Therefore, this idea of some new machine which is going to seize the lands from small landowners has no foundation at all.

It is a Bill to provide for land settlement. The hon. Member, Mr. Luckhoo, admits that there is a pressure of population on the land. Since that is so there is every case for some acquisition of land because as he says "The greatest thing a man can have is to own land which is the producer of his wealth and of all wealth." The hon. Member, Mr. Sugrim Singh mentioned that there are thousands of landless people in this Colony today, but the hon. Mover is not thinking of today or tomorrow, but of years ahead—10, 20 or 50 years ahead—that the population is growing at an alarming rate in this country, and at present the birth rate in this country is the sixth highest in the world. This country is faced with an annual increase of population for which some form of wealth producing organ must be found, and in a country which is predominantly agricultural the natural answer is that the people should be placed on the land. Is there anyone in this Council who thinks this is a wrong theory? With regard to the threat of the population and the natural development of the country, it is plainly the answer.

This Bill which is not the only land policy of the Government is just one factor; it is just one element of the exploitation of every possible avenue to make use of all the land including the other 89,000 square miles; but, Government has not got a bottomless pocket and it is a matter of proceeding by such means so that the most economical use can be made of the money. If

[The Attorney General]

there is land which can be brought into beneficial use, it would be more economical to use that in the interest of the people as a whole.

It has been suggested that this Bill is legislation which is completely unknown in the Commonwealth and the rest of the world, but that is not the case at all. In New Zealand, where the Government was faced with a rather similar situation—namely, that they had to settle a lot of people who had come back from the war—there was a lot of speculation going on in land and they passed a law to acquire land for settlement of these people. The prices of these lands were the true economic value of the land and not unduly inflated by speculative operation.

My hon. Friend whose portfolio includes Lands (Sir Frank McDavid), in his speech said that he had modelled the compensation element in his Bill on the law of one of the most respected parts of the Commonwealth. This law has been repealed in New Zealand because the purpose for which it was passed has now been achieved and it is no longer on the Statute Book. This Bill is intended to enable Government to get land at a reasonable price which at the moment is not of beneficial use, for the use of landless people, who, with a certain amount of money which the Government is spending on the schemes, would be able to be put into a state where it could be farmed economically.

Now there are a number of comments on the provisions of the Bill which were based on a complete misunderstanding and I therefore think that it might help if I draw attention to some of the provisions of the Bill to see how it would work in practice. One of the first comments which

actually was published in the "Daily Chronicle" of the 9th of April, said:

"This Bill in place of the Judiciary, substitutes a committee with a formula for arriving at the value of land. What is proposed would seem an over-simplification of the problems which a former Legislature, in its wisdom, felt could only be entrusted to the integrity of the highest tribunal of the land. The substitution of a committee for a judge would seem a gratuitous insult to the Judiciary and the proposal for this reason should be rejected out of hand."

That is entirely wrong because under the Land Acquisition Ordinance, which is Chapter 179, the Court only comes in when it is a matter of assessing compensation in the event of a disagreement between the parties—the Government acquiring the land and the owner of the land. There was no question that if the Government under the Principal Ordinance in its wisdom considers it necessary in the public interest to acquire a certain piece of land, it can do so by means of an Order in Council. There is no question of appeal at all.

There is a further good reason for that. Not only in this country but other countries where there is compulsory land acquisition legislation—most developed countries have this legislation now—it is necessary that the interests of the Government or public should prevail over the interests of a particular private owner. Then there can be no question that a private owner can abstract the efforts of the Government in the interest of the community as a whole. We should think of the Government wishing to acquire an area of land to divide it into various parcels for distribution to the people. If one of the owners of the area can raise objection by appeal it may throw out the whole of the project. Therefore it is recognized in this form of legislation that there is no room for appeal and it is used after very considerable thought and care has been expended on the particular project,

and then only invoked when negotiations for private purchase failed. If it is really in the public interest why should there be any appeal? It may frustrate the whole of the project.

