

LEGISLATIVE COUNCIL

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

THURSDAY, 2ND DECEMBER, 1954

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

PRESENT :

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

Ex-Officio Members:—

The Hon. the Chief Secretary,
Mr. T. C. Jerrom (acting).

The Hon. the Attorney General,
Mr. F. W. Holder, Q.C.

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

Nominated Members of Executive Council:—

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

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

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

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

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

Deputy Speaker:—

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

Nominated Officials:—

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

Nominated Unofficials:—

Mr. T. Lee.

Mr. W. A. Phang.

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

Mr. C. A. Carter.

Mr. E. F. Correia

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertie H. Collins.

Dr. H. A. Fraser.

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

Mr. Sugrim Singh.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. E. V. Viapree (acting).

Absent:—

The Hon. G. H. Smellie—on leave.

Mr. J. I. Ramphal.

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

Mrs. Esther E. Dey—on leave.

Mr. R. B. Jailal.

The Speaker read prayers.

OATH OF ALLEGIANCE

Mr. Thomas Claude Jerrom, Chief Secretary (acting) took the Oath of Allegiance and his seat as a Member of the Council, and was welcomed by the Speaker.

MINUTES

The Minutes of the meeting of the Council held on Friday, 26th November 1954, as printed and circulated were taken as read and confirmed.

BIRTHDAY CONGRATULATIONS TO
SIR WINSTON CHURCHILL

Mr. Speaker: On my own responsibility I took a course which I knew will receive your approval, in sending a cable to Sir Winston Churchill on the occasion of his eightieth birthday, as coming from this Council. The cable read: "On behalf of the Legislative Council of British Guiana, honourable Sir, please accept sincere congratulations on your birthday."

LEAVE GRANTED TO MEMBERS

Mr. Speaker: Leave has been granted to the hon. Members, Mr. Macnie and Mrs. Dey to be absent today.

The hon. Member, Mr. Correia, who is here, has applied for leave of absence from the Council for two and a half months, from 18th December. I hope he will take advantage of it.

POUNDS (AMENDMENT) BILL

The Chief Secretary (acting) gave notice of the introduction and first reading of a Bill intituled:

"An Ordinance further to amend the Pounds Ordinance, with respect to the Publication of Lists of Impounded Strays."

DRAINAGE AND IRRIGATION
(DECLARATION OF AREA AND
VALIDATION OF ACTS) BILL

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines) gave notice of the introduction and first reading of a Bill intituled:

"An Ordinance to provide for the establishment of a certain Drainage and Irrigation Area, the Validation of the construction of certain works and for purposes connected therewith."

DAMAGED PADI

Mr. Lee: Mr. Speaker, may I be permitted, before you proceed with the Order of the Day, to give notice of a motion which I would like to read and afterwards ask for the necessary leave for the suspension of Standing Orders in order to have it taken today, with, of course, the permission of His Excellency the Governor.

The Attorney General: May I ask if the hon. Member has submitted his motion to you, Sir?

Mr. Speaker: I have seen it.

The Attorney General: I am satisfied.

Mr. Lee: I have taken the necessary steps to consult the Speaker beforehand.

The motion reads:

"Whereas on account of the abnormal and heavy rainfall there are large quantities of wet padi in the islands of Wakenaam and Leguan;

And whereas there are no facilities available to the growers for drying such padi;

And whereas rice millers are offering for such padi prices far below the minimum fixed price;

Be it resolved: That this Council recommends to Government that urgent consideration be given to the purchase of such padi by Government at an economic price to the growers."

That is the motion which I would like to move.

Mr. Speaker: I have allowed the hon. Member to read the motion and I have already informed hon. Members that I have seen it. I hope the hon. Member, Mr. Lee will speak to the Member in charge of such a matter, as perhaps action has been taken along those lines, though not necessarily as regards the purchase of padi. I will ask the hon. Member to do that in the interval and when the proper time arrives I propose to allow the motion being made for the suspension of the Standing Orders; so I am not going to refuse him. In the interval also, let Members know what it is all about, if you can.

The Attorney General: While I appreciate that, Sir, I think hon. Members will agree that the motion itself or the terms of the motion may have implications as far as general principles and policy are concerned. I think it is fair to say we should have the proposed motion before us so as to have an opportunity even to study it. Apart from the question of consideration being given to it by all Members. I think the Member in charge of this particular subject may care—

Mr. Speaker: I hope we will be able to meet tomorrow. There is very little business today. I will consider the matter, and I shall have some copies of the motion made.

Mr. Lee: I am asking your permission, Sir.

Mr. Speaker: Although I propose to give it I do not think I should do so

unless Members are fully informed about it. In the meanwhile let copies be made of your motion and have it circulated to Members.

Mr. Lee: Is the Council sitting tomorrow?

Mr. Speaker: I cannot tell you; I have inquired but I do not know myself. Let's get on with the business on the Order Paper.

Mr. Lee: What I am concerned about is this—

Mr. Speaker: The hon. Member is not in order. I have already told him what I propose to do. When the text of his motion has been seen by hon. Members and they are ready and willing to discuss it today I shall endeavour to meet their wishes. Please let us get on with the business on the Order Paper.

NEW AMSTERDAM TOWN COUNCIL (AMENDMENT) BILL

Council resolved itself into Committee to consider clause by clause the Bill intituled:

"An Ordinance to amend the New Amsterdam Town Council Ordinance, 1949."

Clauses 1 and 2 agreed to after the correction of a misprint in clause 2.

Clause 3. —*Amendment of section 90 of the Principal Ordinance.*

Mr. Luckhoo: There seems to be some ambiguity about subclause (b) which says:

"(b) by the substitution of a full-stop for the semi-colon after the word "Mayor" in sub-section (1)."

