LEGISLATIVE COUNCIL

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

THURSDAY, 16TH AUGUST, 1956

The Council met at 2 p.m.

PRESENT:

The Deputy Speaker, **Mr. W. A. Macnie, C.M.G., O.B.E.**—in the Chair.

Ex-Officio Members

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

The Hon. the Attorney General, **Mr. C. Wylie, Q.C., E.D.**

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

Nominated Members of Executive Council

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

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

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

The Hon. **R. B. Gajraj**

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

The Hon. **L. A. Luckhoo, Q.C.**

Nominated Unofficials

Mr. T. Lee

Mr. W. A. Phang

Mr. C. A. Carter

Nominated Unofficials

Mr. E. F. Correia

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser

Mr. R. B. Jailal

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. E. V. Viapree.

Absent—

His Honour the Speaker, **Sir Eustace Gordon Woolford, O.B.E., Q.C.**—on leave.

The Hon. **P. A. Cummings** (Member for Labour, Health and Housing)—on leave.

Mr. W. T. Lord, I.S.O.—on leave.

Mr. J. I. Ramphal—on leave.

Rev. D. C. J. Bobb

Mr. Sugrim Singh—on leave.

The Deputy Speaker read prayers.

The Minutes of the meeting of the Council held on Wednesday, the 15th of August, 1956, as printed and circulated, were taken as read and confirmed.

LEAVE TO MEMBERS

Mr. Deputy Speaker: I have to announce that the hon. Mr. Sugrim Singh has been granted leave from today's meeting; and also that Mrs Esther Dey has been granted leave from the meetings of the 17th, 22nd and 23rd of August.

GOVERNMENT NOTICES

NEW STANDING ORDERS

The Chief Secretary: On behalf of the Attorney General, I beg to give notice of the following motion:

"Be it resolved:

"(a) That the Report of the Select Committee set up in terms of Resolution No. XL of 29th December, 1955, be adopted; and

[THE CHIEF SECRETARY]

"(b) That the Standing Orders submitted with the Report of the Select Committee shall be, and are hereby declared to be, the Standing Orders of this Legislative Council."

ORDER OF THE DAY

Rice Farmers (Security of Tenure) Bill

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

"An Ordinance to provide better security of tenure for tenant rice farmers; to limit the rent payable for the letting of rice lands; and for the purposes connected with the matters aforesaid."

Sir Frank McDavid: When I begun my reply yesterday, I was dealing with certain aspects of Mr. Jailal's speech which I regarded as of such vital importance that I was compelled to answer them at once. That is somewhat unfortunate because I am compelled to deal with that and other aspects of the hon. Member's speech which are not quite relevant to the Bill. Since he has used these remarks, I think it is fitting that I should have some answer on record, and I can go back to the point he made yesterday when he said that the rice industry in British Guiana is uneconomic—that is to say that it pays neither the landlord, the tenant nor the miller. Sir, I regard that statement as being completely irresponsible. Indeed, I think it is extremely dangerous to the British Guiana rice industry—and to this Colony's prospects, especially since we are endeavouring to establish in the West Indies that British Guiana is the natural rice granary of the Caribbean area. We have been proceeding along these lines for some years and we have already emphasized that British Guiana is in a position to produce rice more economically than any other part of the West Indies. Jamaica and Trinidad have been endeavouring to produce rice also, but we have endeavoured to persuade them that their conditions there are not ideal for doing so. Now we have been told by a responsible Member of this Council and one who is a senior Executive of the Rice Marketing Board—one who ought therefore to be careful in his utterances—that the industry is just struggling along and that it is uneconomic. This is no time for me to go into a detailed analysis of this industry but it is necessary that I should state briefly the true facts.

In so far as the landlord is concerned, what is set out in this Bill is a Schedule of mixed rentals which we in the Government who have attempted to frame this Schedule, are satisfied will produce an income to the landlord that represents a reasonable return on the capital invested, which is represented by the land that he owns. That return comes to him by what in the Bill is described as the basic rent. In addition to that, the Bill provides for the recovery by the landlord in the form of "estate charges," of expenses incurred by him in the maintenance and upkeep of the estate. In addition, it provides for the recovery by the landlord of the appropriate proportion of drainage and/or Local Authority rates which he might have to pay. Thus, in this Bill the landlord is in a position to obtain a reasonable return on what I call the capital invested in the land which he owns. In so far as the farmer is concerned, I am perfectly sure that Members appreciate the position. No one in British Guiana will attempt to say that the income which a rice farmer gets from his labour is equal to the rate of wages of industrial workers or even to the rates paid by Government as wages for unskilled labour.

No one claims that. Rice is, moreover, a seasonal crop which does not provide continuous employment throughout the year. From what the hon. Member himself claims, however, if in the production of rice the farmer is able to get sufficient to feed himself and his family and to sell the surplus at a reasonable rate then he gets a very good return, and where he is able to supplement that income by other work and other production, then the farmer is indeed very well off. You, Mr. Speaker, know very well that it is difficult to calculate the cost of producing a bag of padi by a rice farmer. We have seen statements in which a farmer has computed his cost of production, but when one examines the details one finds that he was taking into account the value of his

labour at rates such as he would set up if he was working on a sugar estate. The reason for such a statement is to show that he is producing rice at a loss.

In one case in Essequibo, the farmer tendered a statement to show that each bag of padi cost him $9 to produce while he was selling it to the mill for $6—thereby making a loss of $3 per bag. Yet he was going on doing it. One item in this statement struck me as being particularly amusing; this was the cost of chasing ducks away from the rice field. He employed men at night to shoot the ducks and the cost of this protection was calculated at "so much" per night and could not be scheduled. Incidentally, the value of the ducks shot—a gross omission—was not put down. We know that a farmer does not pay anyone to do these things, yet he interposed them as costs. Anyone can see that in the best rice-producing areas both the rice farmers and the landlords are doing very well indeed. We see new houses going up with great rapidity in all of these areas. There is indeed visible evidence of prosperity in the best rice-producing areas of the Colony, and no one can deny that.

In so far as the millers are concerned, Mr. Jailal asserted that the miller does not make a good profit, but he estimated their average net income at about 60c. per bag. I myself, strangely enough, thought that the average figure was about 50c. per bag. He qualified that afterwards by saying that, of course, the miller's family are engaged in the operation as well—presumably without pay. He illustrated that by saying that the uncle of the miller was the watchman and his children swept the drying floor and so forth, but by and large I think he is prepared to admit that the miller is making a reasonable profit. So I do submit that it is wrong for him to have declaimed in this Council that our rice industry is uneconomic. I submit again that it was dangerous and irresponsible, because, if what he said was correct then the bottom falls out of all we have been trying to do in this country by way of agricultural development, because so much of our planning is for the moment based on rice; so much of our argument with the West Indies in regard to marketing is based on our contention that we are able to produce rice economically. I do not know whether I have convinced him but I hope that that statement will not be accepted generally in the Colony and outside of it.

I mentioned just now something about rice millers. I will take this opportunity to make what I regard as an important announcement. Mr. Jailal did refer to some of the requirements of this industry, and he touched upon milling. We all know that rice milling in British Guiana is perhaps the worst feature of our production. It is true that we require improvements in the agricultural end; we all know that we are looking for new strains of rice to meet our special conditions, to meet the new developments in mechanization. But we all know that milling is where we fall down, and that is the object of the exercise by the Rice Rice Development Co.—to improve milling.