So far as this Bill is concerned, it is possible that if it is used larger areas of land would have to be acquired than would be the case under the ordinary land resumption law for land settlement. Large tracts of land would be the type of land which it is intended to be used for agricultural purposes. One of the ideas behind it is the proper use in respect of land not beneficially occupied at present and, therefore, there is good reason in this particular case for a double check to be made on the particular land as to whether or not it really is not in beneficial occupation. Therefore Government has inserted the provision in this Bill that the Governor not with the advice of the Executive Council but in his discretion can appoint two or three Commissioners to enquire into the question as to whether any particular area of land Government has in mind to acquire for land settlement should be acquired or not for public interest. If the land is beneficially used, one could imagine they would recommend that the land should not be acquired for land settlement if it is already put to good use, and it would not be possible to proceed with the acquisition under the Bill. If on the other hand they do recommend to the Governor in Council, it would be after a perfectly open enquiry.

The Commissioners are appointed under the provisions of the existing Commissions of Enquiry Ordinance. It may be that they will have to conduct the enquiry in public, and the interested parties can make their representation, if necessary by counsel. In this particular case the Commissioners will be appointed by the Governor in his discretion. If after their investigation they report that the land is proper for

acquisition an order would be made by the Governor in Council that the land is required for public use, and it is then, and not before, that negotiations for purchase by ordinary private treaty can take place. At this stage, it is well to refer to section 6 of the Acquisition of Land for Public Purposes Ordinance, chapter 179, which says:

"The report of the person together with a plan of the land shall be laid before the Governor in Council, and after consideration thereof the Governor in Council may enter into negotiations for the purchase of the land, or, if for any reason he deems it advisable, may by order published in the Gazette declare that the land or any part thereof is required for a public work, and may alter or annul any order so made."

After the Commissioners have reported the Governor will make an order to the effect that the Commissioner of Lands and Mines or any other authorised person should go on the land to inspect it with the view to its acquisition and make a report. That report together with a plan of the land will then be laid before the Governor in Council for consideration. Thereafter, the Government can enter into negotiation for the purchase of the land. If at that stage the negotiations for purchase break down, it is only then that the question of assessment for compensation arises, which is dealt with by the Court. So there is no question of substituting the Commissioners for the Court. The Commissioners are added as a special safeguard in this particular case. Before the Government acquires it, it must be seen that it is really in the public interest that prevails over the private interest of the owner of the land. One would hope and imagine that most of the proposals for acquiring land for land settlement would be satisfied and achieved by private negotiations, and resort to this law would be rare. That is the record of Compulsory Land Acquisition Statute in most countries. Rarely does

[The Attorney General]

the Government wish to go and use its powers, but it is forced to do so where it is particularly frustrated in its attempt either by the owner refusing to sell or asking a fantastic high price.

One of the questions raised is this one of price, the value which will be assessed and paid for the land assessed under the Bill. The general impression seems to be that the Governor in the exercise of his right under the Bill would rush in, seize the land and pay compensation which is considerably less than the value of the land. Well, that would virtually be robbery. But that is not so, because Government will always be prepared to pay a fair price for the land, and a fair price means a fair price in relation to the economic worth of the land. This element of the Bill is nothing more than price control, and it is a well recognized principle that when anybody or the Government is in a situation where the market values are apt to become utterly unrealistic it is a good cause for controlling the prices so that a fair value can be preserved and there can be no exploitation in the paying of utterly fantastic prices which may be produced by black marketeers. That is all this provision in the Bill means.

One can imagine that market values, which are fixed in a market where dealings are usually not in hundreds and thousands of acres of land, normally reflect a fairly accurate market price. Under this Bill, the Government if it has to use its powers, would have to acquire hundreds and possible thousands of acres in order to acquire sufficient land for organised land settlement schemes on which some hundreds, if not more, families can be placed in order to start their livelihood on the lands and make a

decent living. When Government goes into the market which is normally accustomed to deal with 10 and 20 acres and wishes to acquire land by the thousands of acres, it is only natural that the market price would be unduly raised by speculators which would become entirely unrealistic. I think everyone in this Council would agree that the Government would be exploited and be obliged to pay enormous sums of the taxpayers' money into the pockets of the few people who have taken advantage of the situation of Government trying to acquire land to settle hundreds of small men who wish to have a small amount of land to settle down on and make a decent living and bring up a family. The large landlords might wish to take advantage of the opportunity to exploit the situation by demanding fantastic high prices for the land to be acquired from them. That is very possible where the market finds itself dealing with a rare situation. Government is prepared to pay a realistic and fair price, which is not the market price of the land when sold to the Government but the price of land sold to Government or any private individual. This provision, as I have said, was included in the law in New Zealand when after the War that Government had to acquire land to settle the ex-servicemen, and in order to circumvent the booming prices in the interest of the community, Government fixed a fair economic value. That is all it does.

