

LEGISLATIVE COUNCIL

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

THURSDAY, 2ND 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 Agri-
culture, Forests, Lands and Mines)

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

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

The Hon. R. B. Gajraj

The Hon. R.C. Tello

Nominated Officials:

Mr. J. I. Ramphal.

Nominated Unofficials:

Mr. L. A. Lallo, Q.C.

Mr. C. A. Carter

Mr. E. F. Correia

Rev. D. C. J. Bobb

Mr. H. Rahman

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:

The Hon. P. A. Cummings — on
leave.

Mr. T. Lee — on leave.

Mr. W. A. Phang — on leave.

Mr. R. B. Jailal — on leave.

The Speaker read prayers.

OATHS OF ALLEGIANCE

The hon. the Financial Secretary
(Mr. D'Andrade, acting) took the Oath
of Allegiance and his seat as an ex-
officio Member of the Council.

MINUTES

The Minutes of the Meeting of the Council held on Friday, 26th April, 1957, as printed and circulated were taken as read and confirmed.

ANNOUNCEMENTS

Mr. Speaker: I have received a letter from the hon. Member for Labour, Health and Housing asking to be given leave from the 4th to the 20th of this month.

Mr. Phang's leave has been extended on account of illness.

HYDRO-ELECTRIC SURVEYS BY THE DEMERARA BAUXITE CO. — KAIETEUR AND OTHER FALLS

Sir Frank McDavid: I have an important announcement to make at this stage. The announcement relates to the permission given to the Demerara Bauxite Company to undertake hydro-electric surveys of the Kaieteur-Amatuk Falls, Potaro River, and later the Apaigua—Peaima Falls in the Mazaruni River. This has been produced in writing and I will read it:—

"With reference to the Announcement made in Sessional Paper No. 5/1957, the Government wishes to inform the Council that the site survey and engineering investigations at Great-Fall Malali being carried out by the Demerara Bauxite Company are nearly completed and that the the engineers' reports are being studied by the Company."

"The Company have now intimated to Government that they wish to take advantage of the presence in British Guiana of the group of hydro-electric engineers and of the experience gained by them here in order to extend their surveys and investigations to the Kaieteur-Amatuk Falls on the Potaro River. Later if circumstances warrant the studies would be further extended to the Apaigua-Peaima group of falls on the upper Mazaruni River,

"The Company is already operating metering stations with respect to these two sites (one at Kaieteur and the other at Apaigua) under Licence granted to the Company in 1948. The surveys and investigations, together with the metering results, would enable an assessment to be made of the economic hydro-electric power potential of these falls.

"The Government has accordingly granted the Company's application for a Survey Permit to enable this work to be carried out by the Company. As in the case of the Great-Fall-Malali surveys and investigations the cost will be met wholly by the Company.

PAPERS LAID

✕ **The Chief Secretary:** I beg to lay on the table:

The Representation of the People Regulations, 1957 (No. 7).

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines): I beg to lay on the table:

(a) Statement of Accounts of the Drainage and Irrigation Board for the year 1955, together with the Director of Audit's Certificate and report thereon, and the comments of the Vice-Chairman, Drainage and Irrigation Board.

(b) Sessional Paper No. 8/1957—Hydro-Electric Surveys and Investigations.

ORDER OF THE DAY

ACQUISITION OF LAND (LAND SETTLEMENT) BILL

Sir Frank McDavid: I beg to move that Council resolves itself into Committee to consider clause by clause the Bill intituled:

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

I also desire to take this opportunity of stating that a paper with amendments has just been circulated. This paper contains a series of amend-

ments which were tabled before the debate on the second reading began, together with three new amendments which have been prepared after the debate. These amendments are extremely important and I think myself that they would come in very handy indeed for some of the comments and criticisms to be made by Members during the course of this debate. I hope to be able to explain them in detail as we proceed.

The Financial Secretary (Mr. D'Andrade, acting) I beg to second the motion.

Mr. Speaker: I do not think there could be any objection to the first lot of amendments being considered at once; they have been before the Council for some time. On the other hand, if the hon. Member has any new amendments that would require consideration today, I do not think any Member would object to them. I think I should say a few words on the question of procedure. When amendments like these are brought before the Committee it is always assumed that there would be time for further consideration, but in view of what the hon. Member has said about the object in bringing this amendment, there would be ample time for Members to draw attention to any situation that might arise. If the hon. Member (Sir Frank McDavid) himself feels that he would like to say something more at a later stage, he would be allowed to do so.

Sir Frank McDavid: As they appear (for consideration), or in relation to any other clause connected with the amendment.

Mr. Speaker: We do not want to go back with the second reading nor do we want to postpone examination of the Bill in Committee.