This is what I wish to announce: that for a long time I personally, and the management of the Rice Development Co. have been considering this question of milling and the operation of the central rice mills in relation to the small mills adjacent to them. May I say at once that I have always felt that the millers of British Guiana have done extremely well by the industry. What I mean is that the enterprise of the small miller has been of great value to the rice industry, but I feel that the time has come when we have to modernize our milling equipment. I also feel that the small miller is entitled to some protection or compensation for the loss of his income which may arise in the process of modernization. Consequently I have put the matter to the Board of the Rice Development Co., and with the approval of the Governor, I have submitted the outline of a scheme by which the small millers who are affected by the presence of a central mill should be offered for voluntary acceptance, compensation by way of an issue of shares in the Rice Development Co.

Computation of those shares will have reference not to the value of their mills but more or less to the income which

[SIR FRANK MCDAVID]

they derived over a period of years from their production. The consideration for that would of course be the voluntary acceptance hy the millers of the obligation to close their mills and to use the premises as padi drying, storing and collecting depots. That is the bald outline of the scheme, but the idea is that we should have an independent person to go into this matter and report and advise as to the details; and I am glad to say that Sir Archibald Cuke, who everyone knows is one of the best accountants in the whole of the Caribbean, and a financial adviser, has accepted the undertaking to prepare and report on the scheme. I do hope that it will be one thing that will settle many of the differences of opinion which have persisted in connection with this matter. I hope the Council will forgive this digression because it is of course a matter of some importamce.

I am sorry I have to go on to deal with some more extraneous matters, merely because they were mentioned by Mr. Jailal. In one matter which he mentioned he was completely inaccurate. I hope it is not unparliamentary to say so, he said yesterday in the course of his remarks, that one of the causes of the short-fall of rice which is now being suffered by the Rice Marketing Board is the failure, or the decision by the Rice Development Co. not to cultivate 1,500 acres of land at the Mahaicony-Abary Scheme which were cultivated previously. Now what are the facts? Here I must say that I am amazed that the hon. Member should have stated that when he knew what the facts were. The matter was discussed at a meeting of the Rice Marketing Board only the day before. It was raised by one member and answered by the General Manager of the Company who is a member of the Board.

The facts are that in December, 1954, the Rice Development Co. came to the firm decision to concentrate their agricultural work on 3,000 acres of land only, and to release the western portion of the area which had been taken over by the Company under special powers provided by the Defence Regulations, from the lessees who had held them prior to the inauguration of the scheme. That decision was taken in December, 1954, and I have the Minutes of the meeting of the Directors of the Company in which it was recorded that urgent steps should be taken to get those lands back into the hands of the original lessees, so that production should not be stopped, and that was done. Those lands were handed back in January, 1955, and were put into production by the lessees. What has happened is that that area suffered a particularly bad year. The Company itself got from its production only nine bags of padi to the acre, with all its experience and with all its mechanical equipment, and I understand that the farmers got even less; in some cases nothing at all.

I digress to say that that particular difficulty is a matter of great concern, not only to the Company but to the Department of Agriculture, and that intensive research is going on into that particular aspect of the fall in production in areas such as the Mahaicony-Abary. So that to tell us that the fact that the Company wiped off those 1,500 acres from its own production is the cause of the reduction in the quantity of rice available to the Rice Marketing Board is quite wrong. The area was put into production by the original lessees who probably failed to produce as much as they did in previous years.

There is another thing which the Company did but which Mr. Jailal did not mention. An area of land on the eastern bank of the Abary was handed over by the Company to the Land Settelment Department and leased to private persons. I do not think that the 2,000 acres of land which the Compnay used to cultivate at Onverwagt yielded this year more than 200 bags of padi. Certainly in the current year the whole of the crop planted by the farmers was completely wiped out by flood. However, the point I wish to make is that to assert that the short-fall was due to some action by the Company is quite wrong. That is the sort of thing which keeps up this constant friction between the people concerned and those in control of the industry. I do ask the hon. Member not to make statements of that sort when, if he does not believe what he sees, there was an explanation

which was given to his Board when he was sitting there as Secretary.

I do not wish to deal extensively at this stage with the question of sugar estate lands, because it will come up under the particular clause of the Bill, but I would appeal to hon. Members by telling them that it would be extremely dangerous if we were to do other than this Bill contemplates—that is to provide exemption for sugar lands by means of this nominal rate, not exceeding $6 per acre, for lands on sugar estates which are let out principally to the workers on sugar estates. At the moment, as hon. Members know, such lands are completely exempted fom the provisions of the existing Rice Farmers (Security of Tenure) Ordinance, but the provision in this Bill derives from a recommendation by the Lee Committee. It is not entirely in the same form as the Lee Committee recommended, but a modification of that. It has the same principle—that where land forms part of an estate engaged in agricultural production other than rice, and provided the rental charged does not exceed $6 per acre, such land does not come within the provisions of this Bill.

Nor do I wish to deal with the question of Assessment Committees which I have no doubt hon. Members will raise in the Committee stage. This is the point at which I should have begun my reply to the debate, had Mr. Jailal not spoken in the way he did, but I want to say that it is quite clear that the principles of this Bill are generally acceptable to the Council. It is true that some Members have dealt with certain aspects of the matter, and certain of them have referred to what they call the harsh provisions against landlords, and I have no doubt that I will hear further argument on those two special provisions again when we are in Committee.

It seemed to me that the hon. Member, Mr. Lee, was most concerned with—shall I say—defending the position and action of what has come to be known as the Lee Committee. I can assure the hon. Member that there was no necessity for any defence at all, because the Inter-departmental Committee and I myself, and others have conceded that that Committee did an immense amount of valuable work. It collected a considerable amount of evidence and arrived at quite proper conclusions. Indeed, the Committee arrived at a very courageous conclusion. It took the view, and very properly, that the existing procedure of restricting rents by reference to a base year (I think it was 1942), with certain permitted increases is quite wrong, and that it has failed to operate satisfactorily for many years. The Lee Committee therefore took the courageous decision to recommend the abolition of that particular method of rent control, and the substitution of a method based on the actual yield of the land. It is not that that conclusion was wrong, but that the method of applying it, which was proposed in the draft Bill submitted by the Committee, was impracticable. That is where Mr. Lee's Committee fell down—that in applying this principle they adopted a method which was impracticable.

What was that method? It was that the maximum rent of rice lands should be a percentage (not exceeding 20 per cent.) of the value of the padi produced on each holding, taking the average of the three preceding years. That percentage was to be fixed by an Assessment Committee, having regard to "the efficiency of the drainage, irrigation and other amenities provided by the landlord."

Well, I ask, how was it possible for any tenant to know what his rent was going to be for any year, or, for that matter, any landlord to know? The facts to be ascertained were the yield last year, the yield the year before, and the yield the year before that. All those figures would have to be carefully computed for each holding, and having got those figures, the Assessment Committee would take the value of the padi at the current rate and apply a percentage which was quite indefinite—anything between 14 and 20 per cent., which was the highest—and that percentage could only be fixed by the Assessment Committee after an examination of the efficiency of the drainage and so on in relation to each holding! I do submit, and Mr. Lee will concede, that while the whole idea was completely good, nevertheless the method of putting it into force would have rendered it quite impracticable.

[SIR FRANK MCDAVID]

What has happened now is that the Inter-departmental Committee has taken the same idea and has put it into the Bill in a form which is practicable, and by which every landlord and tenant could determine what the rent should be. It is true that a landlord or a tenant could apply for assessment of the maximum rent, and it is quite true that in many cases that will be done, but from the terms of the Bill itself the actual rent could be computed by both landlord and tenant.