There have been various subsidiary criticisms. One fantastic suggestion was that Government wanted this Bill to go through in order to acquire land for the Mahaicony Hospital without it. I do not think a criticism of that nature—

Mr. Sugrim Singh: I wish to remind the hon. the Attorney General that I said I did not think in the Regulations, Mahaicony Hospital was mentioned. I am sorry to disturb the hon. Member.

The Attorney General: That is true.

Mr. Speaker: Mr. Sugrim Singh you did make a statement referring to the first settlers; you did refer to immigration.

Mr. Sugrim Singh: Will you assist me with the acoustics.

Mr. Speaker: That (the amplifier) has no repercussions at all. That is an ornament. What I would suggest to you is to listen.

Mr. Sugrim Singh: I am trying, Sir.

Mr. Speaker: I hope you hear me when I say the prayers. What I want to tell you is that I think it was Mr. Jailal, when you were making your observations on the hospital, who referred to Mahaica as a settlement that was founded there. I think, Mr. Sugrim Singh, that the actual name of that settlement was Unity and Lancaster.

Mr. Sugrim Singh: I remember. It was Mr. Jailal who referred to the completion of the settlement of Mahaica. I don't have any recollection of the Mahaica Hospital.

Mr. Speaker: Perhaps it was information in the newspapers.

The Attorney General: One of the fears expressed in regard to this Bill is that the powers are so great and so wide that it might well be abused

and that the Bill would pave the way for an unstable and reactionary Government to acquire land which proprietors would like to keep. Any law which gives power to Government is, of course, capable of exploitation and it is impossible to legislate against exploitation and one can only hope that there will always be a Government with good sense. You cannot legislate for a Government which has not got good sense. If you go to the extent that you are afraid to put the power on the statute book, then you are gambling with the chance of having an irresponsible Government and depriving the public of all the good that might well come from the exercise of this power if it were wisely used.

Therefore it is a good argument that if a power is of potential good, one should not be afraid of putting it in the statute book for fear of it being abused by any following Government which is not a particularly wise one, provided that there are adequate safeguards against the use of the powers. I would submit that in this case there are adequate safeguards. The Commissioners that I have just referred to are a very real safeguard, for where there is a proposal to acquire land under the Bill for land settlement, put forward by the Minister this could only go forward by means of an Order in Council which is the Governor acting with the advice or having taken the advice of the Council. Nevertheless, in the appointment of Commissioners there is a double check on whether or not the land could properly be acquired for land settlement. The Governor would appoint them at his discretion, and I am sure that any Governor could be relied upon for that purpose, and secondly, of course, there is also the normal safeguard in the Constitution against a malicious use of any of the powers of the Governor.

[The Attorney General]

Therefore I think there are adequate safeguards and that Members need have no fear that if the Bill came on the statute book it might be exploited by a subsequent administration.

My hon. Friend, Mr. Luckhoo, drew attention to the question of the land which might be subjected to a mortgage and that there might be a most embarrassing situation arising if the Government's economic price was less than the mortgage which was on the land at the time it was acquired. He quoted some figures and I am afraid that all I got was his first rather arbitrary figures of land which he said had been acquired in 1910 for \$100, sold in 1956 for \$50,000, had a mortgage on it for \$40,000 and an economic value under the Bill was \$1,000 and what was the position of the mortgagee. I would submit that those figures, with due respect, are entirely unrealistic. In the first place the value of the land assessed under the law would, I submit, be the fair value, the fair economic value, which would approximate to the market value in an ordinary free market, and that being so, if it came to the assessment of value by the Court you wouldn't get such a big disparity between the assessed value and the real genuine market value. The other factor is, in instances that I have had anything to do with, the mortgagors are very loth to lend money to such an extent on the land and if you wish to get a mortgage from the Bank you will be lucky if you have money advanced for more than about 60 or 70 per cent. of a very conservative value of the land, not an inflated value. As for the figures of an estate which—I am afraid I didn't get the name,

Mr. Luckhoo: Vrouw Anna and Henrietta.

The Attorney General: Where there is a value of \$155,000 and a mortgage on it of \$145,000—all I would say is: "Let me know the name of the man who is prepared to advance that money as quickly as possible." I would very much like to meet him. Unless he is the father of the mortgagor, I very much doubt whether he exists. It is completely unrealistic. I may not be very old but in my experience I have never come across such a situation where land is mortgaged up to such a value and I do not think, therefore, that the fear that was expressed by the hon. Member and other Members would in practice arise.

