

LEGISLATIVE COUNCIL

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

FRIDAY, 26TH 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 Agriculture,
Forests, 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 De-
velopment).

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. C. A. Carter

Mr. E. F. Correia

Rev. D. C. J. Bobb.

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser.

Mr. R. B. Jaijal

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. W. T. Lord, I.S.O.—on leave.

The Speaker read prayers.

The Minutes of the meeting of the
Council held on Thursday, 25th April,
1957, as printed and circulated, were
taken as read and confirmed.

ANNOUNCEMENTS

LEAVE TO MEMBERS

Mr. Speaker: Mr. Gajraj has asked for leave from the 27th April to the 26th May. I do not know whether he will be out of the Colony or not. Mr. Lord has asked to be excused from today's meeting.

ORAL QUESTIONS

Rev. Mr. Bobb: Is the Honourable Member for Education aware that a circular issued by the Director of Education forbids the admission of children who have attained the age of five years to primary schools (except those in riverain and remote areas) in which accommodation exceeds enrolment; and if so will the Honourable Member inform this Honourable Council what is the Government's view on the circular?

ORDER OF THE DAY

ACQUISITION OF LAND (LAND SETTLEMENT) BILL

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

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

Mr. Rahaman: I rise to oppose this Bill. I am just voicing the opinion of the people throughout the Corentyne Coast. This Bill in my opinion should not be on our Statute Books. I may say without exaggeration that I have the highest regard for the hon. Mover of the Bill, and admire the way in which he made his speech on the Bill in this

Council. I may say that he means well. He is conscientious and I consider him not merely a politician but a statesman. I always admire his speeches in this Council, but this Bill he is introducing, I consider, is one of the worst "isms" that has been introduced in this country. It is just what we are trying to keep out of this country. Our people want freedom, liberty and to be independent.

I do not know why this Bill is seeking the compulsory acquisition of land. It has been said by several Members who spoke that we have so much vacant lands in this country to be opened up and cultivated. But Government is just trying to get lands that are ready-made. The past Governments, I think, were very wise in permitting licences of occupancy and leases to be given to applicants in the old days, but today it is a difficult thing to get applications through for Crown Lands. Had it not been for that we could not have developed the lands at all. Tribute has to be paid to the past Governments for allowing those licences to be issued. That is how 10 per cent. of the lands on the coastland has been developed. I think the hon. Member, Mr. Sugrir Singh, stated that about 90 per cent. of our lands are undeveloped. I say that 40 per cent of that are hills and mountains, leaving about 50 per cent. that are good lands. Those are the lands that should be opened up.

Our whole trouble is irrigation and drainage. When the day comes that we have proper irrigation and drainage from one end of the Colony to the other it will be seen what development will take place especially in our rice industry. I know that the people, especially those of the Indian race, have

worked on the sugar estates and accumulated a certain amount of money, have purchased estates by way of mortgage. I know that they have worked on those estates they acquired, putting in internal drainage and tilling the ground. They have done very well in that direction, and that is how our rice industry is what it is today. Persons have bequeathed their estates to their children or grandchildren. With this Bill Government can come down on those estates and say to those children, the offspring of those men "We want to acquire these estates by compulsion for land settlement." Would you like them to become tenants or to own their own piece of land? I do not think it is fair that those children should be made tenants of Government under a land settlement scheme.

I want to make special mention of the Indian people. They like to own their own piece of land. They do not want to live in a rented house; it did not matter if it be a troolie thatched house, they like to erect and own it. They asked me if I am going to support this Bill, and to oppose it tooth and nail in this Council. I am doing so now. The hon. Mover has put on iron gloves and his blow is going to be fatal. It is going to be disastrous to the country and to its two major industries—sugar and rice. I am asking him to take those gloves off and put on velvet gloves.

This Bill is saying that lands not beneficially occupied are to be compulsorily acquired by Government for land settlement. I am speaking now of the Essequibo estates. Those lands could not have been properly maintained because of low rental. That is why so much land has been left abandoned there. The owners could not clear the trenches and have proper in-

ternal drainage. From 1939 until recently the landlords saw very little money to enable them to do a little internal work. I am sure that if the landlords collect commensurate rents those same lands can be opened up.

Take the sugar estates. They have lands that are not beneficially occupied because of their quota of production. They are given a quota whereby they cannot produce more than that particular tonnage. If they had a larger quota, I am sure you would not see all the unemployment as all the lands would be taken up with cultivation. The sugar estates' lands are worked in rotation, sometimes continuously for four or five years and when their yield is very low they are then placed under flood fallow for a very long time and other lands which we call "not beneficially occupied" are turned to. That is how I know the sugar estates work their lands

This Bill is asking to acquire lands not beneficially occupied. Why should Government spend all the initial cost in purchasing such lands when the same money can be spent in developing very good lands, lands of high fertility? In that case Government is not doing any expansion but just marking time on the spot. We want expansion. Government wants land for land settlement. They are so many estates—Vergenoegen, Cane Grove, La Bonne Mere, Mara — which have been made land settlements. I have to compliment His Excellency the Governor, Sir Patrick Renison, for selecting such a person as the present Director of Land Settlement, Mr. Macnie. I am sure some progress is going to be made. I may say that he is working hard, and with his practical experience, I feel Government will see progress made in our land settlement project.

[Mr. Rahaman]

The hon. Mover in his speech referred to the assessment of the value of the land to be acquired. He said it would be assessed according to the productivity of such land. I think I remember reading somewhere that Sir Gordon Lethem advocated that it should be at the market value. I have not got it clear from the hon. Member whether it is the probability of the yield. Take the question of rice. Would it be so many bags of padi per acre or the value of padi.

If it is the value of the padi, we have to consider what would be the value of any particular estate or plot of land if the price of padi were to drop. I think the price of land should be based on its economic value. When we had control of beef there were shortages all over the country, but now that control has been removed we can see a surplus and every housewife is getting a full supply. I believe that the law of supply and demand should also take its course in this question of land. Going back to the question of compensation, the hon. Mover (Sir Frank McDavid) has stated that land would be assessed according to its productivity, and buildings according to their market value. I do not think that is fair; if we are going to apply market value with respect to the price of land we should also apply it with respect to a house. I feel that there should be no discrimination and I do not think the time is ripe for a Bill of this kind. We already have on our Statute Books laws for the acquisition of land for similar purposes as those intended in this Bill. There are other Members who would like to speak, and since Your Honour has intimated that you

would like to close this debate today, I will not occupy the attention of the Council any longer.

Mr. Speaker: I have said that the debate is lengthy, but I did not say that other Members cannot speak. Has the hon. Mr. Carter any desire to speak?

Mr. Carter: I do not intend to speak, Sir.

Rev. Mr. Bobb: We have listened, Mr. Speaker, to a very fine treatment of the subject before us, but I want to make a humble contribution of my own and I hope that my position will be clear before the Council. In the first place, I would like to refer to the hon. Mover's reference to page 13 of the copy of the Hansard report in which he draws attention to the Land Settlement Advisory Committee. As the hon. Mover has rightly pointed out, in May 1955 the Land Settlement Advisory Committee gave consideration to the manner in which land might be acquired to counter the difficulties which had arisen in determining how certain areas of land might be occupied. The hon. Mover also referred to certain Members of the Council who were members of the Committee, but I can say that he did not attempt to intimidate the members by means of a threat. I would like to say of this particular column that what I shall refer to is not intended to extricate myself from blame. That is to say, when this matter was discussed in Committee I was not present. I make that point because it might be thought later on when we look back at this debate and see reference to my name here, that I was associated with that motion, but I was not there. The persons present when the motion referred to was passed included other

members of the Council, I see we had as Chairman Mr. Raatgever (now deceased). So far as I am aware, Sir, the motion to which reference was made in the hon. Mover's speech, did not definitely refer to the proposition which is involved in this Bill. I would like my position to be made quite clear, lest it is inferred that I sat on the Advisory Committee. It does appear that certain Members have this idea.

Sir Frank McDavid: I am afraid I have made it quite clear that the hon. Member (Rev. Mr. Bobb) was not present when the matter was dealt with by the Committee.

Rev. Mr. Bobb: The motion passed was put forward to Government along these lines. It was moved by a certain Member and, after certain corrections and limitations, it was carried unanimously that legislation should be enacted with the least possible delay embodying provisions for compulsory acquisition of useless lands for land settlement at a reasonable cost. What I would like to point out is that the Committee has not determined the manner in which compensation should be assessed. Indeed, at the time of the moving of the motion we had no policy before us in Committee. I would like to say, Sir, that it is not easy for anyone to arrive at a formula which would prevent inflationary prices being paid for the best purchases, at the same time giving the owner of the land reasonable return from his property. The suggestion is that in this Bill the economic value of land should take the place of the market value, as provided for in the Acquisition of Land (for Public Purposes) Ordinance. When people are trying to save their earnings in this Colony they do so not only in the form of

hard cash but in the form of jewellery and land. Prices often increase or fluctuate in these matters and at the present time it is felt that the safest means of investment is in land and not in jewellery. Therefore, if anyone invests his money in land it is fair for him to expect a reasonable return thereon.

If anyone, therefore, invests his money in land, when it is convenient and to his advantage to get the land cheaply, it must be understood that it appears to him that he expects when the value appreciates he will benefit thereby. Over the years land has increased in value tremendously and many people have invested in land as a means of securing their earnings. That is in their personal interest. Every individual realises that his earnings are not only to be applied for his personal maintenance but also at some stage and at some time in the national interest. When the stage is reached that our savings in the form of land have to be used for national interest, the greatest possible care must be taken to see that the private benefits afforded are not jeopardized in the attempt to secure the greatest national benefit.

On the other hand it is also reasonable to expect that care must be taken that the national economy must not be subordinated to the benefits that must be expected to accrue to the individual owner. I think it is at that point, Sir, that the controversy in this Bill turns, whether the economic value for land as against the market value for land is better. Pressure of different kinds would affect the price of land at any given time. In the present circumstances, pressure of population has had a boosting effect upon the price of land

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and unused and uncultivated land has come to acquire a value in many respects out of proportion to their intrinsic value. There is another pressure which we have in other circumstances and that is the exigencies created by the lack of drainage and irrigation and sufficient facilities for agriculture, so that much of the uncultivated land at the present time could hardly be used since difficulties of efficient drainage and irrigation have to be encountered with the whole time, added to which difficulties obtain in reasonable agricultural produce.

Much has been made of the fact that the population of this country is comparatively small in relation to places like Barbados and Jamaica. I don't know if it is right for us to divide our population by the total area of the whole country—when we know that 75 per cent. of that is forest—when we are thinking of the agricultural use of the land. But even if we confine ourselves and use another basis of connotation we are still about 25 persons to the square mile which is very far below the figure we know applies to Barbados. And I do feel I might be permitted to say here, one of our problems is not merely the use of more land but the better use of land. Our productivity per acre is so small and so low. It is true that our population is growing. If the population had not grown to that extent there is no guarantee that the situation would have been precisely the same. The increase of productivity does not necessarily presuppose a drop per acre of production and I know that I am supported by that eminent scholar—I quote from Dr. Arthur Lewis's "The Theory of Economic Growth" page 326, in which he says —

"It is also necessary to make the point that even if we could establish that output per head would be bigger if population were say 20 per cent smaller, it would not follow that output per head

would rise if that number emigrated or if the birth rate fell. These population comparisons are based on the assumption of an unchanged population structure in the sense that the proportions of old and young, male and female, skilled and unskilled remains the same. Whereas, as the population changes its structure also changes, not always for the better."

An illustration of this is that right here in British Guiana we need to give more attention to the better use of our land to increase the production per head. One of the ways by which that could be secured, I submit humbly, is by encouraging perhaps one of the products of agriculture.

I am saying this because I would like to make the point, Sir, that the price of land could hardly be justified until we have done all the good to increase the productivity of land per acre.

Now, we are in need of land for land settlement. While I am in support of the acquisition of land for land settlement and for pursuing a vigorous land settlement policy, I would still say it is very unfortunate that there is not at the same time a very vigorous policy for intensifying the production of what land there is so that the output per acre would be at such a level as to prevent later on a situation arising which would mean that the people in this country cannot be supported from their own resources. Too much cannot be said about that because the figures are ample to show that if we were able to increase our productivity per man we would be able to provide more employment and at the same time to bring more money into this country. The consequential result of all that would be an improvement in the skilled and in the unskilled sections of our population.

What then can we do about this problem? I recognise that the attempt to have this Bill passed is to give Government an opportunity for purchasing the land for agricultural purposes. That

is why I would like to repeat—if it is for agricultural purposes there must be an emphasis on better use of the land per acre. Unless that is going to be the case then we shall soon be taking over large areas of land at the same rate of productivity and in the long run I don't think the country is going to benefit. I emphasize the motive of this Bill — for agricultural purposes. We are not dealing mainly with housing or anything of that sort now. If it is to be for agriculture then it must be diversified agriculture, agriculture done in such a manner as to give the maximum benefits. I am not unmindful of the efforts now being made to ascertain suitability of the soil for different crops and things of that kind. I do hope, Sir, that the result of all these investigations is going to lead to a new outlook on agriculture and not regard it as in past days when we could be just content with a few crops and everybody doing the same thing. We are not going to increase our skills; nor are we going to increase our national income if our resources cannot be as fully exploited as possible.

How then could we reach a reasonable position when we will be able to recompense owners of land suitably in order that the greatest amount of productivity will be achieved per acre for the benefit of the whole country? It is suggested that the economic value of the land should be the determining factor and not the market value. As I said earlier today, seeing that so many people have quite correctly invested in land in order to provide for the wet day the application of market value working on the basis for compensation must hit some people very hard. That is inevitable and I myself would wish that were not the case.

I recall that the hon. the Attorney General, in his exposition of the legal implications determining a adequate remuneration for land pointed out that the market value

will still be considered. In fact it is very difficult for me to see how the economic value could be determined without some reference to the market value. If his statements in this respect, being on record, will also be drawn upon when the time comes by those in a position to form an assessment, well and good.

In other words an absolute valuation on the basis of the economic value does not, to my mind, become a good substitute for an actual valuation on the basis of the market value. I think the two things are related, because an economic price must bear relation to the whole level of prices at the time, and I hope it will be possible for the hon. Member in his reply to develop that point a little more clearly, because if the basis for determining the economic value is going to rest solely and entirely on the cost of the land to the owner on the 1st July, it is unfortunate.

Sir Frank McDavid: The cost to the owner of the land on the 1st July, 1955, or, as an alternative, the economic value, whichever is the greater.

Rev. Mr. Bobb: Thank you very much. The point I am trying to make is that if one wants to determine the valuation of land, what it cost the owner on the 1st July, 1955 must influence the determination of the economic value of the land. The price of land purchased prior to 1955 (I fix the year 1939) was doubled by 1955 in some cases. I know of an instance of a piece of land which cost about \$300 in 1945 and which the Deeds Registry, of its own volition, was prepared to accept as security in respect of a certain legal transaction to the value of \$1,649. In other words a person entered into a bond and the Deeds Registry accepted as security for the sum of \$1,649 land which they knew was worth \$300 in 1945—12 years ago. It seems to me that at some time or other the two

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things will have to be taken together and some formula will have to be worked out. That is why I was very happy when the hon. the Attorney General repeated the statement that the market value must bear some relation to the economic value, and I would like that to be emphasized. I do not see how it could be introduced, but I am hoping that at some stage we are going to have an understanding behind the clause which would make it possible for any tribunal or any single person to be able to give consideration to the market value while endeavouring to determine the economic value, because I do not see the two things mutually exclusive. I submit that as my humble opinion in this matter.

Having said that, I would like to make it quite clear that I think it is a good thing to have on our Statute Book, because it would be a check on undue inflation of prices. I can understand the extreme view taken by people who own land, who would say that they must have the market value or nothing at all—a view with which I am not in sympathy. I rather think that in the national interest they should be prepared to accept a reasonable figure for their land, but that reasonable figure must be carefully determined.