Mr. Lee was at pains to point out the weight of his own Committee by reference to its personnel, and presumably the lack of weight on the Inter-departmental Committee. I do not think it was quite necessary to do that. It is true that Mr. Lee's Committee in the course of time became quite attenuated, first by the removal of Mr. Wight, then by the removal of Dr. Jagan, for obvious reasons, and lastly by the regrettable death of Mr. Mapp, the District Commissioner. So that in the end the Committee's report was really only signed by Mr. Lee, Mr. Kennard, acting Deputy Director of Agriculture, Mr. Jaundoo, and Mr. Robin Davis. I hope he does not really disparage the value of the report of the Inter-departmental Committee which is signed by Mr. Mackenzie, Director of Agriculture, who was the Chairman, Mr. Burrowes, acting Deputy Commissioner, Local Government, Mr. Adrian Thompson, Assistant Director of Land Settlement, Mr. W. Roberts, a former experienced District Commissioner, Mr. Bayley, Manager of the Rice Marketing Board, Mr. Persaud, Legal Draftsman, Mr. Belgrave, Executive Engineer, Drainage and Irrigation Department, and Mr. Cole, Superintendent of the Lands and Mines Department. Those are all people who are capable of experienced investigation.

It was not fair to say that the appointment of an Inter-departmental Committee like that was an insult to the rice producers, because no rice producer was included in its composition. No insult was intended to any rice producer. What we intended when we constituted and appointed that Committee was to provide an investigation by experienced officers—people who were independent. We deliberately refrained from putting on that Committee any landlord or any tennat. We wanted them to be completely independent. They had the Lee Committee's Report and all the evidence. What was required was that they should get down to it and formulate a method of computing rents, and that was what the Committee did and, I submit, they did very successfully indeed.

I do not think I need refer in detail to any comments made by any of the other speakers. I think that Mr. Rahaman accepts the Bill but feels that perhaps the rates fixed for the lands in certain areas, notably on the Corentyne, are too low. That is a matter of opinion, but I would tell him that I know that he is arguing about the smallness of the rate by reference to the fact that in some cases landlords hold large areas of additional land which are not beneficially occupied—not cultivated perhaps because they are untenable—yet they have to pay rates on their whole estates, including those non-beneficially occupied lands. But why raise that argument? It is not an argument for imposing a higher rate on the tenant. I was grateful to Dr. Fraser for his quota on the Bill and I hope that I will hear something more about his opinion on that section of the Bill which some Members have called an attempt to seize landlords' land through the Assessment Committees by the tenants.

I think I should stop now and get on to the Committee stage. As I said, the principles of the Bill seem to be well accepted, indeed they are in the existing law and I hope Members will not only accept the Bill but really commend its originators because it is a very good attempt to provide a satisfactory basis for relationships between rice landlords and tenants.

Question put, and agreed to.

Bill read a second time.

Sir Frank McDavid: Sir, I would call hon. Members' attention to the amendments which I circulated a few days ago. I hope Members have got their copies.

I beg to move that the Council resolves itself into Committee to consider the Bill clause by clause.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

COUNCIL IN COMMITTEE.

Clause 1.—*Short title.*

Mr. Jailal: I wish to say that the Ordinance proposed is wide and therefore the title should read,

> "A Bill intituled an Ordinance to provide control measures for rice lands."

The Chairman: Would the hon. Member give me the exact words of the amendment proposed? Also, I assume he wishes to delete certain words.

Mr. Jailal: "An Ordinance to provide for better control—"

The Chairman: We are looking at Clause 1 (Short title). The long title is not yet before the Committee.

Mr. Jailal: I am moving an amendment to read:

> "This Ordinance may be cited as the Rice Lands (Control) Ordinance, 1956."

The Attorney General: This Bill relates only to rice lands let under tenancy while the motion extends to all rice land, which is not the subject of this Bill at all. We are dealing here with rice lands let under tenancy.

Mr. Jailal: This thing does not only envisage payment of rent, it takes into consideration factors like after a tenant decides that he is not planting enough, he must get more land. It clearly puts control on a large lot of land planted under rice.

The Chairman: By tenants.

Mr. Jailal: By tenants. A man might be a landlord by virtue of the fact that he is leasing large acreages. This law seeks to control everything concerning rice lands: how rent must be paid, and all that. It virtually sets up perfect control of rice lands as a whole.

Sir Frank McDavid: Apart from that particular provision which the hon. Member has referred to, this Bill is substantially in its principles the same as the current Rice Farmers (Security of Tenure) Ordinance, Cap. 165; but for that alteration of procedure and method fixing rent, it is word for word the law as it exists today.

The Chairman: Does the hon. Member wish to continue with his amendment?

The Committee divided and voted as follows:

For—
Mr. Jailal
Mr. Carter
Mr. Phang
Mr. Lee.—4.

Against—
Dr. Fraser
Mrs. Dey
Miss Collins
Mr. Correia
Mr. Luckhoo
Mr. Tello
Mr. Gajraj
Mr. Farnum
Mr. Kendall
Sir Frank McDavid
The Financial Secretary
The Attorney General
The Chief Secretary.—13.

Did not vote—
Mr. Rahaman
Deputy Speaker.—2.

Amendment lost.

Clause 1 passed as printed.

Clause 2.—*Interpretation.*

Mr. Jailal: In the interpretation of the word, "landlord"—

The Chairman: Would the hon. Member mind asking the Committee a question? There are a series of terms in this interpretation Clause, and I think it would be most convenient if we take the terms in the order as they appear in any amendments that are to be proposed. Does any Member wish to amend the interpretation of any terms preceding "landlord"?

Mr. Jailal: In that case I may as well ask for an amendment of the term, "agent".

The Chairman: I think the hon. Member will agree that it would be very convenient to take them in the order as they read in the Bill.

Mr. Jailal: The interpretation of "agent" only allows for a person who lets rice lands and it does not allow for persons who are tenants on rice lands.

The Chairman: What is the wording of the hon. Member's amendment?

Mr. Jailal: I am suggesting that the word agent should mean, "a person who lets rice lands and also any person who acts on behalf of a tenant or is authorized in writing to do so."

The Chairman: It would be a great help if hon. Members moving amendments should put them in writing, and pass them to the Clerk.

Does Mr. Jailal wish to say anything further?

Mr. Jailal: We are allowing the landlord the assistance of an agent and not allowing the same thing for the tenant. It may be that the tenant would have to go away on leave in England or to work at some other point and leave his wife or somebody else in charge in his absence, and that person may not be able to appear before the Assessment Committee. That person may not be smart enough to give evidence before the Assessment Committee, so it would be better if the tenant can appoint an agent to proceed in matters on his behalf. I feel that if we can allow the landlord an agent we should allow the the tenant an agent also.

The Chairman: Does any other Member wish to speak to the amendment?

Sir Frank McDavid: I appreciate the hon. Member's suggestion or amendment; they are certainly intended to benefit the tenant in cases where he cannot proceed in his business himself. On the other hand, on looking through the Bill I do not see any provision where both the landlord and the tenant cannot be represented by a solicitor. Personally, I do not think there is such necessity to provide for an agent. We all know that as a matter of course the landlord acts through an agent more often than not, and it is usual in legislation of this sort to provide for the agent of a landlord. But in the case of a tenant, I think myself that it is most rare indeed to find a person unwilling to act for himself. I do not mean to imply that he cannot be represented by somebody, but it is only in the case of the landlord that there is this specific provision that it can be done by an agent.

Mr. Jailal: Let me put it this way: there are a large number of people living at one point, say Enmore, who plant rice at, say, Mahaicony. Some people live at Anna Catherina and plant rice on the Essequibo Coast. There are people who hold quasi-Government jobs and plant rice under some form of tenancy. These people cannot always attend to their own business. They may have to comply with certain restrictions after the establishment of this law, and I think it would be easy to add in this provision for them.

