LEGISLATIVE COUNCIL

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

FRIDAY, 3RD MAY, 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. W. P. D'Andrade, (Ag.)**

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-operatative Development.)

The Hon. R. E. Gajraj

The Hon. **R. C. Tello.**

Nominated Official:
Mr. J. I. Ramphal

Nominated Unofficials:
Mr. L. A. Luckhoo, Q.C.

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. Sugrim Singh

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

Clerk of the Legislature:
Mr. I. Crum Ewing.

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

Absent:
Mr. T. Lee — on leave.

Mr. W. A. Phang — on leave.

Mr. C. A. Carter

Mr. R. B. Jailal —on leave.

The Speaker read prayers.

The Minutes of the meeting of the Council held on Thursday, 2nd May, 1957, as printed and circulated were taken as read and confir ed.

INTRODUCTION OF BILLS

The Chief Secretary (Mr. Jakeway): I beg to give notice of the introduction and first reading of a Bill intituled:

"Public Free Library (Amendment) Bill, 1957".

The Attorney General (Mr. Austin): I beg to give notice of the introduction and first reading of a Bill intituled:

"Criminal Justice Bill, 1957".

The Financial Secretary (Mr. D'Andrade, acting): I beg to give notice of the introduction and first reading of a Bill intituled:

"Pawnbroking (Amendment) Bill, 1957".

ORDER OF THE DAY

BILLS—FIRST READING

The following Bills were read a first time.

PUBLIC FREE LIBRARY (AMENDMENT) BILL

A Bill intituled: "An Ordinance to amend the Public Free Library Ordinance."

CRIMINAL JUSTICE BILL

A Bill intituled: "An Ordinance to abolish Penal Servitude and imprisonment with hard labour."

PAWNBROKING (AMENDMENT) BILL

A Bill intituled: "An Ordinance to amend the Pawnbroking Ordinance."

ACQUISITION OF LAND (LAND SETTLEMENT) BILL

Mr. Speaker: When we adjourned last evening, the Council had gone into Committee and we had some sort of informal discussion on that Bill. I just want to say that the hon. Mover is here and he will re-consider this Bill, clause by clause. I personally received no amendments in writing from anybody in addition to those which were filed yesterday. I mention here that I don't know whether the hon. Mover has received any or if they are being introduced today.

LABOUR (CONDITIONS OF EMPLOYMENT OF CERTAIN WORKERS) (AMENDMENT) BILL

Mr. Cummings (Member for Labour, Health and Housing): Mr. Speaker, before we deal with that, I wonder whether we can deal with item 3 — the third reading of that Bill deferred at your request. You suggested that we put another word for "charwoman", and after consideration we are substituting the word "cleaner". We are very grateful to you for that.

Mr. Speaker: I would have said "scullery maid" if you had asked me. I understood you to say that charwomen —

Mr. Cummings: If I may say so, there is a lot of merit in what Your Honour suggested.

Mr. Speaker: I don't want any thanks. What I thought is that if you really want —

Mr. Cummings: I am advised that we use the word "cleaner" which is well understood.

Mr. Speaker: Do you want to add that?

Mr. Cummings: Can I do that at the third reading, now?

Mr. Speaker: Certainly. The relevant Standing Orders will have to be suspended to allow the third reading of the Bill.

Mr. Cummings: I beg to move the suspension of the relevant Standing Orders.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Relevant Standing Orders suspended.

Mr. Cummings: I beg to move that the Bill intituled:

"An Ordinance to amend the Labour Conditions of Employment of certain workers) Ordinance",

be amended in the Schedule. It is under (b) of the Schedule. Section 3 reads as follows:

"The schedule to the Principal Ordinance is hereby repealed and the following is substituted therefor:"

Schedule (a) Hotels, and (b) Restaurants, Cookshops, and Parlours. The last item in (b) is "Charwoman", and I beg to move the substitution of the word "cleaner" for "charwoman". If that is agreed, Sir, I now move the third reading of this Bill.

Mr. Ramphal: I beg to second the motion.

Question put, and agreed to.

Schedule passed as amended.

Mr. Cummings: I beg to move that the Bill be read a third time and passed.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

ACQUISITION OF LAND (LAND SETTLEMENT) BILL

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines): I beg to move that the Council be resolved into Committee to consider clause by clause the Bill intituled:

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

The Financial Secretary: I beg to second the motion.

COUNCIL IN COMMITTEE

Clause 1 passed as printed.

Clause 2 — *Interpretation.*

Mr. Luckhoo: With respect to clause 2, I would like to move an amendment by adding after the word "purposes" in the fourth line the following words—

"Provided that such land is not beneficially occupied". I have a copy of the amendment. I had the opportunity yesterday — which I found very well spent — in putting to the Mover certain points which struck us and on which we wish to get Government's point of view. In respect of this amendment I feel that it would be in conformity with the general principle which Government has enunciated that we should have a provision of this kind in the definition of land settlement schemes.

The hon. Mover indicated that Government would go for lands which are not beneficially occupied rather than the lands which were being beneficially used, but although that is an

[Mr. Luckhoo]

expression which is useful and indicates the general trend of feeling of this Council I feel that that should be translated into the Ordinance so that we could have it clearly stated as to the type of land which would be acquired.

I am conscious of one of the difficulties which has been pointed out in that it will be difficult to define accurately what one means by land beneficially occupied, but this is a difficulty which the commissioners themselves will have to face when they are meeting to determine whether land does come within the requirements for acquisition and it might be said: "Well then, leave it to the commissioners" and they will be in a position to determine if land is beneficially occupied. They would be briefed, in other words, as to the position and be able to advise Government whether land to be acquired is beneficially occupied. The answer to that is in the draft amendment section 7, subsection 2 —

> "In making their investigation the commissioners shall, together with any other relevant matters, take into consideration the following matters, that is to say —
>
> "the extent to which the land is not beneficially occupied or utilised for agriculture."

This is a consideration which the commissioners shall take into account.

The purpose of this amendment which I seek is that it should not only be a consideration but a vital consideration that if land is beneficially occupied it should be ruled out of the picture: in other words this is to establish a fundamental basis upon which the action of acquiring land, whether beneficially occupied or not, should rest.

That it is the intention of Government to observe generally these sentiments that are voiced can be seen in Bill No. 21 of 1956 where in the Objects and Reasons it is stated that there are many areas of land in private ownership which are abandoned or uncultivated or only partially beneficially occupied and it is proposed to acquire such land in suitable cases in order to establish land settlement schemes. So the point I make is that this amendment seeks to put on our Statute Books an object with which Government appears to agree—general principle.

I think it would be useful to have it in the definition of Land Settlement Schemes. It is a happy thing, maybe, that we do not have a hidebound definition of beneficial occupation for this reason that we will have a certain amount of play in the interpretation of "beneficial occupation" For example, if a man has an estate of 1,500 acres, he plants something on one acre and says that the land is beneficially occupied, that will be a question for the commissioners to determine.

If the commissioners on that aspect alone can decide that in their view that land is beneficially occupied, that should be of sufficient weight, merit and value to transcend all further consideration. That is the point I make and I beg to move the amendment in terms of the expressions I have given.

Mr. Sugrim Singh: I wish to support this amendment because it is of merit especially in the light of the proposed new clause 7. With reference to the commissioners, one of the things to which they will apply their minds is whether or not it is in the public interest to acquire land and the extent to which land is not occupied or utilized for agriculture. I do not think it is the aim of this Bill to stifle initiative and prevent enterprise where land has

not been beneficially occupied. This amendment will not defeat the object of this Bill because there are so many large tracts of land not in use.

It was brought to our notice that it is difficult to define in its full connotation what constitutes "beneficial occupation," but I am sure the commissioners will be experienced people, and after all, a man would not be able to make out a case of beneficial occupation merely by sticking a few plants in the ground or by saying "I have been planting fodder and that is beneficial occupation." I think it would be a good thing if Government accepts this amendment, and thus relieve people who have their lands beneficially occupied from being caught in this legislation.

Sir Frank McDavid: I, like Mr. Luckhoo, was extremely glad for the opportunity afforded us yesterday for discussion personally with those Members who were opposing the Bill. I was permitted the privilege of joining in their deliberations. As a result of that I am glad to say that many points which required clarification were cleared up and we now approach this debate with our minds more fixed with what is involved. What Mr. Luckhoo is seeking to do by way of this amendment is to put an estoppel on the application of the Ordinance on every piece of land which can conceivably be held to be beneficially occupied. He himself has pointed out, like Mr. Sugrim Singh, that a precise legal definition of "beneficial occupation" is a very difficult thing as factual examination is necessary. But let me say at once and repeat what I said in my opening speech. It is perfectly true that the whole object of this measure is to cast a net over lands which are not beneficially occupied, or not being used at all, for the benefit of the rising population. On the other hand, it is quite conceivable that Government may wish to create an organized land settlement in an area which some land which is beneficially occupied falls. I again say "beneficially occupied," but the interpretation of that phrase is a matter of opinion.

In his speech on the second reading of the Bill Mr. Sugrim Singh made some very emphatic comments about the sugar lands. He wanted to know what action we had taken in connection with what he conceived to be surplus sugar estate lands on the coastlands of this country. I am going to take the opportunity later to give him the answers to some of the questions raised, but let me say now: supposing it were desired to use the powers under this Ordinance to acquire compulsorily an area of sugar estate front lands, couldn't the hon. Member agree that if we had a prohibition in the definition, and if it could conceivably be shown by the concerns whose lands we wished to take, that it was beneficially occupied, (even if it were land growing cassava, to which the hon. Member raised such violent objection), obviously this measure could never be used in order to acquire that land.

So I do plead with hon. Members to understand that it is wise not to tie a prohibition into the definition or anywhere else in the Bill, but to leave it entirely to the factual examination by the Commissioners and also to believe that no Government with sense would want to take land which is really beneficially occupied and producing income and distribute it to other people.

In the Commissioners' terms of reference there are the criteria of beneficial occupation—the extent to which land is or is not beneficially occupied; and the extent to which the owner him-

[Sir Frank McDavid]

self requires it for his own purpose. With those safeguards no land owner who is legitimately beneficially occupying his land for the good of the country should have any fear. I cannot understand this fear of improper or stupid action by a succeeding Government. I know the hon. Member paid me the compliment of saying that if I had anything to do with it nothing of that sort would be done, but why this fear of the administration of this Ordinance?

I hope now to answer the hon. Member's question regarding sugar estate lands. The hon. Member wanted to know why nothing apparently had been done in connection with the suggestion which had been made in the course of the life of the last Legislative Council to the effect that Government might well offer to exchange the lands held by the sugar producers under licence of occupancy during Her Majesty's pleasure, that is to say, to offer to give freehold title in respect of those lands in exchange for front lands which are held by those concerns under freehold title, but which they may not be using.

May I say that I personally spent many weeks in discussions (I do not dignify them by the name of negotiations) with the sugar producers on this very matter. I did not do so because of any resolution passed in the the last Legislature. It was obviously a natural thing that would occur to any Government or any Minister, and I had been pursuing those discussions for quite a long time. I too suggested to the sugar producers that it would be a very good thing for them if they exchanged what appeared to be a somewhat tenuous title for a firm freehold title, and give up in exchange front lands which they held freehold, so that Government could distribute them to small farmers.

I regret to say that the offer was not accepted, and for very good reasons. I do not blame the sugar producers at all; they were acting on very firm legal advice of their own. They pointed out that licences of occupancy of ancient status—during Her Majesty's pleasure —were very good titles indeed, and that so long as the licensee occupied those lands and used them for the purpose for which the licence was granted, it was inconceivable that they could in any way be interfered with.

In other words they were advised, and they accepted the advice that D.H.M.P. was a very favourable title. Consequently their answer was "Thank you. We have titles with which we are satisfied. Why should we give up freehold lands in front in exchange for back lands for which we already hold so firm a title?" No one can blame them for taking a decision like that.