Sir Frank McDavid: I have an observation to make. It is perfectly fair to say that these amendments that have been tabled should not have taken Members by surprise in view of all they have heard before. If Members prefer it, we might adjourn this Committee meeting for half an hour or so.

Mr. Speaker: I am told there are several amendments in the course of preparation, so that both sides may be in the same position. These amendments submitted may be meeting the wishes of other Members, but do not let us anticipate them. Mr. Sugrim Singh wishes to say something about the hon. mover's proposals—what he has just said.

Mr. Sugrim Singh: Yes, I crave your indulgence to make a statement.

Mr. Speaker: You will have to wait until the hon. mover makes the amendment.

Mr. Sugrim Singh: I want to make a statement before the Council goes into Committee.

Mr. Speaker: We are in Committee. All right, I will allow you, but give me some indication of what you have to say, but do not proceed in the form of discussion or debate.

Mr. Sugrim Singh: No, Sir.

Mr. Speaker: Very well, let me hear.

Mr. Sugrim Singh: Put it this way: I had made a statement that there was no precedent for this Bill in the whole of the Commonwealth. I made that statement as a result of some research, but that research did not extend to the territory of New Zealand. However, it came from the

[Mr. Sugrim Singh]

mover of this Bill, and I cannot remember his exact words, that there was precedent for it in New Zealand. Not having extended my research to New Zealand, I accepted that, and my statement could no longer stand. After examining the New Zealand Act, No. 16 of 1943 you will find a completely different picture. There is no question of economic value nowhere in the Bill. If a statement is made to this Council which is inaccurate—and I am not saying, deliberately inaccurate — and Members are induced to believe it, although this is not a court of law, it will have a bearing on our decision.

First of all, this Council must be satisfied that the statement was not correct. The amendments tabled by the hon. Mover go to support my argument that it was not, because these amendments before this Committee are taken verbatim from the New Zealand Ordinance, which speaks of fair value. I want to make myself clear. Already there exists in our laws, Cap. 179, section 18, which deals with compensation at market value. Cap. 180 covers the term "public work" being extended to land settlement. I am saying that these amendments submitted to this Committee now advocate fair value, which is synonymous with market value, and therefore there is no necessity for this Bill. I agree with the hon. Mover that he has sprung a surprise on us with these amendments. *Prima facie* these amendments all involve market value, leading up to fair value.

I do ask that some time be given us to examine the amendments. At the same time I do not want Members to feel I am trying to delay the Bill. Some of us may be legal men but we cannot perform miracles. These things

must be examined subjectively and objectively.

Mr. Speaker: All these matters can be taken up when the particular clauses come before us in Committee I suggest to the hon. Member that he look out for the clauses and point out where clauses in the New Zealand Act can be brought forward. He should also have his amendments ready.

Mr. Sugrim Singh: I should like to have an amendment ready after examining these amendments which have been put before us.

Mr. Speaker: Yes, I understand that. The hon. Member has emphasized there is this question of market value in the clauses. He feels it is not there in what he finds before him now. He has to be prepared to insert something else if he does not agree with what is proposed. The mere fact that there are amendments submitted is no obstacle for him to table his own amendments.

Mr. Sugrim Singh: Yes, Sir.

Sir Frank McDavid: What the hon. Member has said is a direct challenge to the statement I made, that these clauses were taken from the New Zealand Act. What am I to do? In speaking on the second reading I had the Act in my hand; I read from it word for word, and I asked Mr. Sugrim Singh to compare it with the actual words in the Schedule of this Bill. They were precisely the same.

Now he has the temerity to come here and say it was untrue: they were not taken from the New Zealand Act.

What happened is, that there are certain other sections of the New Zealand Act which fail to meet the views of some Members who feel that

the application of this Bill would result in people not getting fair value, and that these amendments now seek to ensure this. I do certainly resent his statement. What I did say was, this provision for productive value was taken from the New Zealand Act.

Mr. Sugrim Singh: Sir, I particularly chose my language. I said it was not a deliberate inaccuracy; I never said it was untrue. There is a big difference between the words 'inaccurate' and 'untrue'.

Sir Frank McDavid: In this case both are wrong.

Mr. Sugrim Singh: I do say, and I say it on behalf of the "Floor" Members, that this is not a simple matter. We have suddenly been confronted with a most complicated piece of legislation which we are expected to pass willy-nilly. I will not take part in such a procedure. We would like to examine these proposed amendments to see how we could adjust this Bill to the satisfaction of the hon. Mover and everyone concerned. This is no attempt to hold the Bill up. If that were the intention we could have done so at the beginning. We are now hearing of fair value. Nowhere in this Bill is there anything like fair value; we know about economic value. Can the hon. Mover show me anything about economic value in these amendments?