Now we know that in some instances, on account of thrift, the adoption of mechanical methods of tillage and so forth it has been possible for some farmers to bring their lands into an arable condition at a relatively low cost. In other instances, due to lack of knowledge and lack of proper equipment, the preparation of similar land costs so much more. Therefore, in determining the cost that would be involved in making land economically valuable we would have to consider not the expensive method of one farmer or the cheap method of the other, but take the reasonable method whereby land is brought into cultivation. Therefore, when the time comes for legislation of

this kind to be applied I hope that those who will have the responsibility of forming judgment will bear in mind what this Council felt about this Bill, what the *Hansard* report records, as so many Judges have done in the past. They have looked back at *Hansard* to see the spirit, the motive behind the legislation, and I hope that when that times comes one thing that will not escape notice is this particular point of determining the valuation—that the market value of land treated as an absolute means of computation of compensation is not to be encouraged, and that the economic value, as expressed in the Bill, treated as an absolute means of computation is unsatisfactory.

I humbly submit and support the view expressed by the hon. the Attorney General, that when the economic value is being taken into consideration an important factor must be the state of the market at the time. I do not think hon. Members, including the hon. Mover of the Bill, will have any quarrel with that, because it is impossible to determine that value except on the basis of the existing price system. With that in mind I would like the hon. Mover in his reply to the debate to furnish me with what I hope is going to be a very satisfactory answer to the problem, because the time has come when we must face realistically—whether we are federationists or not—whether we are looking forward to a normal influx of people into this country or not; we must face realistically the fact that on this coastal belt people have been living for many years, and that on this coastal belt there is still a means of livelihood.

But efforts must be made to put to the maximum use every square inch of land, and if Government must intervene to secure such land for those people who do not have, and to close the gap between the “haves” and the “have nots”, let it

be done justly and fairly to all concerned, because it is no fault of "X" that he has and "Y" has not got. If we are to build up a different kind of economy from what we are used to in order to ensure that other people have a good enough chance of earning a livelihood, even if for a long time this country's economy must be based on its agricultural resources, we must ensure land owners an equitable basis of compensation when their lands are acquired. I would like to be assured that the effort to acquire land on the basis of its economic value is not going to over-ride considerations of the material, having regard to the efforts people have been making over the years to save a bit and to put their earnings in the form of security on which they can build, thereby contributing to the national income in a positive manner. Such people must be made to feel that they have been justly dealt with.

Miss Collins: I have listened to all that hon. Members said, and I see no reason why I should oppose the Bill. All this Bill seeks to do is to control market value, but may I remind Members that we have on the one hand private interest and on the other hand national interest. Hon. Members may recall on repeated times that the desirability of land settlement was discussed in this Council and in Finance Committee. I am amazed at the attitude of hon. Members whom I have heard at public meetings and at street corners cry "Land for the Landless".

Today, there is no need for land hunger. Why in Finance Committee did they advocate for land settlement schemes and vote a salary for the Director of Land Settlement? I want to draw hon. Members' attention particularly to the points recommended by the Land Settlement Advisory Committee. Why did the Land Settlement Advisory Committee which included members of this Council recommend the acquisition of land with compensation other than the

market value? I remember sending a resolution to the then Chief Secretary, Mr. Gutch, directing his attention that market value left in the hands of private interest was creating a great hardship. I am glad that Government is convinced that the control of market value is essential. What is the object of the Bill? May I endeavour to answer the question. The Bill seeks to control speculative exploitation.

In my opinion—I may be wrong—market value should never be put on the Statute Books. I am convinced that land capable of beneficial occupation was held purely for speculative purposes. Unoccupied lands contribute nothing to the economy of the country. Hon. Members, in the name of everything that is reasonable, are you satisfied with the large percentage of under employment and un-employment? May I direct Members' attention to the increased cost of living due to the rise in price of local products. The future development of this Colony is dependent upon industrialisation, communications, hydro-electric power, population, and production at a cost which is economic. We shall be making a great mistake if we do not give serious thought to our boys and girls who leave school without any future.

I regret very much that the hon. Member referred to this Bill as anti-Indian. I do not think such pronouncement should come from hon. Members. Of course, that hon. Member is entitled to his opinion. He expressed just what he feels but I do hope when the hon. Member for Agriculture replies he will convince us that the Bill is not anti-Indian, because those of us who are supporting the Bill, it is alleged, will be supporting an anti-Indian Bill. I would like to hear from the hon. Member what policy he has in future for land settlement schemes. Land settlement schemes should be influenced and guided through

zoning and other regulations, as housing, cottage industries, agricultural policy based on economic planning.

This question of market value is a storm in the tea pot. As a matter of fact, if I had to introduce this Bill I would only introduce an amendment to the original Bill. Land owners are dissatisfied with the term "economic value"—if the landlord can get \$600 an acre for a piece of land he is entitled to do so.

I am appealing to the administration of the G.I.S. to print pamphlets—not the usual bulletins because the Press is only to put forward all the facts for the opposition and the general public will not understand the true position of the Bill. I am looking forward to this publicity and I do hope that the G.I.S.—those who are responsible, will see to it that pamphlets are printed of all that has been said by those supporting the Bill so that the public will not misconstrue what any Member has said.

Mr. Speaker: The *Hansard* is the official report of everything that is said in this Council, and not what appears in public or what is supplied by the G.I.S. It does not matter how accurate those reports may be, the only official record is what appears in the *Hansard*; but, until this Legislative Council can be supplied with a sufficient number of really competent reporters you are not going to get either an accurate or a full report of the proceedings in this Council in our *Hansard*, if the selection of Official Reporters is going to be made in the way it is being done now. This Council is entitled to have the best reporters that are available.

Mr. Cummings: Sir—

Mr. Speaker: Mr. Ramphal has in-

dicated his wish to speak and unless he gives way to you—

Mr. Cummings: With great respect to Your Honour, I think you have it the wrong way. Mr. Ramphal and I have agreed—

Mr. Speaker: If a Member wishes to speak he gets the preference. In the House of Commons, the moment a Member of the Privy Council rises to speak no one else can speak.

Mr. Cummings: I am only trying to remind Your Honour that I do not wish to speak particularly before anybody else, and I am quite willing to give way to anyone who is willing to speak now.

Mr. Cummings: I understood the hon. Member, Miss Collins to say she considered it would be a very good idea if the Government Information Services which existed for the purpose of propagating information as regards Government business could be invited a matter for the Member in charge of the Department—to bring to the notice of the public in a manner more forcible than hitherto this particular debate, because in her opinion so many Members had made statements which she felt ought to be corrected and corrected over a wide field as our Information Service can reach. I am happy to support that proposal of Miss Collins. It is a matter for the Member concerned.

Mr. Speaker: The hon. Member is treading on dangerous ground. Miss Collins has given reasons for proposing it.

Mr. Cummings: I am giving my reasons. Your Honour, I would ask that I be permitted to express my views.

Mr. Speaker: In my opinion you are not supporting Miss Collins in advocating as the sole ground for her suggestion that not only she could not depend on the accuracy of the Press report, but that there was actual discrimination by the Press in only publishing the views of speakers they agreed with. I do not know if the hon. Member agrees with that. I do not agree with it. We can and will be able to publish an accurate report of the debate on this Bill, as was done in the case of the debate on the Federation question.

Mr. Cummings: I am grateful to Your Honour for your remarks, because if you misconstrue what I said, then it can be even more greatly misconstrued. All I intend to convey—

Mr. Sugrim Singh: I must rise in protest against the subtle insult conveyed in the closing remark of the hon. Member, that if Your Honour misconstrued what he said then it could be even more greatly misconstrued. Who are we here? I would ask the hon. Member to speak with dignity and decorum.

Mr. Cummings: I do not know if there are different meanings of the word "misconstrue". What I intended to say, and what I believed I said, was, it would be a good idea, which came from Miss Collins, if the G.I.S. could be asked to publish this debate because there were statements made by many speakers which, were, in my opinion, misleading to the public.

Mr. Speaker: Miss Collins did not say so. A Member may support a statement made by another Member, but when that statement is accompanied by a reason for that it becomes necessary to support the reason as well. In the opinion of Miss Collins the Press reports of the debates in

this Council fail to give the views of all sides. In other words, the Press is favourably disposed to persons against the Bill and not those for it. That was the only ground she gave. Those were the reasons given. So far as the G.I.S. is concerned, it is not the official organ. The hon. Member made a suggestion for some special application to the G.I.S. You cannot do that. I am here to conduct these proceedings. I cannot allow the statement that the G.I.S. must do something. If you want it done, all you have to do is to take the necessary action.

Mr. Cummings: I am grateful for Your Honour's intervention lest anything I said is misunderstood outside this Council. Your Honour is well aware of decisions of the Court where a Judge agrees with his learned brother on the left for the reason he does not accept the opinion of his brother judge on his right. I have not attempted to agree with the reasons given by Miss Collins. If I appear to do so, I think I did not make myself clear, or what I said was misconstrued. There is an organ, the *Hansard*, but as far as I know the public do not read it. I am only saying that for it to reach the man in the furthest field the G.I.S. can be very helpful. There is no reflection meant on the Press. I only hope that many people would buy the papers and come to their own conclusions.

When I heard some of the statements, I began to wonder whether they were not produced by election fever. I know some of the Members spoke with great sincerity, and I know that they believe that what they are putting forward is in the interest of the public. But there are so many inconsistent in what was said here as compared with what has been said at the street corners, that one

[Mr. Cummings]

wonders and can only hope that the proper picture will reach the man in the street by some means or other. Consequently, I agree that we should adopt something that the services we pay for can be utilized in a manner which will be beneficial to the public.

I agree with those Members who approach this Bill with the question. Is there the necessity for this legislation? I believe that the first fact that must be borne in mind is, as has been said by other speakers, the fact that land acquisition legislation is nothing new in this country. One speaker referred to the Principal Ordinance and reminded us that it was passed some time in 1914. Consequently, the principle of taking away lands from the individual if it was believed to be in the interest of the community, is nothing new. Every speaker said so in a very skilful speech. One said "If I can be satisfied that no Crown Lands are available, then this would be a measure deserving of my support." My answer is, we have come to debate a proposition. If it appears to us that there is no necessity for it, we can make the necessary enquiries. We have the Department of Lands and Mines and can get there what the position is in regard to Crown Lands in the Colony. I got this statement from the Commissioner of Lands and Mines. All Crown Lands on the coast from the Corentyne to the Pomeroon have been alienated. Hence a practical period has been set up to resume Crown Lands not usefully occupied in accordance with the conditions set out in the table. We find those conditions are not observed and steps are being taken under the Crown Lands Resumption Ordinance to resume possession of those lands.

The hon. Mover, Sir Frank McDavid, referred to the World Bank Mission's report. At page 53 of that Report we are advised that --

"For the next five years agricultural development should centre on that part of the coastal strip now under rice, sugar and coconut cultivation, together with an extension of rice growing in the coastal backlands and the reclamation of riverain lands for mixed farming. Extension of cattle ranching in the interior should take place in the Ebini downs and in the Rupununi; government technical and financial assistance will be needed to increase beef cattle production in these areas."

We look at the Report of people who have no axe to grind. You had an Agricultural Economist on that Mission, an Adviser on Agricultural Production, an Adviser on Irrigation and Drainage. Our Commissioner of Lands and Mines has told us that all our Crown Lands on the coastland are alienated. Consequently, what we have are lands formerly cultivated and now abandoned and a number of riverain estates, which we all know. Let us turn to the Report of Frank Brown whom we brought down here to advise us on Land Settlement. At page 21, paragraph 70, this is what he says on "Land Problem holding up agricultural development."

"LAND PROBLEMS HOLDING UP AGRICULTURAL DEVELOPMENT:

70. A considerable amount of good, and at one time fully developed, agricultural land in the Colony is being wasted by the fact that freehold landlords either cannot or will not put it to its best use.

In some cases the reason is that owners bought up large areas cheaply, not realising the extent of their responsibilities and commitments. The owners are now unable to clear the land, and are also incapable or unwilling to spend money on the maintenance and cleaning of drainage and irrigation channels. Land at one time bearing crops of sugar

cane, cocoa, etc., has gone back to semi bush. Not only is this detrimental to their own interests, and a loss to the country, but in many areas it effectively prevents their neighbours from making the best use of their land.

Land speculation can also be considered under the same category."

We went to the trouble of getting expert advice.

When we look at recommendations given by experts, when we remember how we dedicated ourselves in 1950 to the raising of the standard of living of the people of the country, when we remember that on speaking on the Development Budget, in fact all our manifestos—those of us who faced the Elections—spoke of raising the National Income by means of getting increased production at home as well as raising the system of taxation and diverting a portion to social welfare, better housing and more schools. What has suddenly happened that we begin now to forget the small man? I ask the question, is it not in the interest of the small man that there is need for the adoption of this legislation we are introducing?

I have put before the Council — and Sir Frank has also endeavoured to do so—what the advice of the experts is. The population of this country is increasing at the rate of 3.13 per cent. per annum, and here I am going to quote a passage from Mr. Jaisal's speech which I never expected to come from a person of his breadth of vision. Mr. Jaisal, in the course of his speech, said: "This Bill is aimed at Indians." but, in my opinion, that is a most illogical statement. I do hope that in reconsidering his remarks he would admit that in his enthusiasm to oppose the Bill he had "run off the rails." In reply to him I should like to quote

from the 1955 report of the Registrar General which, in dealing with the question of increase in our population, stated:

"... The rate of natural increase for British Guiana excluding Amerindians which was 3.08 per cent for the first time in 1952 and 1953, dropped to 3.04 per cent in 1954, but has now moved up to record its highest mark of 3.13 per cent in this country's history. The natural increase rate for East Indians was 37.0 per 1,000 mean population in 1955 as against 36.3 for 1954. All in all the natural increase rates returned to the East Indian component of the population continued to be high and more impressive than those for the total population. In 1946, the East Indian population, accounted for 45.65 per cent of the total population, and by 1954 it had reached 48.46 per cent. Their population of 230,860 for 1955 accounted for 48.74 per cent of the total population, while their natural increase was 8,404 or 57.45 per cent, of that for all races put together—this represented more than half the total natural increase for British Guiana. Such increases taken at an average rate can easily imply that the East Indian population will reach more than half the total population for 1959, (i.e. within the next 4 years). For it is still the experience of this racial group that dictates levels of population growth of such a magnitude in British Guiana."

In spite of this, when we come to consider a Bill for settling people on the land we are told that it is anti-Indian. I would like to know who are the people at Vergenocgen, Cane Grove and even at Marr that are likely to benefit from the Bill? I think Mr. Jaisal would have been on better grounds if he had said that among the number of landlords there are East Indians who would be affected. If he reconsiders the statement to which I have referred I am sure he would realise that the Bill could not have been aimed at East Indians because they are in the majority among the landless people who stand to benefit from it.

Mr. Jaisal: I never inferred at all that there was any racial discrim-

[Mr. Jallal]

ination in the Bill. I admit that I opposed it for the reasons which I gave, but at no time did I say that it was an anti-Indian Bill.

Mr. Cummings: I certainly understood the hon. Member, Mr. Jallal, to say that the Bill was anti-Indian and that it was therefore discriminatory. I go further and say that that was the basis on which the hon. Member outlined his opposition. I must say that the statement did sound misleading to me and, what is more, it is not borne out by statistics from authoritative documents. We have seen the extent to which the population of the Colony is growing and we have heard from the Commissioner of Lands and Mines and other experts that unless the available Crown Lands are taken up we would probably experience an acute land shortage within the next few years.

I read a report recently relating to soil surveys in this Colony by Professor J. B. Harrison (now deceased) and I was amazed at what he stated. Professor Harrison stated that the majority of our forest areas are pegasse lands and that even if we succeed in growing crops thereon for a few years, after a while the soil will peter out. Government has also gone to the trouble of seeking advice from a United Nations agency and has brought about an unemployment and under-employment survey with the idea of finding land for the settlement of people. The report of the World Bank Mission also advocated the carrying out of soil surveys in the interior because if we are to encourage agricultural development a responsible Government must provide land for landless people. Is it being seriously suggested that we are to call off all these soil surveys until we get a proper drainage and irrigation for

our Crown Lands in the forest and begin to settle landless people in the Colony?