Let me say something more in favour of the sugar producers. The sugar producers of British Guiana have dealt very well indeed with this country so far as unused lands are concerned. We all know that when a sugar company has abandoned an estate it has given the land on extremely favourable terms to the Government for the use of the people. The last case is Cane Grove which was abandoned for the purpose for which it was being used, and the Company gave it for nothing.

It is quite true that providing for the unemployed workers became a heavy Government liability, nevertheless it was a gracious and generous act when the owners gave the land away for nothing and also sold to Government the adjoining estate, La Bonne Mere, for only $60,000. I remember too when, unfortunately for this country,

all the sugar estates in Essequibo went out. I have personal knowledge because when I was young I spent many a holiday on that coast and I know what a grand place it was when sugar was "king" down there. The sugar Companies sold to Government practically the whole of their lands on that coast for $100,000.

I repeat that the sugar producers have done well by this country with respect to the disposal of their land whenever they abandoned an estate. But while an estate is in being, if they have surplus land, quite obviously they would wish to sell it for the best price. It is indeed the duty of the management, in the interest of the shareholders, to sell such land for the best possible price. Consequently, it is right and proper that, in the public interest and for the protection of the management, there should be compulsory powers of acquisition at an economic price such as are provided for in this Bill. If this prohibition were put, it would mean that in no case at all land partially occupied in the opinion of anybody can be compulsorily acquired. I do appeal to the hon. Member to realize that it would, to a large extent, reduce the powers this Bill seeks to give.

Mr. Ramphal: I feel there is a great deal of weight in the argument of the hon. Mover who has just spoken. I would like to say that he must admit there is also cogent argument on this side of the amendment. Would the hon. Mover be agreeable to making the position of the owner a little stronger so that the point which the hon. Member (Mr. Luckhoo) has brought out would be established beyond all doubt whatever. I am sure if that were done, we could leave over the point of beneficial occupation until we get there. We will withdraw the amendment for this only. I am sure the hon. Mover would find a great deal in that course. I do suggest it.

Sir Frank McDavid: Until I see the nature of the amendment of the new clauses, I cannot give an undertaking like that. It may be that the amendment will completely destroy the effect.

The Attorney General: With reference to the remarks of the hon. Member, Mr. Ramphal, I would suggest that the amendment, as it has been moved, at the moment is not a particularly happy one even in the present context. Leaving out for the moment the motive of the amendment, I would suggest it would be better in another part of the Bill. The reason is, that the definition of land settlement deals with projects, and the last element is only a second consideration. The definition says:

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

"To lease," was, as it were, brought in incidentally and the proviso qualification deals specifically with the land. I would suggest with respect to that view, if the hon. Member wishes to pursue his point that it would be better to bring it forward at another stage. I would suggest it be put in the new clause 7 that it would not be in the public interest for lands to be acquired if they are beneficially occupied lands. I am not advocating that at this stage, but it would be better to put it there rather than in the definition of "Land Settlement," as there you are dealing with the project of settling farmers. I therefore advise the hon. Member to withdraw the amendment completely and, if he feels he ought to do so, bring it forward at another stage.

Mr. Luckhoo: I do not cross words with the hon. the Attorney General in respect of the happiness of the amend-

[Mr. Luckhoo]

ment, but I would with respect and deference, point out to him that I would agree with him entirely if the definition of "Land Settlement" had stopped at "establishment of farmers as an organised settlement." But, it goes on to say "or for distribution," Distribution of land not in that project but for sale, lease or otherwise to persons individually.

It is because of that fact that normally on the face of it land settlement to tenants goes beyond the pale of land settlement scheme. It is because of that I have introduced this amendment here. In the interval since it is suggested—and one does not wish to be difficult—it may be introduced and perhaps gain the support of the hon. Mover of the motion as an amendment to clause 7 (1). I will withdraw the amendment, and when clause 7(1) is before the Committee we will see how we can present it to express the general view we have heard on the subject.

The Chairman: If your argument is correct, Mr. Luckhoo, the amendment made is not to clause 2. Your suggestion is, you have another opportunity of doing so. You have to consider whether it is not clause 2 that should be appropriately amended along your lines. You are contending that it does involve lands which could be beneficially occupied. In my opinion it does. It has the meaning that the words in the definition "for agricultural purposes" would convey the inclusion of lands not so beneficially occupied.

That being your contention you seem to be right when you spoke. Therefore, I would say it is not a happy moment to withdraw the amendment. I think it should be left there for further consideration, and we pass on. I think that is a compromise I should make. Perhaps the hon. the Attorney General may himself change his mind. We all understand what the position is. I do not have to put the amendment, and I do not want to put that. Let that particular question be held over.

Sir Frank McDavid: I have never given my reasons.

The Chairman: You are opposing the amendment as a suggestion.

Sir Frank McDavid: I am opposing the idea.

The Chairman: You are saying that you do not wish a prohibition of that kind to be introduced in the Bill, because it would prevent the acquisition of land for land settlement which is not beneficially occupied wholly, but in respect of which a project is involved in the public interest. It is desired that whatever lands Government wants in the public interest can be taken possession of.

The position in English law is that you do not sell or dispose of the project. If you cease the operation you should give the owner an opportunity of owning it.

Mr. Cummings: I would like you to permit me to express my view, Sir. I am entirely in agreement with the Attorney General for the reason that this clause seeks to enable one to establish a land settlement scheme and, as such, it has nothing to do with the question of what type of land it is. What I understand the Attorney General to say is that it is not necessary in this Bill to define "beneficial occupation" or occupation on the land. It would be illogical to put that here. It states that:

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

The question as to whether the land is beneficially occupied or not is relevant to this definition, and I would just like to record my view.

Mr. Sugrim Singh: I am very glad that the hon. Member has reiterated what he said originally—at the opening of this debate—that in practice or in effect Government does not intend to interfere with land that is beneficially occupied. It has been stated that the definition "land settlement" relates to land for the establishment of farms as an organised settlement or for distribution by sale, lease or otherwise to persons individually for agricultural purposes.

Let us see how this would work in practice: "A" has some land which is beneficially occupied but Government comes along and clears that land and then sells it to "B" for other purposes; one cannot say that the land was not being beneficially occupied in the first instance, since there would have to be a sharp meaning as to what is "beneficial occupation". The point I am making is that if we are not going to go outside for a system whereby we would use land which is beneficially occupied already, the duty of the Land Settlement Department would be to give freehold title to settlers wherever possible.

The Chairman: The hon. Member (Mr. Sugrim Singh) has gone into the general question as to whether any land that is beneficially occupied should remain so. It has been already suggested (by Mr. Luckhoo) that so long as land is occupied for any agricultural purpose that is beneficial occupation within the definition given in this Bill.

Mr. Sugrim Singh: That is exactly my opinion also. That has been said, in effect, by the Member for Labour, Health and Housing, and also by the hon. Mover of this motion. Reference has been made to what is known as the "front lands" on sugar estates and if we press this amendment it would, in effect, be a barrier against the use of say "front lands" on sugar estates which might be said to be beneficially occupied.

Mr. Cummings: Just to a point of correction: I do not remember dealing with that at all.

Mr. Sugrim Singh: My reference was to both the Member for Housing and the Member for Agriculture. I now reach the hon. Member (Mr. Cummings). We do not see him often in this Council—

Mr. Cummings: The hon. Member is not often here to see me. If he looks at the record of attendance he will see my name.

Mr. Sugrim Singh: The point is, under this Housing Ordinance, Cap. 182, these front lands can be compulsorily acquired, and there is no question of beneficial occupation arising: the only snag is market value. Now it is not the policy of this Council to call the name of any particular estate, but we want land for housing, not only land settlement, and I am saying that under the Housing Ordinance the Member for Housing should get all these lands which no effort has been hitherto made to get, instead of going aback of all those places. Surely Government can take these lands, where no question of beneficial occupation arises, and give them out, 15 acres to each man.

We are talking about putting homes on well drained lands. I am not a geologist or an agriculturalist, but I feel that while certain lands are totally unsuitable for agricultural purposes, yet some can be turned into the site of attractive housing estates. We have seen Bookers build up housing estates from swamp lands. Perhaps I can elicit something from the Member for Housing as I understand he has not had occasion for

[Mr. Sugrim Singh]

using the Housing Ordinance in this particular respect.

Mr. Ramphal: In considering this amendment I suggest we should not take into account the possible effect on any particular person or group of persons of what we are trying to do. We should reject that approach entirely, and I think the hon. Member who moved the amendment would be willing to withdraw it in favour of something to be put forward by Government. I would suggest that the mover withdraw it.

Mr. Cummings: Before that is done, Sir, it is not clear to me what Mr. Sugrim Singh is suggesting. Is it that we should acquire land for one purpose and then use it for another? I am afraid my reasoning is such that I cannot see the relevance of the application of the Housing Ordinance to what is happening here at the moment. As far as land for housing is concerned, we have it. We have all the land that can be used for the target set, and there is no question of our wanting land and not being able to get it. When we could not get it, we threatened acquisition and we got it.

My friend referred to the Sugar Estates, but as far as I know their housing programme is progressing satisfactorily; people are being given loans and land and a substantial number of houses has been built. So I do not think I can be of help as the hon. Member desires.

The Attorney General: May I just say this: this particular amendment is basic to the argument put up throughout the debate by the "opposition"—if I may say so. I would say if this amendment is to go in it is so important that it deserves a clause all to itself. But in any event I would urge the hon. Mover of the amendment to withdraw it because a definition clause is always unhappy if it is encumbered with a proviso. It is always easy to say what "A" is: "A" is "that", and if there is any fundamental qualification I would say it would be happier and easier to put it in the body of the Bill.

The Chairman: I think the hon. Member is on safe ground when he says that. The Attorney General is quite right, Mr. Luckhoo—the whole question can be better dealt with as a clause and not a proviso.

Mr. Luckhoo: Yes, Sir.

The Chairman: In the meantime you might think it out.

Mr. Luckhoo: Yes, Sir.

Amendment withdrawn. Clause 2 deferred.

Clause 3. — Power of Governor in Council to declare a land settlement scheme a public work under section 3 of Chapter 179.

Sir Frank McDavid: I beg to move an amendment which has been circulated, that is, to substitute the word "Principal" for the word "aforesaid" in the fifth and sixth lines.

Mr. Sugrim Singh: I want to amend this clause by the insertion of another subclause :

> "Where the Governor in Council decides to acquire any land under this Ordinance it shall serve a notice on the owner giving him such time as the Governor in Council may determine within which the land is to be beneficially occupied. If at the end of one year from the service of the notice the said land is not beneficially occupied, then the land or such portion shall be liable to acquisition under this Ordinance."

Sir, I beg to move this amendment.

The Chairman: The Attorney General would like to have it in writing. It cannot be put into the Bill by word of mouth. The Attorney General, who is a

very important person indeed, has to look at it and give it his certificate before the Governor can give his assent to the Bill. That is why I am asking hon. Members to put their amendments in written form. It makes it so difficult for everybody if they are not. You are assuming everybody has your grasp of it.

Mr. Sugrim Singh: I agree entirely, but amendments have been sprung on us—

Sir Frank McDavid: Yes, in writing.

The Chairman: You may go on speaking, Mr. Sugrim Singh.

Mr. Sugrim Singh: The principle of serving notice is one that is observed in property matters. Supposing that a property is not yours and you propose to acquire it; there is no provision in this Bill for any notice. This is contrary to the practice in England where a notice is given for five years, and in some cases eight years.

I do ask the Council to consider the question of notice. As soon as the Governor in Council decides to acquire a block of land, I think it is right and proper that notice be given to the owner of the land. Is there any compulsory acquisition law anywhere in the world under which notice is not given to the owner of the land? I am not asking for five years' notice, because one has to bear in mind that land is urgently required, but I think it should be a reasonable period. Before the mechanics of acquisition have been completed the notice will have run its time. The owner of the land should be told that if he does not do something about it Government would take steps to acquire the land.