In subsection (1) of section 90 of the Principal Ordinance the word

[Mr. Luckhoo]

"Mayor" occurs in the third and ninth lines. It seems to me that it is the word "Mayor" in the ninth line which should be subject to amendment in order to identify which Mayor we are referring to. In section 90 (1) there is a semi-colon after the word "Mayor" in the third and ninth lines.

Mr. Speaker: Would you mind reading the section in the Principal Ordinance?

Mr. Luckhoo: Section 90 (1) reads:

"90 (1) The Council may appoint any councillor to be the Deputy Mayor to hold office during the term of office of the Mayor; and in the absence or illness of the Mayor, such Deputy Mayor shall be deemed to have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of this Ordinance and any other law; and all things done, exercised, or suffered by the Deputy Mayor as aforesaid shall be as valid and effectual in all respects as if they had been done, exercised, or suffered by the Mayor; but such Deputy Mayor shall not, unless he is a Justice of the Peace, act as a Justice or in any judicial capacity."

Clause 3 (b) of this Bill seeks to substitute a full-stop for the semi-colon after the word "Mayor" in subsection (1) of section 90 of the Principal Ordinance, but the word "Mayor" with a semi-colon appears more than once in that subsection.

The Attorney General: Perhaps the ambiguity might be obviated by amending subclause (b) to read:

"(b) by the substitution of a full-stop for the semi-colon after the word 'suffered by the Mayor'"

That would identify this particular Mayor of New Amsterdam more accurately.

The object of the subclause is to delete the words following the word "Mayor."

Clause 3, as amended, agreed to.

Clauses 4 to 11 passed as printed.

Title and enacting clause agreed to.

Council resumed.

Mr. Farnum: I move that the Bill be now read a third time and passed.

Mr. Gajraj seconded.

Question put, and agreed to.

Bill read a third time and passed.

MUNICIPAL COUNCILS (POSTPONEMENT OF ELECTIONS) BILL

Mr. Farnum: (Member for Local Government, Social Welfare and Co-operative Development): I beg to move the second reading of the Bill intituled:

"An Ordinance to provide for the postponement of elections to the Town Councils of Georgetown and New Amsterdam and for purposes connected therewith."

As the title indicates, the object of this Bill is to make provision for the postponement of the election of members of the Georgetown Town Council and the New Amsterdam Town Council due to be held in 1954, pending an inquiry into the Local Government system of the Colony with a view to its reform. Provision is made in Parts II and III of the Bill for the postponement of elections to the Georgetown Town Council and the New Amsterdam Town Council respectively.

Clause 2 of the Bill seeks to empower the Governor to declare by Proclamation at any time that Parts II and III of the Bill, or either of them, shall cease to be in operation, and to provide

thereupon for the holding of elections to the appropriate Council or Councils, subject to such variations from the existing statutory provisions as may be specified by the Governor.

Clause 5(a) seeks to provide that no general election or by-election of Councillors of the Georgetown Town Council shall be held during the continuance in operation of Part II of the Ordinance.

Clause 5(b) seeks to provide that the persons who are elected Councillors of the Georgetown Town Council at the commencement of the Ordinance shall continue in office; but provides that the seat of any such Councillor may at any time become vacant in accordance with the provisions of the Georgetown Town Council Ordinance.

Clause 5(c) seeks to provide that where the seat of any such Councillor becomes vacant such vacancy may be filled by a new member nominated by the Governor.

Clause 5(d) seeks to provide that no person shall be required to do any act in connection with the registration of voters or the holding of elections under the Georgetown Town Council Ordinance.

Clause 6 seeks to provide that the Governor in Council may from time to time nominate not more than three persons to serve on the Georgetown Town Council for periods of one year commencing on the 1st of January of each year.

Clause 7 seeks to provide that nothing in the Bill shall prevent or interfere with the election of the Mayor or Deputy Mayor in accordance with the provisions of the Georgetown Town Council Ordinance; but seeks to provide

also that where no person is elected as Mayor at the meeting held for the purpose the Mayor shall be nominated by the Governor from among the Councillors.

Clauses 9, 10 and 11 seek to make provision with respect to the New Amsterdam Town Council similar to the provisions contained in clauses 5, 6 and 7 with respect to the Georgetown Town Council.

Mr. Speaker: Do you not propose to ask for an amendment of any of the clauses?

Mr. Farnum: No, Sir.

The Attorney General: If I may be permitted at this stage, I desire to say I propose to suggest an amendment to clause 1. That is the only one. It will be moved in the Committee stage. It is for the purpose of providing against any act of omission or commission in the period during which arrangements may have been made for the purpose of election.

Mr. Gajraj: I think it is well known that under the Georgetown Town Council Ordinance, Chapter 86, and also Ordinance No. 25 of 1949 which refers to the New Amsterdam Town Council, there is provision for general elections to be held for the elected seats on both Councils once every two years. In the case of the Georgetown Town Council that statutory period given under the Ordinance is at the end of 1954, and by virtue of an extension of the life of the New Amsterdam Town Council Ordinance the election should also be held for the New Amsterdam Town Council in December of this year. The Bill that has been put before this Council, as the hon. Member has explained, seeks to provide for a postponement of the elections to both of these bodies. The grounds for seeking permission to postpone these elections are based upon

[Mr. Gajraj]

the necessity for a review of Local Government institutions in British Guiana. That necessity has been underlined in the Report of the Constitutional Commission, which was laid on the Table of this Council some time ago, wherein a recommendation was made that someone of outstanding knowledge in respect of Local Government should come to British Guiana and study and investigate the situation here and make recommendations for a possible overhaul of our Local Government machinery in all its aspects, so as to identify the people of both the urban and rural areas of the Colony with the administration of Local Government institutions, perhaps, in a better or closer manner than was hitherto possible under the Ordinances in existence.