Sir Frank McDavid: We say "productive value".

Mr. Sugrim Singh: I am talking about economic value. I submit that fair value is synonymous with market value.

The Chief Secretary: To a point of order! Is the hon. Member speaking on the amendment of the clause or on the second reading?

Mr. Luckhoo: On the basis of the observation Your Honour made about these amendments having just been placed before the Council, may I say something? I would like to say that although one appreciates any effort by Government to meet the opposition to this Bill I think it is only right and proper that every opportunity should be afforded us to study the implications of the proposed amendments. Up to this moment I have not read them. I saw the list of amendments at 2.15 p.m. but I have not had an opportunity to peruse them. I do not believe in rush legislation, and I do not think Government would be guilty of endeavouring to force legislation through without giving Members an opportunity for proper consideration.

In my own way I have also prepared some amendments which I hope to put before Council. I am at a loss to know whether they square with what is being put before us now; whether these new clauses are going to meet the situation, in which case there would be no need for my amendments. One can only arrive at a proper assessment when one has studied these amendments. We are certainly caught in an embarrassing situation in that we have not had an opportunity of studying amendments of a very important nature. I have endeavoured also to study the New Zealand legislation and I do not know whether the proposed amendments fit into that.

Mr. Speaker: The hon. Mover suggested an adjournment for half an hour which he thought was sufficient. Hon. Members recognize that I am endeavouring to consider an application by Members for an opportunity to study the proposed amendments. I am, of course, opposed to amendments being introduced at short notice, but what are we to do? If consideration of this Bill does not go on today what else are we to do? There is no other business on the Order Paper that we can take. There is another

[Mr. Speaker]

Bill, but the hon. Member in charge (Mr. Cummings) is not here, and although it is only for third reading, there is some amendment which is being considered. I do not know whether the Financial Secretary is ready to proceed with his Bill.

The Financial Secretary: I am not ready to proceed today, Sir.

Mr. Speaker: There is also a motion by the Chief Secretary.

The Chief Secretary: I have not yet done my home work, Sir. Could we consider an adjournment for half an hour?

Mr. Speaker: Perhaps we could deal with other clauses of the Bill.

Sir Frank McDavid: No, Sir; they interlock too much. If the hon. Member talks about clause 5, I would have to speak about its relation to clause 6.

Mr. Luckhoo: There is item No. 3 on the Order Paper. (The Member's motion for the sale of the lands along the railway line at Kitty).

The Chief Secretary: That would hardly give the hon. Member a chance to study the Bill at the same time.

Mr. Speaker: I am afraid that half an hour's adjournment would not be sufficient.

Mr. Ramphal: May I add one word? I did have an opportunity to read the New Zealand Act over the week-end, and it appears to me that the proposed amendments go a very far way to meet many of the objections which I personally raised to the Bill. It appears to

me also that the very principle of the Bill is about to be amended. I therefore ask Government to agree to an adjournment until tomorrow, because I feel sure that when Members have read the amendments very closely they will find that there is very little, perhaps a few words here and there, on which to raise any debate.

Sir Frank McDavid: I thank the hon. Member for what he has said, because these amendments have gone so far that I hope that much of the controversy will be removed. I do conceive that they require a certain amount of study in order to fit them into the picture, but I think it could be done much more rapidly than that. We have had the list of amendments placed before us this afternoon and I am wondering whether it would not be a good thing to adjourn until after tea and then carry on.

Mr. Sugrim Singh: We always lose our ground after tea. I do not like to resume anything after tea. (*Laughter*).

Mr. Luckhoo: If the fangs are drawn maybe this monster may become a very docile creature, in which case I would like to support the original suggestion. I can see no harm in having another session. As a matter of fact I may be happy to agree to the suggested amendments. Government would also have an opportunity for a reconsideration and we may have our views squaring to such an extent as to have unanimity.

Sir Frank McDavid: I entirely agree. Before the end of the debate we will all be singing in the chorus "Land for the landless".

Rev. Mr. Bobb: I would like to support the application for a deferment of further consideration of the Bill. It does seem that in the debate on the second reading I did not make my position quite clear. While I support the principle of the Bill, there are one or two things I have some misgivings over. I would like in the light of the amendments circulated to integrate them into my ideas and, I think, this is not the best time to do that. I therefore sup-

port the application that we do not consider the Bill today.

Mr. Speaker: If we adjourn to tomorrow, there would have to be a late sitting. That must be the condition. There seems to be a general opinion and agreement that we should adjourn until tomorrow and I do so until 2 o'clock tomorrow.

Council adjourned to the next day, Friday, 3rd May, 1957, at 2 p.m.