Sir Frank McDavid: I submit that the hon. Member is completely confused in his thinking. He is confusing this matter with action under a law such as the Agricultural Holdings Acts of [illegible] land which is designed to enforce proper agricultural practice by tenants. The purpose of this Bill is entirely different. It is to try to acquire unbeneficially occupied land; not to force somebody who has land and is not beneficially occupying it to do so. I have tried to get into the minds of the "opposition" the fact that I think that in this country of ours in the next 10 years there is going to be a debacle, for the simple reason that there are going to be thousands of children growing up who will want land and cannot get it.

I tried to tell them that there are thousands of acres of unused lands on the rivers. I tried to explain to them both privately and in public that the best approach to land development is up those rivers, because we have almost come to the end of our tether in reclaiming wasted swamps. We are going to spend $8 million on the engineering arrangements in Blocks I and II, $7 million on external works in the Boerasirie, and another $8 million will be required to complete the internal works. Heaven knows what we would have to spend in putting the lands behind Crabwood Creek in order.

We have come to the stage where the logical development has to take place on the riverain lands which have been occupied in the past and have yielded crops in the past. Is the hon. Member seriously suggesting that if we adopted the recommendation made by Mr. Lord when he was Commissioner of Lands and Mines, that Government should acquire all the privately owned lands up the Demerara River up to Wismar and start to settle people along those lands? suppose we decide to adopt that as a policy, are we solemnly going to give notice to a few people along the river banks that if they do not beneficially occupy their plots of land Government would acquire them?

The hon. Member is only thinking of some estate being taken from an

[Sir Frank McDavid]

owner who has failed to farm properly, as under the Act in England. The answer to that is contained in the provision in the clause which gives the Commissioners power to decide whether it is in the public interest to take an area of land. In the amendment to be moved the owner has the right to call for the appointment by the Governor of a Commission whose function will be to investigate and determine what the owner himself requires for his agricultural purpose. There is no need to be fearful. The hon. Member need not insert something in the Bill which would cause it to misfire—something quite outside the nature and object of the Bill.

The Chairman: Does anyone wish to speak on the amendment which has been distributed?

Rev. Mr. Bobb: While I quite appreciate the contention of the hon. Mover of the amendment it is clear that it seeks to reintroduce the very element which was agreed upon to be omitted from the definition or interpretation of beneficial occupation, and would raise a completely different issue and form a new basis for the Bill as a whole, because the land would have to be found to be not beneficially occupied before any steps could be taken. That very phrase it has been agreed to remove, and to reintroduce it in this amendment would be to go back on the stand already taken. To introduce it in the definition of "land settlement" would remove from the Commissioners what is already provided for them in clause 7 (2) (a). I suggest that the hon. Member reconsider his amendment.

Mr. Luckhoo: May I state what I think is at the back of the mind of the mover of the amendment? It is that the fact that land has not been beneficially occupied for a number of years may be due largely to the economic position of the owner, or to a number of other reasons. I think what he is endeavouring to urge is that if that same land were put into beneficial occupation Government would not take it away. Would it then not be fair to the owner of the land to warn him that if he did not put it into beneficial occupation Government would acquire it in the interest of the community—Government would acquire it and distribute it to others. What is being sought, so far as I can read into the suggested amendment, is a period of grace which is not entirely unknown in such matters. Maybe the words of the amendment do not convey fully the idea which is at the back of the hon. Member's mind, but what is sought is some clause which would provide a period of grace so that a person who owns land would know that if his land is lying abandoned, or if he is not using it in a manner which could benefit the country, it would be taken from him.

I think in Mr. Frank Brown's report the words used are a period of grace, taxation, or compulsory acquisition. I think the hon. Mover of the Bill should bear in mind that the amendment seeks to put forward the idea of a period of grace.

Sir Frank McDavid: The hon. Member has again overlooked my argument that there is a strong case for the owner of land in the clause which sets out the Commissioners' functions.

If the Commissioners conceive that any owner requires his land for agricultural purposes, we say that the Commissioners are entitled to let him keep his land. It is quite unnecessary to give a grace period for that owner to be free to have his own land for agriculture. He can tell the Commissioners "I have 1,000 acres and I want 300 for cultivation. I have not done it as yet but I am about to prepare it to produce." He would establish that and so would retain that land. This period of grace is inconsistent and quite unnecessary.

Mr. Ramphal: I am one of those who should support the idea of a period of grace. I refer to the statement by the expert, Mr. Frank Brown, whose advice was taken in this particular matter. Any ordinary negotiation takes six months from the time it starts to the time it ends. I am very deeply impressed with the argument just adduced that there is some provision, whether ample enough is a matter of degree, for the owner to make representation to the Committee. But that is not really what has impressed me most. The one that impresses me is the distinction between taking large blocks of land and taking an individual piece of land. I can quite see the force of argument.

You can give a period of grace when taking a piece of land, for distribution, but when you are taking a large block of land in reality it would be nonsense giving everybody a notice because, if you did, one could by himself block the operations. While I am wedded to the idea of the equity of providing a period of grace, I think it should apply mostly to where a small piece of land is taken. The hon. Mover suggests we can find the answer in the evidence before the Commissioners. In that case I am suggesting to the hon. Mover of the amendment that maybe we can more forcibly put it in at that particular point.

Mr. Sugrim Singh: As mentioned by the hon. Member, I have had in mind all along this question of a period of grace. Wherever there has been compulsory acquisition of land, as far as I know—I have my procedure to some extent in the Laws of England—there has always been a period of grace. The accepted authorities—Mr. Frank Brown and the World Bank Mission — all agree on the question of period of grace. I can go on making ridiculous references, but what I do have in mind is the case where a man due to no fault of his but economic conditions over which he has no control, cannot beneficially occupy his land as there is no drainage. Government wants to acquire his land compulsorily. A period of grace, it strikes me, is very essential. It has been suggested that I should bring this amendment at a later stage. That may very possibly be in an appropriate context, but I am pressing this amendment whether here or any other part of this Bill.

Sir Frank McDavid: I am going to speak on this for the last time. This measure has not been introduced in order to take away people's estates here and there in this country. That is obviously not the case and that fallacious idea has produced a lot of confusion in the minds of the people of the country. The hon. Member is thinking of our going to Essequibo and taking away all the land we find there. The object of this Bill is to get land that is not beneficially occupied and start to prepare it as soon as possible for the next generation.

I cannot speak for the next Government, but it is not intended that we should go and select individual estates here and there and say they are not beneficially occupied and must be taken over. I do not know how such an idea can get into the mind of the hon. Member or anybody. It is very unfortunate that has happened, and I do appeal to the hon. Member not to go on saying that this Bill is designed to take away people's property.

Mr. Sugrim Singh: We are making a law which is going to be on the Statute Book of the Colony. How can equity creep in when we are going to put the power in the hands of people to do it. If Government wishes to pass this Bill it can go ahead. We have tried to co-operate. The hon. Member, Rev. Mr. Bobb, mentioned that the question of beneficial occupation has been ruled out. Apparently, he has not

[Mr. Sugrim Singh]

been listening to the debate. We have decided on the suggestion of the hon. the Attorney General to try to raise it again. We are firm on beneficial occupation. As to whether Government accepts it is another matter. What we are saying is that wherever there is compulsory acquisition there has been a period of grace as in England. I speak subject to correction. In Barbados, there is a period of grace for two years. Here in British Guiana there is not such an urgent necessity for land that it cannot be given. All we ask for is a year. It is a democratic right consistent with proprietary right of the people whose lands are to be compulsorily acquired.

We are in this Council making legislation on which others will be acting. Who knows what is going to happen in the next 10 years? Unless they go to *Hansard* they will not know the intention of the Legislature. Law is interpreted on what appears in the Statute Book. The statement is made that Government is not going to take lands beneficially occupied, but where is it mentioned in this Bill? What rights has a landowner under this Bill if Government wants to take away his land which is beneficially occupied? In this Legislative Council we are making laws for the entire country, and I do ask that a period of grace be given and that Government accepts the principle that is consistent with what exists wherever there is land acquisition in the Commonwealth.

Rev. Mr. Bobb: I am afraid my hon. Friend misunderstood what I said I was speaking on the amendment which says:"

> "If at the end of one year from the service of the notice, the said land is not beneficially occupied, then the land or such portion shall be liable to acquisition under this Ordinance."

The element of occupation is introduced in a completely different context. What I said was, it is taken out of the context of land settlement and introduced in a completely different context. Further, if the Commissioners are going to be authorized to examine the cases before them in the light of what we have heard, the reasonable requirements of the land for agriculture must include the owner's consideration as to what he intends to do with his land. I cannot subscribe to the idea that until Government says it wants a piece of land, then the owner must begin to look after that land and make it of beneficial use. Let us suppose that somebody did not have a thought of using the land beneficially until he heard that the land was wanted by Government, I still do not think he should be given a year of grace because of that. My contention is not that there should be no period of grace, but that if a period of grace must be given it must be put in some part of the Bill which has to do with the question of negotiation with the owner and not tied with the question as to whether or not the land is beneficially occupied. That is what I want to emphasize.

Government wants your land and it is not beneficially occupied. So the Commissioners would make their examination and, according to this Bill, the Governor has to say so. I would like to pursue the question of beneficial occupation in the rice industry. If one person is to be given some time to defeat the rice industry; if one person is to be given some time to defeat the considerations of the Commissioners, whatever the period of grace may be, I do not see that should be where the land is not beneficially occupied. According to

my hon. Friend's meaning of the term "period of grace" it should be granted in order that an owner could put his property in order so that Government cannot acquire it whatever his intentions are.

I think it is quite legitimate to give a person some time to examine his own situation from all possible angles so that in his negotiations he will have the advantage of putting forward every possible point in his favour. He may use some period of grace to have a second thought, but not to put his land in beneficial occupation.

Mr. Sugrim Singh: I have no desire to carry on any sparring contest, with anyone on the English language. I know that beneficial occupation used in any context means beneficial occupation. My hon. Friend who has just spoken has indicated his agreement to this period of grace.

Rev. Mr. Bobb: I am speaking of the existence of the period in respect of the negotiation so as not to hurry the owner into making a decision one way or the other as to his intentions to establish that beneficial occupation. I think if Government wants him to beneficially occupy his estate Government would tax him.

The intention of the Bill is not to meet all purposes, or to enable people to use their land better. It is to enable land to be acquired for land settlement, which is a different thing. The hon. Member (Mr. Sugrim Singh) began at one end by referring to the necessity for a period of grace, but—

Mr. Sugrim Singh: I was quoting the hon. Member. I said emphatically "a period of negotiation" and I would ask hon. Members of this Council whether it could be said that "a period of grace" is synonymous with "a period of negotiation." When, and only when, negotiations have been made possible should there be a right to acquire land compulsorily. In other words, after one has decided to acquire, steps will be taken to make negotiations with the owner of the land in accordance with such a decision. I cannot follow the view of the hon. Member; I have heard some people speak against this Bill and I have also heard others support it.

The Chairman: May I have the benefit of the last few words spoken by the hon. Mr. Bobb?

Rev. Mr. Bobb: I was saying, Sir, that it depends very largely upon my learned Friend's ability to understand what I have said.

The Chairman: There is an amendment tied to this clause 3, —that we substitute the word "Principal" for the word "aforesaid". If hon. Members look at this clause they would see that the Governor in Council has the power "to declare any land settlement scheme to be a public work" for the purposes of the Ordinance, "and thereafter the provisions of the Ordinance shall apply in relation to the acquisition of any land for the purposes of such schemes." The clause does not say that before the Order is made by the Goveror in Council, (declaring a land settlement scheme to be a public work) there should be any negotiations for acquiring the land, and as regards the application of the Order to the land in question, the clause does not say "may", but "shall".

[Mr. Speaker]

I can only presume that these words are going to remain.