I speak in support of this motion only because I feel there is need for a proper investigation and for a general review of the powers of Local Government institutions. If there were any other reasons I would not be so willing to support a postponement of the elections to these Local Government bodies. As I said, I am very much satisfied that there is need for such a review. In the case of the Georgetown Town Council, for example, we have been considering during the course of this year the need for having a larger number of elected councillors and the need for altering the boundaries of the size of the Wards, to bring in new areas which we all know and call these days "The Greater Georgetown" area. Besides these points there is the question of the Franchise qualification. That is something which has also come up for review. There is another point which a former Town Councillor in the person of Mr. A. A. Thorne for very many years fought insistently to obtain—the introduction of the system of Aldermen in the Local Government body of Georgetown.

These are points which, I think, need investigation, need someone of outstanding knowledge and ability to come here and make recommendations to us. As I said earlier, it is because I realize that this would give us an opportunity for correcting whatever faults there are in our Ordinances and for giving the people of the Colony an opportunity for identifying themselves even closer with the affairs of their respective Local Government bodies, that I am prepared to support the measure which is before this Council.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

The Chairman: I am going through the clauses very slowly, as we are dealing with two Ordinances in this Bill.

Clause 1—*Short Title.*

The Attorney General: I would like to make an amendment to this clause. It is very short. It is the substitution of the following for the printed clause—

"This Ordinance may be cited as the Municipal Councils (Postponement of Elections) Ordinance, 1954, and shall be deemed to have come into operation on the 1st day of October, 1954."

In other words, the words "and shall be deemed to have come into operation on the 1st day of October, 1954" are added to the clause for the purpose of covering any possible omission or act of commission which may have occurred with respect to the existing conditions and provisions of the Georgetown Town Council Ordin-

ance, Chapter 86, and the Ordinances under which the New Amsterdam Town Council operates. From enquiries made, the 1st of October would cover any possible circumstances in connection with either failure to take action required by law or any action taken which should not be taken. I move that the proposed clause be substituted for clause 1.

Question put, and agreed to.

Clause as amended passed.

Clause 7—*Election of Mayor and Deputy Mayor.*

Mr. Raatgever: As regards the second part of this clause, I think, there is a provision in the present Georgetown Town Council Ordinance to the effect that in the event of a tie for the office of Mayor the matter is to be sent to the ratepayers to be resolved. I see there is nothing suggested here to allow that. This clause says :

“Provided that where no person is elected as Mayor at the meeting held for such purpose the provisions of sub-sections (9), (10), (11), (12), (13) and (14) of section eighty of the Principal Ordinance shall not apply and the Mayor shall be nominated by the Governor from among the councillors, and shall hold office as such in the same manner as if he had been elected under the provisions of the Principal Ordinance.”

Mr. Farnum: There will be no election by the ratepayers.

The Chairman: Allow the hon. Member to finish his remarks.

Mr. Raatgever: I do not think it is right that in the event of a tie the Governor can nominate any other Councillor than from those nominated by the Council who tied for the office of Mayor. I do not think it is democratic. If two persons are nominated for the

office of Mayor and the matter cannot be resolved by the Council, at the present time the matter is taken to the ratepayers to decide. What is proposed here is that His Excellency can nominate any Councillor for the office. I do not think it is right. The nomination should be made from the two persons who tied. That would bring the procedure in conformity with the provision of the Ordinance as it is at present, as His Excellency would then be acting in the capacity of the ratepayers of Georgetown.

The Attorney General: I do not quite agree with the last hon. Member that this provision is not democratic. It is as democratic as this Council is. I think, Sir, that on reflection the hon. Member and all hon. Members would appreciate the necessity for putting this particular clause in this particular form. It does not mean that the Governor in the exercise of his discretion or the exercise of the power which is being given him under this provision would be most likely to go outside of the two persons nominated by the Council.

But nobody sitting around this table can envisage all the possible eventualities that can arise in a Town Council election. I am sure hon. Members will agree with me that the Governor himself should be permitted a discretion without any limitation. As I say, it does not mean that it would be going outside the two persons who tied. I think in making a provision of this nature that the exercise of that discretion should be left entirely with the Governor.

Mr. Correia: I have listened to the Attorney General, and I do not agree with him. The possibility still exists that the Governor can decide on a Councillor outside the two or three that

[Mr. Correia]

might be proposed for the office of Mayor, and I would like to suggest a slight amendment. In the fifth line of the sub-paragraph of Clause 7, I propose that the word "those" should be substituted for the word "the" coming after the word "among"; and after the word "Councillors" I would like inserted the following words "who were proposed and seconded as candidates."

The Attorney General: Even if they did not get a vote?

Mr. Correia: This will provide in cases where there is a tie that the Governor can only select from among those Councillors.

Mr. Gajraj: The weakness of that suggestion is seen when one realises this: the Georgetown Town Council has 12 Councillors. Suppose three persons are nominated and seconded, and each of two of them gets five votes, and the other person gets two votes. It would be for His Excellency to choose from amongst all three, and with that power he can choose the person who received two votes. But as the Attorney General has said, this has been proposed in a wide manner out of abundance of caution, because we know ourselves the position of our Council. We do realise it is being done with the best of intentions, and we will limit it and make it as serious as if he went to the polls.

Mr. Raatgever: I was going to move an amendment later, after hon. Members had had a chance of expressing their views. My amendment would be something like this: "provided however, in the event of a failure to elect being due to a tie, such nominations shall be limited to the Councillors who tie". I agree with the hon. Member, Mr. Gajraj. Democratically speaking, if two persons tied, it is from those

two that one should be chosen. If the Councillors felt that one of those two should be Mayor, then that should be carried out.

Mr. Correia: I beg to withdraw my amendment in favour of Mr. Raatgever's.

The Attorney General: The point I wish to make is this, that we are giving the Governor this discretion because of the special circumstances. This is a special Bill in particular circumstances. Where a Member of the Town Council for any reason vacates his seat, although he is an elected member, the Governor is now being empowered to appoint somebody in his place and in his stead.