It is interesting, and I am obliged to my hon. Friend, Mr. Luckhoo, that there is no provision in the existing legislation dealing with mortgages. It might well be that the Government would wish to acquire even a small parcel of land for building a Police Station or extending the runway of an aerodrome, which is subject to a mortgage but I don't think that the question in practice ever arises, and if that is so, I don't think equally that one has to pay all that attention to it, although I am obliged to him for raising the point and I will look into it. It is an interesting one in theory—in practice it has not very great force.

Sir, I would just like to recapitulate very shortly the points that I have tried to dispose of and which I feel have been focusing in the minds of a number of Members who have spoken. First of all, there is no question of the substitution of Commissioners for the Court in assessing the compensation on land acquired for land settlement under this Bill. Secondly, the economic price which would be paid would, in my submission, approximate to what would be a fair price and which would approxi-

mate to the true market price not subject to large inflationary elements. It is not right that when the Government is trying to get land for the benefit of some unfortunate people, who haven't got land, to settle them and to start them in life, that they should be exploited by a few landowners. Thirdly, that there are adequate safeguards under the Bill in the event of an attempted misuse of the powers which the Bill seeks to give to the Government. Sir, my hon. Friend, Sir Frank McDavid, will deal with the other comments on the political angle, but I would submit from the technical point of view that a number of criticisms which have been levelled at it are unfounded.

Mr. Speaker: Would you like to deal with the question of appeal. Is it possible that however competent the Commissioners may be they could make a mistake.

The Attorney General: There is, of course, appeal from the Court which assesses the compensation, but, so far as I am aware, there is no appeal—I may be wrong but I will look into it — against the making of compulsory acquisition orders.

Mr. Speaker: I think you ought to deal with that — not necessarily now.

Mr. Correia: Since this Bill came before this Council I have asked myself one question over and over: is the compulsory acquisition of private lands fair and just, and in keeping with the democratic rights of the people? This is how I answered the question: The acquisition of private land is fair and just as is done in the best interests of the masses in some countries, but is unjust and unfair in other countries. I will examine why it is fair and just in some countries. There

are many countries in the world, especially countries in the East and Europe and even in the West Indies, where all the land resources are exhausted. It is fair and just in such countries to have such a law as compulsory acquisition of private lands, especially where there are landed proprietors either by inheritance or purchase, and where those proprietors do not keep the land productive. A Government has the right in such circumstances to pass a law whereby it could acquire such land for the benefit of the community. In those countries which are faced with a growing population and a scarcity of land, compulsory acquisition of land is fair and just.

In what category does British Guiana fall? With a population of a little over half a million British Guiana is about the size of Great Britain which has a population of about 50 millions. We are in the same position of North and South America, Africa, Australia and some other places, but instead of having land hunger we have land plenty. Our population occupies less than 10 per cent. of the country, on the coastal belt. I ask myself again: is British Guiana land starved? The answer is "No". On the coastal belt there are sufficient Crown Lands to take care of about three million people at a fairly high standard of living. I therefore think it would be unfair and unjust to pass legislation for the compulsory acquisition of land in this country where there is plenty of land.

I gathered from the speech of the hon. Mover of the Bill that Government already has its eye on certain estates in the Colony. I cannot understand why Government should go to the trouble of acquiring estates. I think that in fairness to those who

[Mr. Correia]

own estates Government should assist them by providing proper drainage and irrigation facilities and make a charge against the estates, allowing a reasonable period for the repayment of the cost of the works from the tenancy of those estates, because when those estates are acquired under this proposed legislation Government will be in the position of landlord to the tenants. With your permission, Sir, I would like to read some extracts from the *Hansard* report of the hon. Mover's speech, on pages 7 and 8 of the record. The hon. Mover said:

"What I am referring to are the back lands of Block III comprising 27,000 acres, of which 10,000 acres are allocated as cattle pasture."

Block III alone comprises 27,000 acres, and together with Blocks I and II provide a total area of 55,000. The hon. Member went on to refer to the Boerasirie scheme. He said:

"As regards the Boerasirie, that is also a magnificent project. It is very clear that the Sir Lindsay Parkinson firm is doing an excellent job. I was delighted to hear some weeks ago that some 7,000 acres of land on the right bank of the Essequibo River will be ready for the commencement of internal works, so that the lands may be made available for cultivation. I hope the Departments concerned would soon get themselves into a position to tackle this work."

