

LEGISLATIVE COUNCIL.

Thursday, 3rd May, 1945.

The Council met at 2 p.m., His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the Chair.

PRESENT

The President, His Excellency the Governor, Sir Gordon James Lethem, K.C.M.G.,

The Hon. the Colonial Secretary, Mr. M. B. Laing, C.M.G., O.B.E. (Acting).

The Hon. the Attorney-General, Mr. E. O. Pretheroe, M.C., K.C.

The Hon. the Colonial Treasurer, Mr. E. F. McDavid, C.B.E.

The Hon. E. G. Woolford, O.B.E., K.C. (New Amsterdam).

The Hon. F. J. Seaford, C.B.E. (Georgetown North).

The Hon. J. A. Luckhoo, K.C. (Nominated).

The Hon. C. V. Wight (Western Essequibo).

The Hon. J. I. de Aguiar (Central Demerara).

The Hon. H. N. Critchlow (Nominated).

The Hon. M. B. G. Austin, O.B.E. (Nominated).

The Hon. F. Dias, O.B.E. (Nominated).

The Hon. Percy C. Wight, O.B.E. (Georgetown Central).

The Hon. J. Gonsalves, O.B.E. (Georgetown South).

The Hon. J. B. Singh, O.B.E. (Demerara-Essequibo).

The Hon. Peer Bacchus (Western Berbice).

The Hon. H. C. Humphrys, K.C. (Eastern Demerara).

The Hon. C. R. Jacob (North Western District).

The Hon. A. G. King (Demerara River).

The Hon. J. W. Jackson, O.B.E. (Nominated).

The Hon. T. Lee (Essequibo River).

The Hon. A. M. Edun (Nominated.)

The Hon. V. Roth (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on Friday, 27th April, 1945, were taken as read and confirmed.

ANNOUNCEMENTS.**RICE FARMERS (SECURITY OF TENURE) BILL**

The PRESIDENT: With regard to business today I will take first the Motion standing as the first item on the Order Paper, to which the mover is replying, and then proceed into Committee to take clause 13 of the Rice Farmers (Security of Tenure) Bill. It has been most unfortunate that the extreme pressure of the Budget last year, and legal work now so much increased by legislation concerning the fire and the approaching end of hostilities, has prevented earlier progress with this Bill. What I would propose to do is to attempt to finish clause 13 now, and then, as there are a large number

of amendments to the original text, have the Bill as amended issued to Members reprinted so that they can have the revised form in front of them when completing. I trust we shall be able to do that at a sitting next week.

URGENT RIVER DEFENCE WORK.

There is a report which I should make to Members today touching financial provision for urgent work. I have often said that I do not normally sign special warrants until there has been an opportunity for Members of this Council in Finance Committee or otherwise to consider the objective. I have found it necessary, however, yesterday to sign a special warrant without that being done, though the matter had been discussed generally in Executive Council. It is for very urgent work on river defences on the Berbice River just above New Amsterdam. I visited the place more than a fortnight ago and was astonished to find work held up though the equipment and material and everything was in place, and serious erosion proceeding. I saw the Engineer who said that he had no authority to proceed, but neither the District Commissioner nor the Mayor had been consulted, nor as far as I could see, any action taken to get the necessary authority. I told the Engineer, the District Commissioner, and the Mayor that the work must go on forthwith to avoid further and unnecessary expense, but the matter only came back to me yesterday when I signed the warrant, with a good deal of caustic comment on the working of our departmental organisation. Members are aware how anxious I am to have an arrangement whereby these things can be put through quickly with the concurrence of Members of this Council, or of the Finance Committee Members, but I will say no more on that here. In this particular instance I found it necessary to take action first and talk afterwards. I have asked the Treasurer to bring forward this item with any others of

supplementary expenditure to be put before this Council at a meeting next week.

What I will propose to do, rather than interrupt other business, is to remain in Council after four o'clock and proceed into Committee of the whole Council to take this business in the usual way. I have asked the Treasurer to circulate a note of the items he has requiring approval, in good time, and though he cannot give formal notice today, I give that generally now, and at our next meeting the Treasurer will give notice at the opening of Council and thereafter ask for suspension of the Standing Orders to take his schedule the same day. I trust this will be convenient to Members, and I must ask your co-operation in helping us to get on promptly with such necessary business.

VICTORY DAY.

I would just like to make a single comment on Victory Day and the cessation of hostilities in Europe. I have, of course, always expected to get good notice of the day and time of any final act establishing the cessation of war in Europe, without which we would certainly not commit ourselves to premature celebration. Our intentions in the matter are, I think, quite known to Members of this Council, and as far as concerns ourselves I would just like to make this clear, that after the formal announcement, according to direction which I shall make, we will proceed here for a brief meeting, when I may possibly have some special communication to Council. But I do not propose that the motions proper to this Council should be moved or spoken to on that occasion, but only that the hon. the Deputy President should give notice of them and we should proceed to formal adoption at a later meeting.