We are having the Council itself voting on two members of the Council. The Bill seeks to give the Governor the right to decide from either between those two or any other member of the Council. If it is thought undesirable that a person who is not elected should be Mayor, then the Governor will have the right to put up an elected member. I do not see anything wrong with that, but I am not suggesting that the Governor himself would possibly go outside of the two. One cannot envisage all sorts of possibilities and eventualities which might arise. The hon. Member is saying, "We have a tie. The Governor resolves it by spinning a coin—Heads 'A', Tails 'B'. That is what it amounts to—or what somebody has said. I do not think it is desirable in legislation that we should deal with a matter in this form as suggested.

I appreciate the point the hon. Member, Mr. Raatgever has made, but I would suggest to hon. Members that in these times one has to consider the position and give the widest possible discretion to the Governor in order that he might exercise that discretion in

the best possible way in the interest of the Colony and the Municipality as a whole.

Mr. Raatgever: I appreciate all the hon. Member the Attorney General has said, but I know the special circumstances and the reason why this is brought forward — so as not to have elections at this time.

The Attorney General: I do not think the hon. Member is entitled to say that, because the Governor in his address made a statement that in view of the recommendations and suggestions put forward in the Robertson Commission's Report whereby some person of high status should be brought to the Colony to examine Local Government, it was desirable to postpone these elections.

Mr. Raatgever: I do not see the reason for it. I am moving an amendment, and if I am the only person to vote for it, I will still do so. Would you like me to put it in writing? It reads as follows: "Provided however, in the event of such failure to elect being due to a tie, such nomination shall be limited to the Councillors who tied." I sincerely feel it is the correct thing to do, and I am doing it.

Sir Frank McDavid: (Member for Agriculture, Forests, Lands and Mines): I do not want to enter this dispute, but I do feel hon Members have been making use of this word "democratic" too freely. Now, the Bill as it stands proposes a suspension of a democratic process—the object of it is to prevent the electors of Georgetown from electing Councillors to the Municipal body for the reasons given, and we have accepted them. We have swallowed the 'camel' but are straining at a 'gnat' in that we are trying to prevent the Governor under these circumstances, from exercising a proper discretion. I feel Members know full

well what stands behind all this. They know how completely desirable it is that where discretion is granted the Governor, he should not be limited by law in doing his best in the general public interest. I myself feel there is little in the thought we are being undemocratic in not tying the Governor's hands to the nomination as Mayor of one of the two persons who may have tied. I do advise my colleagues to agree in these circumstances that it is right and proper that the Governor should have unfettered discretion, knowing that in normal circumstances he would select one of the two; but there may be peculiar circumstances which would make it desirable that he should go outside of those two for the good of the people.

Mr. Speaker: In Clause 7 it says the "Governor." We do not know if it means "Governor in Council." Other opinion about it may say it does not mean "Governor in Council," but, it means the "Governor" only.

Mr. Luckhoo: Except in Clause 6 where it says "Governor in Council."

The Chairman: I think I am the only person who tied with another Councillor in nomination being made for the election of a Mayor for 1920 when I was elected by the ratepayers. In my case Mr. Nascimento tied with me and I was elected. The only case of its kind.

Mr. Correia: In this case I take it that it means the "Governor in Council."

The Chairman: I do not know what it means. Let us settle this matter before I put the motion.

The Attorney General: The law is giving it to the Governor, and if the law gives it to the Governor, it all depends upon the interpretation put upon

[The Attorney General]

the Instruments and Orders in Council under which the present Constitution is operating. In the suspended Constitution there were certain limitations with regard to the Governor. Unless it was said, "the Governor in his discretion," then it was taken to mean "the Governor in consultation with Members of the Executive Council". That is a large difference.

The Chairman: What is the hon. Member's opinion? I am only asking him.

Does the hon. Member, Mr. Luckhoo, accept the Bill as it is?

Mr. Luckhoo: Sir, at first blush I was rather inclined to believe it should be limited to those people who tied, but after hearing the explanation offered by the hon. the Attorney General that it is more than likely that the persons who tied would be the ones that will receive prior consideration, and that this is only provided for cases which might be very unusual, I am quite prepared, speaking for myself, to accept it as it is.

The Chairman: What about the word "Governor": does it mean the Governor alone?

Mr. Luckhoo: It seems to me, Sir, it does mean the Governor alone.

The Chairman: I think it ought to be made quite clear.

Mr. Luckhoo: There is nothing to preclude the Governor from asking advice, but as it is, it is in contrast to Clause 6, which speaks of the Governor in Council for nominations.

The Chairman: Is the debate on that finished?

This question arises: the Rules in practice in this Council. I would like to draw your attention to the wording in these rules supposed—

The Attorney General: Not "supposed", Sir. They are Rules.

The Chairman: I have made a statement quite definitely about it.

The Attorney General: I know you have. You were quite wrong, and I do not agree with you. You did so while I was on vacation. I read it in the debates. It was quite wrong.

The Chairman: The point is, that was my ruling. I am going to continue to use the Rules. There is a Clause dealing with amendments to Bills and there is also a Clause dealing with amendments to Motions. The question of an amendment does not arise. This is a Bill, and it is in the same form as any other Bill. If Members will allow me to read, I will show what difficulty the Chair is sometimes faced with. "Where a Bill is under consideration in Committee."

Sir Frank McDavid: May I ask what Clause you are reading from?

The Chairman: Thirty-eight.

"When a Bill is under consideration in Committee, the Chairman shall call several clauses in order, by reading the number of each clause. If it is proposed to move any amendment in a clause when called, he shall put them in their proper order."

What is meant by the words, "If it is proposed to move any amendments"? It does not say "when an amendment has been moved". And again, what is meant by the words "if the clause is not amended, he shall put the question". How can this be done?

"If the clause is not amended he shall put the question 'That this clause stand part of the Bill'. If the clause is amended, he shall put the question 'That this clause as amended stand part of the Bill'."