Mr. Lee: I would like the hon. the Attorney General to explain—I have not got my legal dictionary here—whether in the interpretation of "agent" "a person" means only a live person or whether it includes a corporate body. People can convert their rice concern into a company and an agent can act on behalf of a company. If it is so interpreted—that "person" would include the Chairman of a company—I would ask that an amendment be added to that effect. In other words, that this term could mean a company or a group of persons.

The Attorney General: The word "person" in an Ordinance includes any body or group of bodies, corporate or incorporated. I will read the definition; it includes a person or group of persons. There is a lot in this Bill that depends on this definition, and its purpose is to meet a case where the landlord does not live in the district where the land is—to give the tenant a right to serve notices on him and so on. In addition to that, there is a provision in clause 44 of the Bill which says that a landlord may serve notice to quit on any of his tenants by effecting service on the Chairman of the Assessment Committee. That is to meet cases where

the tenant has left the land and the Committee functions in this Bill as an agent of the tenant. A landlord might live in Georgetown and have rice lands in Essequibo, and it would be unreasonable to order the tenant to serve notice on him in such a case.

The Chairman: As regards the latter part of the clause—which provides for the giving of notice by registered letter—some tenants live near to the shops or the rice lands, but the point was made by Mr. Jailal that there are cases where some of them live in the villages some distance or even miles away from the land they rent.

The Attorney General: Perhaps I should have referred to sub-clauses 44(1) and (2). Under sub-clause (2) either party may serve notice by registered post.

The Chairman: Having heard the hon. the Attorney General, is the hon. Member Mr. Lee, insisting on the amendment?

Mr. Lee: I would not pursue it, sir; I have seen the point.

The Chairman: The amendment proposed by Mr. Jailal is for the insertion of the words "and also for a person who acts on behalf of a tenant and who is authorized in writing so to do", between the word "do" and the semi-colon.

The Attorney General: That is the law any way, sir. Any person who gives to another person authority in writing to do something on his behalf, is authorising that person to act under the law of agency. If a man says "Mr. Smith is my agent for the purpose of this tenancy", then Mr. Smith is his agent.

Sir Frank McDavid: An amendment of the definition would merely serve in the same direction—referring to landlord and tenant. We would have to find some other method of doing it. I have just been reading clause 46 where it will be seen that it raises the question of specific authority for a landlord's agent. It says:

> "36. Anything which by or under this Ordinance is required or authorised to be done to, by, or in respect of the landlord of a holding may be done to, by, or, in respect of any agent of the landlord duly authorized in that behalf."

Therefore, under this Bill assurance is made doubly sure, apart from the ordinary law of tenancy. What was going around in my mind is that Mr. Jailal's idea might be some sort of analagous provision under clause 46, which would require some time to set up.

The Attorney General: That is possible.

Mr. Jailal: Let us say for the sake of argument that Mr. X sends his son to Mahaica, 40 miles away, to plough some land, and for some reason or other he damages a dam owned by the landlord. Although the landlord might be present he would not be able to speak to him at all, but would have to get his agent to do so.

The Attorney General: The son would be the agent of the father, and either would be liable for the damage.

Mr. Jailal: If we do not give the privilege of establishing these things in writing, there will be difficulty.

The Attorney General: The law already allows it.

Mr. Jailal: We want it to be specific.

The Chairman: I think Mr. Jailal's point is that a tenant 40 miles away might not recognize the landlord's son. He might say to him "I cannot recognize you because the tenancy is with your father," or with his brother.

The Attorney General: The reason for this definition being here is that there are quite a number of things in this Ordinance that can be done by or to either the landlord or his agent, and the definition expounds the Common Law meaning of agency. What the hon. Member (Mr. Jailal) is suggesting does not expand that meaning. Any person can act through his agent; that does not require any special law at all.

Mr. Jailal: I am willing to let it go on the suggestion of the Member for Agriculture, but if it becomes absolutely necessary later on to get someone to be an agent of the tenant, whatever name we call him—"Blue Sackie" or else—it should be done.

The Chairman: Has the hon. Member any suggestion to make on the words between "agent" and "landlord"

Mr. Jailal: No, sir; I am suggesting an amendment of the term "landlord"..

Sir Frank McDavid: I do submit that for the reason given by the Attorney General it is quite unnecessary, because this is interpretation law. I know that an amendment was suggested by the Rice Producers' Association—I have it before me now, but I think it is unnecessary.

Mr. Jailal: I beg to withdraw the amendment, sir.

The Chairman: Is there any other amendment?

Mr. Jailal: Yes, sir; I am going to suggest an amendment to the definition of "rice land" by the addition of the words "and is kept under rice cultivation for a period of not longer than five consecutive years after the enactment of this Ordinance."

The Chairman: The suggestion of the hon. Member is that these words should be inserted at the end of the definition; isn't that so?

Mr. Jailal: Yes, sir. I was at great pains yesterday to show that, particularly with respect to farm lands in the West Demerara district, if we allow the practice to continue whereby sugar estate proprietors are able to say that certain large blocks should be handed out to persons for good behaviour, then the full impact of this Bill would not be felt by everyone as contemplated.

In the days of preparation for Party Government in this country I stood up at street corners on several occasions and heard people being told of how much land was left at the will of the sugar estate proprietors who, if they had not sufficient workers to take up those lands, just left them abandoned. From Buxton to Paradise on the East Coast good rice lands were thus left vacant. If sugar estate workers are to be allowed to plant rice on such lands under the system of "perquisites" I feel that the Ordinance, when it is passed, should operate in respect of those lands. Merely to rent such lands at $6 per acre gives the workers no real security. They are not even allowed to erect a benab on the land for the protection of their crops. It is suggested that those lands are really sugar lands, and if that is so I would suggest that the tenants be given a period of five years to make a change-over, so that the lands may revert to cane cultivation.

Dr. Fraser: I think we know that the sugar estate proprietors have been primarily responsible for the rice industry as we know it today. In the old days they gave their workers well drained and irrigated lands to plant padi. Today they have succeeded in putting rice on its legs. Rice is now one of the secondary industries of this Colony and should be able to stand on its own feet.

The Chairman: I thought rice was one of our major industries.

Dr. Fraser: The sugar proprietors are today primarily concerned with the production of sugar, and they give land to their workers at a nominal rental of between $4 and $6 per acre for rice cultivation. I think the sugar industry is also concerned with the utilization of some of their lands for the cultivation of other crops, such as jute, and it cannot afford to tie up all its lands unnecessarily under the provisions of this legislation.

Mr. Jailal: I did not suggest that the sugar estates should tie up all their lands. I am suggesting that lands which are rented to their workers for rice cultivation should come within the provisions of this Bill, except where they are small acreages.

The Chairman: The hon. Member said they were small acreages.

Mr. Jailal: Provided they are not small acreages.

The Chairman: Do you propose to add that proviso to your amendment?

Mr. Jailal: No, sir. None of the places to which I have referred has anything like 20 acres of land under rice cultivation. The acreages are much more than that. I do not want to be

cruel, but I suggest that one acre of such land is going to be kept under rice cultivation so that it should not come under the provisions of this legislation, and later on, under the guise of rice lands, profit running into hundreds of thousands of dollars would be made on such lands. That is what is going to happen, and while large areas of land will remain abandoned, those people who want rice land and cannot get it will continue to be dissatisfied.