Sir Frank McDavid: We must be practical and realistic. Everybody knows what happens in a case like this; one must approach the owner of the land, I submit, and speak to him about it. Within a few weeks perhaps, the price is worked out and the negotiations take place. That is what usually happens.

The Chairman: Ordinarily, those steps would have to be taken after the termination of the crops. The owner would have to be asked to give permission to enter the land—where either party had not received sufficient notice — and the notice might be accompanied with a request (from the intended purchaser) to allow him to examine the land. Some authorities say that such a notice must be of necessity to reach the owner.

Mr. Sugrim Singh: I will ask plainly and simply that the amendment be put. If it is the wish of the majority it will be carried.

Mr. Ramphal: I would like to point out that I do not think sections 4 and 5 of the Principal Ordinance are in any way affected by the present Bill. If my contention is right, I am the one who would be most blameworthy in drawing attention to the fact, but I do feel the force of the argument with respect to occupying blocks of land. I see the force in that, and if we can arrive at a formula whereby that would be safeguarded, and the interest of the individual also, I would be most happy. Sections 4 and 5 (of the Principal Ordinance), if they still operate, would appear to be to provide the answer in some way to this question that is now being debated.

The hon. Mover of the Bill has, in a way, indicated that during this period of negotiation everything would be known, but the law says that the Governor in Council may authorize persons to enter the premises for the purpose of carrying out certain services and so on.

Sir Frank McDavid: If the hon. Member agrees that clause 3 of the Bill should be considered, I will read it so that the point will not be missed. It says:

> "3. Subject to the provisions of section 6 of this Ordinance, it shall be lawful for the Governor in Council, by order published in the Gazette under section 3 of the Acquisition of Lands for Public Purposes Ordinance, (hereinafter referred to as the Principal Ordinance), to declare any land settlement scheme to be a public work for the purposes of the aforesaid Ordinance, and thereafter the provisions of that Ordinance shall, subject to the modifications hereinafter stated, apply in relation to the acquisition of any land for the purposes of such scheme."

I will say that all the provisions of the Principal Ordinance do apply except when nullified by a specific amendment in the Bill itself. We need not have any fear of such provisions as period of grace, notification of action by the Governor in Council, reports by Surveyors and so on; all those things will have their proper place under this Ordinance.

Mr. Ramphal: Therefore all these things in this Bill would apply.

Mr. Sugrim Singh: That is a moot point. I am not thinking of seven days in the future, nor am I thinking of

seven days' notice in relation to the World Bank report. I have been actually submerged with questions as to why Mr. Frank Brown was specially selected to make a report with respect to British Guiana. As regards the question of negotiation, I may state that the principle of a fixed period is mentioned in Halsbury's Laws of England, and the idea is to give a chance to both sides to negotiate.

The Attorney General: I think the last speaker is somewhat confused in his mind in that a period of grace is provided in the New Zealand Act, as in the United Kingdom Act, which deals with the problem of getting a relatively small amount of the land that exists for a relatively large increase of population. Today, a period of grace is not to be found in the present Act in England. I think most people will agree with me that the ownership of property imposes not only a right but also a responsibility in these days when everybody is striving to maintain an improvement in the standard of life. There is no room for improvement and that is why in England one finds legislation which provides this period of grace and if anyone has land which is not in beneficial use within a certain time, it will be taken away from him and put into a beneficial use by others. The sole purpose of this Bill which we have before us, is to acquire land for land settlement. This Colony, today, is trying to get land which is not in beneficial use put into beneficial use, in order to produce more rice or whatever it is. The thing that strikes me is that the problem is really an urgent one. The land which is not in beneficial use is so because it is uneconomical for any landlord to put it into beneficial use and work it.

The mere fact that the Government is likely to come along and say, "we will take this land" is not going to turn it to profitable advantage or make him put it into beneficial use. Even if he did so in order to avoid the Acquisition Ordinance he may leave it alone for a year or two or it may fall into disuse again, which will obviate the whole object of the amendment which the hon. Mover is seeking to put forward. I would say that the practical advantage is really very little.

Mr. Sugrim Singh: The Attorney General's point, as I understand it, is that if you give him this notice after his failure to occupy the land beneficially for such a long time he will occupy it. Whose fault is it? I have said already in this Chamber that it is Government's own fault. Would this land become suitable overnight? The usual amount of capital expenditure for drainage works would have to be put into it. A change of ownership is involved, from the previous landlord to the Government or otherwise, and all I ask is that some period be given, not with respect to land not beneficially occupied but where you have beneficial occupation.

We must remember that the law will be applied according to what is on the Statute Books. We are going to take these lands and turn around and sell them to other persons—because that is the provision that is made in this Bill. That is the whole Bill—confusion.

Mr. Ramphal: May I crave the indulgence of this Committee once more? If we are to get a picture of the whole of this operation that is going to take place, I think it is necessary to clear the air altogether. As I under-

[Mr. Ramphal]

stand it, and the mover of the Bill can correct me if I am wrong, what will happen is, the Principal Ordinance remains the Principal Ordinance, and where there is the intention to take a certain piece of land, sections 3, 4 and 5 of the Principal Ordinance begins to operate and the Governor in Council nominates the commissioners to go into the matter and surveyors are sent in. All this will take time. Then there is the question of negotiations. That, too, will take time, and the operation of this legislation before us now will not come into play until or unless negotiations break down.

Now that, to my mind, is the series of acts which will take place and I cannot support the amendment if I am correct in my interpretation. If I am mistaken I would like the hon. Mover to say so.

Sir Frank McDavid: I am sure the hon. Member is quite correct—he has even included one or two steps which I forgot and which entail a further period of time. There is a great deal of time to elapse between the notification and the end-up.

Mr. Correia: I beg to move that the amendment be put. All this is shadow-boxing.

The Chairman: We have not done so badly in this discussion.

Question put, the Council divided and voted as follows:

For:	*Against:*
Mr. Sugrim Singh	**Mr. Lord**
Dr. Fraser	**Mrs. Dey**
Mr. Rahaman	**Miss Collins**
Mr. Correia	**Rev. Mr. Bobb**
Mr. Luckhoo.—5	**Mr. Ramphal**
	Mr. Tello
	Mr. Gajraj
	Mr. Farnum
	Against;
	Mr. Kendall
	Mr. Cummings
	Sir Frank McDavid
	The Financial Secretary
	The Attorney General
	The Chief Secretary.—14

Motion negatived.

Clause 3 as amended passed.

Clause 4.—*Modification of application of Chapter 179 when land required for land settlement scheme.*

Sir Frank McDavid: I beg to move the following amendments to this clause: Paragraph (a): the substitution of the words "the Principal" for the word "that" appearing in the first line; paragraph (b): (a)—the insertion of the word "Principal" between the words "the" and "Ordinance" in the first line; and, (b)—the deletion of the word "aforesaid" in the second line; paragraph (c): (a)—the insertion of the word "Principal" between the words "the" and "Ordinance" in the first line and (b) —the deletion of the word "aforesaid."

Mr. Sugrim Singh: I wish to move an amendment to this clause by the deletion of the whole of sub-paragraph (c). I do ask that this amendment be accepted so that sections 19 and 22 of Chapter 179, not having been repealed, would apply. It would appear from section 19 that it strikes at the heart of this Bill and it is more or less repugnant.

Sir Frank McDavid: May I say at once that Government is prepared to allow section 22 to remain.

Mr. Sugrim Singh: I am very glad to hear that. In order to get at one's target sometimes one has to use a decoy.

Sir Frank McDavid: But not section 19.

Mr. Sugrim Singh: I would like to repeat that section 19 is repugnant, and I say no further.

Mr. Luckhoo: I beg to move the deletion of the words and figures "and 22" from sub-paragraph (c).

Mr. Ramphal: I take it now that the hon. Member has moved that amendment, he himself is going to suggest that the productive value has to be increased; "(a)" takes care of this particular point and that is why Government has yielded that ground.

Sir Frank McDavid : In that case the word "sections" in (c) should be in the singular.

Amendment of sub-paragraphs (a) and (b) as proposed agreed to. Sub-paragraph (c) amended to read:

"(c) the provisions of section 19 of the Principal Ordinance shall not have effect."

Clause 4, as amended, passed.

Clause 5.—*Method of assessment of compensation.*

Sir Frank McDavid: I move the deletion of subclause (1) of clause (5) and the substitution therefor of the new subclause (1) in the list of amendments, which reads:

"(1) The provisions of paragraph (a) of section 18 of the Principal Ordinance shall not have effect, and in assessing the value of land or of any interest therein acquired compulsorily under the provisions of this Ordinance, regard shall be had to the following provisions, that is to say ——"

Mr. Ramphal: I should normally have opposed this amendment in view of what I said about inconsistency, but in view of what Government is going to do I cannot object.

Sir Frank McDavid: There is no inconsistency of principle in the case of buildings, plant and machinery on land which is not beneficially occupied. It is quite obvious that the market value should be in relation to the true worth of the assets. The whole trouble about land is that there is extremely high inflation which does not arise in the case of buildings and machinery. I have to say that because I do not want the hon. Member to think there is no answer to the point.

Mr. Ramphal: I could give an answer to what the hon. Member has just said, but I do not think any purpose would be served by doing so.

Clause 5, as amended, agreed to.

Clause 6.—*Award and assessment of fair value where land is acquired.*

Sir Frank McDavid: I move the insertion of a new clause 6 as shown on the amendment sheet. It reads:

"6. (1) In determining claims for compensation the Court shall have power to consider and award to the claimant such additional amount as the Court deems necessary in order to make such compensation a fair value of the land compulsorily acquired under the provisions of the Principal Ordinance and of this Ordinance.

(2) In determining whether it is necessary to award any additional amount as aforesaid the Court shall consider —

(a) the nature and extent of the estate or interest of the claimant in the land;

(b) the extent to which the value of the improvements on the land exceeds the value of the improvements normally required;

(c) any special value that the land may have by reason of locality;

(d) such other matters affecting the land as the Court considers relevant."

This was the important amendment to which I referred when we began. It is extremely important because it does seek to introduce what Members may consider a change of principle. It is not in any way a change of principle, because I always conceive that arising out of the Bill as printed the owner would get a fair value for his land. However, on listening to the debate and realising the fear in the minds of hon. Members of action which might result in somebody being dispossessed of land without getting a fair value, I again examined the New Zealand Act, and these words which have now been translated into the Bill with the Attorney General's concurrence as the new clause 6 (1) entirely meet the criticisms and fears, and in interpreting them both administratively and in the Courts no one is likely to be unfairly treated in regard to the extent of compensation. I do hope hon. Members will accept the new clause.

Mr. Luckhoo : I would like to say that many of us who opposed the second reading of this Bill were happy to see the capitulation (laughter), and I wish to pay a compliment to Government because, in its wisdom, it has seen fit to reflect the opinions of the "minority" group in this Council. I am glad to say that for a number of reasons. I think it offers a greater assurance to the people of the country that they are going to get a square deal, because if Government intends to give a square deal it should say so. One does not presume to suggest that it was not the intention of this Government to give a square deal, but we felt that in the manner and form in which the Bill was worded owners of land would not have had an opportunity of receiving a fair valuation for their lands, which now by law the Court will have the power to give them. I am happy to see this particular amendment which meets a point on which many hours have been spent.

Mr. Sugrim Singh : I must join my hon. Friend, Mr. Luckhoo, in saying that it is to the good of the country that Government has sensed the reactions of the people to this Bill and tried to improve this clause. There is one thing about which I am still a bit unhappy. When a law is passed it applies to everybody, large estate owners as well as small land owners. I would, therefore, like Government to fix a minimum in the Bill to cover people who own a small house on a small plot of land. I am thinking of the small man, although the hon. Member for Labour (Mr. Cummings) thinks otherwise.

Mr. Cummings : What does the hon. Member for Labour think otherwise about? What did I say?

Mr. Sugrim Singh : If the hon. Member had allowed me to complete what I intended to say—it was he who said that we talk of the small man, but what I want to convey is that I would like to see a minimum fixed for the number of acres of land which may be compulsorily acquired, so as to provide some protection for the small man with his little holding.