I am going to recognize the original amendment, and I consider the best thing to do is to put the question "That this Clause as amended stand part of the Bill". It is just the same. If Mr. Correia had not withdrawn his amendment, in spite of the Attorney General's remarks.

The Attorney General: I do not think your statement was quite correct. To make a public announcement in this Council is undesirable.

The Chairman: I am not ashamed of having done it. I have made it quite clear and I have submitted a Minute to that effect—these are the Rules, but giving effect to these Rules is not like giving effect to a piece of legislation, because it purports to amend and it cannot be done. That question does not arise here. What I am going to do is to put the Clause as amended.

Sir Frank McDavid: I entirely bow to your ruling, Sir. Nevertheless, as I understand it, you propose to put the clause as amended, but it has not been amended. An amendment has been moved which has not been put.

The Chairman: I said that if there were two amendments I would not have known what to do. There being one amendment, if it is carried, I shall put it in this form: "That the clause as amended stand part of the Bill".

Sir Frank McDavid: Do I understand that you will put the amendment first?

The Chairman: I should like to think I should. I shall put the amendment in that way. If it is not carried I

will then say: "Those in favour of the clause as printed will say "Aye".

Sir Frank McDavid: If you would then put it "That the Clause as printed stand part of the Bill" that would be all right.

The Chairman: If the clause is amended I do not know how to put it. What purports to be the Standing Order says:

".....If it is proposed to move any amendments on a clause when called, he shall put them in their proper order."

There has been only one amendment. The Standing Order goes on to say:

"If the clause is not amended he shall put the question, 'That this clause stand part of the Bill'. If the clause is amended, he shall put the question 'That this clause as amended stand part of the Bill'."

I do not know what it means.

Sir Frank McDavid: Following the House of Commons practice I take it that if there are a series of amendments you would put them in their reverse order.

The Chairman: That is dealing with a Bill.

Sir Frank McDavid: This is a Bill. The normal procedure is to put the amendments first, and if they are thrown out you put the clause as printed.

The Chairman: That is what I propose to do, and to put them in their proper order and everybody will then understand what they are voting for. Does any other Member wish to speak on the amendment?

Mr. Farnum: It is quite clear, Sir, but I would like to make a note of it.

The Chairman: The amendment is that at the end of clause 7 there be added a second proviso which reads:

"Provided however in the event of such failure to elect being due to a tie, such nomination shall be limited to the councillors who tied."

Mr. Raatgever: I said I would leave it to the Law Officers to put the amendment in proper legal form.

The Chairman: I will put it as it is. I will now put the question "That the clause as amended be adopted."

I declare the "ayes" have it.

Mr. Raatgever: I ask for a division Sir.

The Committee divided and voted:

<i>For</i>	<i>Against</i>
Mr. Correia.	Mr. Sugrim Singh.
Mr. Lee.	Lt. Col. Haywood.
Mr. Raatgever—3.	Dr. Fraser.
	Miss Collins.
	Mr. Rahaman.
	Rev. Bobb.
	Mr. Carter.
	Mr. Luckhoo.
	Mr. Phang.
	Mr. Lord.
	Mr. Tello.
	Mr. Gajraj.
	Mr. Farnum.
	Mr. Kendall.
	Mr. Cummings.
	Sir Frank McDavid
	The Financial
	Secretary.
	The Attorney Gen-
	eral.
	The Chief Secretary
	—19.

The Chairman: The division result shows that there voted for the amendment 3 and against 19. The amendment is not carried. I will now put the question "That the clause as printed stand part of the Bill."

Clause 7, as printed, carried.

Clauses 8 to 11 passed as printed.

Title and enacting clause agreed to.

Council resumed.

Mr. Farnum: I move that the Bill be now read a third time and passed.

Mr. Kendall seconded.

Question put, and agreed to.

Bill read a third time and passed.

BRITISH GUIANA SANATAN DHARMA
MAHA SABHA (INCORPORATION OF
TRUSTEES) BILL

The last item on the Order Paper was the second reading of the private Bill intituled:

"An Ordinance to incorporate certain persons as Trustees of the body known as the British Guiana Sanatan Dharma Maha Sabha; to vest in such persons certain property; and for purposes connected with the matters aforesaid."

Mr. Sugrim Singh: I wish to ask that the second reading of this Bill be postponed for a fortnight.

Mr. Speaker: That will be done. The only other business remaining is Mr. Lee's proposed motion.

MOTION BY MR. LEE RECOMMENDING
THE PURCHASE OF DAMAGED PADI
BY GOVERNMENT

Mr. Lee: I beg to move the suspension of the Standing Orders to enable me to proceed with the motion of which I gave notice earlier this afternoon. I may mention that I have His Excellency's permission to move the suspension of the Standing Orders.

Mr. Speaker: I am in Members' hands regarding this matter. Is it the wish of Members that the Standing Orders be suspended?

Mr. Raatgever: I will second the motion for the suspension of the Standing Orders.

Question put, and agreed to.

Standing Orders suspended.

Mr. Lee: I beg to move:

"Whereas on account of the abnormal and heavy rainfall there are large quantities of wet padi in the islands of Wakenaam and Leguan;

And whereas there are no facilities available to the growers for drying such padi;

And whereas rice millers are offering for such padi prices far below the minimum fixed price:

Be it resolved:

That this Council recommends to Government that urgent consideration be given to the purchase of such padi by Government at an economic price to the growers."