Sir Frank McDavid: What I have risen to ask the hon. Member to explain is the precise effect of the amendment he has moved. I must confess that I could not follow it. Does the hon. Member mean that any land on a sugar estate or any other estate which is not used mainly for the cultivation of rice, automatically becomes rice land? Will the hon. Member explain exactly what he means?

Mr. Jailal: All along we have been talking about lands under rice cultivation. I am suggesting that if such lands will continue to be rented to sugar estate workers as "perquisites" for the purpose of rice cultivation, after a period of five years such rice cultivations should come within the provisions of the Ordinance.

Sir Frank McDavid: I am not sure about the verbiage of the hon. Member's amendment, but that is, of course, a matter for the hon. the Attorney General. I now understand that the hon. Member suggests that land which is not rice land now, because it forms part of, let us say, a coconut estate, becomes rice land after it has been under rice cultivation by a tenant for five years. Is that what is sought to be provided?

The Chairman: I think that is the object of the hon. Member's amendment.

Mr. Jailal: Let me put it this way. Take the case of the Enmore front lands today. If this Bill is passed today and Enmore estate continues to rent those lands to sugar workers for rice cultivation for the next five years, I am suggesting that those lands should be declared to be rice lands and should come within the provisions of the Ordinance.

Sir Frank McDavid: I would like to know what is the real object behind the hon. Member's amendment. It is true that the whole object of the exclusion of land which belongs to an estate not mainly used for the cultivation of padi, is to permit the owner the freedom of regaining possession of that land, should he require it for the main purpose for which he owns the estate. That is the object of the provision; I am frank about it. On the other hand it provides a tenant in such circumstances with a sense of security, a sort of guarantee of tenancy at a rental which is almost nominal. The effect of bringing the land under the Ordinance is, of course, that the tenant may get the security of the law, but by the same token the rental of such land would certainly be not less than $20 per acre. It could not be less than that.

There may be cases where sugar estates have rented lands to their workers for rice cultivation and not given certain facilities to their tenants, but what I do know is that, generally speaking, the tenants on sugar estate lands get "most favoured nation" treatment, so to speak, because they get the best drainage and irrigation facilities there are in the Colony. As a general rule that is so. There may be cases such as those to which the hon. Member has referred, but workers on sugar estates will be getting a very good thing.

I do not know why the hon. Member is so insistent about this. Where he ought to be insistent is on the next Bill which deals with land policy, and when that subject comes up there will be a lot said on both sides of the table. Certainly, we have a very important policy with respect to the resumption of surplus land for beneficial occupation. I do not want to say more about it now, because discussions are going on with the owners of estates. It is an extremely difficult subject, because today the sugar estates may have what Members call surplus land which they could devote to sugar, were the world market situation not what it is. But for the fact that our output is restricted, British Guiana, with its magnificent sugar investment today, could go ahead, and our economy would be very much improved if we could only put more land under cane cultivation.

[SIR FRANK MCDAVID]

I had the very best news told to me on Sunday last at Rosehall where Your Honour was present. I met Mr. French-Mullen who was just from aback, and he gave me very excellent news of the agricultural possibilities of jute. He is satisfied on the agricultural side, that the fibre is of very good quality, but what has to be proved now is whether it is an economic proposition—whether it is really going to be under actual commercial production the success it has shown in the experimental method of production at Rosehall. That, as hon. Members know, is to be tried out at Mon Repos. If jute is going to be a commercial proposition, think of the opportunities for turning some of those so-called surplus lands into an enterprise between the sugar estates and small farmers. Think also of the possibilities of cocoa cultivation. If I were in the sugar world I would have to think twice before I agreed on what is surplus land and what is not. There is undoubtedly quite a lot of surplus land, but it is a matter which we will discuss when we come to the other Bill. But a specific Ordinance which deals with landlords and tenants and is really designed to secure for rice cultivation land which is now allocated to sugar, is a different matter altogether. It is a matter of considered policy which is not really connected with the clause before us.

Mr. Jailal: It may be that I am not able to put my side over. It is merely 70 years since estate lands on the East Coast have been abandoned. They had been flooded lands and cattle pastures. Rice planting became expensive and front lands were also taken up, at Buxton, at as much as $18 per acre. I wish to be corrected if I am wrong, but the people were not allowed to build watch houses and as a result a good lot of the rice that came from that area was No. 3 rice. Non Pareil also produced No. 3 rice, a place which normally produced No. 1 rice. That is why I want this Ordinance to cover it. There are tenant-farmers who cannot enjoy the benefit of having to work their land because it is given to them too late.

My idea was that if we take off the prerequisite and rent it to estate people it would be a better thing and they would make up their minds in five or six years. But leave the matter to the winds and then it would be the same old story and complete dissatisfaction. If the amendment is put I will vote for it even if I have to stand alone because I know it is something of great political significance. I hate to take politics into it, but there is a lot of pressure in this direction and those around me who are politicians and who sometimes adorn platforms in public places will know what I am talking about. I am not trying to press any other industry but I am saying that if sugar land is planted up as rice land it must come under the Ordinance.

Mr. Correia: I am afraid this amendment would interfere with the rights of rice farmers on the sugar estates. If their land automatically comes under this Ordinance I can see these rice farmers paying 200 per cent. or more.

Mr. Tello: I had no intention of speaking on this matter but probably the hon. Member, Mr. Jailal, is quite right in his suggestion and I would say that as a trade unionist I dealt with the question of prerequisite land a good deal and contrary to what the hon. Member said, we had requests from several estate workers who did not have those privileges to press the estate authorities to introduce those privileges in cases where they were absent. I am quite sure that all these questions which the hon. Member is seeking to provide for by law are already taken care of in the Joint Committees. I do not know if he has ever seen the agendas for meetings of those Committees but the managers and workers themselves discuss these questions and make decisions on them. I think the Member for Agriculture has explained rather frankly the reasons behind it. On an estate where rice, sugar or coconut is to be grown there should be some elasticity in regard to the extension or reduction of acreage and they should have the right to make use of it. When we try to adopt the idea of prerequisite lands we are also doing a great favour to the employee. Possibly in our anxiety to offer the security we are so worried about we might close an avenue that the workers welcome now.

Mr. Jailal: Since the hon. Member, a worthy trade unionist, is willing to take the burden of the responsibility by giving the assurance he has given, and I take it he is speaking on behalf of the sugar workers, I am quite willing to withdraw my amendment and leave it on his shoulders.

The Chairman: The hon. Member does not wish to proceed with his amendment. Are there any other amendments to clause 2—"Interpretation"?

Mr. Lee: I am moving the deletion of subparagraph (b) of the definition of "rules of good husbandry", which provides that these rules also mean the planting of seed of a grade approved by the Director of Agriculture. Let us assume for argument's sake that we have a market for white rice and the people are buying it, and the Director on the other hand instructs that barley rice must be planted. Would that not be going too far? After years of experimcut by the Department of Agriculture certain padi was shown to be very good. The planting of this padi was encouraged and extended to the Corentyne Coast. The Government has in hand money for the distribution of good padi seed. What is the use of bringing forward this provision for future enactment? Would it not be compulsion on the rice grower? They will be in fear of being told "either you must plant this type of padi or get out." I do ask the hon. Member in charge of this Bill to reconsider this in the light of what I have said and delete this provision.

Sir Frank McDavid: In point of fact, this clause as printed in the Bill stems directly from one of the most valuable recommendations of the Lee Report, and the draft Bill in the Report (not the draft which was printed for publication) reads:

> "rules of good husbandry" means, so far as is practicable, having regard to the character and position of the holding—
>
> (a) the maintenance of the land, parapets, bed-heads, and meres thereon clean and free from bush, grass and other obstacles;
>
> (b) the planting of seeds of a single variety of approved grade and free from red and bearded rice known locally as 'iharanga' ";

Obviously those are practically the same words except that they do not say that the seeds are to be approved by the Director of Agriculture. The Director took the greatest of care in translating those words into legal form.