In 1954 when we raised this question of settling people on the land certain persons expressed disagreement with the views of the World Bank Mission and stated that we were building houses for people but that what they wanted was land settlement. Now, Sir, I feel that perhaps we might have been a little speedier with this very difficult subject. Now, after very careful consideration on Government's part, the charge is being made that we are taking away land from people whereas there is so much Crown land that could be utilised for this purpose of settlement. I think, Sir, that such remarks are unfair and unjustified. I know that a survey is going to reveal that there is an alarming number of landless people in this country and Government has to do something about them. If I am correct then Government has to put them on land which is productive, and that is all this Bill seeks to do. I understand the hon. Member (Mr. Jallal) to say that Government has not done anything realistic in this Bill but —

Mr. Jallal: I did say that Government has not done anything realistic since the problem of drainage and irrigation still remains.

Mr. Cummings: I think I should mention the names of persons who have been concerned with this question of drainage and irrigation so that if I am wrong the hon. Member would correct me.

Mr. Speaker: I know something of the efforts made to bring about improvement at Anna Regina. If one looks at the records he would see that they were intended to benefit the future generation.

Mr. Cummings: This problem of drainage and irrigation is one of the things that we must face; I am coming to that. The hon. Mr. Jallal says he was referring particularly to drainage and irrigation and I am pleased to hear that. I came here prepared to give a full review of what has been done in regard to health and housing, but I see now that there is no need for it. I am happy to find that the hon. Member (Mr. Jallal) does not really think that this Bill is discriminatory, and that it is not true to say this Government has done nothing for the people. The hon. Member was speaking with particular reference to drainage and irrigation and I am also happy that Sir Frank will be able to take care of that.

I am sure the hon. Member will agree that the recommendations of the World Bank report and those of other experts of the United Nations Agency are being implemented in various fields of development. I would like to say a word about Government's attitude in attempting to settle people on the land in various parts of the Colony. Sir Frank dealt very lucidly with the agricultural aspects of the World Bank report and with the expenditure proposed within the next five years in salaries and other things. It will be recalled that we brought down an expert from the Ministry of Health in England who made investigations into the matter and we produced a Sessional Paper which has been laid before this Council. Government has decided to spend a sum of not less than \$2 million or \$3 million on these proposals, and it is known that it is intended to provide hospitals and so on. I would ask hon. Members to bear all these facts in mind and not to give way to any sort of alarm that might be in the atmosphere relating to this Bill. I also hope to put before hon. Members a clear exposition of the proposals

relating to the appointment of land inspectors and so on for purposes of this Bill, so that there would be a realistic analysis of what is needed for this type of project. This aspect also has been referred to by Sir Frank in his statement relating to the recommendations of the West Indian Conference recently held in Puerto Rico.

"That Governments of the area accept the concept that the use of land must be regarded not only as the business of the owner but also as the proper concern of the community as a whole, and to provide legislation to give practical effect to this concept. Where the interests of landlords and/or tenants conflict with those of the community, the interests of the community should prevail."

Well, if there is need and if we are going to apply that yardstick then there is necessity for this Bill. Many of the previous speakers have been at pains to state that Land Acquisition legislation is not new. What there is need for at the moment is a speedy form of acquisition, a machinery which cuts down the time spent in negotiating and it is clear to us from what has been happening in this country for the past three or four years that we can get nowhere in our effort to negotiate for land. Members have referred to the fact that there is in existence a provision in the Land Acquisition Ordinance whereby a Governor in Council can make orders for acquisition and the value would be the 1939 value plus a percentage to be fixed by the Governor in Council. Members have said that legislation is there, but if it is not being used why would we put it there? Members would be surprised to know about a short cut that has resulted in negotiations because I was able to say: "I have gone as far as I think the price is reasonable. If you don't agree I can do nothing. Go to the Governor in Council to have this settled." We

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usually got the 1939 value but it was not easy to ascertain. We could get an assessment on the environment near to the particular spot we were about to purchase from the Registry. We would check those values and then we considered in consultation with the Building Society what was a reasonable sum for acquisition. When we put a figure it was seldom not agreed upon, in fact I do not know of an instance up to now in which we have not been able to acquire land at what I considered a reasonable price.

In our operation to bring homes to the lowest income group we had to consider an economic purchase price and one of the reasons why we have not yet been able to get as low down as we would like is the fact that the purchase and development of the land is still rather high and I have had—I say it here, I know Sir Frank would not mind—battles with Sir Frank on the question of purchasing at higher prices and he has drawn my attention to the fact that if you do purchase at that figure you do get the programme on the way but the person for whom it was bought has to pay more.

Let us get down and have a realistic price-fixing machinery. We have all been very sincere in our approach to bring land to the lowest income group. But what is the use of bringing it to that group if when they get it they find that it is uneconomic because of the price they have to pay for it. Let us take the formula in this Bill. The formula is capitalization of the annual value as it is worked out in Sir Frank's memorandum. He says you will take the annual income and capitalize it at 6 per cent. Well, now, suppose a man goes and purchases land for "X" dollars. He is going into a business; he believes that he is going to have a little farm which is

going to provide a living for his family and himself. If he has to pay the fantastic values which prevail because of certain conditions and if he has to value that asset whenever he amortizes that debt over a period, when is he going to make a profit? We would be putting mill-stone around the neck of the farmer. Consequently it is essential if we are serious about land settlement that we put land within the reach of the people to whom we desire to give it. We get no where jumping up at the street corners and on platforms with the cry "Land for the landless", or even saying it in here. We cannot have hit-or-miss methods; we must have a proper plan.

Sir, this Government has gone to the trouble of seeking advice from the United Nations' agency, the International Labour Office and has brought down an unemployment and under-employment expert. He has completed a survey and I do know although he has not reported yet — from discussions that the survey is going to reveal that it is a fact—this is not a guess, this is not a slogan—it is a fact that there are a number of landless people, an alarming number, and that Government is going to have to do something with them. We have to be realistic. We must put them on land that is not a mill-stone round their necks.

But land has got to be productive. I, like many other speakers, am hesitant to introduce a method which interferes with free enterprise and which seems to penalise landlords but I accept the view that in these parts, in all underdeveloped territories, there is only one 'ism' and that is realism. If the land is being held by a few people and they are not using it or they cannot be found, and there are other people in need of it and those people

would not give it up, well then we must take it and at a reasonable valuation and consequently the proposal to value land at its economic value and not its market value is essentially in the interest of the small man and those people—I don't mind how sincere they are—speaking only on behalf of landlords and vested interests.

There has been talk of a hardship on one particular section of the community. The first people I hope to see this applied to are the sugar estates. We know there is a Government working party now and I know the working party is reporting on the utilization of land but they cannot get at facts as the commissioners proposed in this Bill. I hope that when that happens there will not be any room left to cry that there are lands held by sugar estates not beneficially occupied which we are not going to acquire,

I observe in this Bill, Sir, that there is provision for assessment of compensation. I think I dealt with that need. I think I dealt with the desirability of a price-fixing machinery being set up and the type of machinery that ought to be utilized for compensation. I can now pass to this proposal to appoint commissioners. I feel that that is a safeguard in the interest of the tenant. I am not one of those people who fear at the moment that we are going to have an irresponsible Government which is going to misapply these provisions. But assuming that you did get such a Government, but not admitting it — I don't think what happened here once will ever happen again—I think it is a safeguard to say that the Governor acting in his discretion may appoint a Commission of Inquiry with powers provided by the existing Commission of Inquiry Ordinance. In other words,

because of political and other reasons, we may get people who may say: "Yes, we are going to take this land away." The Governor, who ought to be an unattached person, says: "In my discretion you cannot interfere with John Singh's land." Singh has petitioned. "I am appointing a Commission to inquire." And that Commission must take into account certain things. I see one of the things to be done—

"In making their investigation the commissioners shall, together with any other relevant matters take into consideration the following matters, that is to say—

"(a) the extent to which the land is not beneficially occupied or utilised for agriculture."

That is, not taking land that somebody is using.

"(b) the extent to which the land requires improvements to be effected before it can be utilised for agriculture."

I hope the hon. Member, the Mover of this Bill, will be able to give us the assurance that that means if it is found that the man has land and that he is a good farmer, that he requires that land for his own use but there are certain financial limitations that the commissioners can make recommendations for assistance to be given to that person to develop his land. That I feel is the reasonable interpretation and I hope that I am correct in so saying. I would say this, that approach will at all times have my support when I am back in the Legislature after the next election.

Now, Sir, it says this—

"(c) the reasonable requirements of the owner of the land for agriculture."

Sir, what I do not understand is this—these three provisions did not exist in the original Ordinance. They did not exist in the 1943 amendment. Now that we seek to improve the

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existing law, people are opposing the Bill. I can only say, Sir, that the oppositions that we have been listening to are based upon a complete misunderstanding, a misconception of what this Government is trying to do.

Mr. Speaker: Mr. Cummings, may I ask you whether you think, when the Government exercises its power of resumption, it is advisable or not to notify the proprietor to put matters right before using the powers of the Bill?

Mr. Cummings: Well, Sir, I should prefer you to put that type of question to the Mover of the Bill. I might give you an interpretation which he might not readily agree with.

Mr. Speaker: Do you find it difficult to answer? You are a lawyer. You know what happens in England in similar situations.

Mr. Sugrim Singh: I find in England at the moment two things happening. The land which the Government proposes to take by compulsory legislation, the landlords are given five or ten years' notice.

Mr. Speaker: I have said if in England land is taken away from a landowner and the Government finds it inconvenient to make a profitable proposition the position is that the original owner, if land is taken away from him without due consideration, has the right to appeal. It is the duty of the Ministry.

Mr. Cummings: Your Honour addressed a question to me and I have had an opportunity to give some thought to the principle involved in that question. When we speak as Members of the Government (and Your Honour will

appreciate this principle, as perhaps the most experienced of those of us present) on the Bill we are supporting a measure which the Government has agreed upon, and if any of us feel that we ought to suggest an amendment we should convey our suggestion to the mover of the Bill. What Your Honour has asked me to do is to propose an amendment without having consulted the mover. In effect it is to indicate my agreement with something which perhaps may not be in the Bill. I am not prepared to do that without consulting the mover of the Bill, but I am grateful to Your Honour because I think it is a point which somebody should answer.

Sir Frank McDavid: I shall have to answer that question. May I say at once that there is nothing in this Bill intended to enforce or even to provide penal sanctions against the owners of land which is not properly cultivated. The English Agricultural Holdings Act to which Mr. Sugrim Singh referred is deliberately intended to penalize bad farmers who do not conform with proper agricultural standards. There is nothing like that in this Bill which merely deals with unoccupied land.

Mr. Cummings: Your Honour, I hope that when the hon. Mover replies to the debate that question will be put to him. I do not feel that it is within my province to go that far. With respect I find myself not able to answer your question.

I have dealt with the need for this Bill and with its objects. I now propose to deal with certain legal aspects of it to which the hon. Member, Mr. Luckhoo, referred yesterday. We are accustomed to agree and disagree in legal submissions, and I must say that I agree that it would have been tidier if we had one Land Acquisition Bill, but I see nothing to be uncomfortable about the manner in which this amendment is being put through. There are only two sections of the Principal

Ordinance being repealed—paragraph (a) of section 18, and sections 19 and 22. This is only an amendment, and in applying it one would have to look at the Principal Ordinance. I know that when my friend, Mr. Luckhoo, is giving advice, he will have all these books open in front of him, and he will advise on what the law is from the various provisions of the law. It presents no difficulty.

On the question of the Court taking into account paragraphs (b), (c) and (d), I would say that when one is negotiating one negotiates. It is to avoid going to Court. I would expect that whoever is negotiating on behalf of Government would have full regard to all the facts. I am speaking as a lawyer. Mr. Luckhoo expresses one legal opinion and I am expressing another. He referred to Chapter 184 and spoke of the shield and the sword. I understand Mr. Luckhoo and Your Honour to say that there was a decision on the question of undisturbed possession.

Mr. Speaker: On the position of a squatter.

Mr. Cummings: I am well aware of that decision, but all I know has been decided is that you cannot disturb a person who has been in possession for 12 years. In other words, you may have title, a will or some transport, but that person has been in possession for 12 years, and you just cannot put him off the land; he is no longer a trespasser. With that I agree, but I am going to ask a few questions which I am going to answer. I understand my friend and Your Honour to be going further by saying that even if an order is made under the Acquisition of Lands Ordinance one cannot disturb a squatter.

Mr. Speaker: I never said so,

Mr. Cummings: What I am submitting, and with some degree of confidence, is that when the Governor in Council issued an order of acquisition it over-rides any title. If that were not so it would in effect be saying that a person who has been in possession of a piece of land for 30 years and who has gone to Court and got a declaration of title and transport would have to go off the land if the Governor in Council makes an order for acquisition, but a person who has only a squatter's negative shield cannot be put off by an act of acquisition. That could never be good law, and if that exists in any decision, except that of the Privy Council, I am ready at any client's expense to take it to the Privy Council.

Mr. Speaker: What you are saying now is quite correct. Mr. Luckhoo was only inviting a question. He asked what would be the position of a mortgagee?

Mr. Cummings: I have not come to that yet. I am dealing with a specific point which I am endeavouring to have recorded in *Hansard*. I have accepted the invitation and I am respectfully saying what would be the decision in a court of law, and I am saying that if I heard to the contrary I would like to have it tested in the highest court to which litigants in this country can resort, and that is the Privy Council. I am sure that they would declare it a ridiculous and untenable proposition.

The next question is that of the mortgagee

Mr. Speaker: The Attorney General has already dealt with that.

Mr. Cummings: I am going to express my view. I was here when the hon. the Attorney General spoke. I am

[Mr. Cummings]

quoting from Duke on "The Law of Immovable Property" at page 48:

"The question may now be asked: Does the Demerara type of mortgage afford the creditor as good a security as the English form? We think it does. In the case of *In re Demerara Turf Club* (1918) L.R.B.G. 121, Dalton, J., remarked that our form of mortgage is midway between a mortgage in English law and an equitable mortgage or charge; that the security given by the local mortgage was not good, as a conveyance, but under the surrounding circumstances it afforded undoubtedly better security than that given by an equitable mortgage. We agree, but we would go still further and say that it affords as good security as a legal mortgage in England. For the mortgagee is fully secured. A charge is created on the land, and a judgment is registered against the land, and all *in actu*. Again, if the land is levied upon and sold at execution the mortgage is not cancelled; it remains in force."

That means that if the land is acquired by anybody it is acquired with the charge which is on the land. The proposition put forward by Mr. Luckhoo is a nice academic proposition which would cause any lawyer to take time to consider it, but, as the Attorney General mentioned, in practice it will not arise, and the particular example given by Mr. Luckhoo would, in my opinion, be subject to very severe scrutiny by a Court, because I feel sure (I am not expressing this as a legal opinion) that steps could be taken to set aside that transaction as being colourable. I am supported by authority.

Mr. Luckhoo: There are a few comments which one can make on that, but I will not disturb my friend now.

Mr. Cummings: I am grateful. I did not disturb my friend when he spoke. I hope that in my effort to express my view as another lawyer my friend does not misunderstand what I am saying. I am saying quite sincerely that that is how I feel on the legal

position. While it is true that we look to the hon. the Attorney General for final advice on any legal ramifications, I do not myself see that there are any legal ramifications which need make us have any fear about passing this Bill as it stands. Perhaps in Committee my friend can develop some of his points further.