The hon. Member went on further to say:

"The most promising areas for future schemes appear to be in Berbice, south of Providence, embracing about 80,000 acres, and south of Crabwood Creek, with a further 50,000 acres. Additional study may also indicate that an extension of the Boerasirie scheme south of the Bonasika and south of Wales would be feasible."

Sir Frank McDavid: The last quotation made by the hon. Member was not my statement. I was then

quoting from the Report of the World Bank Mission.

Mr. Correia: I have quoted what the hon. Member quoted. My point is that we are not land starved; we have plenty of land. Why then should Government jump down with its eagle's eyes and grab those estates which are easily accessible? Is it because of their accessibility that Government wishes to grab them and become a landlord? Instead of acquiring estates Government should assist the owners by providing drainage and irrigation and making the cost a charge against the estates to be recoverable on a long-term basis from the rents to be collected from the tenants of the estates.

The hon. the Attorney General spoke about our increasing population. We know that our population is increasing, but Government can proceed gradually to empolder lands to take care of the increasing population. We can proceed on that basis for another 50 years, and on the coastal belt we can provide for the increasing population at a fairly high standard of living.

The Attorney General also mentioned that legislation of this kind was enacted in New Zealand after the war, and six months later it was repealed. I gather that it was repealed because it was objectionable to the people of that country.

If you will permit me, Sir, I should like to explain and tell this Council what is the type of land settlement I think the people will welcome, instead of some of the present sugar estates we are calling land settlement schemes. What I think, and I am sure the people would welcome, is that Government should select riverain areas or areas on the coastal belt with proper

drainage and irrigation. These lands could be divided into lots of 10, 15 or 16 acres depending on the local tax as the case may be and given to the people on a five years' lease with a right to purchase those lands after five years.

I will explain why I am making this recommendation. I travelled a lot on the riverain areas and there are a number of farmers along the banks of the Essequibo and Demerara Rivers who acquire Crown Land leases for agricultural purposes. Farmers may be from the Islands where land is scarce, and as you go up the river farmers apply for Crown Land leases and they farm these leases of ground. Within four years it may be that the land is exhausted so they leave it and clear another portion of the forest. When asked "Why don't you put down permanent crops?" the answer usually is "Why should we plant permanent crops. The land is not ours, it is Crown Land. The land does not belong to us." They do not have the incentive to do so because the land is Government's.

If the year is suitable and the ground of 5, 10 or 15 acres as the case may be suitable for ground provisions, I would suggest that the farmers be told that this land is for ground provisions and there is a five years' lease with a right to buy. In some cases, the land may be suitable for such and such a permanent crop, such as coffee, cocoa or coconuts or whatever crop is suitable at the moment; the farmers should be told of this so that they will know. In this way, you will find a community with a sizeable area all growing either citrus, coffee or cocoa crops. No farmer, even a land settlement farmer will take lands and be satisfied to put down permanent crops, when he knows that the land is not his. The incentive to the people to plant is to know that

"this land is mine". They will then develop it.

As I said, the Bill is fair and just in those countries where there is a poor population and a scarcity of land, but here in British Guiana we are not land-starved and the acquisition of private lands cannot be fair and just in keeping with the democratic rights of the people. I make bold to say that what I see in this Bill is the hammer and the sickle.

Mr. Tello: I would like to crave the indulgence of the Council to also add my description of the Bill. I would like to describe it as a very progressive Bill and if it is not popular, well, the fault lies within these walls. It is the unfortunate attempt at cheap propaganda which has caused the main objectives of the Bill to be a bit confused. Just like my friend I also am very much in contact with the public, and I know that a small aspiring man like the small ambitious peasant is also looking toward a productive land settlement in which he can have an equally productive share. These walls ring with the words of these speakers here.—"What is Government doing about land settlement? Let them wake up and select the correct settlement, the correct crops and find a market for the crops" and now that you are finding these things, these advocates submit strong opposition.