Let us examine the merits of this. Are we not going to trust the merits of the Department of Agriculture in this matter of seeds? As I said before, the Department is carrying out a series of trials in order to get padi of the quality recognized and for the cultivation of better yields, and so on, and when that sort of padi is obtained it is normal that farmers should be encouraged to plant that padi and be discouraged from not doing so. It may be a matter for objection as a failure to apply the rules of good husbandry if he does something other than plant as directed by the Department of Agriculture. That is a right thing. I do go back and say it comes from the recommendation of the Lee Committee, and I will ask the hon. Member to reconsider his objection.

Mr. Lee: The evidence taken by the Committee is there, and perhaps the hon. Member has not read it. "Bearded" rice if planted in one area can spread to the next. The landlord can be given the authority to ask the farmer not to plant it or to plant some other type of rice, but it need not be of a compulsory nature and in the hands of the Director of Agriculture because he should not sit in his office in Georgetown and ask a tenant who lives in the back lands of Charity or near Charity not to plant rice of a certain type and advise him to plant, say, barley rice. If he were allowed to do that, would it be fair either to the landlord or the tenant? Let the tenant and the landlord decide what kind of padi would be best. In point of fact—and this the hon. 'Minister' does not know—most of the tenants go to the landlord or the factory about their padi seed before they plant.

But I am thinking of the time when possibly farmers will be planting white rice for a South American market and they will be told to plant barley rice instead although that type of rice does not give good returns on low land. If the

[MR. LEE]

'Minister' inquires into that he will find that barley rice requires a certain kind of soil that is not available on the coastlands. To compel the tenant to plant a certain type of seed is an action not allowable in a democratic country. If "tail" rice is reaped within a certain period just before it falls down that rice gives a good example. Therefore tenants will know what kind of rice they want.

Sir Frank McDavid: I think the hon. Member is outside the picture. There is nothing at all in this clause which gives the Director of Agriculture power to enforce the planting of rice. This, really, is a part of the definition under the rules relating to good husbandry. The landlord has a right to give notice to the tenant and to get the Assessment Committee to approve of such notice if he, the landlord, feels that the rules of good husbandry are not being complied with. If the landlord is satisfied that the grain or seed he desires is not being planted he could insist on the planting of the grain which he thinks is proper. That does not mean that the landlord can create an offence, or it does not mean that the Director of Agriculture has the right to direct a tenant to do anything at all by way of planting seed.

Mr. Lee: The rules of good husbandry speak of the planting of seed approved by the Director of Agriculture. Doesn't that mean that the Director of Agriculture can direct? In the course of the evidence taken by the Lee Committee, the opinion was expressed that this question should be left for decision between the landlord and the tenant. It should be remembered that the landlord wants to get padi suitable for his mill, and the tenant wants to get the best results from his crop. If the landlord says he would like to see barley rice planted on his land and if the authorities of the Central Mill which belongs to the C.D.C. desire to plant a certain grade which the tenant does not like, the Director of Agriculture would be requested to have this done and the poor tenant would be compelled to cultivate it, otherwise it would be held that he has committed a beach of the rules of good husbandry. Therefore, I am asking that this provision be left out of the Bill. It is within my knowledge that Government has had to take a certain strain of padi from the Anna Regina rice mill to the Corentyne Coast for seed purposes, because it was found that that strain gave proper returns to the producers. Why should the landlord interfere with the tenant as regards the variety of padi he wants—whether it is "blue stick" or otherwise.

Dr. Fraser: I do not know if I could help a bit at this point. The word "grain" seems to be the stumbling block here. The hon. Member, Mr. Lee, seems to be confusing it with "variety", since he has mentioned the "blue stick", but the Director of Agriculture is not trying to tell the people what variety of seed they should plant. He is trying to prevent a poor type of padi from being planted, and not trying to stop a particular variety.

Mr. Lee: The question of "variety" is important as the hon. Member, Dr. Fraser, has stated, but we must remember that producers would have no desire to plant a variety of padi that would give less returns and less money than others. Therefore, do we think we should interfere with their freedom of choice? I do not see why any restriction should be placed upon a tenant in this respect.

Mr. Jailal: I think that whether the word "grain" or "variety" is used it would refer to the kind of seed padi being planted and I would suggest that it be kept. At present we are trying to get a better grade of rice all over the Colony and the only way to do so is to cultivate a better seed stock. The only place where seed rice as such is being planted, is Anna Regina. Experience has taught farmers that whenever padi from Anna Regina is stored and compressed in boats for transportation elsewhere, it grows well if taken to nearby places like Wakenaam, Leguan and the West Coast, Demerara, but if it is taken to places like Mahaica the portion stored in the bottom tiers becomes winded and does not produce very good results to farmers.

I think that until such time as we are able to decentralize our seed production and distribution properly—establishing

stations at such places as the Corentyne, Western Berbice and elsewhere—we should empower the Director of Agriculture to control the question of distribution of seed padi. If the intention of the hon. Member, Mr. Lee, is merely to get a better variety of rice—and not a better grade, which means clean padi and reasonable care in the selection of the seed and so on—things could be left as they are, but unless a certain measure of control is put into the law the rice farmer would be left in a terrible position. Instead of getting control from the Director of Agriculture, we might find some little Agricultural Instructor taking it into his hands to decide what particular seed a tenant should plant, and so on. If we are endeavouring to get a better strain of seed for the benefit of the farmers generally, I would suggest that we leave this provision until such time as we decentralize production.

Sir Frank McDavid: I think the hon. Member, Mr. Jailal, has not got what, to my mind, is the real intention of this paragraph. It was inserted as a result of the Lee Committee report which constructed a method of rent based on a percentage of the yield of padi from each holding. Therefore, the landlord was vitally concerned with the yield of each holding, because the more the tenant produced the more rent the landlord would get. So this particular paragraph was put in for the protection of the landlord's interest. The landlord would consider it a breach of the rules of good husbandry if the tenant did not plant good seed—seed approved by the Director of Agriculture. We have, of course, completely changed that structure. We have a series of fixed rentals in view and it is very much the concern of the landlord to see that the tenant observes the rules of good husbandry, since that is the only relationship between the landlord and the tenant. If hon. Members feel that there is some sort of unknown motive from the Director's point of view, then let us delete it.

Mr. Tello: I hope the hon. Member, Sir Frank McDavid, is not just trying to please this Council. I heard the hon. Mr. Jailal expressing fear as to whether "grain" is being interpreted to mean "strain" or "variety" and I think there is something wrong in that respect. I think my hon. friend, Mr. Lee, missed the point entirely and I am grateful to Dr. Fraser for pointing it out. If we have a real desire to see the industry prosper in the future we must control the grade of seed to be distributed for cultivation.

Sir Frank McDavid: I thank the hon. Member (Mr. Tello) for his observation and if the Department of Agriculture discovers a new grade or variety of seed, then it would be reasonable for them to insist that farmers cultivate that grade or variety. This particular paragraph is to put the landlord into proper relationship with the tenant, and if the Department wants to control the particular grade of padi to be used this is not the place to do it. I myself have never been able to appreciate the point, and if the Department discovers that there is a grade of rice which the Rice Marketing Board should introduce to farmers for cultivation, I do not see why a landlord should compel a tenant to produce it. Therefore, I am prepared to accept the deletion of this paragraph.