A question has been raised by some Member about an appeal from the Commissioners. The appointment of a Commission is in itself an appeal. When the Governor is told by a Minister in Executive Council that it is proposed to acquire an area of land, he is really appealing from that decision when he says in effect "I would like experts to go into this. I am appointing a Commission to examine your reasons and to hear evidence and arrive at a decision." Looking at this provision I was surprised that I did agree to it so easily, but looking at it again, this is what I found:

"6. (5) If the commissioners report to the Governor that any land in respect of which it is sought to make an order or any part of such land should not properly be acquired for a land settlement scheme, it shall not be lawful for the Governor in Council to make an order with respect to such land or part thereof as the case may be."

In other words, it is an appeal above the Governor of the country. It is an appeal from the Executive Council's decision, and what higher appeal could there be? In the existing Ordinance there is no such right of appeal at all, except of course the right of appeal from the decision of a Judge to a higher Court, and that is only on the question of compensation—not on the question of the acquisition of the land, from which, under the present law, there is no appeal.

Mr. Sugrim Singh: I rise to a point of correction!

Mr. Cummings: I am not giving way.

Mr. Speaker: What is the point of correction?

Mr. Sugrim Singh: The word "appeal" is a term of art. In law no Commissioner can sit as a court of appeal.

Mr. Speaker: That is not exactly a point of correction; it is a point of difference. I therefore do not think you are entitled to intervene at this stage. You cannot rise to take a different view of the law.

Mr. Cummings: Let us take step one. The Governor in Council decides to make an order or rather the Member for Lands submits a memorandum to Executive Council saying he would like to acquire Vrouw Anna. Members of Council agree. The Governor says to his Executive Council "I am sorry. I am using my own discretion and I am appointing a Commission." That Commission sits and what I am surprised at, is that that decision is binding on the Government of the country. If there is anything that I thought, it was that the Commission appointed by a Governor could not bind the elected Government of a country. I am supporting the measure; but I am merely saying that this Government has turned backwards to satisfy landlords and instead the—

Mr. Luckhoo: I object to that, Sir. There is no question of landlords. We are referring to legislation expressing our views in a public capacity—

Mr. Cummings: If the remark is objectionable, it is withdrawn, but I will say that I am led to the conclusion from what was said by certain Members that they neglected the case by the tenants and put more forcibly the case of the landlords, and I do not wish to say that

the learned legislators are poor landlords. I withdraw the remark if it is objected to.

Mr. Speaker: I would like to interrupt you, Mr. Cummings, to say that you are being very long.

Mr. Cummings: I am only being so long because I am constantly being interrupted. I should have finished a long time ago.

Council adjourned for tea and resumed at 5 p.m.

RESUMPTION

Mr. Cummings: Mr. Speaker now that we have returned from refreshment to labour, I feel that all I need do at this stage is to do what some of us have been accustomed doing for years when charging a jury, and that is to ask this Council to be quite impassioned and objective towards this Bill. I rather desire to say that it is fair to say that it is right. Our education is sometimes cloudy, but I feel that this matter has been ventilated publicly, and that we ought to be very soon in a position to be objective. We sought advice and it has been given to us. Our experts have told us that with the increase of our population we are going to have to find land for them. We cannot go into the interior for such lands and we cannot use forest lands, and so we must settle them in areas known to be productive. There are such areas. I feel that a case has been made out for this Government very completely to acquire some of these lands.

I feel the burning question is that of compensation. I think hon. Members only differ as to whether the market value should be paid or the economic value based on the annual productive value of the land. I will take my seat in a short time, but in doing so I wish

to emphasise that we would defeat the very object of our own presence in this Council, as we are here to assist the people in this country, those most needing land; it will defeat our very *raison d'être* for settling people by having to pay the values which prevail today. We all know that land which was purchased for \$10 is being purchased for \$1,000 because Government is going to settle the poor man on the land. But he has got to pay the price Government pays for it. He starts off putting down what his capital investments are, then what he can produce, and then finds he has to run the place at a loss, and the whole land settlement scheme may be a failure. I am satisfied in my own conscience that this Bill will achieve just what we are trying to achieve. I do not say it is perfection, but it is calculated to benefit the lower income group and, as far as I see, it will achieve its object and, I think, it ought to be supported by this Council.

Mr. Ramphal: Your Honour, I feel this Bill is so important that we are deeply grateful to you for the extension of time which you have allowed to ordinary Members of this Council to debate it. Land, Sir, is one of the pillars of our Western way of life, and any disturbance of the right to land must affect the entire edifice. I am deeply grateful to the hon. Member who has just sat down (Mr. Cummings) for his appeal: that we must look at this thing very objectively. I want to congratulate those Members who have spoken before on the rather objective manner in which they dealt with it. During the last 3½ years that I have been in this Council I have sought no credit for what I say on the floor, nor have I said anything merely to win applause; and now that I am about to end this particular phase of my life I seek no credit for what I shall be saying this afternoon.

There has been much misunderstanding on the part of the proponents

of this Bill as to what exactly is the basis of the opposition to the Bill. I thought I would have had little or nothing to say; but because of this misunderstanding I am compelled to enter into this debate. I feel very grateful to the hon. Member who has just sat down for his reference to the main point on which we are divided in this Council, and this is, we are divided on the question of fair valuation, on the question of quantum of compensation. This is the burden of our contention. Much of the debate by the proposers has been spent on a dissertation on the need for acquisition of land for land settlement purposes. I contend that is not the question at issue. The issue is very simple, but a very important one and that is, what is the fair and reasonable value for lands so acquired.

There are certain basic concepts on which I base my whole life and actions; I decide issues on certain basic fundamental principles of life and I wish to pass them on to this Council in the hope that the hon. Mover of this motion would be prepared to take off his "iron gloves" and be prepared to accept from the Members of the Council amendments to the Bill which, even a while ago, was considered as not perfect, and on which we are willing to suggest improvements.

I would therefore ask the indulgence of the Council for a few brief moments so as to lay the foundation on which my whole objection in this matter has rested. The three basic concepts to which I have referred are, first the right to retain property legally acquired. That is a fundamental concept in our way of life; it has been enshrined in the Magna Carta and it has been repeated in the Great Charters down the centuries—the principle that no man shall dispossess another of his property legally acquired, except by due

process of law. Traditionalists have maintained that this principle is retained for us in the Articles of Capitulation. I do not, personally, accept that view, because by the Act of Parliament, 1928, conditions were completely altered. The fundamental point, however, which I believe in, is that a man has the right to retain his property unless he can be deprived of it by due process of law. (Sir Frank smiles). I might agree finally with the hon. Mover of the Bill, or he with me, if he accepts my proposition.

The second point I desire to stress, is: expropriation is foreign to our ideals and to our ideas of justice. It is foreign to our philosophy and to our ideas of Democracy; and if there is anything in this Bill that has one jot or tittle, even the smallest suggestion of expropriation, it must be expunged from it. As I have already said expropriation is alien to our way of life.

My third point is: the interests of the community supersede the interests of the individual. The hon. Mover was at pains to establish that point. He quoted from Macaulay's book—the symposium relating to the land conference held in Wisconsin—in support of his point. He also quoted from the World Bank Report and from a minute written by our popular ex-Governor, Sir Gordon Lethem. I want to assure the hon. Mover that this Council accepts the principle that the interest of the community is paramount and supersedes the interest of the individual. But, we do not accept it parrot-fashion; we accept it in relation to other rights. Translated into the terms of this Bill, what we accept is that appropriation of land could be effected only under due process of law.

I remember that my hon. Friend (the Mover of the Bill) smiled when I referred to the principle laid down in the

Magna Carta. I take it he felt that his Bill was providing the due process of law. This Bill is indeed his attempt to create the legal machinery for this due process of law. I want to ask myself what does "law" mean in that context? In that context it must be taken to mean not only statute law; it must be taken to mean equity also. What is equity? Equity is the Sovereign's conscience; it is the conscience of the Administration, the conscience of this House; it is what is fair and reasonable and just. I suggest that what this Bill seeks to do is to concern itself with legality and to disregard completely, and utterly equity and morality.

I want to give the hon. Mover my assurance and that of the Council that we understand his motive—we agree with the policy generally, but what we are irreconcilably opposed to is his method of compensation. That has been the contention of Members throughout this debate—the Members that are being described as "floor" Members. I shall not repeat what other Members have said, but I am sure this Council will pardon me if, for just a brief moment, I refer to the legal position in this country.

Briefly, the position is that we have the Acquisition of Lands Ordinance, Chapter 179, passed in 1914, and the Land Settlement Ordinance, Chapter 180, passed in 1943.

In the hon. Mover's speech, he makes reference to this latter Ordinance when he says:

"That was written as far back as 1943, and it was as a result of that minute that we passed the Ordinance which is now Chapter 180. Under that law the power to take land compulsorily relates back to the use of the other Ordinance, Chapter 179, which is the Acquisition of Land for Public Purposes Ordinance. Consequently, the basis of compensation

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which has to be used is essentially the market value of the land. That is the position now. It is the law that the Government has the right at any time to acquire any land for land settlement purposes compulsorily, by using the Acquisition of Land for Public Purposes Ordinance, but in following that procedure the compensation to be paid must be the market value. . . ”

When we look at those two Ordinances, we get exactly what the hon. Mover said as regards the method of assessment of compensation. The word “method” is, to my mind, not the correct word, and I would rather say the “procedure” to be adopted for compensation. The first “method” (according to the Land Acquisition Ordinance) is by negotiation. It is contained in Section 6, but I daresay he will not wish me to read it. If that fails the second procedure of assessment would be by arbitration by consent. I should point out that arbitration by consent is not so stated plainly, but it is stated that “the Arbitration Ordinance is not hereby affected.” In other words, if two people, by consent, wish to go to arbitration, all well and good. Finally section 18 deals with compulsory arbitration. I speak of it as compulsory arbitration because it calls for a judicial tribunal which decides what the compensation shall be. May I in the interest of justice and equity read what section 18 of Chapter 179 says:

“18. In determining claims for compensation for lands acquired under this Ordinance, the Court may take into consideration—

- (a) the market value of the land at the time of awarding compensation;
- (b) any damage sustained by the person interested at the time of awarding compensation by reason of severance;
- (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 re-

sidence or place of business, the reasonable expenses (if any) incidental to the change;”

The section goes on to state what things should not be taken into consideration—the degree of urgency or necessity, and so on. I want to congratulate our predecessors on their honesty, their fairness and their reasonableness in this matter. It is not only the market value that the judicial tribunal may take into consideration. There are the other points.

And, may I, for the sake of completeness draw the attention of the Council to the word “may.” The tribunal “may take.”

We have another law which deals with matters of compulsory acquisition—the Town and Country Planning Ordinance, Chapter 181—and in section 27 it lays down that whatever is compulsorily acquired must be paid for according to the market value.

There is a fourth Ordinance which deals with this matter. I refer to the Housing Ordinance, Chapter 182. May I be permitted to read what the Hon. Mover of the Bill said on page 13, paragraph 3, of his opening speech:

“In the immediate post-war period another Ordinance was passed in respect of housing. I refer to the Housing Ordinance of 1946 which is now Chapter 182, and that Ordinance gives power to the Government to acquire land compulsorily for housing, slum clearance, or for re-development of areas. **There the more modern formula which was developed in England in the post-war period was used.** Under that formula compensation is determined by reference to the 1939 value of land, plus a percentage to be fixed by the Governor in Council. That formula is included in the Housing Ordinance. I do not think that the power to acquire land compulsorily under that provision in the Housing Ordinance has ever been used, nor indeed has the power under the Acquisition of Land (Land Settlement) Ordinance been used.”

I trust that in the course of what I have to say I shall prove to the hon. Mover—and I am sure he is not beyond conviction or/and conversion—that the law of which he spoke so highly was an interim measure in England and is now discarded law.

May I then, having briefly given a picture of what is the legal position in our own country, refer to what has been the position in England over the last 112 years. On the question of compulsory acquisition the English method goes back to 1845 when the Lands Clauses Act was passed, and in that Act the general principle was laid down as to the value of the land, plus its potential value, plus, plus and more. There was no provision made as to how those considerations would be decided, except that they should go to a judicial tribunal, and up to 1919 Judges decided, and judicial decisions so arrived at became what really was the principle of computing compensation. To put it in a word, when the Members of Parliament decided in their wisdom that the principle should be the price which a willing buyer pays to an unwilling seller, that was the basis on which the whole system of compensation rested. There was no clear-cut, point-by-point, statement as to how the assessment was to be made; therefore the Judges gave their decisions.

In 1919 the Houses of Parliament passed the Acquisition of Land (Assessment of Compensation) Act in which rules were laid down. It was not left to chance any more, but six rules were laid down, whereby Judges were compelled to consider item after item and arrive at the assessment. May I be pardoned to turn to *Halsbury's Laws of England*, Third Edition, Volume 10, page 97, where the six rules are restated. I shall not burden the Council unless it requires it, but will just read

two of the rules. I quote from paragraph 162 of the volume:

“The first rule provides that no allowance is to be made for the acquisition being compulsory (k).

Under the second rule the value of land is, subject to the provisions of the subsequent rules, to be its expected value in the open market if sold by a willing seller, but in determining this value the tribunal is entitled to consider all returns and assessments of capital value for taxation made or acquiesced in by the claimant (1).”

If the Council requires I could read the others, but the main basis of the assessment, or a large part of it, was the price or the expected value in the open market. Translated into simpler words, assessment was the market value. The principle shifted from the price that an unwilling buyer paid to an unwilling seller, to a willing seller and a willing buyer.

In 1944, just about the time when the idea about our Housing Ordinance must have been taking some root the Town and Country Planning Act was passed, and in that Act the important part of the price was still the market value, but it was pegged at the 1939 price. There we have the origins of the pegging; the fixing of 1939 as the point in our Housing Ordinance. May I again read from Halsbury's, at page 98, the reference to this particular point. This is what is said:

“164. 1939 price standard. In 1944 the rules for assessing compensation in respect of compulsory acquisitions by the departments and authorities to which the Acquisition of Land (Assessment of Compensation) Act, 1919 (t), applies (u) were modified by provisions of the Town and Country Planning Act, 1944 (a). These provisions were enacted as an interim measure pending the determination of a long-term policy of planning and the reconsideration of the principles governing compensation in relation thereto (b).”

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In other words, when the British House of Commons passed the Town and Country Planning Act and incorporated in it the pegging of the price to 1939 they said it was an interim measure pending Great Britain's reconsideration of the principles of computation of compensation.

I feel sure that, having drawn attention to this, the hon. Mover will ask his colleagues (those particularly charged with the matter of housing) to have a look at that particular Ordinance and see whether we should continue to keep on our Statute Book something that was of an interim nature in Great Britain and which has now been discarded completely, as I shall show in a moment.

I am sure the hon. Mover will not be annoyed if I congratulate him on his excellence in deleting this obnoxious and infamous 1939 price clause from his now discarded bill—the one he withdrew. I am sure that a measure of conviction and conversion must come, and Sir Frank McDavid is gradually coming to that. (*Laughter*). I know that "Fools enter . . ." (we know the rest of the saying) but I have a hope that he has not passed the age when he can still change his mind, and I am appealing to him, in view of all these things which I have said, and I have only tried to deal with the legal situation, to amend his bill or withdraw it.

The *coup de grace* was administered to this conception by the amendment of the Town and Country Planning Act of 1947. I wish to ask the Council's indulgence to refer again to this important book "Halsbury's" and to read paragraph 167 on page 100. This is what it says :

"The Town and Country Planning Act, 1947 was passed on the 6th August, 1947, and was brought into full operation on the appointed day, namely 1st July, 1948. The Act introduced a new concept into the process of valuation for com-

pulsory purchase. Potential development value is excluded, and under the Act valuation is to be based on the existing use of the land at the date of the notice to treat."