The Chairman : That is not relevant to the clause under consideration. We are dealing with the question of compensation.

Mr. Sugrim Singh : My point is that no fair value on this basis of computation could compensate a man with

a small holding. I would like to see a minimum fixed in the Bill—that Government would not compulsorily acquire a plot of land of less than five acres.

Sir Frank McDavid : The hon. Member's whole argument is quite irrelevant to the clause we are considering.

Mr. Ramphal : I want to say one thing in order to put the record straight. The hon. Mover says that there is no change of the principle of the Bill, but those of us who spoke against it and now approve of this amendment are strongly of the view that there is a change in the principle. In the Bill as originally placed before us there was a fixed assessment, and the Court had to act on that. Now the Court shall increase or decrease it in order to bring it to a fair value. I contend that that changes the principle and brings it up to what we consider a reasonable and equitable basis.

Rev. Mr. Bobb: At this point I must take the opportunity to refresh the mind of my hon. Friend, Mr. Sugrim Singh, that in my speech during the debate on the second reading of the Bill I repeated myself in saying that I wish to see something more than the economic value, more compensation for the land, and I repeatedly referred to the statement made by the hon. the Attorney General. I thought it was not fair and I was not in favour of economic value which was not bringing it as near as possible to what could be taken as the market value. What is provided in this clause completely misses my own opinion on this matter.

This is one of the things that caused me to support the request yesterday for a deferment of consideration of the Bill so that I could have the opportunity, before the discussion, to see how it is tied up with some recommendations I had. I was very glad that the hon. Mover has brought forward this amendment with which I thoroughly agree. On that point my hon. Friend spoke against and voted for it. I spoke in favour of the principle of the Bill but said there were amendments desirable here and there.

Sir Frank McDavid: I rise merely to thank the hon. Member, Mr. Luckhoo, for his graceful compliment when he spoke in favour of the amendment. He used the word "capitulation." We are not engaged in a war, and there has been no capitulation on this side. So far as the value of compensation is concerned, hon. Members may recall that I was at pains to point out that paragraph (a) of that section remains. Therefore there is no intention to change the principle of fair value computation. In addition to the provisions of this Bill, there have to be taken into consideration for compensation for lands acquired—

> "(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 awarding compensation by reason of the acquisition injuriously affecting his other property or his earnings;
>
> (d) if in consequence of the acquisition he is compelled to change his residence or place of business the reasonable expenses (if any) incidental to the change."

All those are in. I do submit there is no change in principle in this amendment, which merely seeks to amplify and make valid the matters that ought to be considered in giving a fair valuation.

The Chairman: Clause 6 is an entirely new clause.

[Sir Frank McDavid]

Sir Frank McDavid: Yes, and I crave your indulgence to make one verbal change in the amendment. The word "compulsorily" should come after the word "acquired" in the fourth line. It is not consistent with phraseology. The words "the Principal Ordinance and of" in the next line should be deleted. It is redundant to include those words. I am told by the hon. the Attorney General that those words should be deleted.

Question "That clause 6 as printed in the Bill be deleted and a new clause be submitted" put, and agreed to.

Amendments to new clause 6 put, and agreed to.

New clause 6 passed as amended.

Clause 7—*Appointment of Commissioners, etc.*

Sir Frank McDavid: I beg to move the insertion of a new clause 7 circulated in the list of amendments.

Mr. Ramphal: May I remind the hon. Member that clause 7 is one in which there is something to be moved.

Mr. Luckhoo: I would like to move the insertion in line 9 of subclause (1) the following words:

> "Taking into consideration the extent to which the land is not beneficially occupied or utilized for agriculture."

The Chairman: Where is it?

Mr. Luckhoo: Page 2 of the List of Amendments at line 9 after the word "scheme'." I am referring to Sir Frank McDavid's new clause 7.

Sir Frank McDavid: I accept that subject to any verbal alteration necessary.

Mr. Luckhoo: I am happy for that acceptance. There is one other amendment I will introduce—in line 4 of subclause (1) after the word "owner" the words "or occupier" be inserted. Since it is the intention of Government to give every opportunity, as long as it is requested that it shall be done, for investigation by Commissioners to be appointed by the Governor, I think we should not restrict it to owners.

Sir Frank McDavid: I am prepared to accept that, because I hope that action will be particularly directed to unoccupied lands on the rivers, most of which have no real owners but a number of occupiers. I think, therefore, the inclusion of the words "or occupier" is right.

The Attorney General: I was going to ask whether in respect of the words "taking into consideration" it may not be clearer to say "having regard to the extent to which the land is not occupied". Clause 7 (1) says that before the Order is made the Government may in certain circumstances issue a commission appointing two or three Commissioners to determine by investigation whether or not it is in the public interest that the land in respect of which it is sought to make an order as aforesaid should be acquired for a land settlement scheme. Who is to take into consideration? Subclause (2) tells us what they are to take into consideration.

Mr. Luckhoo: I am happy to accept that—instead of "taking into consideration" the words "having regard to".

The Attorney General : I accept te hon. Member's amendment as to the inclusion of "occupier".

Mr. Luckhoo : A question of "*Damus petimusque.*"

Mr. Ramphal : We feel very happy that Government on reflection has made it obligatory that at the request of the owner or occupier it does so and so. I want to express the opinion of Members on this side of the Council in congratulating Government on its second thought and the hon. Member. Sir Frank McDavid, particularly.

Sir Frank McDavid : I accept the congratulations in the spirit they are given. May I say that many of these amendments were produced not because there was any capitulation but because on reflection it was found that something was wrong.

Clause 7, as amended, passed.

At this stage Council took the tea adjournment.

RESUMPTION

Mr. Speaker : We are now about to take clause 8.

Clause 8—*Conditions relating to land sold or leased.*

Sir Frank McDavid : The printed clause 8 will now be re-numbered as clause 10, and I beg to move that paragraph (b) of sub-clause (1) be deleted and that the following be substituted therefor:

"(b) such land, or the lessor's interest therein as the case may be, shall not be liable to be taken in execution except in respect of any debt owing to, or obligation arising under any guarantee by the Colony, or in respect of the recovery of any tax, duty, rate or other sum of money due and owing to the Colony or to any statutory authority."

The principle behind this amendment is that we are trying to make it easy under the provisions of the Bill to allow for compulsory acquisition by outright purchase. Members will remember that the market value of buildings is to be taken now, and in this clause allowance is made for an increase in the annual rent—a maximum increase of 6 per cent. Members will also remember that there are certain conditions in (b) and (c) in the Principal Ordinance relating to the things which are to be taken into consideration when there is to be payment in cash outright. All these things are to be taken into consideration where the land is being taken and paid for in cash outright.

May I also draw attention to the new clause 9 in the Bill? It contains an additional compensatory factor for land that is being leased.

Mr. Speaker : Does any other Member wish to speak?

Mr. Luckhoo: I shall move the deletion of this clause. I should like to make a declaration and to repeat something I have said many many times already: That is, I believe in freehold, and I would like to ask Government, a plain, simple, and what I believe is a pointed question. What is their land policy? Is it one of a freehold nature or is it one of a leasehold nature? I say that it must be clearly enunciated before one can follow it to see whether such requirements are necessary. In this country—if Mr. Sugrim Singh's figures are correct—90 per cent of the lands are Crown Lands and if the Government is acquiring land for the purpose of settlement, then I feel that the idea is a laudable one so long as you are going to permit people to acquire the land. In this

[Mr. Luckhoo]

country the people have for very long been suffering from the hardships of a leasehold policy.

Too long have people suffered hardships consequent upon a leasehold policy. It is not only that the people themselves have suffered from insecurity but the country suffers in like manner, because a person occupying land on a leasehold basis does not regard that land as his own. He does not take the same interest in the land and is reluctant in most cases to plant his trees and permanent crop thereon, because he feels that his stake in the land is at the will and may be, at the caprice of others.

It is very necessary that people should be able to identify themselves with the country and to work for the development of the country through the land. I feel, Sir, that this is a step which is retrogressive, and at times one is led to believe that Government's land policy instead of being freehold is one of leasehold. I am in a position to quote several extracts from speeches made in this very Council by the hon. Member for Agriculture in which he has put forward proposals with that particular policy in view. I think that unless we give the people a stake in the land we will be setting back the hands of the clock and that there will be despair instead of action on the part of the people.

There are two distinct views relating to land settlement. One concerns the individual—the persons whom we are hoping to settle on the land—and the other concerns those persons who want to acquire their own plot of land. The latter class of individual wants to own his holding and is prepared to work and put his labour on the land in order that he might acquire it. The people of this country, whatever their weaknesses, have developed a sense of land consciousness, and a man who wishes to hand down any valuable possession to his children in these days thinks of doing so not in terms of money but in terms of land. One often hears certain people expressing anxiety to get "transport" for their land and in some quarters they refer to it as *kajal*, meaning "paper" or "transport."

In my opinion, the people working on the land are doing an excellent job, and one of the first points they raise is that of asking when are they going to be given a chance to acquire their little plot of land so that their family could know that it belongs to them. I think it is very important that a statement should be issued by Government as to whether its policy is one of freehold or leasehold. If it is declared that Government is pursuing a policy of "leasehold" I think that would drive a sense of frustration into the minds of the people now that there is great hope and expectation that they would be able to own the land upon which Government is endeavouring to settle them.

I have visited places like New Hope and others in the East Demerara district and have been surprised at various activities of the peasant farmers—repairing dams and bridges, improving the land, and so on—in order that their efforts might come to fruition, and making a positive contribution towards the economy of the country. This is their country— their Guiana—and if we are going to settle these people on the land, we should give them the hope and the expectation which they deserve to have after all these years—the opportunity to own land.

I think the first question to be determined is whether Government's land policy is one of freehold or leasehold. I repeat that the policy should be one of freehold; that is the hope of the people at the present time since they hope to stay on the land.

Let us take it a step further: what is his future on that land? If it is the intention of Government that land settlement should continue, then it means that the person who is settling on the land should be told that the lease is for 10 years, a temporary measure to relieve the hardship which now exists and that at the end of that time he would be required to move.

But surely that is not the intention. I listened to the able speech which the hon. Mover made. He pointed out the great concern of Government for the future of the children of this country. What is going to happen? Do we know what the population will be like five or ten years from now? Where are we going to put these people, and how are they going to settle? In other words it is not a panacea, it is not a temporary measure for meeting an emergency. Land Settlement, as far as I can see it, is something of a permanent nature, and if there is a permanency about it then surely you must think of it in terms of a freehold basis. It is to my mind irreconcilable that you should have lots leased upon which you will have to effect land settlement schemes.

I think of a land settlement scheme as a project for land on which people would be settled. Nothing I say can be more unsettled than a leasehold basis. There is a conflict in the very object and means by which you are hoping to achieve that object. I feel that this is a matter which does strike at the roots of Government's policy for land in respect of settlement in the whole of this country.

There is another aspect. I have just spoken about the person whom we want to settle on the land. Now there is to be considered the person whose lands are to be acquired for this purpose. The owners of these lands will be definitely in the minority, but in a system of democracy one necessarily must give every thought and consideration toward the minority, and these owners of the land are entitled to every consideration as well. I think that in natural practice what will be found to be the rule rather than the exception is this: Government will say "We would like to buy this land"; it will then go into the price with the experts and work out how much it will cost. If it finds that the cost will be too expensive, and it has no money to acquire this land then will follow the ready-made alternative not to acquire the lands by purchase but by lease.

By lease for how long? "Subject to special terms and conditions as may be specified in such order." We do not know how long this land will be so acquired but it still proves to be a cheap way to acquire land in order to settle people. It is an unrealistic approach. I do feel that. Will Government at the end of this period of time say "Well now, having paid this lease for so many years we will now acquire the property and give the people the land"?