I shall be very brief, but I would like to look back into the history of the rice industry—to the time when there was no single-selling organisation and rice growers had to incur the expense of bringing their rice to Georgetown and selling it at \$2 and \$2.50 per bag. Their position was pitiable then, and Government saw fit to protect the producers by establishing a single-selling organisation in the Rice Marketing Board. I am now asking Government to recommend to that single-selling organisation some sympathetic gesture towards the rice growers in Wakenaam and Leguan in their present plight. I visited Leguan and Wakenaam last week and found that although the great majority of the rice growers had reaped their padi

and had it bagged, two or three tiers of the stacked padi were soaked by water as a result of the heavy rainfall. There was no means of drying the padi and when it was taken to the mill all the growers were offered was \$2 or \$3 per bag. I am asking this Council to recommend to Government that some help be given to those rice growers in the present crisis. I would like to read to this Council the powers under which the Rice Marketing Board can assist the rice growers in their difficulties. Under "General Powers and Duties of the Board" the Rice Marketing Ordinance, No. 5 of 1946, section 10 says:

"10. Subject to the provisions of the Ordinance, it shall be the duty of the Board to exercise general supervision over the disposal of padi produced in the Colony and to control the manufacture, purchase, sale, distribution and export of all rice manufactured in the Colony, and for such purposes the Board may enter into any agreement and make such financial arrangements as the Board may deem necessary.

Then section 11 (1) says:

"11 (1) The Board may purchase any padi, and may sell such padi in the Colony, arrange to have it manufactured into rice by a manufacturer, or export it for sale."

Those are the relevant sections which give the Rice Marketing Board power for the disposal of padi and to purchase this damaged padi if it is so disposed. The Board has a rice mill at Anna Regina which, as far as I understand, is equipped with drying machinery.

Mr. Raatgever: The Rice Marketing Board has no rice mill in any part of British Guiana.

Mr. Lee: I agree. The Board has the power to purchase padi and to exercise control over this damaged padi. The Rice Development Co., which is partly controlled by Government, and

[Mr. Lee]

whose Chairman is the Member for Agriculture (Sir Frank McDavid), also has an opportunity to show its interest in the rice growers. As the rice millers have offered prices far below the minimum fixed price for padi, the Rice Marketing Board and the Rice Development Co., between them could purchase the damaged padi and have it dried at the Company's mill.

Mr. Gajraj: I do not wish it to be thought that I am unsympathetic to the general idea of the hon. Member's motion, but I would ask the hon. Member to speak to his motion which recommends that Government be asked to purchase the padi. I have not heard the hon. Member make the point that Government, as a Government, should buy the padi.

Mr. Lee: I will not be deferred by these unnecessary interruptions. If the hon. Member would wait a little he would see the point. I am going into a little history to show the confidence of the rice growers in the Government. Should not the Government get those two organisations together to see what could be done to help these unfortunate rice growers? It is the duty of the Government to look into this matter and help the growers.

Mr. Speaker: Would the hon. Member like the Council to understand what he means by that—that the Rice Marketing Board should purchase the padi?

Mr. Lee: I am saying that if the Government, having known the history of the rice industry, can take such interest in it as to constitute the Rice Marketing Board, the Governor can direct the Rice Marketing Board to purchase the farmers' padi under the powers given the Board by the Ordinance.

Sir Frank McDavid: I am sorry to interrupt the hon. Member. I want to ask him to stick to the point. The Governor has not the power to direct the Rice Marketing Board. The Governor cannot direct the Rice Marketing Board to purchase padi.

Mr. Speaker: Would the hon. Member alter his motion to read "the Rice Marketing Board" instead of "the Government"?

Mr. Lee: Thank you, Mr. Speaker. I will certainly ask for that amendment.

Mr. Raatgever: The Rice Corporation buy padi and have it milled in Essequibo, but the Rice Marketing Board has no mill to mill padi. While I sympathize with the motion, I would like to tell the hon. Member that what his motion seeks will have to be applied all over the Colony and not only to the Islands of Leguan and Wakenaam, as the same thing is happening there.

Mr. Lee: The public would see that the members of the Rice Marketing Board do not want to help them.

Mr. Raatgever: I did not say so.

Mr. Lee: If they do want to help them, I repeat, they have the power under which they can do so. The Board can purchase padi. I am saying that the Government should take notice of the situation and recommend to the Rice Marketing Board that consideration be given to the purchase of padi at the minimum price so as to help the growers. I do not know the situation of the rice growers all over the Colony, as I have not been recently on the East Coast Demerara and on the Corentyne Coast, but I do know of the situation in the Islands of Leguan and Wakenaam. Between the Rice Marketing Board and the Rice Corporation

they have at their disposal the machinery with which something can be done to help these poor people. They need not even purchase the people's padi; they can take the padi at their mill and dry it. The people would be satisfied if even that is done. I know the people well, and they would appreciate that the Rice Corporation is there for their benefit. They would be able to say "When we were in great need the Corporation came to our assistance; when we were in want the Board gave us the minimum price for our wet padi." They would be able to say "We have two Government institutions which would help the rice industry at all times".

I do not want to say that I am an expert in the drafting of motions. The motion I have put before this Council is that this Council recommends to Government that the Rice Marketing Board or the Rice Corporation should do something to help the rice growers. The only way that can be done is to transport the growers' padi to ~~where~~ there are dryers, instead of allowing the people's padi to be ruined like that. The millers in Leguan and Wakenaam are taking advantage of the people because their padi is wet. They are paying them \$2.50 to \$3.00 per bag for their padi. The Board is there to protect the growers at all times, and I strongly recommend to this Council and those who advise the Government that Government see the Rice Marketing Board and the Rice Corporation in order to find out what jointly they can do to assist the growers in their present situation.

Sir Frank McDavid: May I ask what the hon. Member means by "an economic price to the growers"?

Mr. Lee: I need not say that a bag of padi is 143 lbs., and the minimum price payable by the Rice Marketing

Board is \$6.30, but the manufacturers are now paying the growers \$2.00 to \$3.00. What price should be paid the growers in the present circumstances is not what I am to tell the Government or the Rice Marketing Board or the Rice Corporation. They are to find that out.

Sir Frank McDavid: I am just asking the hon. Member to explain what he means by that expression.