Therein lies the new concept of land valuation. This is the modern conception of it, and lest there be any misunderstanding—I do not think my hon. Friends on my left are happy with the reference and, perhaps, they accept the existing value as the basis for what they do—I shall tarry no longer. I heard my friend on my immediate left (Mr. Cummings) say "If there is no use there is no value." May I proceed to read on page 104 as to what is the meaning of "existing use." It must not be confused with "actual use." My hon. Friend says it is a term of art. On page 104 of Halsbury's there is a note (a) which says:

"Existing use value means the value at which the interest was or would have been assessed for compensation, not being compensation calculated on the basis of equivalent reinstatement and excluding any compensation for disturbance or for severance or injurious affection, under the provisions of the Acquisition of Lands (Assessment of Compensation) Act, 1919."

Rather than continue to read from Halsbury's, I am going to leave it to the Administration to consider what I have said, and if there is any foundation of fact, then I ask them to reconsider their position. What I have said constitutes the modern basis evolved in England for compensating people whose land or property has been compulsorily acquired. My contention is, that the main consideration is the fair value. Deny the fair value and that will not be compensation. I would like to read to the Council, if the Council would wish me to continue to do so, as to this question of existing use value. It can be proved, if Members care to, that use value is not actual value. It includes in it what will be the value when the

land is developed. I say that as an actual fact, and if any Member wishes to resist it he can do so from the laws of England.

In England today the modern method of assessment is the value of existing use as the basis, and this Council is being asked now to accept a new and entirely different principle, which is, the economic value, instead. I wish to characterise it as a theory, because it is nothing more than Sir Frank McDavid's theory. I have asked myself if Members could contest that the existing value, which we are advocating, is the proper thing or if Members think that is putting the people in a worse position? What I know is that the principle rests on an approximately fair market value. I am asking Members, the supporters of the Bill, in spite of all that they have said to look at it very objectively and see whether there is any virtue in what I have quoted from the laws of England. In my view it is a modern basis on which compensation is assessed. Halsbury says so. The law is fixed and it cannot be changed by me. It is a principle accepted in Great Britain but we are asked in this Bill not to accept the British methods but to seek a model elsewhere.

I have referred to our law and to the laws of England. Where does this Bill come from? One member stated that it did not exist in the Commonwealth. I think the hon. Member in his enthusiasm lost sight of the fact that the hon. Mover said that he copied it from New Zealand. I had heard a whisper that it came from Guatemala but was assured that it is not so. I was not very happy to learn that, of all places in the world we were going to copy laws from Guatemala! However, we are being asked to take our model from New Zealand. I have the high-

est regard and respect for New Zealand, and even if I did not have, owing to the present Attorney General's connection with it I will not speak disparagingly of that great country. I learn that was the method of valuation in New Zealand and that our previous Attorney General was one who knew a lot about it.

Mr. Speaker: Mr. Wylie was born in New Zealand and had practised there.

Mr. Ramphal: I am most grateful to Your Honour for your reference to the fact that Mr. Wylie had practised in New Zealand and knew about it. But I want to say what I would have said, that he was perhaps a little biased being a New Zealander towards New Zealand Laws. I wanted to say that we were taking his word for it. After all we should take the Attorney General's word for it. I should have said before that Members should not put too great emphasis on that, because after all Mr. Wylie never claimed infallibility. That was law passed after the War, and if we look at Mr. Wylie's official career we will find that he lived in New Zealand very seldom during that period. But I am not raising that as one of the objections; I am resting my case entirely on what the present the Hon. the Attorney General has said.

The learned Attorney General has given us a very honest reason, and I wish to congratulate him on the truth of the statement he has made. He told us that the reason for the Act was the return to New Zealand of a large body of soldiers—Naval men and Air Force people—and that something had to be done to settle them. He went on to say that the Act had been repealed.

[Mr. Ramphal]

That was a very staggering revelation to me. It was repealed because it was no longer in use in that country. It therefore seems that they (New Zealand) have exported a discarded product—a product that was not wanted—and I shall deal with that point later. I ask myself the question as from which country I would be willing to accept these ideas, the United Kingdom or New Zealand? I wish unhesitatingly to say that I would look for guidance to the United Kingdom which has a culture that is not only more stable than our own, but perhaps the most stable in the world, possibly barring that of the Norwegians or the Swedish people. I would accept an example from the United Kingdom rather than one from New Zealand, but we are not even asked to follow New Zealand because New Zealand has discarded the Act.

Sir Frank McDavid: I did not want to put the Hon. Member to any disadvantage, but we know that the Act of 1943 was repealed in 1952. It was replaced later by one which contained more satisfactory provisions.

Mr. Ramphal: If those were stringent conditions laid down in 1943, the people could never agree to more stringent conditions, being laid down subsequently. If I remember rightly the important principle in the new Act to which Sir Frank McDavid referred was to disapprove an aggregation of land by the settlers.

I am sorry that the Hon. Mover did not take this Council into his full confidence and that we were not permitted to know all the reasons for this Bill. Otherwise, we would perhaps have been able to agree with him! I suggest that the law enacted after the 1943 (New Zealand) Act was repealed, gave a greater measure of relief with respect to compensation than the Act that has been repealed. The Attorney

General's words are very plain and he said that the provisions were repealed because they were no longer of use. The statement was made in his maiden speech in this Council which was quite free from bias. It was free from any contact with anyone and may we not ask, very properly, why is it that the New Zealand Act was discarded? Is it only because it was in temporary use? Is our land pressure (in British Guiana) similar to that which existed in New Zealand?

The Attorney General: What I did say was that I understood that the law had been repealed because it had served its purpose and was therefore no longer required. That does not say there was no need for it in New Zealand?

Mr. Ramphal: If I have given any other impression than the one mentioned by the Attorney General, may I be pardoned. It is because the Act was no longer required that it was repealed.

Mr. Speaker: It was introduced to meet a special occasion.

Mr. Ramphal: That is so, Sir I was asking myself a certain question and that is, why was it discarded? Can any Member here tell us authentically whether that 1943 Act was ever actually put into use? May it not be that it only darkened the Statute Book. We (in British Guiana) have two Ordinances like it that have also darkened our Statute Books. I repeat what the hon. the Attorney General has said—that the New Zealand Act is not now in use, and I wish to ask myself how that Act would have affected us (in B. G.) even if it was in operation in New Zealand?

Mr. Speaker: By helping us to put this Bill in better form.

Mr. Ramphal: I am asking the hon. Mover to produce a better enactment so as to satisfy this Council that the new (New Zealand) Act is better. I contend that it is not possible for anyone here to deny that this Act might have been withdrawn because it was outmoded.

The hon. the Attorney General was very kind to tell us that we are preparing this Bill for future generations. It is going to last for generations to come. I wish to remind the Council that the New Zealand Act did not remain very long in its place of origin. It only lived for a special purpose and for a short period of time. Is the hon. Mover going to say that he is putting up a Bill to serve a particular need and that it will disappear from the Statute Book when this necessity has passed? He has not said so. If he is going to say so in his reply, I think that would be fitting compensation for having high-lighted this particular point of view. I suppose the hon. Member is going to say "Wait and see."

If I were asked to judge as to which of the two systems (of compensation) I would operate, I would refer to the changes that the law has gone through and point out that if one reads Halsbury's, one would find that three Commissions sat before England adopted the new principle of valuation — the valuation of existing use — and we might have to stay longer before we give way to the New Zealand system. I believe in the incomparable greatness of British jurisprudence. I believe in the high moral code which underlies English law. I accept the British method of assessment of compensation as one that is just and reasonable, and I urge with all respect that there should be no departure from it. In this re-

spect, I hitch my car to the British star. We are not being given a living idea," we are being offered a dead idea — a discarded idea. What the hon. Member hopes that this Council will agree to is to accept the *dead for the living*. It is wholly unacceptable and unreasonable.

I am sure that what I have said must cause the hon. Mover some need for reflection. I have laboured fairly long and I trust for good purpose, with good results. I trust that these important points which have been so relevant to the issue will not have fallen on barren ground, and that this important point — the quantum of compensation as obtains in England — would be the method this House will accept.

I wish now to turn to the inconsistencies in the principle of the Bill. One has been very lightly referred to by Mr. Rahaman and that is clause 5 (b) This Sub Clause provides a different method of compensation for buildings, machinery etc., than that which would apply to land; it gives them market value. Thus this clause embodies two principles—one is new, dealing with economic value, and the other deals with market value. If we have to err let us err consistently. Why should the two different things go together? We want to act on some principle.

This leads me to what appears to me to be the greatest misconception of all — what really is market value. I know that the hon. Mover has been described in this country, and possibly has been accepted as such elsewhere, as a financial wizard. Therefore he should be able to define "market value" better than myself. But speaking as an ordinary man, mixing with ordinary people and knowing the ordinary things of life, I have tried to find out what is the true meaning of the words "mar-

[Mr. Ramphal]

ket value". So far as I am concerned the law says it is the valuation that is produced by contract, but it is not the owner's value. The owner in the open market wants the highest price possible. It is not the buyer's value; he wants to get the article at the cheapest price possible. But it is the value, which, by judicial decision, takes into account what the buyer states his value is and gives reasons for arriving at that value, and what the seller puts up as his value. One is at one end of the pole and the other at the other end. But the tribunal will get Valuers to say what is the true market value. That is what is done. I fail to see where the speculativeness or inflation comes in, except the inflation that is attributable to the world at large, and not only in respect of land. I was very grateful to the Hon. Member for Labour, Health and Housing (Mr. Cummings) who enlightened us as to Government's method of arriving at market value. I think I am correct in repeating what he said — that Government made an offer and the people made an offer. The people would not accept Government's offer, therefore the deal was off.

Mr. Cummings: I never attempted to define "market value". I was speaking on a point raised by Mr. Luckhoo whose proposition was that in this Bill it should be made clear that the items of assessment to be taken into consideration, as provided in paragraphs (b), (c) and (d) of section 18 of Chapter 179, would be taken into consideration in assessing compensation under this Bill. I never attempted to define "market value" but what I said was that for the past two or three years Government had been making offers to people which were refused, and we needed machinery to meet such cases.

Mr. Ramphal: That is exactly what I have tried to say. I am sure that has been the method by which it has been done. If the Member thinks it was a misstatement, I wish to withdraw it, but I do not think it occurred when the hon. Member was speaking on that point, but rather when he was speaking on the reason why Government had to bring in this Bill — because people were asking too high prices. However, we shall not contend on the point.

What is market value? To my mind, it is that which the valuers will bring before the tribunal, and which the tribunal will either accept or reject. If that is the value, what are we running from? If X wants \$150,000 and Government wants to pay \$100,000, neither figure is the market value. The market value is the price which the assessor, the judicial tribunal, will arrive at on the advice of people who are skilled in the valuation of property. But, indeed, are we saying that our valuers cannot do this job with honesty? That they are going to put up a speculative price? Or are we saying that our Judges, or the tribunals which look into this matter, are not fit to do so because they are going to be misled? Because they are not honest?

I do wish to ask the hon. Mover to reconsider this matter very carefully, because, as the Hon. the Attorney General has said, what Government is going to pay is a fair price that will approximate to the market value. If that is how we are going to arrive at the true value or the true price, what fear has Government got of maintaining the *status quo*? I plead: let us be consistent. If this Bill is passed by this Council, as it is likely to be, I trust that when we come to the proper stage for amendments the Hon. Mover will move either wholly in our direction or go wholly in his own direction — in-

stead of having this hybrid situation.

I now come to the question of the appointment of Commissioners. As the hon. Mover has said, this principle is new, but very important and very proper. I wish again to offer him my congratulations on the inclusion of this provision. It is reminiscent of what happened in the case of the Rice Marketing Board Bill when, in order to get something through, we had to provide for the establishment of the Rice Producers Association. I want to congratulate him on his acceptance of a very important principle, and that is that when a fundamental right of the individual is going to be abrogated proper safeguards must be provided to see that justice, or at least a show of justice, is done. I maintain that this provision is a wonderful, a very beautiful provision. I am referring to the general principle.

There are particular aspects on which I shall express disagreement, but that must not cloud in any way my hearty acceptance of the principle of the appointment of Commissioners to look into this matter.

I want to disagree on three or four points, not again on the principle but on the mechanics of it. The first is in clause 6 (1) it is provided that:

".....the Governor, acting in his discretion may by notice published in the Gazette, issue a commission appointing two or more commissioners....."

I want to suggest, and I trust I carry the conviction of the Council, that the word "may" should be changed to "shall". We are taking away a fundamental right from people, and we must make it obligatory and not discretionary on the part of anybody to set up a Commission to decide the issue. I trust I do not have to plead very strongly on this point.

Secondly, I do not agree that the Governor should have this responsi-

lity. I think he should be kept out of and beyond politics. If the Governor decides to appoint a Commission he comes into collision automatically with his Executive. I think that immediately acquisition is decided upon a Commission should be set up. But I agree that the selection of the Commissioners must be at the sole discretion of the Governor, which means that he need not consult with nor accept the advice of his Executive Council. He may do that, but he has the sole right, a legal right. It is a point of constitutional importance. Therefore I feel that if the clause is left as it is we would bring the Governor into politics. If it is made obligatory that a Commission shall be appointed, with the appointment of Commissioners as the sole right of the Governor, I would be wholly in agreement. I commend that to the hon. Member's very serious consideration.

There is another point which is very fundamental. The Commissioners are going to be asked to determine whether the acquisition of land is in the public interest. The hon. Member appears a little disturbed by that statement, but that is my understanding of it; that the Commissioners are going to take evidence and report to the Governor whether any land should be compulsorily acquired in the public interest.

They shall report to the Governor whether the land is to be acquired in the public interest. In other words, that is the purpose of their establishment. They are established to say whether the acquisition is in the interest of the public. The Executive Council is the one to say what is in the public interest. Are they handing over their function to a set of Commissioners?

But even then they do not lay down what are the essential conditions

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to establish what is in the public interest. When we come to the proper time I shall ask the hon. Mover to accept an amendment in that respect.

What I think is the proper thing to do is to ask the hon. Mover to decide whether a man may be properly dispossessed of his land, whether he has enough money to expand beneficially the cultivation of his land, and then decide this man has not beneficially occupied his land or is not making any effort in good husbandry and therefore the land should be appropriated and acquired by Government. Not what is in public interest but whether the man is performing good husbandry. I do commend that point of view.

May I refer to another point. One hon. Member who referred to it, I thought would have finished it. I think it was the hon. Member for Health. What is missing? After the Commissioners decide that the land is to be acquired in the public interest, may I ask for how long that decision is to stand? Is it for a month or one year? Or forever? Personally I think a time-limit should be applied.

Now let me turn to clause 7. I cannot understand this clause which deals with the acquisition of land on lease. On what principle is that based? I have my land *bona fide* owned but not beneficially occupied. You can acquire it and pay me that price whatever is the value. At least there is a show of justice, having paid for the land. But instead of that the Governor—most likely the Minister—can say “I do not pay the value for that land; I pay you a yearly rental. I lease it from you.” I do ask on what is this based? On what basis can we defend this clause?

It appears to me that every clause seems to have some objection in principle. Clause 8 deals with the alienation of land. I am in agreement that if

Government buys land and gives it to people it should attach conditions to it, but in clause 8 you have conditions which, I think, in law would be considered *in terrorem* and not justly applicable. For example, a man who has bought his land is never going to be able to borrow or in any way encumber his land without the permission of the Governor in Council. I yield the ground that in respect of leasehold or land held under less good, title, conditions are attachable, but when it comes to lands sold *bona fide* outright to people, to attach those too so that the owners would never be able to sell or to encumber those lands is to my mind not conceivable. I wish to ask the question—how does Government expect that man who bought the land to improve it? He may have to borrow money, and every time he wants to do so he has to go to the Governor to get permission. Is it not going to work a great hardship? Would it not produce the incentive not to own land.

But if Government has to acquire land to help these people for all time, then Government would have to find the money for all time. In other words, Government is settling people on lands, and must provide funds for them for all time. I do not conceive that we would be able to afford land settlements if we have continuously to give them money. We should give them a start. Having given them a start, they must make their own way. There are other ways in which, as one hon. Member has described, we can help.