All along we were listening to the point of view of the landlords and the landowners but the objective of this Bill is to offer land to the landless, and I am very grateful to my good friend, Mr. Sugrim Singh, for frankly admitting that there are quite a few of the landless, and I know that in spite of the fact that the hon. Mr. Luckhoo has not said so today here in this Chamber, his name parades on the platform of the National Labour Front for land for the

landless, and I am a bit surprised that today in his speech he acclaimed the Bill to have some degree of encouragement for acceptance. But, he has tried to find a half measure by saying that certain clauses in the whole Bill were defective through inheritance from the Principal Ordinance. However agreed on that I may be, those legal technicalities I leave to the lawyer, but my humble opinion as a layman is, I thought that once a clause has not been amended, it remained, and as I understand it as a layman, when the time of assessment comes these clauses would be made use of.

I am certain that if the landowners were told the truth, that any *bona fide* farmer who is making the best use of his land as far as convenience would permit him to do so, would not be the object of this Bill, that they are not the people at which this Bill is aimed, they would see that Government is being fair.

Mr. Sugrim Singh has a deep fear in his heart that a lawless Government would make bad use of this Bill, and to our detriment. I say to this Council that this fear that my hon. Friend has expressed here is really the burden of a deeper fear—the fear that plants in my friend's heart that the future Government would be a lawless Government, and that some day this Government might pass legislation far more stringent and without the necessary safeguards that this Bill now offers to this Government. In my opinion, as an alternative we either must accept this lawless Government as my good friend has prophesied, or a progressive legislation with the necessary safeguards. I am satisfied that if this Bill and its true objectives are explained to the peasantry they would see that this Bill protects them to a great degree. They need not have any fear if they do not

have their lands idling or abandoned and I cannot see even a lawless Government attempting to get this land through any form of legislation.

Secondly, I would like to judge the future by the past and I have seen that this Government needs the land for housing purposes and while there was that need for lands, there was provision in the Statute Books to acquire land, but what actually happened was that Government respected the rights of the population and respected the rights of the landowners and adopted the normal practice of negotiation.

There is nothing in this Bill that puts a stop to the normal practice of negotiation. It would be better if people could meet each other across the table and talk in a good atmosphere, and so arrive at an amicable settlement. I cannot see this Government or any other Government resorting to compulsory acquisition. So I say that to — what I love to call the small man like myself—this is a popular Bill; to the farmers and to the landowners who are misled, my friends can offer a true explanation of this Bill which joins the large arms of people who welcome this Bill.

On one occasion, the G.I.S. gave me the honour of a Sunday afternoon programme and I said then that far too many people are trying to preserve the old order, and you do hear of strong attempts to preserve the old order. I think the old order is troubling the world of little Guiana, since all of its small population expect to preserve the dying things. I also said to the public that until Guiana is built from the bottom all the structures would not stand. Any attempt to build British Guiana other than from the bottom will fail. British Guiana must be built reaching right down to the small man, and you must offer him the bene-

fits for which he has been crying out for a long time.

Hon. Members, I want to commend this Bill because this Bill is for the purpose of land settlement, and in my humble way of looking at it, there are three fundamentals for land settlement at any place, and they are first, the selection of the right settlers, then the selection of the most suitable land correctly priced and finally the raising of marketable economic crops.

We are dealing with lands now. I presume there is machinery to select the right settlers, and Agricultural Department is capable of advising us as to the best crops and markets. Now we come to the question of the best lands. What is Government doing about selecting the best lands? There is provision under the law for Government to reclaim lands. Government already owns — Crown Lands — but the great need is for the best lands, the most suitable lands. Why should a land settlement programme be restricted to the lands Government has whether or not they are the most suitable? Why should the success of land settlement be endangered because you are forced to operate your land settlement on just what Government has in spite of the fact that much more suitable lands can be obtained otherwise? The point is, Government proposes to reclaim land and make use of it for land settlement whose suitability is acceptable. Government also, I understand, proposes to make use of Crown Lands and Government Lands which are adaptable for the success of Land Settlement. In the case of private land—and it is the best thing offering itself for the success of Land Settlement in the interest of the community—Government feels it would like to negotiate

for it, to bargain for it. When bargaining becomes impossible, so that the purpose of land settlement should not be defeated there must be some other source to which Government could turn in the interest of the community, in the interest of British Guiana and in the interest of the small man that this Bill seeks to help. Government lands will be the alternative for establishing community land settlement that can truly contribute to the economy of British Guiana.