Mr. Rahaman: I am asking, sir, that there should not be any deletion. It—

The Chairman: I was going to make an observation if I may be permitted to do so. However, will the hon. Member, Mr. Rahaman, please continue?

Mr. Rahaman: I was saying, sir, that we, the millers, often experience difficulty in producing certain grades of rice. The sheen of the grain gets spoilt, and therefore I think we should continue the practice of controlling the distribution of seed for cultivation throughout the Colony. At the moment the millers have to handle a mixture of various grades of padi and we are advocating the use of shellers throughout the Colony as it is impossible to produce very good rice under these conditions. I think it is important that this sub-clause should be left as it is.

Sir Frank McDavid: I just want to say that this does not give the Director of Agriculture the control that the hon. Member thinks.

The Chairman: The observation I desired to make is that it seems to me extraordinary that the rules of good husbandry should not require the planting of good seed. That does seem extraordinary to me. In other words, that the rules of good husbandry should permit the planting of bad seed seems to me to be contrary to the interests of the farmer in the first instance, the landlord and, more important, the Colony as a whole. Therefore I feel that the clause, as it stands, is good, but I wonder if I am permitted to say so where there is some misunderstanding. My understanding of the clause is that the Director of Agriculture has a certain number of varieties of seed padi, and a farmer may plant any of those varieties. I may be wrong, but I do not interpret the clause as meaning that the Director, or any member of his staff, can direct that in one place grade A padi must be planted and that grade B or C must be planted somewhere else. I think the object of the clause is to ensure that the farmer, in compliance with the rules of good husbandry, plants good seed.

Mr. Lee: The hon. Member in charge of the Bill has agreed to the deletion of the clause, but in reply to Your Honour's remarks I would point out that there is on the Estimates a sum of money, which I know will be increased from time to time, for the purpose of providing seed padi for the farmers in the various districts. Is it suggested that a farmer would not plant seed which would give him the best returns?

What I am concerned about is that failure to comply with a direction from the Director of Agriculture would cause a tenant farmer to lose his holding. A breach of the rules of good husbandry by a tenant would provide his landlord with an opportunity to approach the Assessment Committee to regain possession of the land. We are making laws—not providing a code of morals. I may mention that the Blue Stick variety of padi was originally planted in Essequibo, but has now reached the Corentyne. That was not brought about by the efforts of the Department of Agriculture.

Mr. Tello: I am sorry to prolong the discussion but I am very much interested —just as much interested in rice as any of my friends—and I can assure hon. Members that a very good strain of padi could be planted in such a manner as to yield a very poor grade of rice. I have seen it happen. I have worked on rice at the Mahaicony-Abary where I saw a particular strain of padi planted with good results, but just across the canal the same strain was used, not with the same care, the padi being just planted on the surface of the land, with the result that a very poor quality of rice was produced,—what is known as "jharanga".

Mr. Jailal: "Jharanga" is an inbred rice; it is really not bred.

Mr. Tello: What causes the inbreeding is that at reaping time some grains of padi fall on the ground and grow a second time, producing a heavy percentage of red rice. The point is that a very good variety or strain of padi can produce a poor grade of rice, and if a farmer is allowed to plant bad seed padi he would not only endanger the market but destroy the land. I have seen that happen. I know a very prominent rice farmer, a member of the Rice Producers Association, who had to give up milling because the land around him was spoiled by the continuous planting of poor quality seed. What would happen to the rice industry if we do not take this precaution to safeguard its future?

Mr. Jailal: I agree entirely with the proposal, but my suggestion is that we should suspend the law until such time as we have a sufficient supply of good seed. We just have not got the seed, and if we are to demand the planting of good seed, where are the farmers going to get it? I have had very close contact with the supply of seed and I know something about it. This provision is going to create a distinct hardship on the farmers if somebody wants to put pressure on them. The hon. Member for Agriculture has agreed to the deletion of the clause. I say, let us take it out and replace it when we are in a position to enforce it.

Sir Frank McDavid: All I would say is that if and when the time comes that we are in a position to know that the planting of padi of a certain variety and grade is

absolutely necessary for the salvation of the economy of the rice industry and the improvement of its progress, I am sure that, with the advice of the Director of Agriculture, whoever the Member for Agriculture may be will introduce legislation to make it compulsory. The provision is not harmful, but it is not strictly essential to fit it into a law which deals with the relationship between tenant and landlord. When the time comes we will do so—not in a tenancy law but under a land control Ordinance.

Paragraph (b) of the definition of "rules of good husbandry" deleted, and paragraphs (c) and (d) re-lettered (b) and (c).

Clause 2, as amended, agreed to.

Clause 3.—*Security of tenure of rice lands.*

Mr. Rahaman: There are some parts of the Colony where only one crop of padi is planted—the Autumn crop—but in other places there are two crops in one year. I do not know whether a tenant would be allowed access to an estate after reaping his crop, or whether he must wait until the next year of planting. Is the tenancy from year to year or crop to crop?

Sir Frank McDavid: This Bill repeats what is in the existing law. Rice lands are rented from year to year, and what is known as the crop year begins in April. It may be that a tenant during that period gets two crops, and good luck to him if he does. If he only gets one crop it may be good luck to him too, because sometimes one crop may produce more than two crops. In any case the landlord gets the stated rent based on other considerations, and not whether the tenant gets one or two crops, or no crop at all. I do not know whether the hon. Member is hinting that in cases where a tenant gets two crops the landlord should get more rent.

Mr. Jailal: Under the present Ordinance there has been a lot of contention and litigation. Some landlords claim that as they were receiving an annual rent their tenants have no right to plant two crops. The question has been decided by the Court whose decision has not been accepted by a certain individual. I know that tenants have won their case—the right to plant two crops—but in order to avoid confusion I would suggest that we defer the point until we come to clause 5(1) when I propose to suggest a small amendment which I think would make the provision more explicit.

Sir Frank McDavid: I do not accept the suggestion that it is not explicit now.

Mr. Jailal: When we reach clause 5(1) I propose to move an amendment which I think would meet the hon. Member's point.

Sir Frank McDavid: At present a tenant is entitled to plant one, two or three crops if he likes. I do not see where the difficulty lies, or the need to clear up anything arises.

Mr. Carter: The hon. Member who asked for an explanation of the clause is a landlord, and I believe he would like to get two rents for two crops.

Sir Frank McDavid: I do not think that is quite fair. The hon. Member was seeking to get an elucidation of the point.

Mr. Jailal: In several clauses of this Bill reference is made to "regular practice." In certain parts of the Colony the regular practice is to plant one crop. In other parts the practice is to plant two crops. If we followed the Japanese method we might get three crops.

Clause 3 passed as printed.

Clause 4.—*Zones, Basic rent, First Schedule.*

Mr. Lee: I would ask that this clause be deferred because I propose to move the deletion of clause 8 and the substitution of the provision proposed in clause 5 of the draft Bill submitted by the Lee Committee regarding the composition of Assessment Committees.

The Chairman: Would the hon. Member not like to move the recommittal of the clause later?

Sir Frank McDavid: I have no objection to the clause being deferred.

Clause 5.—*Implied conditions in agreement of tenancy.*

Mr. Jailal: At clause 5 (1) (a), which states that

> "the tenancy shall be a tenancy from year to year commencing from the 1st day of May;"

I am proposing an amendment to insert after the word "May" the words:

> "and the tenant shall be allowed to cultivate both the Spring and Autumn crops if he so desires;"

The Chairman: The hon. Member will have to define those terms.

The Attorney General: Would the hon. Member, Mr. Jailal, point out whether there is anything in the Bill to prevent the tenant from doing so?