I think one hon. Member was kind enough to tell us that an expert was brought out here to tell us how to acquire these lands, and he quoted what Mr. Frank Brown said that the first step is to put on a land tax. If you do not tax then the second step is to acquire and pay a reasonable price Government should take steps to remedy the situation of these unused areas. Mark

well the term "unused areas." That is what the expert said, and Government, we are told, has accepted the advice of experts.

The hon. Member, Sir Frank McDavid, was very good just to say that this Bill is intended only to apply to lands not beneficially occupied. I am sure the hon. Member would agree that whatever we say here would matter very little unless we put it in the law. We want that put in the law itself. I can go no further because we are making law. This is not an administrative matter but law, and if we mean something we must put it in the law.

May I return to what Mr. Frank Brown said about unused areas? They must be either heavily taxed or the owners compelled to sell to Government at a reasonable figure, after having been given a period of grace. Now Government accepted the advice of the expert. But where in this Bill is the reference to "period of grace"? Look where you like, it is not there.

Sir, you yourself very kindly asked a certain question of the hon. the Attorney General which he gracefully passed on to the hon. Mover. "Where is this period of grace that should be given in this Bill?" I do ask the hon. Mover. I am sure that on careful examination he would find that such a provision is necessary and fair. If we are taking Mr. Frank Brown as our adviser or our expert this is what in effect he says—that if there is no tax, provision should be made for the payment of a reasonable price after a period of grace. The Mover is advocating a sale at a New Zealand price which he considers reasonably fair, but what of a period of grace? Mr. Brown says you must pay a reasonable figure. All we are saying is that the figure computed as in the draft Bill is not a reasonable figure. The argument adduced by Government supports our case, because the Brown report lays down

that before you compulsorily acquire you should tax, and then if you do have to acquire you do so after a period of grace. If anything else is not done to amend this Bill, it must provide, at least, for a period of grace. I say so with the greatest respect.

I hope I can leave the Bill to be dealt with in a liberal way during its remaining stages. We are now dealing merely with the principle, but I want to examine the question of what causes the value (of land) to go up.

We have heard about speculative values and so on but, as far as I know, apart from personal considerations, the real considerations which enter into the picture apart from the thing itself, are scarcity, and inflation. The hon. Mover referred to inflation, but he did not refer to scarcity. On this question of scarcity the hon. Member, Dr. Fraser, has apprised this Council that there is actually no scarcity of land. The land is there, and it is only a question of its being in the possession of Government. One lady Member (Mrs. Dey) reported that there are 10½ miles of people waiting for lands to occupy, according to Dr. Vaughn. So long as there is a scarcity, the only way to combat it is to provide more land for the people, and the more land we have to give them the more would the price go down. One does not bring economic values down by maintaining scarcity—that is the economic theory if I understand it properly. You defeat scarcity by plenty. As Mr. Rahaman has said, we should resume more of Crown Lands.

Now a word about inflation. What inflation means is simply that the real value of money has changed. Let us agree that inflation is bad and that controls should be introduced and that we must do everything possible to hold inflation in check but, is it fair and reasonable that we should attach it to only one commodity—that is, land? If

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land and buildings in Georgetown were to be subject to the same operation of law we would have little to say, because Government would be following the same principle in fighting inflation. But in this case—in this Bill—it is only a case of inflation with respect to land. I do ask this Council: Is it fair to do so?

I know that I have kept this Council very long, but I trust that I have not repeated myself. There are some other points I would have liked to make, and one is with respect to section 30 of the Principal Ordinance. This section says what should happen if acquisition (of land) takes place and contains "Provisions as to compensation for injurious affection." By this section the whole Court operation is put into action by the hon. the Attorney General or someone else acting for him. I should like to know what would be the position if the Attorney General who has to represent Government in this matter, merely lodges the compensation and says (to the owner of the land): "That is the money, take it or leave it. We are acquiring the land," but does nothing to move the Court. I have been searching the Ordinance myself to find out whether there is any other way of dealing with the matter—if Government could put the money down and refuse to use the machinery of the Court because it is satisfied that what it has put down is the fair value. I wish to ask what other provision has been made for the unfortunate owner of the land in such a case.

There are two other sections which, on principle, we cannot accept. I refer to sections 19 and 22 of Chapter 179 to which clause 4 (c) refers when it says:

"4. When an order made under section 3 of the Principal Ordinance and section 3 of this Ordinance has declared a land

settlement scheme to be a public work, then in relation to the acquisition of any land required for the purposes of such scheme—

(c) the provisions of sections 19 and 22 of the Ordinance aforesaid shall not have effect."

Section 19 of the Principal Ordinance says:

"19. In determining claims for compensation the Court shall have power to consider and award to the claimant in respect of compensation for compulsory purchase, in addition to the matters herein specified, any sum not exceeding ten per centum of the market value of the land at the time of awarding compensation to the Court seeming fit."

The effect of that is that the additional 10 per cent. which normally was paid when that fair and reasonable market value was established in 1914, will not now be taken into consideration. It must be considered as non-existent so far as this Bill is concerned. In other words, now that Government is adopting the New Zealand method — a discarded law which in our view was not reasonable and just—it is taking away the right to an additional 10 per cent. I do ask the hon. Member if he expects this Council to accept that? But bad as that is, the removal of the provision in section 22 of the Principal Ordinance is far more dismal. Section 22 of Chapter 179 says:

"22. In any matter not above provided for the Court may award compensation in accordance with any law, rule, or procedure followed in like cases by courts of justice or by arbitrators in the United Kingdom."

That must now be taken out. What rules or standard are we going to be guided by? We are now going to make our own rules and our own standard, and we must disregard the 600 years of Great Britain's judicial experience just to satisfy the introduction of this New Zealand method which is a discarded method of assessment of compensation. I cannot agree to that.

What does this all add up to? It means that I cannot accept the economic value theory which is put forward by the Government. I am willing to support the modern and best method produced by English jurists and parliamentarians, and that is the existing use value. Unless Government is prepared to amend the Bill in that most important aspect I cannot but ask Government to do justice to this Council in this evening of its career by withdrawing the Bill. I know it is a hard thing—the Hon. Member says it is impossible. I take it that he would accede to the other view and amend the Bill, not to please, but to do justice, to be fair, to be reasonable with land-owners. No one here has spoken on behalf of landlords or on behalf of the landless. All we are doing is to make a strong appeal to Government to be fair and reasonable to all parties.

If any Member thinks that this Council has not got courage I wish him to eradicate that idea. This Council by its constitution is a courageous Council. It was born out of courage. It has throughout its life been fighting opposition, and Members, excepting myself, have met with a great deal of hostility and opposition. In spite of this they have maintained their position of dignity and honour in this country. It would therefore come with very bad grace to suggest that because we do not pass this Bill we lack courage. Four years are enough to test whether people have courage, and the "floor" Members of this Council have exhibited a great deal of courage in their conduct of the business of the Government.

I wish to ask the Government to keep its ears down to the ground, and if it did it would hear the rumbling.

I once said that Sir Frank McDavid was living in a world of his own, in an ivory tower, and suggested that he should move about as I did. I want him to believe me when I say that except in this Council, I have not come across a man who supports this Bill. I am sure the hon. Member would not say that I have falsely stated the position. People are not against the acquisition of land for public purpose but against the method of assessing compensation. Our people are a simple lot. They want land; there are landless people, thousands of them, but they want it in a fair and reasonable way.

I am asking the Government to heed the cry of those of us who have spoken against the Bill, and if Government wants to test the views of the country through those of us who are here, and because of the importance of the Bill I ask something now which may be slightly unconstitutional, but in the interest of the bigger purpose which this Bill is supposed to serve I am asking Government to allow freedom to Members of the Executive Council to vote as they feel.

That would be the acid test. I say in all seriousness this is too important a matter. We did it in the case of Federation. It is not unusual in the House of Commons in matters of extraordinary importance to allow it. I do ask Government to give this freedom. I do this entirely on my own.

Finally, I say that carrying this measure by counting of heads is a pyrrhic victory. By this I mean when a vote is taken and this measure is carried by one or two or three in a depleted House, in a Council where Members are away because of other important considerations, in a Council where there are so many vacancies, in a Council where the largest land-

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owners have no seat—to win this debate and to carry this motion by a mere counting of two or three or four is to my mind not the proper thing.

I wish finally to say that if in spite of all the opposition Members have shown, Government persists and carries this Bill as it well may, I make this prophecy that no people's Government will ever work it.

Mr. Speaker: The hon. Member may reply if he wishes to; I will not be able to consider this Bill in Committee tonight. There are several proposals for amendments. Subject to what Council has to say, the adoption of the second reading of the Bill will be put this evening. Amendments are proposed to be moved by several Members.

Sir Frank McDavid: Am I in a position to reply?

Mr. Speaker: As I say, if you wish to. I am entirely in the hands of the Council. I can stay here all night, but the point is, there are several Members who want to leave. I do not see how we can go into Committee tonight.

Mr. Luckhoo: We are all very anxious to hear the hon. Mover's reply. This has been a very interesting debate, but we cannot see the tremendous urgency and necessity for sitting so late—five hours with a brief break for tea. I would rather be fresh to hear the hon. Mover when he replies. I suggest that I respectfully move the adjournment of the Council.

Mr. Speaker: The hon. Member has the power to move the adjournment. If that is the wish of the

Council, a motion can be made to adjourn the debate.

The Chief Secretary: Government is anxious to complete the second reading.

Sir Frank McDavid: I am quite prepared to go on, though I must admit I am not quite as fresh as earlier on.

Mr. Speaker: The hon. Member has asked that the Council be adjourned. That can be put. I would prefer if he moves it, as then I would have to put it to the Council. I am not prepared to adjourn now as I think the hon. Mover should be heard now, but I think if the hon. Member would like the Council to adjourn he should move it.

Mr. Luckhoo: There is only one point put forward that there are several interesting proposals for amendments to be made, and my other point, which I think Government would like an opportunity to consider, is the question of certain amendments suggested being acceptable to the Council in general. I do not presume but only hope they may be given the adequacy of thought they deserve. It does seem to me that an adjournment at this stage would be welcome to both sides of the Council.

Mr. Speaker: As far as I say, if Members care, but I am not prepared to go into it.

Sir Frank McDavid: The debate has extended over a wide field. It has taken up so long a time and so many Members have spoken at great length that in order to reply properly I should speak for three hours, but I do not propose to inflict any such agony on the Council at this stage. I am considerably assisted in replying by the hon. Member, Mr. Sugrim Singh,

in his own words as "leader of the Opposition."

Mr. Sugrim Singh: I must rise to say that I would like to aspire to be "leader of the Opposition", and have no objection being designated as such, but I do not deserve it.

Sir Frank McDavid: If the hon. Member thinks it an honour, I do honour him as "leader of the Opposition". He summarized his 18 points. I have not had them from *Hansard* as the Press report was accurate. I shall try to deal with Mr. Sugrim Singh's 18 summarized points and try to embrace as many of the other points which were raised by several Members. Before I do that I have a few general remarks to make. It seems to me that some very curious ideas emerged in the course of this debate.

The first point that struck me when Mr. Sugrim Singh was speaking is that he referred to me as handling my brief very well. I am not a lawyer and not in this particular instance handling a brief at all. The hon. Member, Mr. Jailal, would forgive me if I make reference to what was a private conversation between us. I do so in a general way. When discussing this Bill privately, Mr. Jailal said to me "I wonder why you are being made to carry this Cross?" He meant that very kindly. I am not quite sure he realized the implication of what he said. I was not carrying a cross, there was not the shadow of any sacrifice. It was misleading. I was no martyr. I was just carrying out a duty to see this Government measure through. I just wonder what could have brought to his mind the idea that I was called upon to carry a cross, and also what induced Mr. Sugrim Singh's idea that I held a brief.

Mr. Sugrim Singh (interjecting): I do not like to interrupt the hon. Member. I have the greatest regard for him. I have not conveyed any impression that he has been consulting with other people and as the result of the conversation the proposition put by them was brought by him. All I said was, he has a case to handle and he has handled that case well. And I repeat I must congratulate him. It was indeed an onerous task.

Sir Frank McDavid: I thank the hon. Member for his explanation of the word "brief". He also introduced the idea that this was a matter which has some reference to Federation, and that we were trying to seek additional land for the settlement of West Indians who were coming here from neighbouring colonies. There must be some recollection as to the genesis of this Bill; I am not of course talking about the origin of the policy—I am talking about the actual genesis of the Bill, in early 1954 when I moved the first Development Programme. That was an occasion on which I made a very long speech, and I think Members will remember that it was then that I coined the phrase "Time is not on our side". I was speaking about land settlement and was making the point that we required more space for development through the rise in our population. I consulted one of the specialists who came to British Guiana and after I had listened to him I became even more fearful. He gave me some figures and statistics relating to the question and he warned me about what would happen in the next 10 years in this country if we do not get on with the job.

I also remember speaking to one of the International Co-operation Administration specialists one evening—I met him at a certain function—and I asked him to be candid with me and to

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tell me what he really thought about our agriculture and the question of land in British Guiana. He said that he could give me no comfort whatsoever, because from the population statistics and the figures as to the amount of cultivable land there was presently available in the Colony it was clear that "within a short period of time (I think it was 10 years) you will not have the amount of cultivable land you require to maintain the standard of living of your people." I have given much time and thought to that since then, in order to see how we can get the land quickly which we require for our population. In May, 1955, my Permanent Secretary placed two files of papers on my desk. One of them contained this report—the Report of the Land Tenure and Registration of Titles Committee—and I will give the status and composition of that Committee. It comprised:

Messrs. R. S. Persaud (Chairman), C. V. Wight, V. Roth, W. A. Macnie, A. Lee Own, J. Edward de Freitas, A. W. B. Long and J. T. Clarke, with Mr. M. R. Chase, Secretary.

Mr. Speaker: Will the hon. Member state, for the purpose of record, whether the report was laid as a Sessional Paper?

Sir Frank McDavid: It was laid as a Sessional Paper. All of the members of this Committee may be regarded as fairly conservative in outlook and approach. Nevertheless anyone who had read this report may come to the conclusion that there are some extraordinary views in it. I am going to read from a section of it—it is not very long—

"37. We are not in a position to say that there exists much vacant and abandoned land, particularly on the banks of the lower reaches of the main rivers of the Colony, and it is apparent to us that no one holds any valid title for a large proportion of such vacant and abandoned land.

"38. The river plantations comprise in the main large parcels of land of not less than 250 acres in area extending inland from the rivers for varying distances up to 6,000 yards. Very few people who lay claim to any of these lands have any idea of their extent and they can seldom point out the boundaries even on the river front. Most of these properties can be described as "children's property" as defined earlier in this report. Many of the present "owners" have no title to their holdings.

"39. This situation is however further aggravated by private sales by squatters or by heirs who have never been near the property, but who have decided to speculate in view of impending development plans. In any event, most of the lands, and particularly those portions situate inland from the rivers, can be described as vacant and abandoned.

"40. The Committee holds the view that the land tenure problems in this Colony will never be solved, and the general development of the Colony will continue to be seriously retarded, unless and until all agricultural lands capable of beneficial occupation are so occupied. We understand that in some countries a tax is imposed on agricultural land not beneficially occupied. This subject may be outside our terms of reference, but we wish nevertheless to express our opinion thereon.

"41. We think that whenever it appears to the Commissioner of Lands and Mines that agricultural land capable of beneficial occupation has been lying abandoned or vacant for not less than five years, whether or not legal title hereto is held and whether or not title was derived from the Crown, the Commissioner should be entitled to claim the land for the Colony after giving due public notice thereof."

Here, Sir, is a Committee of distinguished gentlemen propounding this extremely socialistic document recommending that land which has been left abandoned for five years should immediately vest in the Crown without com-

pensation of any sort. I read this myself with some amazement. I wondered whether I, or indeed any Member of the Government, would dare even to propound such a theory and advise the Executive Council that it should be adopted and put before the Legislative Council for translation into law. As I think I have indicated before, the Committee's report was considered by the Executive Council but no decision was taken on that particular recommendation. Indeed, we did feel that no Legislative Council was likely to accept a recommendation of that nature and translate it into law notwithstanding its high origin in this report.