Mr. Lee: I say, if the fixed minimum price is \$6.30, that is an economic price. If Government is going to assist the growers, the price paid for their padi should be of benefit to them. The Rice Marketing Board and the Rice Corporation are parties interested in the rice industry and, therefore, they should protect the growers. It is necessary to protect these people because the time may come when they are going to ask for an amendment of the Rice Corporation Ordinance, and they would then be free to express their opinion, and they might do so in terms which both the Board and the Corporation would not like.

Mr. Sugrim Singh: I rise to second the motion. The hon. Mover of the motion in his enthusiasm may not have, perhaps, put it in a logical perspective, but I think I am safe in saying that this Council is sympathetic with this motion not only with the rice growers of Leguan and Wakenaam in respect of whom the hon. Mover has spoken from personal knowledge but those of other areas similarly affected. No one is to be blamed for what has happened. There has been, as everyone knows, unusual and abnormal rainfall. I have passed through the area and have seen the people using boats in trying to save what little padi they have under water. I support this motion, and I would ask—

[Mr. Sugrim Singh]

I am not going to call at the moment the name of any particular department—this Council to see what can be done immediately in the situation.

The mere fact that this motion finds itself in this part of the Order of the Day is commendable. A stitch in time saves nine. The situation is nobody's fault. Abnormal rainfall has flooded several areas in this Colony and not only those of Leguan and Wake-naam. It is true that on such occasions the mill-owners find very good grounds for hard bargaining, as the small rice farmers are on the horns of a dilemma. If something can be done to save these farmers, it must be done immediately. I speak with special reference to the hon. Member for Agriculture (Sir Frank McDavid). I do not know if the hon. Mover has brought this matter to his notice. I have always found him in cases of emergency to act promptly. There was another matter which I brought to his notice and I am proud to say that the matter was handled expeditiously and the situation remedied. I would like, if I may say so, to pass this matter on to the hon. Member for Agriculture, as I am confident that something can be done not only to save the rice farmers from ruin but, perhaps, to enable this Colony to meet its commitments abroad. I am not at the moment in possession of the figures, but we have certain commitments abroad for our rice and, I think, it is common knowledge that we have to toe the line not only as regards to quantity but quality as well.

One knows that on occasions like these as the result of the heavy rainfall the padi cannot give the same sample as normally. I may be exaggerat-

ing, but in these circumstances when all the places are flooded—I believe that I am digressing and I crave your indulgence, Sir—the people with a few heads of cattle have to drive them on to the road, and I have seen hundreds of cattle taken to the pound at Sparendaan as a result. As many as 79 were taken there at one time during the heavy rainfall when the water was knee-deep on the land. Several hon. Members of this Council have intervened in this matter and have gone to the Drainage Board in trying to assist these people by getting the catching of strays and the impounding of them temporarily stopped in the flooded areas where the pens and the pastures and the rice fields are all flooded.

I would like the Government Officers charged with certain responsibilities to move in the matter as a magnanimous gesture. Many of these people have to borrow money at exorbitant interest or sell their cattle in order to get them out of the pound. I know the hon. Member for Agriculture can be of immense help in this situation. I have no doubt that he has been already exercising his mind on this situation, and I wish to urge that this matter be given immediate consideration so that these people do not fall victims to unscrupulous rice millers. I do not say that all are unscrupulous, but some do not lose such opportunities to augment their income.

Sir Frank McDavid: Mr. Speaker, the first thing I would like to say is, that British Guiana has suffered this year from the worst weather in my recollection, and its results have been very disastrous to the rice farmers. But this kind of weather is not peculiar to British Guiana alone. Only this morning I was listening on the radio to an account of the situation in Great Britain. It was alarming to hear that

thousands of acres in certain parts of England were under water; and that at the present moment crops could not be reaped and several crops have been destroyed. Not that that is any consolation to us, but it seems very strange that so many parts of the world should suffer from these weather disabilities at the moment.

I am sure that all hon. Members of Council would join me in expressing sympathy with the rice farmers who have suffered this year and are continuing to suffer this unfortunate state of affairs. As to what measures are possible to meet it, I do not know. Earlier in the year when the first planting of padi took place and the rice farmers suffered from the very heavy rainfall, hon. Members would remember that action was taken through the Department of Agriculture to purchase and distribute a large quantity of seed padi in order to help the farmers. I think something like 7,000 bags of seeds were purchased from the Rice Development Company. Fortunately we have been able to get some good seeds which were taken to various parts of the Colony and there distributed to the farmers. But a condition of that operation was that those persons who had received seeds should put up in payment an equivalent amount of their produce from the present Autumn crop. It was hoped that somehow the accounts would balance with a small loss. The Finance Committee approved of the net loss on this operation being met from public funds. \$60,000 to \$70,000 has been expended as an advance on the operation.

Well, I feel that it would be a very generous gesture indeed if under these circumstances of bad weather the

Government should consider writing off the whole of the amount, so expended and I propose to ask my colleague the hon. the Financial Secretary to consider it, and invite the Finance Committee of the Legislative Council to approve of it being written off. I do not think it would now be fair to call upon the farmer to pay for seed which had to be replanted because of the earlier losses of this year.

As regards the motion itself, the hon. Mover will forgive me if I say that he did not know exactly what he wanted. The motion as it is drafted does seem to invite Members to consider Government itself buying the padi but at the same time the hon. Member spoke of the Rice Marketing Board's special powers to do so. Now, the ostensible object of the motion is to (a) save the padi and (b) help the farmer. The Rice Development Company has already taken the first step in the erection of its new Central Rice Mill at Anna Regina—that is the erection of a first class dryer. But for that dryer, which is now in operation, a great deal of padi on the Essequibo Coast itself would have been lost. What is being done now is this: milling at the old rice mill has been stopped so as to concentrate all efforts on putting as much padi as possible through that dryer, so that farmers can save as much as possible. The point I am trying to make is that the dryer at Anna Regina is operating at full capacity and cannot take any more. There is a lot of padi on the Essequibo Coast the farmers would like us to take and we cannot take it. And what the hon. Member is suggesting is that padi from Wakenaam and Leguan as well be taken to Anna Regina. This is quite impracticable, I am sorry to say.