The Chairman: From planting two crops.

Mr. Jailal: There is nothing in the Bill that prevents it, but, as I have said before, I can see litigation arising if that is not mentioned specifically, also a waste of the Assessment Committee's time. The landlords are going to go to the District Commissioner when a man is not given a chance to plant a second crop. We have had hundreds of cases where people did not plant a second crop when the District Commissioner ruled that the rattoon crop which came out of first planting—

The Chairman: Volunteer crop.

Mr. Jailal: Volunteer crop; should be owned not by the tenant but by the landlord himself. That was ruled by a Commissioner of good repute on the Inter-departmental Committee. That is the situation.

The Chairman: What the hon. Member is saying is, that a District Commissioner ruled that the volunteer crop belonged to the landlord.

Mr. Jailal: Yes, sir.

Mr. Lee: The landlord will probably tell the tenant that after he has reaped his Autumn crop he has no right to go on the land. That is what is worrying the hon. Member, Mr. Rahaman; the tenancy is from year to year and many of these tenants have two or four oxen. Tenants' cattle have been impounded although there is nothing in the old Ordinance to say that they cannot put their cattle on the land. That is the trouble, too. I think it sets out clearly to the tenant and the landlord that the contract between the tenant and the landlord for the rental of land is for the purpose of rice planting and no other. It has happened that tenants who have planted two coconut trees or greens have been told by their landlord that that was not rice planting and were given notice to remove. However, the point which the hon. Member, Mr. Rahaman, wishes to have clarified is, if after the tenant has reaped his crop he has a right to be on the land.

The Chairman: And his right of entry to land other than rice land.

Mr. Lee: If the hon. 'Minister' desires security of tenure for the tenants, then he should say so. The tenants are interpreting the existing law this way: "I pay my rent for the land. It is a tenancy from year to year and therefore I am carrying my cattle there." One tenant after reaping a big padi crop cut down the grass, burned it and planted peas. The landlord said he was not entitled to do so. I am of the opinion that the landlord was right, but for the purposes of this Ordinance, which is a security of tenure Ordinance, it should be laid down that the tenancy must be from year to year from the 1st of May and for rice planting. That I think would clarify the position entirely.

But supposing a tenant, let us say, on the Corentyne, starts to plant at the commencement of the dry season. He ploughs in April and in May he broadcasts. In the middle of September or early October he reaps but after that he leaves the land dormant for a year allowing his cows to roam over it and to a certain extent replenish it with manure. His proprietor wants to protect him and he wants to know what is the position. I wonder if the Attorney General would say what the position would be.

I now wish to move an amendment, adding after the word "may" in clause 5 (1) (a) the words,

> "for the purpose of rice planting;"

Mr. Correia: If we accept an amendment like that it would be defeating the

object of planting a fallow crop or something else besides rice, like jute or peas. We must remember that the Agriculture Department has been advocating fallow crops so that the land would yield as much as it can.

The Chairman: Black eye peas is a good crop as it helps the soil.

Mr. Correia: After all, the tenancy is from year to year and the tenant has a right to go on the land from year to year and plant if possible two or three other crops—

Hon. Members: Rice.

Mr. Correia: If Members agree that the land is purely and simply for rice I will have no objection.

The Chairman: The danger might be that a man may rent it for rice and he may not plant rice there at all.

The Attorney General: May I point out, sir, that under the Ordinance that could not happen, because, first of all, the agreement of tenancy means an agreement for renting out rice land, and the definition of rice land is land "either wholly or mainly for the cultivation of padi."

When we come to clause 29 (2) (c) we find that one of the grounds on which the landlord can get his land back is where the tenant "without any reasonable excuse fails to plant or cultivate any padi or crop in any year." He must plant at least one crop of rice unless there is some reasonable excuse; where it is within the rules of good husbandry that he should plant something else, then he would be excused, but if he sets out deliberately to plant some other crop and his act is not covered by the words "without any reasonable excuse" in clause 29 (2) (c), he would not be in the same position. So long as the tenancy subsists he can plant two or three crops if he likes, so long as it is within the rules of good husbandry, and I understand it is the practice in British Guiana to plant two crops. There is no need for either of these two amendments. As is shown by clause 29 (2) (c), he can be put off the land.

Another point is that of his growing coconut trees outside the boundary. That cannot be covered by this law. It is a matter for the landlord and the tenant. If he planted these coconuts within his boundary and it did not interfere with the cultivation of rice nor was contrary to the rules of good husbandry, then obviously he can do it. I do not see the need to add to this clause anything about the seasons, the cultivation of two crops or that the tenancy should be for nothing else but rice planting, having regard to the provisions of the Bill.

Mr. Lee: I think the hon. the Attorney General should again read the definition of "rice land". He does not perhaps know our local conditions, but it happens that where a main crop is padi, after reaping black eye peas are planted in the interval before the next crop. If the definition says wholly or mainly for the cultivation of rice, it means that the tenant can plant tomatoes or something else. That is why I am trying to amend this clause, so there can be no ambiguity in it at all. Although the tenant holds the land he can only plant rice. I gave an example, however, showing where a tenant planted some coconut trees and then planted boulangers and tomatoes. The landlord said "I only rented you this piece of land for rice cultivation and I can turn you out because you are planting other things."

Sir Frank McDavid: Does the hon. Member think that if a rice farmer, after he has finished planting rice, plants tomatoes or eddoes, or some such crop, it would be right to turn him off the land? Does he want that stipulated in the Bill?

Mr. Lee: My hon. Friend, Mr. Rahaman, wants to have the meaning of "tenancy" clarified.

Sir Frank McDavid: What I would like the hon. Member, Mr. Lee, to do is to clarify the meaning of "landlord." Does he recommend that a rice farmer should be allowed to do what he is doing now, or that he should be excluded from doing anything else?

Mr. Correia: I do not agree that he should be excluded from doing anything else. I think the rice farmer has a right to plant catch crops.

Dr. Fraser: I think the clause makes it quite clear. I think it is a crime that rice lands are not used for growing greens and things of that sort.

Mr. Lee: It may be a crime, but doesn't this say that the tenant cannot plant anything else on such lands? Let us assume that a tenant has two acres of land and that he plants rice on one and three-quarters of an acre and cares his cattle on the balance; can it be said that he has not planted rice on the land? My hon. friend, Dr. Fraser, who is a landlord should be able to understand such a position.

Dr. Fraser: The hon.Member, Mr. Lee, stated that there is an agreement relating to the conditions of tenancy and that the tenancy is one for planting rice.

Mr. Lee: The agreement does not say that only rice can be planted on the land.

The Attorney General: The landlord can dispossess a tenant for certain reasons, and one of these reasons, as may be seen in clause 29 (2) (c), is where :

> "(c) the tenant without any reasonable excuse fails to plant or cultivate any padi or crop in any year; or—"

Mr. Corrcia: I should like to know what exactly does "crop" mean.

The Chairman: Does the hon. Member for Agriculture wish to discuss this point with the Attorney General?

Sir Frank McDavid: I would like to discuss it with the Director of Agriculture first of all. It is a tenancy for planting padi, and padi is not the secondary crop.

The Chairman: I believe that there are lands for planting a second crop where it is not possible to have a foreign crop. I think that applies to certain lands on the West Coast, Berbice.

Mr. Lee: Surely the tenant has a right to keep cattle or crops on the land.

The Chairman: I do not think cattle can be called a crop.

Council resumed.

Mr. Deputy Speaker: Council will now adjourn until 2 p.m., tomorrow Wednesday, 17th August.