If this is the intention, is Government merely putting off the evil day? The land now in use will not only depreciate in value but they will be paying for it at the end of ten or fifteen years much more than what they are paying for it at the present time. So what then are we to presume? Government can say "This is the end; we give you notice; your lease has expired and you will have to find some other place to settle."

There is nothing more insecure than insecurity. There is nothing that

[Mr. Luckhoo]

affects a man more than the thought or the knowledge that he is not permanently settled. This is a human quality; it is not something that we can legislate for; it is something that springs naturally in the mind of a person who is going to be settled on the land. A freehold policy is appealing, exciting, invigorating and productive. A man with a stake in the community inculcates a sense of ownership. Those are the natural attributes that flow from a land policy based on freehold ownership.

Permit me to digress for a moment. I have seen the plight of the people of New Town who were recently faced with eviction; they were called upon to remove their houses from leased land.

They attended meetings night after night anxious to get some word of encouragement, especially the old people with their tattered shawls around their shoulders, wondering where they would lay their heads. One can see the difference now that they have been able to acquire the land on which their homes rest, for they have a sense of pride in their homes. Yesterday I took part in negotiations on behalf of the people of Alexander Village who are also endeavouring to acquire the plots on which their homes stand, so as to provide security for themselves and their families.

One translates that same feeling to the small farmer who wants to settle on his own piece of land. But while Government wants to help the small man and has built up his expectation to a crescendo, it is now lowering it to a diminuendo by substituting for freehold a leasehold concept. I implore the hon. Mover of the Bill, he who has given so much thought and consideration to the points which we have raised, to give further thought to this fundamental policy (I say this very advisedly) upon which the future of this country and its rate of development will depend. The people are agriculturists at heart. They should be given the opportunity of freehold occupation of the land.

I cannot square those thoughts with what is prescribed in this Bill. This is not the sort of a Bill which will do some good. This is a prescription that will produce a medicine that will only have one result—a fatal result. I ask that even at this late stage Government would give some thought to this clause, the deletion of which I have the honour to move.

Mr. Sugrim Singh: I wish to support the amendment for the deletion of this clause 7. I wish to describe it as the most vicious clause in this entire Bill. I wish also to describe it as the clause which opens the door to unending possibilities of injustice and dissatisfaction in this country. My hon. Friend has put very clearly and convincingly the difference between leasehold ownership and freehold ownership in this country. Whatever is responsible for it I do not know, but from the point of view of land it is obvious from the figures that there is patent land hunger of which so much has been said in this Council and that the people continue to starve in the midst of plenty.

I must say, Sir, and I take full responsibility for it, that Government policy in the past lacked vision. Then there was no long range policy otherwise the situation today would have

been completely changed. At one time in the history of this country Government believed in settling people and to have flourishing settlements like Windsor Forest, Hague, and others where the people as the result of freehold ownership of the land have been able to sink all they had in the development of their holdings in the full confidence that whatever they sank would some day bear fruit, as indeed it has borne fruit.

Suddenly, after the existence of these successful settlements, for some reason or other Government changed its policy, and you now have large tracts of land taken up by people, some of whom have never been near those lands, but are tying up those lands with other agricultural or grazing lands.

Government possesses the Land Resumption Ordinance but it is still in cold storage. This clause in this Bill, I wish to submit and it can be seen by every hon. Member of this Council, patently would work considerable hardship on not only the land owners who would never be in a position to know what portion of their lands would be the object of acquisition but the people to whom those lands when acquired would be distributed would not have that security which freehold ownership alone could give. The whole thing is a mass of confusion. I want to say in this Council that a large portion of the trouble and dissatisfaction in this country is due to this insecurity not only in respect of land but in other fields in which it appears that this Government is either unable to solve the problem or is not prepared to solve it.

In this country, as I have said before, we had successful land settlements. Indeed in the Lease Agreements in the Lands and Mines Department there are provisions which give the Government powers to resume the land leased. Indeed by passing the Land Resumption Ordinance Crown Lands which are not beneficially occupied can be resumed. So important was the subject that an Ordinance had to be placed on the Statute Book. Cannot it be gleaned from that Ordinance and from the subsequent policy of Government that it is the intention of Government to turn its face against leasehold ownership and to resume those lands and try to give the people freehold title to them?

If Government is going to resume land and vary the agreement of lease to which I have referred, then to continue leasing lands there would be a recurrence of what this Government has set itself out to remove.

What is the position of Garden of Eden? What kind of ownership those people will have? I venture to think that Government has a policy in which eventually the lands will be owned by those people. They will have their farms in close proximity to their dwellings and social and other services will be supplied them for the development of the settlement. Why should Government seek power to go into a land owner's land and make all necessary investigation to say whether his land should be compulsorily acquired or not?

There is unlimited power to go into anyone's estate and select the best land therein. Leases would not be taken on private property because it would be difficult to put persons other than the owners in that position. As

[Mr. Luckhoo]

a member of the Land Settlement Committee I would say that there are many things the Committee would like to deal with and to remedy, but the question of finance comes in. When Government finds itself in a position to buy land even at what is called a fair value, then it should do so and introduce different terms and conditions of sale for settlers.

The land owners would have to depend on those terms and conditions —whether they permit ownership for 99 years or 999 years. Whether there would ever be a "fair value" basis one does not know, but I would say that instead of having sections like this in the Ordinance we should nationalize the whole situation.

I know that some Members have had considerable experience in this question of land ownership and they should not hesitate to express an opinion as to what policy should be adopted. Unless we get away from our present system and decide to give freehold ownership, the land policy of this country would never achieve its objective.

As stated by my hon. Friend, a peasant is given a lease at the present time but cannot plant a coconut or a banana tree on the land, and I am very glad the hon. Member (Mr. Ramphal) has heard that statement. There was a time in the history of this country when one could have gone to any market and find fruits galore, but now fruits are very scarce indeed. One could also have bought a big bunch of plantains for 12 cents —and it was nearly more than he was able to take away.

What has happened is that certain conditions have changed in this country—things like means of transportation and so on—and since Government has had control of these affairs they have got into one colossal mess.

Government was trying to control beef but what happened? There was confusion—black-marketing and all sorts of things. Since control has been relaxed, however, conditions have returned to normal. Recently I heard of rotten beef being sold for human consumption, but that was the fault of the Sanitary Authorities.

Coming back to the Bill before the Council, I would emphasize that nobody wants to occupy lease land. No one would spend money to plant permanent crops on such land, because he might find that when the roots have developed the landlord might suddenly decide to take back the land and cause his labour to go "down the drain". Government cannot be exculpated in this matter. The very last Ordinance we have passed relating to this question—the Resumption of Crown Lands Ordinance—has become somewhat obsolete and we are going back over the whole question like a recurring decimal. If land is to be compulsorily acquired by Government and since there is going to be a land settlement scheme, then the policy should be to grant it freehold.

Later on in this section (8) there is some implication to the famous Frank Brown report, but while reference has been made to the question of leasehold title it must be borne in mind that leasehold title was referred to by Mr. Frank Brown because of the Gazira scheme he designed for the Sudan where there is a catch crop. His point was that where there is a

freehold tenancy it would be difficult to control people since the main catch crop would be planted, but those conditions do not prevail in this country. We have no catch crops, such as cotton, which have to be considered as in the case of the Sudan.

Although people in this country are anxious to occupy lands, no one would ever be satisfied with holding land that has to be leased, and I do ask the hon. Mover to consider the advisability of abolishing this clause which gives Government a right to acquire land compulsorily at a loss to the landlord. I might be told by the hon. Mover that such cases would be rare and that some landlords would be glad to give up their lands, and things of that sort, but once a section like this is put on the Statute Book it could be used to create great hardship.

But to compulsorily acquire, then turn around and lease, leaving a man to depend on whatever he gets in the way of land is virtually taking over his entire land. I do ask Government to reconsider its position with regard to this clause and accept this amendment.

The Chairman: What is the amendment?

Mr. Sugrim Singh: The deletion of the entire clause 7.

The Chairman: What is to be substituted for it?

Sir Frank McDavid: This clause is quite all right. It is a special provision for powers of lease, and if hon. Members do not like it—

The Chairman: They may substitute something.

Sir Frank McDavid: I listened with delight to my hon. Friend, Mr. Luckhoo, and in this instance may I say that I agree with him in about 80 per cent. of what he said. I only wish I could have said it with his facility of language, variety of expression and verbal gestures.

However, it seems quite curious to me that the objects behind this clause and the reasons for it should have been entirely misunderstood. Two Members who have spoken have thought fit to see or read into it an indication of Government's policy against freehold for small farmers.

Now that is not the object at all. I should have thought that Members would have realized what the intention is, since this Bill contains many provisions designed to facilitate the distribution of land to small farmers and since we have gone to the trouble of including in the definition of land settlement the distribution of land by sale. Indeed, in the clause to follow this one it is clearly indicated that part of the objectives of the redistribution is to sell.

Throughout this Bill Members will see the words, "to sell" or "to lease"; so that should have indicated to the minds of hon. Members that it is far from the desire of Government to remove from the Bill the conception of sale to small farmers. Indeed it is going the other way around: it is providing for it at once.

May I add that this question of leasehold versus freehold is an old one. I have listened in this Chamber to many debates on it; the arguments

[Sir Frank McDavid]

have waxed warm on both sides and there is much to be said on either side. The late Commissioner of Local Government, Mr. Laing, was perhaps the chief exponent in this Council and in his Department of leasehold for small farmers, and nearly all the experts on land settlement have lent their weight to leasehold. Mr. Sugrim Singh quoted from the Frank Brown Report but he was another of the experts who came here and resisted the idea that freehold is the better course for farmers; and the latest of the experts to come to British Guiana, Dr. Shepherd, an agriculturist of great experience emphasized his own belief in leasehold and in another somewhat similar form of title, "usufruct"; so that the position is this: our experts have all emphasized leasehold and there is good reason for it.

In a country like this where so much depends upon the proper use of land, water control, proper utilization of water and so on, it is obviously better to have a lease where the lessor could to some extent have guidance as to the use of the land. I am going to agree that emotionally, psychologically, the small farmer should be permitted to acquire his land. That is my personal view. As I said earlier in the debate on this Bill the one great difficulty about freehold land is fragmentation. Here again, I will not dilate but hon. Members will understand the serious embarrassment that has taken place in this country from fragmentation. It is impossible to farm land properly where serious fragmentation has taken place. But I personally believe we should recognize the emotional desire on the part of the farmer in this country to own the land he works and, more particularly, if he is going to plant permanent crops. I hope Members will be satisfied with my emphatic assertion that this Bill is designed to permit the selling of land to the farmers.

Another error in the interpretation of this clause must result if Members do not remember that the provisions for assessing the annual rent are very generous. They include the annual income that can be derived from the land; they include the percentage charge on all the additional provisions, the cash value (which Cap. 179 provides); they include the percentage of interest on the market value of any buildings that may happen to be on the land. In other words in this Bill we have gone out of our way to make the yield to the owner of leased land higher than that which can be recovered by outright purchase. Therefore, to put it broadly, Government would be losing when it leases land and releases it to other people. It is not going to be a paying proposition, and it would be a brake on the taking of land by that method just for the purpose of distribution. It would be more costly than buying the land.

But here is the point: that in all the countries where land reform of this sort has had to be adopted, the question of lack of capital at the time it is wanted has come to the fore. In Jamaica it is solved in a natural way by the issue of land bonds. There they passed a law which says that when Government has scheduled certain areas it would take the land and issue bonds for it at a certain rate of interest. The owners of land are not asked to accept bonds; they are made to give the land up and are given bonds in exchange for it. Here we have adopted another method—compulsory lease.

Let me give this warning. I am being extremely serious when I say that all of us should be fearful of the conditions that are going to arise on account of the lack of prepared land for the rising population. Secondly, Government will never have at any time the amount of capital that will be required to buy all the land. We cannot do it, nor do we need to do it. Can Members conceive of our wanting to acquire 20 miles of land on both sides of the Demerara River and being able to find the money to buy it? No, we would not do that. We would lease land although it is going to cost more ultimately than to buy it outright, and hope that at the earliest possible time we would be able to convert that lease into an outright purchase.