Now, as regards the buying of padi, a curious situation exists. The

[Sir Frank McDavid]

Rice Marketing Board has by law fixed the price of \$6.30 per bag for all well-winnowed and dried padi—the minimum price. And the difficulty is that that price is too high for padi damaged under conditions like these. The hon. Member has said some millers are buying padi at \$2 per bag. That is illegal but it is nevertheless desirable that something should be done to ensure that padi that is not up to standard, or is bad, can be sold at its proper value. I understood there was some arrangement whereby if a farmer signed a piece of paper saying “I am willing to accept a lesser price for my padi because it is not up to standard”, it can be done with the approval of the Rice Marketing Board. But this arrangement does not seem to have sufficient elasticity, and it does not allow all such padi to be purchased at reasonable prices. I think Members of the Rice Marketing Board should consider that situation and see what can be done to regularise a price of padi that should be properly purchased at a price lower than the minimum without breaking the law.

When it comes to the question of the Board purchasing padi, it has been done in the past, but with a specific object. For example, in cases where millers of a certain area gang up to depress the price, the Board has decided to buy padi in that area, so as to prevent a monopoly from being created in that area. It is done to control the buying of padi where the farmer is being deprived of his proper price through a combine of millers, and where he is not getting a square deal. Now, if the Rice Marketing Board, in circumstances like these were to undertake large-scale purchasing of wet padi—padi that is not up to the minimum standard—

what is going to happen? It will have to arrange to have that padi milled and the result is going to be a loss—and, of course, that loss will have to be borne by rice producers as a whole because the Board, believe it or not, is a creature of the rice producers. I take it that one should not mind that, for I think in a state of emergency like this the proper thing is for all rice producers to share in the loss.

Let us suppose Government bought up all this padi; it would then be putting a tremendous strain on the organisation of Government, and, of course, on the taxpayer. I say that because while the hon. Member is making an appeal for Wakenaam and Leguan we must not forget that similar conditions apply to Mahaica, Mahaicony-Abary, some parts of the Corentyne, the West Coast of Berbice and West Demerara. Does the hon. Member think that Government can find the money to take care of the rest as well?

I do not wish to discuss the motion in all its terms, and I am very glad the motion merely invites consideration by Government. The hon. Member, Mr. Sugrim Singh was right. The Company of which I am still Chairman has suffered very heavy loss indeed, through these floods, possibly some 50 per cent of its expected crop. Therefore I know that other rice producers will suffer loss. I will certainly do what I can to help. It may be that relief should be granted in some other way, but it is most important to do something.

As I said, I am glad to see that the motion only seeks to invite consideration. My own view is that it is a good thing that the hon. Member has by his motion ventilated this subject, and that everything possible should be done by the Rice Marketing Board and the Rice Development Company and, of

course, the Government, to afford assistance where it is needed. I suggest that the motion should therefore be withdrawn. But if the hon. Member wishes to press the motion, I for one would not oppose it, because it merely invites consideration.

I hope, however, that what I have said will serve to show how very difficult is the subject matter of the motion, and that the Member must not be surprised if the result of the consideration is unfavourable to his wishes.

Mr. Lee: The Member for Agriculture having given the undertaking that the Government as well as the Rice Marketing Board will give consideration to this matter, I will ask leave to withdraw the motion. I would like to tell the Member that those people who have suffered such loss would, where it is possible, need assistance in the cultivation of their next crop, by way of loans or otherwise. I must thank the hon. Member for the suggestion he made in respect of padi that was given for seeds. As far as I know, they were required to pay back in money the value of the seed padi, and if due consideration is being given to this matter by him, I will ask leave to withdraw the motion.

Mr. Gajraj: Before leave is given to withdraw this motion, I must say I agree with the Member for Agriculture, Forests, Lands and Mines, in the way in which he has put the matter. I am in sympathy with the rice producers, but I would not like this Council to go on record as saying that we have lost the whole or fifty per cent of the rice crop. The hon. Member has referred to the Mahaicony-Abary area —

Sir Frank McDavid: All I referred to was the land that is directly cultivated by Mahaicony-Abary.

Mr. Gajraj: I agree; I am saying that I would not like to see in the Press tomorrow morning that British Guiana has lost fifty per cent. of its rice crop, because we have a great interest in the export trade. If that sort of statement goes abroad, buyers will soon be looking elsewhere for their rice. We realise fully it is not a disaster. At the start of the reaping time British Guiana, it seemed, would have had the largest crop in its history. It is that additional portion that would have made it a record that has been lost; and I do feel that in the final analysis, when the padi is all reaped we will still be able to say we have produced enough rice, as in the previous crop.

Sir Frank McDavid: I must thank the hon. Member for raising that point, and I hope members of the Press will take due note.

Mr. Tello: I must express sympathy with the motion. My moral in this matter is, how wise people can be after the event. In the past I went around asking people to take an interest in the colony. I beseeched rice millers and rice growers to provide themselves with their own artificial dryers. I saw it coming at No. 71 on the Corentyne. My good friend, Mr. Rahaman, was present when I told rice growers that if the rice millers refused to assist them in providing ready means of drying their padi the time had come when they themselves must take those things into their own hands, and I invited them to accept the facilities of the Co-operative Movement. I pointed out that at the Rice Development Company's concern at Mahaicony-Abary there was provision for drying the padi from the fields, and suggested they also should

[Mr. Tello]

provide themselves with artificial means of drying padi at No. 27, which can be said to be a fully rice-farming area. But I am sorry to say that when I had cause to go around to those areas and saw the people suffering I wished that the matter of encouraging the farmers to organise themselves into co-operatives

and establishing their own drying facilities should be given consideration.

Mr. Speaker: The position is that, with the permission of the seconder, the hon. Member's motion is withdrawn.

There being no other business, I must adjourn the Council *sine die*.