I said that there were two files of papers. The second paper was a communication from the Secretary of the Land Settlement Advisory Committee. May I inform the Council that the Land Settlement Advisory Committee is a body which was set up with the authority of the Governor early in 1955, March, I think, on my advice in order to advise the Ministry and the Land Settlement Department. I think the Council should be told about its membership.

Mr. Speaker: Didn't you give it before?

Sir Frank McDavid: No, not the membership of the Land Settlement Advisory Committee. The Land Settlement Advisory Committee consisted of Heads or Deputy Heads of the Departments of Agriculture, Drainage and Irrigation, Lands and Mines and Local Government, *ex officio*, and in addition there were Mr. V. G. Menezes, Mr. Roberts, ex-Land Settlement Officer who is now the General Manager of the B.G. Rice Development Co., Dr. Fulton, Mr. Peterkin, the expert in charge of the Wales Land Settlement Scheme, and last but not least, four Members of the Legislature. I should have begun by saying that the Chairman was Mr. Macnie who was a Member of this Council, while the Deputy Chairman was Mr. Lord. The other Members of

the Legislature were Dr. H. A. Fraser, Rev. Mr. Bobb, Mr. Jailal and Mr. Sugrim Singh. That very large body was appointed as a Land Settlement Advisory Committee. In the letters of appointment to each member the terms of reference and the Committee's functions were set out, and of course accepted by each member who accepted his appointment. The functions of the Committee were, very shortly:

To advise Government on matters of policy connected with land settlement, on the acquisition or resumption by Government for beneficial occupation of unused areas of land, and on general matters pertaining to land settlement in the Colony."

The point I am trying to make is that those functions specifically enjoined on the Committee the necessity to take into consideration matters of policy connected with the acquisition or resumption by Government for beneficial occupation, of unused areas of land. That was the Committee's primary function in addition, of course, to helping to advise on ordinary problems of land settlement.

The Committee held its inaugural meeting in March, 1955, which I attended and was honoured by being permitted to address the Committee. In my address I emphasized the Committee's functions very carefully, and at the conclusion of my address I remember being honoured by some very complimentary comments by each of the individual members of the Committee. It comes back now to me when I see it recorded in the minutes that "Mr. Jailal said he was grateful for another opportunity to serve, and complimented the Member for Agriculture on his skill and tact in selecting the Committee."

Of course it was very tactful to constitute this Committee in this way. We spread the net far and wide. The object was to get a number of influential persons interested in land settlement problems (which touch the people at so many points) so as to obtain their advice and, what was obvi-

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ous, to obtain the support of a section of the Members of the Legislative Council in our policy and action in regard to land settlement.

I come back to this second paper which was on my desk—a communication from the Secretary of the Land Settlement Advisory Committee urging me to take prompt and immediate action—on what, Sir?—on the introduction of legislation for the compulsory acquisition of land. That was the advice contained in this letter, and I can do no better than read the minutes of that particular meeting at which this resolution which came to me, as the Member, was passed. There were present at that meeting, I think, all the members except the Rev. Mr. Bobb. Certainly there were present Mr. Macnie, Mr. Lord, Dr. Fraser, Mr. Jailal and Mr. Sugrim Singh. Here is a reproduction of the minutes of that meeting which came to me from the Secretary of the Committee in May, 1955:

“Motion by Mr. Roberts on legislation for Compulsory Acquisition of Land.

Mr. Roberts explained the object of his motion and stated that he desired that the attention of Government should be forcibly drawn to the need for such legislation.

Mr. Singh suggested amendments—that the words “uncultivated” and “partially cultivated” should be changed to read “unused”; further, that serious consideration be given to the advisability of imposing an acreage tax of 5 or 6 cents per acre on all lands not beneficially occupied.

Mr. Chairman suggested that in view of the Land Tenure Committee submitting a report it would be preferable to wait and see what their recommendations are.

After some discussion, it was unanimously agreed that the following motion be forwarded to the Government—

‘That this Committee, the Land Settlement Advisory Committee, should advise Government that in its opinion legislation should be enacted with the least possible delay embodying provisions for the compulsory acquisition of unused lands for land settlement and land

utilization at reasonable cost. In view of the fact that no such legislation exists we see no alternative but to acquire lands for land settlement and land utilization, by the ordinary process of negotiation, and it is to be expected that negotiations along these lines would result in land values being greatly enhanced not only in respect of the lands required but other lands in the vicinity.’”

That is the text of the resolution sent to me by the Secretary of that Committee, and I was to act forthwith on the recommendation of that Committee. Here was an Advisory Committee appointed for that purpose forcibly urging that I should get on with the recommendation for the acquisition of land compulsorily so as to get land at reasonable cost and obviate what is going on—the price of land increasing and increasing through speculation. I took only two weeks to place the matter before the Executive Council and the Council approved in principle of the proposal to amend the Land Settlement (Acquisition of Land) Ordinance as it then stood. Within a week after that I myself prepared the draft Bill; and in July, 1955, the draft Bill was approved by the Executive Council and was ready for introduction in this Council.

Before introducing the Bill I took the unusual course of going directly to the public. I had a Press Conference and explained the reason for this proposed legislation. Not only did I issue a Press release but I got a good reception from the Press. One newspaper stated in bold type “Government seeks to acquire private lands not beneficially occupied.” “Land Settlement in suitable areas explained”. In another newspaper was a delightful cartoon of a lot of people on a little island surrounded by water with a little white flag waving, and there was I sitting in a boat going to their help. “Land Settlement” was the name of the boat. I was the saviour hastening to the help of those land-hungry people.

I did not hear a single objection. Indeed if my hon. Friends disliked it they should have at least had the courtesy to tell me they did not like the Bill at all. If the hon. Member, Mr. Sngrim Singh, was sitting here in my place and I was sitting there in his in similar circumstances, I can imagine the loud shouts from him of protest—"Treachery", "Stab in the back". Was I not right in expecting support rather than opposition from Members who themselves had proposed this measure?

Mr. Sngrim Singh: I must rise to a point of correction! It is not true, and it cannot be taken as a logical deduction because that Committee had unanimously approved, each member of the Committee can be gagged in the Legislature from expressing any divergent views, when the hon. Member knows the motion tabled in July 1955, referred to Crown Lands and that when the original Bill was discussed we strongly resented the manner in which it was presented. We have always been opposed to this. One can see how I supported one thing and tabled a motion to that effect in the Legislative Council but it never saw the light of day.

Mr. Jailal: When the Committee took that decision nobody seriously objected. I had volunteered in my remarks that no one seriously objected to the acquisition of land for land settlement. The report does not say the Committee talked of a reasonable value to be fixed, but it must be inferred as a fair value. The hon. Member is making heavy weather of something in which we rightly feel it is necessary that some step be taken. This is one point. I fail to see that having been advised by the Committee we have not grasped that opportunity of having review by that Committee of the Bill that is now before this Council. Although that Committee propounded the theory, yet it was not given the chance of reviewing the Bill before it came to this Council.

Sir Frank McDavid: Although the hon. Member, Rev. Mr. Bobb, did attend the meeting when this extraordinary motion was passed—

Rev. Mr. Bebb (interjecting): If I may say so, I particularly said I did not wish to extricate myself from any implication. I want it to be clearly understood that the motion by that Committee had my full sympathy. I was just indicating to the hon. Member, Sir Frank McDavid, the origin of the idea arose at a meeting at which I was not present.

Sir Frank McDavid: The idea the hon. Member, Mr. Jailal, expressed about bigger brains behind this may be correct. Those 'bigger brains' were right there in that Committee. That is the point I am trying to make.

Mr. Speaker: I think that the gravamen of the hon. Member's criticism is that the Bill is inconsistent with what has been stated by some Members before the Land Settlement Committee. I shall be glad, however, if he accepts the assurance given by the hon. Mover of the Bill.

Sir Frank McDavid: It is not easy to forget, Sir, the adjectives used by certain Members with respect to this Bill—"iniquitous", "abominable", "disgraceful", "unjustified" and so on — a whole string of adjectives in the course of the debate. But let us drop the matter, Sir. I have accepted responsibility for the Bill and I just thought of giving an indication of the immediate origin and basis of this piece of legislation. I have here a number of general points to make for consideration, but I will summarize them as it is quite obvious that they will take up too much time unless I do so. I wish also to touch upon the political aspect of the matter, although the hon. Mr. Tello has dealt with that to some extent. It seems to me an extraordinary thing that one or

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two Members should have thought it fit to suggest that this measure should not be enacted because it might be abused by a lawless Government.

Mr. Speaker: I think it was Mr. Sugrim Singh who made reference to that.

Sir Frank McDavid: If we are so unfortunate as to have a lawless Government in this country, that lawless Government would enact its own laws to carry out its improper motives. It would not wait to abuse this law. Members seem to have forgotten this.

Mr. Sugrim Singh: I did not wish to intervene at this stage, but I want to say that what we are opposing is the system of acquiring private lands as proposed in this Bill, when another Government might adopt another system to apply to sugar estate lands. Such a motion, I said, has been already passed, with the exception of one of the resolve clauses, and I went on to add that we are putting the law into the hands of certain other people and that no one should take the responsibility of providing them with such a weapon.

Sir Frank McDavid: That is the point I was trying to make.

Mr. Luckhoo: There seems to be some general acceptance as to the principles of the Bill, but it is felt that if certain people get into power at the next elections, or subsequently, it might be so used that it would defeat its purpose.

Sir Frank McDavid: I think those remarks could be traced to Mr. Sugrim Singh, but what the hon. Member (Mr. Luckhoo) has said is what I am criticising. I am quite sure that if the hon. Member (Mr. Luckhoo) is here we would not have a lawless Government. We were told the other day: "Do not let us extend the Government Information Service". "Don't let us provide money for the Bulletins." Don't let us

give any money for schools broadcasts because in future it is going to be used unwisely." We might also be told: "Don't let us provide for the Police Force." I myself dislike intensely the suggestion that this is only an interim Government; we are the Government of the day. I myself never use the words "interim Government".

Before I pass on to Mr. Sugrim Singh's summary, I just want to make another general observation. On the second day of the debate I said it might be just as well if we deferred the debate so as to have a discussion in private. I think I should explain that the origin of the suggestion was a conversation which I had with Mr. Luckhoo. It was he who made the suggestion and, as it has turned out now, this debate might have been much shorter if we had had that private discussion, because many of the points of difficulty could have been explained. I am sure that Mr. Luckhoo does not mind my saying that the suggestion came from him in my office.

Mr. Sugrim Singh has very kindly summarised the main points of the matter in 18 main points, and I can probably intersperse with him some of the arguments used by other Members. I would like to take his first point — point 13 — that this Bill is contrary to the recommendation in the report of the International Bank for Reconstruction and Development, and also to the recommendations of the Brown report on land settlement problems. Various quotations have been read from the report of the International Bank and also from the report of Mr. Frank Brown. Both of these reports endorse the policy that we are now following and I must ask hon. Members to examine the quotations in these particular documents. Mr. Jailal quoted this

particular paragraph on page 208 of the International Bank Report. The hon. Member is not here now, but when he read it I think he lowered his voice and then dropped the subject like a hot potato. The paragraph deals with our attitude towards neglected or little used land. It reads:

"Attitude toward Neglected Freehold Land. A stronger policy on the disposition of neglected freehold land will be needed if agriculture is to continue to develop. In the irrigation and drainage works now under construction, considerable areas of such land are encompassed. The new agricultural land to be made available by these works will soon be exhausted, and all the abandoned freehold land will be needed. Such basic resources should not be kept out of economic use."

That, then, is the relevant policy statement of the World Bank Mission. We have to make use of all the private freehold lands which are being wasted. I suppose I ought also to read from Mr. Frank Brown's report. I may be troubling the Council unduly because Members have heard this particular quotation read before. I think it is paragraph 72, and I am going to read it again in view of the statement made by Mr. Sugrim Singh that what we are doing is against the policy recommended by Mr. Frank Brown and the World Bank Mission, which is quite erroneous. This is what Mr. Frank Brown says:

"72. In many parts of the Colony the economic use of agricultural land is retarded owing to an impossible layout, which is in many cases the result of fragmentation. Plots have been divided and subdivided until a completely uneconomic unit remains. Fragmentation has also had the effect of causing small areas to be of even less value as they are so situated that their development is contingent on that of adjacent areas, whose occupiers are incapable or unwilling to make the best use of their land."

An extreme case of uneconomic layout occurs in the Canals Polder, where

there are long narrow strips measuring 6 rods by 750 rods (24 yds. x 3,000 yds.). This has probably arisen owing to the fragmentation of the original Dutch layout where each owner had a facade, his land stretching inland to the backdam."

I have ventured to read that again for the simple reason that I cannot allow it to be accepted as correct, as asserted by Mr. Sugrim Singh as the foundation of his argument, that this Bill is contrary to the recommendations of both the International Bank Mission and Mr. Frank Brown. That is certainly not so.

I go back to Mr. Sugrim Singh's point No. 1:

"1. This Land Acquisition Bill seeks by compulsion to obtain the **bona fide** lands privately owned and to make these lands available for Land Settlement, paying compensation not on the market value of land but on the economic value. Whatever that means, it must be less than the market value."

His point No. 2 was:

"2. Suitable lands are necessary for the purpose of land settlement, so that small farmers can have these lands to increase production and the economic position of the Colony."

Those are statements of fact. How could the hon. Member put them up as points of opposition I do not know. The whole point about it is that though Mr. Sugrim Singh talked about the small farmers having these lands to increase production and the economic position of the Colony, in the next breath he was supporting inflation.

Mr. Sugrim Singh: I do not like to object, but it is not fair to me. The hon. Member is on very controversial ground. For the hundredth time I want to say that there is necessity for land for people. I have said that about four times. All we are saying is that there are other lands which Government can use. It must not be stated in any form

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that we are against landless people trying to get land. I say that if after all the Government lands have been exhausted it becomes necessary to find land to assist the people, we could think about compulsory acquisition, but at the moment all the good lands which have been pin-pointed by me are Government lands.

On the question of the Bill not being in accordance with recommendations of the experts I would just make one point, again on the Frank Brown report, paragraph 36. His report disagrees with freehold tenancy. I would ask the hon. Member to look at it again.

Sir Frank McDavid : I think the hon. Member has gone too far.

Mr. Speaker : I am not trying to ridicule anybody, but when the formation of the League of Nations was under discussion in Paris M. Clemenceau said he did not want 14 points for discussion; it was only necessary to develop 10. I hope the hon. Member is not going to exhaust all of Mr. Sugrim Singh's 18 points of difference.

Sir Frank McDavid: There have been placed on record all those points that normally it would have been my duty to answer in detail. But I have had to start my reply at so late an hour that I am sorry I cannot do it. Perhaps I am wrong in trying to do it, but I am afraid I have to go on and get done as quickly as possible. The point made by many Members is that this Bill is not necessary because this Colony has 74,000 square miles of Crown Lands which Government owns. How does this help in the circumstances in which we find ourselves? Obviously, a great part of our territory, as one Member described it, is swamp, forest and mountains. I am not going into arithmetic but will ask hon. Members whether the boast of ownership of land of that nature, the boast of the fertile value of the land

in the mountain valleys of the interior is an answer to our problem?

I have heard it said that there are Crown Lands available along the coast-lands. The answer was given by my colleague that there are no available unalienated Crown Lands along the coast. There are indeed some Crown Lands in the 3rd and 4th depths behind the West Coast, Berbice, and on the Corentyne but they are all swamp-land requiring vast extensive reclamation works costing millions of dollars and taking years and years to complete the main works. Then you have got the internal works to do in order to place people on those lands. We shall very soon have to give up the policy of endeavouring to reclaim swamp land along the coast and instead to utilize all the available land along the banks of our main rivers—particularly the Demerara and Berbice. Many of these river lands now abandoned were cultivated in the far past but are still in private ownership.