That is why Members should pay strict attention to subclause (4) which does seem a little obscure in wording, but I hope Members understand what is meant. It says:

> "(4) The powers conferred upon the Governor in Council by this section shall be in addition to, and not in derogation of any other power conferred upon him by the Principal Ordinance and this Ordinance, and notwithstanding the exercise of the power conferred by this section in respect of any land, the Governor in Council may at any subsequent time exercise in respect of such land any other power conferred upon him by the Principal Ordinance anl this Ordinance".

That legal jargon merely means that the Governor in Council will have the power, notwithstanding that it has leased land compulsorily, to buy it as soon as possible thereafter and pay compensation as set out in this Bill. This provision is a means to ensure that Government will be in a position at any time to take unbeneficially occupied lands, not on cheap terms but on terms which would not require the provision of capital money which we do not have at the moment. Members may ask: why not adopt the Jamaica idea and issue Government bonds? That is somewhat dangerous in our circumstances, because every issue of loan paper reflects a Government's creditworthiness, and you have to be extremely careful not to issue bonds unnecessarily, because it interferes with your borrowing powers for otber purposes.

So that this measure is an alternative by which Government would be able to take large areas of unbeneficially occupied land by lease, and any time we can find the capital we can use this other provision and buy it outright. That is all that is really intended. I know I will be asked: where did this idea come from? I know it is in operation in other countries but I cannot now put my hand on the legislation. Mr. Sugrim Singh would be very interested to hear that that is exactly how the Gezira scheme started. There were literally thousands of people in the Sudan disorganized, many of them owning land and not knowing what to do with it, and what happened?

That wonderful scheme was started, most of the land being leased by the Gezira authorties from the people who owned it, and who were eventually put back on the land as co-operators in this wonderful scheme. Practically the whole of the scheme was acquired by lease in just this way, and as it progressed the authorities offered the owners a capital sum and bought the land, and I believe that most of the land is now owned by the authorities. Mr. Clark, our Land Adviser, actually helped to assess the computation of the land values in that particular scheme. It is not a new idea at all; it is merely an alternative by which Government can secure the land they want.

I think I have answered all the argument on this particular part of the motion to delete this clause. Mr.

[Sir Frank McDavid]

Sugrim Singh has insisted that Government should use the Crown Lands Resumption Ordinance. If he would read that Ordinance he would see that it merely provides power by which Government can resume private lands after diligent search is made for the owner and he is not found. But if the owner appears, or even a person who appears to have title comes up, the proceedings must be dropped. I suggest to him that he reads section 11 of the Ordinance for which he will see that where land is resumed by the Crown it has to be appraised without delay. The section says:

> "11. Land resumed by the Crown under section 4 or section 7 of this Ordinance, shall be appraised without delay by some person or persons appointed for that purpose by the Governor, and the appraised value shall be recorded in the office of the Commissioner."

So this Crown Lands Resumption Ordinance merely means the Crown would have to find out the true market value, put it down, and wait for 10 years for the owner to appear. I hope I have answered the point and removed some of the fears that this clause has unduly engendered in the mind of the hon. Member

Mr. Luckhoo: I am reminded of the remark made about Burke. They said that when he was at his friendliest he was at his deadliest. Another writer said he had two ways of replying to his critics—one was to stand up and blast them forth, and the other was to agree with what they had to say and then proceed insiduously to destroy what they did say.

I say that because Sir Frank, the hon. Mover, appears to have followed the Virgil quotation which runs thus—"*Video meliora proboque sequor deteriora*"—I see the better way and approve but follow the worse. I am happy we have Sir Frank on record as a Member of Government charged with this particular consideration. He is in favour of the freehold policy and, if I understand him correctly, if there were some means to protect freehold from fragmentation he said he would be willing to embrace such measures as can protect freehold and yet give expression to what is the intention of Government.

It is because of this I will say to Sir Frank in all seriousness and for his consideration, I do not think it is beyond the ability of the Members of this Council or a Select Committee of Members of this Council to sit on a matter of such importance tomorrow, with the astute freshness of mind of the hon. the Attorney General, with our wealth of legal talent—Sir Frank McDavid referred to my good and hon. Friend, Mr. Sugrim Singh, then the hon. Member for Housing conspicuously absent as usual from his seat. I feel that with these we have the means whereby we can evolve and endeavour to work out some means which would reflect the point of view expressed by the hon. Member and yet do justice to the cause wherein he is espoused.

If when we present to the hon. Member the means whereby he can achieve this end he is not satisfied, then I would be happy to take my seat, knowing that we have tried and not succeeded. I have no doubt it is not beyond our ability to protect freehold from fragmentation in a Bill of this kind, and as such I ask him to consider whether that approach which I suggest does not appeal to him.

Let me, as I take my seat, state that it should be proclaimed in banner headlines that Sir Frank McDavid, Member for Lands and Mines is in fav-

our of freehold, so that from that stage all of us who endeavour to serve this country of ours should say to Government "We demand that you carry out that which has been expressed by the Member charged with this important portfolio of Government—that the policy of Government in respect of land is a freehold policy.

Mr. Ramphal: I do not propose to be long, but this is one of the clauses which have given me a great deal of anxiety, and that anxiety is in no way lessened by the statement which the hon. Member, Sir Frank McDavid, has made. I think that up to now the emphasis has been whether freehold or leasehold is the proper thing. In other words, after the land has been acquired whether it should be given freehold or leasehold to the tenants or persons who want to acquire interest in the land. To my mind that is the reason. I do not think this Bill is concerned with that or is designed for such a purpose.

All this clause is designed to do is to provide the means of compensation to a person whose land has been compulsorily taken away from him. In that sense he is an unwilling "parter" with his land and Government by unilateral action is prepared to take the land, and so far Government itself has come here with a provision to try to safeguard that as far as possible by the appointment of Commissioners. In spite of all that, the fact remains that a man is unwilling to part with his interest in the land.

Therefore, I wish to suggest a compromise with the hon. Mover on the amendment for the deletion of this clause, and it is that Government should do one of two things in order to provide what is necessary. If Government finds that it has not got the money, Government is entitled to say to the owner of the land "if you (the purchaser) consent and if the landlord consents, that would be the end of the matter." The other provision, I suggest, is for the payment of compensation where there is a private sale. I am considering whether there should not be an amendment in line 5 of this clause (7) providing compensation "with the consent of the owner of the land compulsorily acquired."

Sir Frank McDavid: That is a contradiction in terms, and I do not see how it could be accepted.

Mr. Ramphal: I do not see any contradiction in that. The question of consent refers to the payment of compensation and not to the acquisition of the land. That is the one point I do ask Government to consider. We are, unilaterally, taking this land away and now we are likewise saying how we would pay for it. I submit that my suggestion is reasonable, just and fair, and that is what people would expect one from the other. I was totally impressed by some of the things Sir Frank said, and that is the desire to give people free ownership of land. I was not satisfied that there is a desire at the moment that people should have a firm title to land.

Therefore, I think that, as soon as possible, Government should buy the land outright. The fact is clear that if Government do not buy outright they cannot sell outright. If Government decide to buy outright, I would ask them to include in this clause some time limit, so that if a man is disposing of his property and has been told that he would not be paid in cash, he would be paid an annual rental, and the conditions would only last for not more than 10 years. I would not like to join with other Members in uprooting this clause altogether, because I see some usefulness in it. Even if that is mooted, I would be agreeable to a time limit

[Mr. Ramphal]

within which Government would agree to a money compensation.

The Chairman: May I ask the hon. Mover if the only method for the acquisition of land, so far as payment is concerned, would be on a leasehold basis?

Sir Frank McDavid: The whole of the first part of the Bill deals with compulsory acquisition of land and the cash. This is a statutory power where-payment of compensation would be outright, unless the Governor in Council feels it within its discretion to acquire by lease.

The Chairman: If you acquire by lease you cannot sell; isn't that so?

Sir Frank McDavid: It is not a question of only acquiring by lease. There may be only a sub-lease.

The Chairman: I would like to ask you to look at the next clause and see what is the attraction being given to the lessees to whom Government might sell. Having sold to the lessees everyone else would be exempted; when an amendment is being considered one should remember that fact. One might find this situation arising: A man might be put in possession of land and he might build a house on it, making himself very comfortable, thus preventing his creditors from levying on that property; they cannot touch it. I am going to suggest that we can deal with the situation by providing that such land or property, as the case may be, shall not be taken into execution. The land may be sold, however, and in such a case, only with title. There is no suggestion that this clause should be postponed, and I do not know whether the hon. Mr. Luckhoo was serious when he made a statement to that effect.

Mr. Luckhoo: I see, Your Honour. This is the line I would follow. We had reached almost to the very bring of agreement, and here we come to an obstacle which defeats the Committee completely, though we have heard it expressed by the hon. Mover that he agrees with the policy of freehold. If this can be resolved it would be time well spent, provided the hon. Mover is in agreement that we should try to resolve it in some way. If this law is going to be in use all the time, should we be able to produce something of credit to this Council, we would have done something of signal service to this country.

The Chairman: That is, reverting to this question of policy in regard to freehold land.

Sir Frank McDavid: If I may may say this, quite obviously Mr. Luckhoo is being clever. The question whether the Government's policy should be changed from leasehold into freehold does not concern this Bill at all. To try to resolve the difference or to consider that is completely irrelevant.

The Chairman: It is not quite relevant.

Mr. Luckhoo: Your Honour, the acoustics in this Chamber appear to grow worst as night approaches.

The Chairman: The question is, it has no relevance whatever.

Mr. Luckhoo: About setting up a committee?

The Chairman: No. That the people should have title, that is what I mean. As regards the person who acquires from the Government, whether he acquires by way of title or by lease he sub-lets to those farmers. The title Government gets should be a permanent one, is that right?

Mr. Luckhoo: Yes.

The Chairman: Very well. It does not arise in this clause.

Mr. Luckhoo: It does arise, in this way. You provide for it in the first part of the Bill, and later you are not exercising it because land is to be obtained by right of lease.

The Chairman: He gave a reason for it.

Sir Frank McDavid: Whether or not we pay cash for land, the present policy of the Government is to lease. What I said was, we are now approaching a state of affairs in the Colony where Government's policy will have to to be changed.

The Chairman: Well, perhaps, Government will later on approve of that.

Sir Frank McDavid: Whether we will lease or sell as the policy of Government has nothing to do with this particular Bill. In this particular clause, what happens is that we have provided that Government should be able to acquire for sale, and obviously there is a fair indication of the future policy. Everybody knows we bought Mara. The land is now being put into order, and I myself hope that some of the land will be sold. I don't know, but I would prefer it. But, as I said, this does not arise.

Mr. Luckhoo: For the purpose of the record, I wish to ask the hon. Member if I am right in understanding him to say that if the legal brains can make some formula whereby we can protect freehold property from fragmentation, then this clause would not be necessary.

Sir Frank McDavid: I never said that. I said that if the legal brains can devise a method which can secure the freehold land of the small farmer from fragmentation, then I think the time would be ripe for the adoption of a general policy. The issue of freehold land being bought for sale to small farmers is one which does not arise in this particular clause at all. That is a question of policy. On this point about fragmentation, I said from the beginning that the distribution of property by inheritance among a number of children gives rise to claims for different parts of the land, and you cannot have proper farming in that way.

The second point referred to a time-limit during which a lease should persist, after which Government should do something about it. There again it is a question of finance. I tried to explain that the main object is to take unbeneficially occupied land which is so much required and do all the capital work required for example on the riverain lands, and not pay the capital sum at once. If in the Bill we fixed a period of 10 years we would be assuming that in that time Government would be able to pay the money.