I wish to ask those lawyers who spoke so entertainingly here. I am certain in many cases they have acted as purchasing partners for certain clients. Can they assure this Council that if those clients retain them they would not seek the best bargain in the interest of their clients? Would they not endeavour to obtain the best for their clients? In this case the Government is the purchasing partner of the small man, and it is correct, and proper that legislation must be provided to strengthen the hands of Government. Perhaps, the Ministry never had the cause to make use of the powers given under the provisions of the land Acquisition for Public Purposes Ordinance because the Ordinance was there. Possibly, it was because there were provisions in the Statute Book that strengthened the bargaining powers of the Ministry that the necessity for using the provisions of that Ordinance did not arise.

As I see it, it is a fact that in spite of the fact that very few people occupy a large area of land, there seems to be some hidden controlling force behind the spiral price of land, and the small man still remains landless. I am not a commercial man, but the hon. Member, Mr. Sugrim Singh, thanks to his knowledge, said the rea-

[Mr. Tello]

son behind it is inflation. I want to ask my hon. friend, is it fair to the small man who has no chance of manipulating the efforts of inflation? Why must he be subjected to all these inflation effects? Is it fair that the hopes of the small man to acquire land must be pulverised by the effects of inflation? I do not expect the hon. Member as champion of the small man to offer excuses for high prices when there is no cause for high prices. Do you want to say that this or any other Government must encourage or perpetuate and not interfere with absolute inflation? The purpose of this Bill is to defeat the purpose of inflation. It is a Bill that protects the small man. When the hon. Member, Mr. Luckhoo, explained to us that few people live on large areas of land and that is not sufficient evidence that there is landlessness, I think that is not his party speaking there.

Mr. Luckhoo: I do not want to interrupt the hon. Member, but he is misquoting me on that. I said the people want land and Government must use Crown Lands first. Do not misquote me.

Mr. Tello: Thank you very much for explaining it. I am glad he has conceded there are landless people. We must take cognizance of the fact that a large army of landless people must express themselves in large numbers otherwise they will not be noticed. The very fact that they have expressed themselves has brought it forcibly to the fore by force of their numbers. I do not propose to carry on beyond the official hour for adjournment, but I would like to ask my good friends not to look upon this Bill as a measure against landowners. If the hon. Mem-

ber in introducing the Bill spoke of a particular area, possibly he was sufficiently impressed that the area was most suitable for land settlement.

Also, I am very sorry that the question of race was brought into it. I cannot see any sort of measure for deciding any high level policy can direct itself for or against any special race. I think in our cosmopolitan British Guiana we should be rather careful in expressing such an opinion. In spite of the fact that the hon. Member, Mr. Jailal, is very much familiar with a certain category of workers in British Guiana, I am satisfied he erred when he said that the East Indians are fleeing from the land.

I cannot see any land settlement created in British Guiana with the possibility of economic growth and the possibility of proper markets not attracting the East Indian community. The Indians in British Guiana seem to have mastered the technique of land and its ability to produce, and I seem to think that Bill is aimed at the services of the Indian community just as much, if not greater, than that of the other race groups in the Colony.

I would like to take my seat, but before doing so I would like also to say I am very grateful to those Members who spoke before me. They certainly enlightened me on many aspects of this question. Contrary to the hon. Member, Mr. Luckhoo, it has only served to heighten my desire to support this Bill.

Mr. Speaker: I intend to sit tomorrow until half-past five at least; or shall we sit up to 6 p.m.?

Mrs. Dey : I never expected that we would have got through so much here in so little time. I would like to try and finish within a few minutes.

I propose to follow this advice and to dare to make it known that I am supporting this Bill. I should think that my absence last week was very much misconstrued as I had previously mentioned to my colleagues that I intended to support the Bill. I, Sir, have always followed the advice of a former Attorney General who was a personal friend of mine—the late Mr. Hector Josephs—who once told us this at a Speech Night at a school I had founded: "If you have a problem and you have stayed very long thinking and trying to solve it, the best

thing you can do is to take it to bed with you and just relax. You will find that it will automatically solve itself." That is how I felt when first I received this Bill. I just turned in bed and twisted it over in my mind and when morning came I realised that the advice given years ago was a very good one.

We cannot live in the air. I regard this Bill as a long-term policy. Amendments can be made in the law from time to time as they are considered desirable. This Bill is a measure designed to bring about an equal distribution of land for the benefit of our less fortunate Guianese. I am proud to support the Bill.

Mr. Speaker: Council will now adjourn until 2 p.m. tomorrow.