A lot of the misunderstanding in connection with this Bill has arisen because many people think that Government wishes to pick out estates here and there belonging to a few landowners on the coast and acquire them compulsorily. Nothing is farther from the truth. Maybe in a few cases a few estates partly used or not beneficially occupied may be suitable for land settlement; maybe the owners themselves would wish those lands taken for land settlement. The main object behind this measure is that we should now begin to plan for development in the unused lands near to the existing centres of population. Such unused lands lie entirely on the river banks. Hon. Members must realize that nearly all these lands are under private ownership even though it may be that some of the owners have imperfect title. We have got to find somehow or other the means to get those lands and distribute

them for useful occupation by the coming generation.

Hon. Members may wonder what is the strong reason for trying to remove market value from consideration under the Bill. I tried to indicate that land is being sold today at staggering figures. I referred to land sales in Leguan at \$600 to \$800 per acre, and at a particular area on the right bank of the Essequibo River at \$350 per acre. I cited the case of land on the Demerara River purchased by the Demerara Bauxite Company at \$400 per acre. These figures are wholly uneconomic for agricultural land.

I shall now devote some time to answer the point by the hon. Member, Mr. Rampnal, as to "Market Value," what it means, and how it is fixed. "Market Value" if it is to be determined by a Court, is assessed in the same manner that the Court addresses its mind to the determination of any other issue—that is, by what goes before it as evidence. It takes the evidence of recent sales of lands in the adjacent areas, evidence of the sale of the same type, and on that the Court would ultimately find the market value. Let me illustrate that. If there is a bit of land in Leguan, how is the Court to assess the market value?—By listening to the evidence which would be produced by the vendor, that is to say, the person from whom the land is to be taken, who would be able to say that the piece of land was sold for so much per acre. The Court is bound to accept such evidence.

The assessment of the market value of land on the Demerara River recently made by a Government Department for acquisition by Government is very high. I have with me a paper dealing with the compulsory acquisition of land on the Demerara River by Government for the river beacons, which we have put up. The land for this purpose had to be compulsorily acquired and in some cases

the owners could not be found, or were not known. The public officer who assessed the valuation made a report, quite recently, in 1954, and what did he say? He reported that his assessment was based on actual sales of that type of land in that locality and the current value of land in that district and area; and worked out at \$500 per acre plus 10 per cent. where the land was cleared. That meant that cleared land in the Demerara River was valued at \$550 per acre. The evidence of that Government Officer can be obtained, and one sees the danger we are in. We must use the riverain lands. We must use those lands on both banks of the Demerara and Berbice Rivers.

Mr. Rampnal (interjecting): May I ask the hon. Member, is that the valuation made by a Government Officer for the purpose of Government acquiring the land?

Sir Frank McDavid: Yes, that was an objective valuation by a Government Officer.

Mr. Rampnal: That is what Government paid?

Sir Frank McDavid: I am afraid Government would have to pay that if the market value remains as the basis of compensation. Evidence of that sort would have weight in a Court, and we absolutely cannot afford to carry out agriculture on lands of that description at such a capital value. It is not a fair market value. It is a value based on a speculative artificial level of price. I go straight ahead to the question of market value.

In spite of anything that has been said, the fact is that this Bill is endeavouring to alter market value as it appears in the law, to something else. Let me again say that this formula was taken from the New Zealand Act of 1943, on the advice of Mr. Campbell Wylie, the late Attorney General, who is very well-versed in the law of New Zealand. It is too late to

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ask Members to look at the Schedule of the Bill, but I can assure them that the words of the New Zealand Act are exactly the same as those set out in this Bill. It will be seen that (in the Schedule) the Bill says:

"3, For the purposes of paragraph 2 above, the expenses that would necessarily be incurred in the production of the income shall include, in addition to all other working expenses, reasonable remuneration for the work performed by the farmer or any other person in the production of the income together with interest calculated at the rate of 6 per centum per annum on the estimated capital expenditure on improvements required to bring the land into a state fit for use for agriculture and on the estimated average annual capital value of the stock and equipment required to be used in the farming operations."

I think hon. Members can accept my assurance in this respect.

Mr. Ramphal: Can the hon. Mover assure this Council that the relative section which he has quoted from the New Zealand Act is identical in word or in thought? Would he permit that Act to be examined by this Council.

Sir Frank McDavid: The point is that this Act was repealed in 1950 and was succeeded by another. I have the repealed Act with me.

Mr. Ramphal: In other words, is our Bill a *facsimile* copy of the New Zealand Act of 1943?

Sir Frank McDavid: Yes; in so far as the essence or form is concerned. The New Zealand Act was only an Act to provide land for farmers; that is a point which most Members have lost sight of. The object of this Bill is not only to enable Government to buy land; it is to have the effect of bringing down the artificial value (of land). Government is not going to buy up all the land; if people are going to buy land and this Bill is enacted, they should be able to buy at a reasonable price, and that effect would certainly be secured if this measure is put on

the Statute Book. The New Zealand legislation — The Servicemen Settlement and Land Sales Act No. 16 of 1943—it is called.

"An Act to provide for the acquisition of land for the settlement of discharged servicemen; and to provide for the control of sales and leases of land in order to facilitate settlement of discharged servicemen and to prevent undue increases in the price of land, the undue aggregation of land and its use for speculative or uneconomic purposes, and to provide for matters incidental thereto."

Not only was this form of legislation introduced in 1943 in New Zealand, about the same time we passed our Land Acquisition Bill, but it was to provide for a Land Acquisition Committee. One could not sell land in New Zealand at a price which the Committee did not approve. All of that was to remedy the situation of an artificial increase in the price of land which bade fair, it was stated, to ruin the agricultural economy of the country. I am projecting my mind 10 years ahead, when the 1½ miles of children to which Mrs. Dey has referred, would begin to march down upon us because of the need for land. It is no good speaking of land up in Crabwood Creek and such other places; the way to do it is to get at the land on these river banks. We cannot get it by private ownership; we must acquire it.

I have heard Mr. Jailal speaking about land between the Mahaica and the Mahaicony rivers on the coast —between the road and the seashore. There are lovely pasture lands in that area and some of the visitors we took up there looked at them with open mouths, but we know that there are cows and goats which roam about them all the time. Of course, if they could be made available for agricultural purposes it would be a very excellent thing. But the point is that these lands are not Crown Lands, but private lands which would have to be acquired. The object of this Bill is to put Gov-

ernment in a position to acquire unoccupied land, particularly unbeneficially occupied land on the river banks. The market value of land will go on rising unless we start under this legislation to acquire land.

Mr. Cerreia: We have been informed by the hon. Member that his reply will take about three hours; are we going to wait here for three hours. Sir?

Mr. Speaker: I do not think we will have to wait very much longer now.

Sir Frank McDavid: I will try to get through shortly and will be as brief as possible. I did not say that I would take three hours; I said that I could speak for about three hours. I am trying to do my duty.

I ought to refer to one other matter, a legal matter which formed the burden of Mr. Sugrim Singh's earlier remarks, and that is the question of the use of the Crown Lands Resumption Ordinance, Chapter 176. A great point was made about that. I think my friend Mr. Luckhoo also referred to it and asked what use was being made of it. I think Mr. Sugrim Singh misled himself and misled this Council as to the procedure under that Ordinance and as to what it really implied. It is true that its title is Crown Lands Resumption Ordinance, but what it really means in effect is the resumption of such private lands by the Crown — land which had been alienated by the Crown to private hands and the procedure is in respect of the taking back of private lands by the Crown. It is quite true, as Mr. Sugrim Singh said, that such land which has been abandoned by the owner for eight years and upwards can be resumed by the Crown.

But there are conditions, and one condition is that the owner, or anybody lawfully claiming from him, must be diligently searched for by

the Commissioner of Lands and Mines, and when he has exhausted his search he must advertise six times in the Gazette on six separate occasions in order to make sure there is no owner, and if the owner turns up all proceedings must be dropped. By owner I do not merely mean a person who has perfect title, but any person who has a right of claim and a right of interest. Any person who can show he has a claim can stop the proceedings instantly. So that this law governs only the recovery by the Crown of land for which no owner can possibly be found. If Mr. Sugrim Singh had gone on reading he would have found that if after all steps have been taken and no owner appears, a notice is to be stuck up on the land for some time and then the Governor in Council moves, an Order is issued and finally the land is resumed by the Crown. The Governor in Council then appoints a Committee to assess the appraised value of the land which has been resumed. The appraised value has to be recorded on the deed in the Deeds Registry. In other words the market value, I repeat, "market value", has to be assessed and recorded, and for 10 years after the date of this exercise any person who establishes his claim has the right to collect that money.

I ask: is it fair to suggest that we have under that Ordinance power to resume land all over the place? We have no such power, because all the lands we really want on the rivers do have owners who have title to them, and that Ordinance is not suitable for the purpose. What is suitable is compulsory land acquisition.

Then there is the question of a land tax. The question has been made about why haven't we introduced a land tax? A land tax to be effective as a means of forcing land owners to sell, must be an extreme measure; it must be

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a very heavy tax indeed. I did mention either in private conversation or somewhere else the name Guatemala, but I mentioned it in order to illustrate an effective land tax. As Members well know, Guatemala became communist or communist controlled at one time, and what happened? All the landless peasants seized the land owners' land and carved it up among themselves. Then there was a counter revolution and action started afresh; of course the land owners came back and seized the land again from the peasants. Ultimately the great United States of America sent in a Commission of their expert land specialists to advise and draw up a complete scheme of land reform in Guatemala, and they have now put that country on a good footing in so far as land is concerned. The land is being, not expropriated but compulsorily acquired on some formula of compensation which I do not know, but incidentally they have also introduced a severe land tax. I forget what the figure is—something like \$10 per acre, which is increased by 25 per cent. each year for five years. Can Members really tell me that I or this Government have any chance whatever of getting legislation of that nature through this Council?

I have had a very sorry experience. There were two measures which, as Financial Secretary, I wanted to bring in and ought to have brought in. One relates to the Act of Parliament in the United Kingdom under which we get our Development and Welfare grants. Under the provisions of that Act money which is granted for expenditure on land in the Colony and is used for improvement of land must be recovered to some extent from those private owners who benefit from it. That is a provision of the Act, and we get those grants in this Colony on the condition that we pass legislation which would enable such recoveries from land owners

who benefit. In 1950 or 1951 I introduced a Budget in which I proposed that such a tax should be enforced in keeping with our obligation under the U.K. Act. A Bill was drafted which gave a tremendous amount of trouble both to the Law Officers and the Finance Department. It came here, and what happened? Immediately, there was a cry and wail to high heaven by the landowners, telling the small tenants that Government was about to tax them and to take away their lands. To my shame and sorrow the Bill was withdrawn. The story was twisted and the Bill had to be withdrawn. If we have to go in for land taxation in order to force people to sell their land, we would have to adopt a very heavy rate of tax, and I doubt very much if this Council would willingly accept a Bill of that nature.

I want to touch on the idea which has been propounded by the hon. Member, Mr. Ramphal. I am afraid I cannot see any value whatever in the phrase which he has quoted from Halsbury. To my mind "Use Value" or "Existing Use Value", if it has any meaning at all, means precisely what this Bill seeks to bring about. That is the true worth of the land or the economic value of the land. I cannot see that it can be anything else.

Mr. Ramphal: That is a legal term with a legal meaning and implication. I invite the hon. Member to take the volume and study it.

Sir Frank McDavid: I am afraid I cannot depart from the proposition in this Bill, that the true value of land is its economic value. I must not omit to refer to the fact that some Members thought this measure does not exist anywhere in the Commonwealth. It does exist in one or two of the West Indian Islands.

Jamaica is a great case in point. In 1955 Jamaica passed a law which has to do with the acquisition of land for settlement purposes. But Jamaica is not doing as we propose to do. Jamaica is not trying to get land which is not beneficially occupied to settle people on. The Government there has the right to acquire compulsorily land which is in occupation by tenants, and the land is taken over and the tenants put in possession of it. Moreover, the Government has not necessarily to pay cash for the land but may issue bonds to the owner for it. That is at the discretion of the Government. They have kept the term "Market Value" but have re-defined it for that exercise as the capitalized value of the annual rent. We could have done that too. We could have said the Market Value for this purpose means so and so. But it is the same thing.

One last thing about the Jamaica law. It foresaw possibly what my hon. Friends have described as colorable transactions. The Jamaica law provides for a Commission. This Commission is authorized to inquire whether a mortgage transaction has taken place in order to obviate the application of the law itself. If the Commission finds that any such action was done with the object of defeating the law, then, the mortgagee cannot get his money in cash but has to take it in bonds. If, as regards possible colorable transactions here, the idea is that people who have unbeneficially occupied land may be willing to undertake fraudulent transactions in order to provide some obstacle to legislation by the Government then I do have one solution to that problem. I do not think it would arise, but if it does Government will know how to upset it.

Mr. Luckhoo: May I remind the hon. Member that there is one question

he has not answered which I would like him to answer. That is the question of the free vote in this matter.

Sir Frank McDavid: Is the hon. Member seriously suggesting that?

Mr. Luckhoo: Unfortunately, that is my suggestion.

Sir Frank McDavid: I will not for one moment countenance such a suggestion. I think I have dealt with all the major points I intended to cover. All I want to say now is this: I must speak on a personal note now. This measure has been described by the hon. Member, Mr. Correia, as that of the "Hammer and Sickle", and someone else said "Russia". I ask hon. Members if they seriously think a Member like me, with my background, would sponsor any measure if it was really Communistic? I have certain beliefs which if I may describe myself, make me a sort of "Left Wing Conservative." I believe in Capitalism, private enterprise, and the profit motive. I do not believe in nationalization except in the case of public utilities. It has struck me with some force that people should think that I would deliberately sponsor and bring forward a measure which, if these allegations about it were true, would be the antithesis of things I believe in.

I do believe that this measure is utterly and completely necessary for the salvation of the country. I want to repeat the statement that "Time is not on our side." We have to provide and to do so quickly, for the younger generation of colonists who will be in need of land and I firmly believe that this is the first step we should take. I introduced the original Bill 18 months ago but owing to circumstances not under my control,

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I could not bring forward this revised Bill until recently. I think it is very necessary for this Council to take this step, and I hope that the Bill will be passed.

Question put, the Committee divided and voted as follows:

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| <i>For</i> | <i>Against</i> |
| Mrs. Dey | Mr. Sugrim Singh |
| Miss Collins | Mr. Jailal |
| Rev. Mr. Bobb | Dr. Fraser |
| Mr. Tello | Mr. Rahaman |
| Mr. Gajraj | Mr. Corrcia |
| Mr. Farnum | Mr. Carter |
| Mr. Kendall | Mr. Luckhoo |
| Mr. Cummings | Mr. Ramphal.—8 |
| Sir Frank McDavid | |
| Financial Secretary | |
| Attorney General | |
| Chief Secretary.—12 | |

Motion affirmed.

Bill read a second time.

Mr. Luckhoo: Before the adjournment is taken, may I ask Your Honour whether it is possible to direct that a copy of the *Hansard* report of the debate on this Bill be transmitted to

the Secretary of State for the Colonies at the earliest possible opportunity?

Mr. Speaker: I think the hon. Member knows of the difficulties that are connected with such a request, but it is a matter which the Clerk will arrange. We have not got the facilities to permit of immediate action. I may remind the hon. Members that before the *Hansard* report of the debate is sent to the Secretary of State the speeches made by Members will have to be transcribed and sent to them for revision.

Mr. Luckhoo: I appreciate that it would take some time, but I do ask that the *Hansard* report be transmitted to the Secretary of State as early as possible.

Mr. Speaker: That will be done

Rev. Mr. Bobb: Is it possible for me to ascertain when the next meeting of the Council will be held?

Mr. Speaker: Council is adjourned until 2 p.m. on Wednesday next, 1st May.