We cannot do that at all. It is an expensive way of acquiring land therefore Government would wish to acquire the land outright as soon as it can, more particularly if we were to adopt a policy of freehold, so that people would be able to pass on their holdings. So there is every inducement on the Government to acquire land outright as soon as it can possibly do so by securing the necessary cash. It has been suggested that when land is acquired by Government by lease the unfortunate owner would be out of pocket and unable to deal with his property.

Mr. Ramphal: I never said that. I said that reinstatement is a funda-

[Mr, Ramphal]

mental principle in a matter of this kind, and that the land-owner would not be able to reinstate himself from what he gets from the lease.

Sir Frank McDavid : I am talking about land which a person has but does not use, and would be only too glad to sell. I am supposed to own about 300 acres of land on the Demerara River by inheritance—not a firm title. Having got title I would be very glad indeed if Government would compulsorily lease it, because I would be in possession of a legal document entitling me to so much per year per acre, and I would promptly go to my banker and hand him a nice document, saying "Give me X dollars for it." I would be extremely glad, and that is what would happen in many cases. A compulsory lease from the Government with a fixed rental on generous terms is a gilt-edged security, and anybody who is lucky to have that could go even to a pawnshop and get money on it. This clause is extremely important, and I do feel I have said enough to convince all Members that it is extremely desirable.

Mr. Ramphal : The hon. Member has raised a great deal of hope from his inheritance. Perhaps he does not know exactly where it is; he may find difficulty in putting his finger on it. Throughout this debate the emphasis has been on the fact that on the coastal belt there are lands which must be acquired in the near future.

Sir Frank McDavid : That is the emphasis, the false emphasis which the opposition has been laying, but I ask hon. Members to take their minds away from the small estates. I cannot speak for the next Government but I hope and assume that the Members of the next Government will not be fools. If they are a lawless Government, as one speaker suggested, they would scrap this legislation and pass another Ordinance of their own liking.

The Chairman: There is no such thing as a lawless Government.

Sir Frank McDavid : I was only quoting Mr. Sugrim Singh's words. The object is to get hold of land and prepare it and have it ready for occupation by people who are going to need it, and there is going to be great trouble in this country unless we do that.

The Chairman: There is some possibility of land which is not now available to anybody being acquired by Government under certain conditions, whether by lease or freehold, and it is hoped that those in charge of such land, even if for the time being they are only lessees of Government, will allow Government to take over those lands. I think we must assume that Government, as a landlord, would show more consideration for its tenants than the average landlord. They can expect better treatment of all kinds from Government. It seems to me that it is bound to be the policy of Government in the future, and that Government will not hestitate to grant freehold title.

Reference has been made to Windsor Forest which was compulsorily acquired. It was the result of the Colonial Company not being able to pay for its sea defence. That is how Government got possession of that estate. Hasn't Government given freehold title to some of the people there? You cannot get freehold title from the Government except at a certain price. The hon. Member for Agriculture (Sir Frank McDavid) is a strong advocate of freehold title. I think it must be the policy of Government *in futuro.* I am bound to put the clause. Postponement of the evil does not carry one any further.

Mr. Luckhoo: That was only a suggestion. I moved the deletion of the clause.

The Chairman : I thought you moved its deletion in order to express the views you have. You wish to delete the clause dealing with compensation?

Mr. Luckhoo : No, Your Honour. The only thing I am getting at is the right to buy these lands.

The Chairman: Don't you think we should pass the Bill and look into the future?

Mr. Luckhoo: Your Honour has said that as a landlord Government would perhaps be better than a private landlord. What I fear is that Government may be the only landlord.

The Chairman : We live in an age when pressure of that kind is brought on the Government it would have to submit. I do not know of any private individual who would be able to acquire the riverain lands. Do you withdraw your amendment?

Mr. Luckhoo: With every deference I would rather have it put to the Council.

The Chairman : The question is that clause 8 be deleted.

The Council divided and voted:

For :	*Against :*
Mr. Sugrim Singh	**Mr. Lord**
Dr. Fraser	**Mrs. Dey**
Mr. Rahaman	**Miss Collins**
Mr. Correia	**Rev. Mr. Bobb**
Mr. Luckhoo	**Mr. Tello**
Mr. Ramphal—6	**Mr. Gajraj**
	Mr. Farnum
	Mr. Kendall
	Sir Frank McDavid

Against;
The Financial Secretary
The Attorney General
The Chief Secretary-12

The Chairman : The amendment is negatived.

Mr. Luckhoo: I see we have got one more vote than on the last occasion.

Sir Frank McDavid : I crave Your Honour's indulgence to have one word corrected in paragraph (b) of the clause. The words "plant or machinery" should read "plant and machinery."

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9—*Power of Court to award additional sum to claimant.*

Sir Frank McDavid: I beg to move that a new clause 9 be inserted that reads:

> "In determining claims for compensation where an order has been made by the Governor in Council under the provisions of section 8 of this Ordinance the Court shall have power to consider and award to the claimant an additional sum by way of annual rent equivalent to six per centum of such additional amount as the Court would deem it necessary to award under the provisions of section 6 of this Ordinance if the land were acquired compulsorily under the provisions of this Ordinance."

Hon. Members fully understand that. This clause seeks to bring into focus words already passed in clause 6.

Mr. Ramphal: Government ought to be congratulated on doing what is right.

Question put, and agreed to.

New clause 9 passed.

Clause 10—*Conditions relating to land sold or leased.*

Sir Frank McDavid: I beg to move that clause 8 as printed in the Bill be re-numbered clause 10 and the amendment I wish to introduce. That is to say, to delete paragraph (b) of subclause (1) and substitute therefor the following—

> "(b) such land, or the lessor's interest therein as the case may be, shall not be liable to be taken in execution except in respect of any debt owing to, or obligation arising under any guarantee by, the Colony, or in respect of the recovery of any tax, duty, rate or other sum of money due and owing to the Colony or to any statutory authority."

Lest there be any misunderstanding, let me state that it is quite obvious if Government acquires land compulsorily by outright purchase and redistributes that land by sale to a number of persons, and uses the compulsory powers of compensation rights under this Bill because of the inflated value of land, it would be wrong to permit a situation to arise where those people or some of them could sell their land at the prevailing inflated price and gain profits. Normally it would be wrong to present them with that opportunity of disposing of it at a higher rate than that at which they had purchased it.

The Chairman: Why should his property be not levied on subject to encumbrances on it? You are protecting him and assisting him to rob his creditors.

Sir Frank McDavid: There is a warning in this legislation. When Government acquires a large estate and settles families on it, surely there is a warning to creditors not to rely on those people's land as security for any debt.

The Chairman: The hon. Member is a native of this country as I am. Would creditors know that? I think you ought to amend it.

Mr. Ramphal: May I repeat what I said? It appears this is a necessary provision. In it there is the idea of protecting the private creditor. The people will not go to the Governor in Council for permission to contract a debt but will go to Water Street and contract the debt on the ground that they have some land and can lay over the transport for the land as security for a loan. I am saying that Government when it put itself in this position must realise that it has to meet the evident demands of the people.

Sir Frank McDavid: Let us understand what we are doing. We are trying to settle people on the land, and we are to some extent accepting responsibility to see that they have money to settle themselves properly—to build their houses, establish their farms and have implements and tools. I accept the charge that it seems to indicate that Government is going to find that initial capital itself. Those words are what are deliberately intended to be guaranteed. We have the Credit Corporation and Government will finance the Corporation to provide this entire capital, even to finance it through the Banks. Government would guarantee an amount up to the extent of the purchase money of the land. We are not interested in the creditors in Water Street. Those are not the people the settlers should deal with.

Mr. Ramphal: I am satisfied that Government is going to find the money.

Question put, and agreed to.

Clause 10, passed.

Clause 11—*Repeal of Chapter 180.*

Mr. Luckhoo: Before this clause is put, Your Honour will see from the amendments (circulated) that a new clause 9 has been suggested in its

place, and I would like to know whether Government has given thought to this particular aspect of the matter. One can visualize land being acquired and nothing done to it. For a number of reasons Government might decide to leave such land and concentrate on something else. If after a period of time such land is not used for the purpose originally intended, then the original owner should have the right to have the title revested in him and to return all the money received. I admit that there might be very few cases in which such a thing would happen, but it would be right to accept a moral obligation on the part of Government to safeguard the owner of the land.

Sir Frank McDavid: I have given careful thought to this, but I think the hon. Member's point has arisen because of a complete misconception, and that is the idea in the minds of Members that Government will go and take over estates here and there. Mr. Lord will be able to tell Members how many estates Government purchased in a hurry within recent times—Mara, Friends and others—but still there is no land settlement there as yet. The intention is there, however, and work is going on. I do know also that in 10 years' time there is going to be need for a lot of land. I visualize that we would have to take lands over a distance stretching from the lower Canje right across the Demerara River and prepare them for diversified agriculture. It would take time. Does the hon. Member (Mr. Luckhoo) seriously think that this amendment would work? It reads :

> "If any land acquired for a land settlement scheme is not used for that purpose within one year of acquisition, the original owner shall be entitled, upon refund by him to Government of the compensation paid, to have the land revested in him."

It might be five years before we would be ready for this legislation, and I do ask Members not to concentrate on the point being raised. This is long-range legislation and I am hoping that in time Mr. Luckhoo himself will have the privilege of playing a very big part in the administration of this Ordinance.

Mr. Luckhoo: I shall not be slow in saying thanks to the hon. Mover for his words. Although Sir Frank has stated that there appears to be some misconception about this matter, I should like to say that there is none on the part of the Members on this side of the floor. We feel that this Council should avoid putting a provision such as this on the Statute Book because of circumstances which may arise as I have mentioned. One endeavours in the case of legislation to show that he is possessed of a certain amount of vision, but we do not necessarily have any suspicion as to the future. We do wish to see that whatever legislation there is, there should be protection for the original owner of the land.

The Chairman: Does the hon. Member (Mr. Luckhoo) consider that there should be a time limit in this amendment?

Mr. Luckhoo: No, Your Honour, but we would like to get it on the record. All of us—Mr. Ramphal, Mr. Sugrim Singh and others with myself —have expressed our views and we hope that there will be a just and proper use of the Ordinance. That is the purpose for which it is intended.

The Chairman: There is another amendment but I understand the hon. Member to say that he has withdrawn it.

Mr. Luckhoo: Yes, Sir, that is so.

Clause 11 passed.

Schedule—

Mr. Luckhoo: There is only one in the New Zealand Act which we have not had an opportunity to examine; that is the percentage used there--4½ per cent. I spoke to the hon. Mover about it yesterday, because I can see an implication in that. It means that values will go up if we use their percentage. There has been some suggestion about an increase, and that the owner will stand to benefit if 6 per cent. is given. The 6 per cent. in the Schedule would affect the market value.

Sir Frank McDavid : First of all, I must compliment the hon. Member, because if we adopt any suggestion for an increase of the percentage we would be increasing the capital valuation of the land. If we reduce the rate of 6 per cent. we will increase the capital value. But the hon. Member, Mr. Luckhoo, is quite right. We had given much thought to it and felt we had to strike a balance. Six per cent. seems to be the ruling rate for the gilt-edged and 6 per cent. at present is a fair valuation for land. I tried to explain that Government is unlikely to take normal rice lands in cultivation for land settlement but the minimum capital value of such land forms a good basis. If you take $10 an acre as more or less the standard basic rent for rice land capitalized at 6 per cent. you will see that the very minimum for rice land is $166 per acre. But the value depends on what you can prove: whether by means of efficient farming your land is above the normal rice land in value.

In the Schedule 6 per cent. is used as interest and if you change the rate you will have to change other items too. I think, as I have said before, it is a fair and reasonable figure at the present time.

Schedule put, and agreed to.

Title and enacting clause put, and agreed to.

Council resumed.

Sir Frank McDavid: I beg to report the passage of the Bill from Committee with amendments and I beg to move that the Bill be now read a third time and passed.

The Financial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Mr. Speaker: Council stands adjourned until next Wednesday at 2 p.m.