This will follow precisely proceedings in London, when I expect the Prime Minister will make his announcement to the House of Commons at the earliest possible moment while the resolutions usual

such occasions will not be moved until a meeting perhaps a week later.

PAPERS LAID.

The COLONIAL SECRETARY (Mr. M. B. Laing, acting) laid on the table the following documents:

Interim Report of the Interior Development Committee.

Despatch on the Corentyne Drainage and Irrigation Project.

Despatch regarding the Administration and Development of the Interior of the Colony.

ORDER OF THE DAY.

COMMITTEE OF INQUIRY INTO P.W.D.

The PRESIDENT: I have a short piece of important business to do during the afternoon, and at a point shortly I will ask to be excused from the chair while I retire and come back a few minutes later.

The Council resumed the debate on the following motion by Mr. Edun:—

WHEREAS the recent Public Works Conspiracy Case that was heard and concluded in the Supreme Criminal Court of British Guiana having very clearly disclosed that grave irregularities in the general administration and in the expenditure of Public Funds by that Department are being committed;

AND WHEREAS the very nature of the such and said existing irregularities is absolutely inimical to the best interests of the tax-paying element of the Colony, aforesaid, and that the said tax-paying element continue to experience and exhibit a very deep feeling of uneasiness;

AND WHEREAS not having since or subsequent to the determination of the said case made, in fact, any public announcement or otherwise given any information, knowledge and/or intelligence to the said tax-paying element of any course of action which it may consider desirable to prosecute, with the view to restoring people's confidence in the aforesaid Department of Public Works;

BE IT RESOLVED that this Honourable Council recommends to His Excellency the Governor the desirability of setting up a Competent Committee of Inquiry to investigate and report on the broad and detailed functioning of the

Public Works Department, aforesaid, in relation to all works of a public nature undertaken and carried on by the Department; aforesaid: e.g., the Drainage and Irrigation Board, the Pure Water Supply, the Transport and Harbours Board, and other Boards connected and entrusted with Schemes within the Colony of British Guiana, aforesaid;

AND BE IT FURTHER RESOLVED that this Honourable Council recommends to His Excellency the Governor the appointment of a Vigilance Committee comprising of Members of the Legislative Council to act as watch and ward on the expenditure of Public Funds by the Departments aforesaid.

Mr. EDUN (replying): Sir, as I listened to the various speakers I was reminded of that trite but true saying: "Where ignorance is bliss 'tis folly to be wise." I am forced to make that observation because the speeches which were delivered were flat, listless, peurile, commonplace, and illogical. They fell far below my estimation of the intellectual calibre of some of the Members, and the vehemence exhibited by certain Members was uncalled for. On the whole, if I had to examine the speeches critically I would say that they fell short of my estimation altogether. Apart from that, what was very peculiar was that Members did not seem to comprehend the substance of my motion in its relation to a clean public service, and the attainment of self-government. That is something to be deplored. Perhaps the warming of the seats in this Council by Members for 10 years has resulted in decay, and if evidence is needed to prove the moribund state of the Council in those 10 years I say this is the evidence. On a motion of this kind when one should expect the best from Members in order to examine the democratic right of freedom of speech, the speeches fell below the standard set by myself in my exposition of the whole gamut of the Public Works Department. Perhaps the long association in this Council has had a telling effect on the minds of certain Members.

With those preliminary remarks I shall proceed to examine the speeches

of the various Members. I shall take first of all the speech of the hon. Member for Georgetown Central (Mr. Percy C. Wight) who happens not to be in his seat at the moment. He ventured to inquire from the Chair how long I would take to reply. I consider that an impertinent query. I excuse that Member in view of his long association in this Council; perhaps he is fed up with things as they are. I promise this much; that in replying to the debate I will not take up as much time as the Mayor and Town Council have spent in the appointment of a Town Clerk, and I expect parliamentary behaviour from those Members who have had education on the Town Council. The hon. Member wants me to shorten my reply in order that he might get about his business. I want to make it very clear indeed that so long as I am a Member of this Council no one will prevent me from exercising the democratic privilege of freedom of speech, and I am prepared to waste as much time as I can in order to examine the affairs of a Department in which the major portion of the public funds is spent. Why shouldn't I waste a little time to see that public money is saved in order that we might be self-supporting, and that we might realize our hope of self-government? Why should we quibble about wasting half a day in cleaning up the Department of the kind of chicanery which is going on there even today? If some Members do not want to attend meetings of this Council and to watch the interests of the taxpayers who elected them, it is their misfortune. Representing as I do a large section of the producing element of the Colony, from whom the major proportion of taxation is being collected, it is my duty to waste time in this Council in order to secure a clean public service, and I think that Member ought to be told what I have said here this afternoon.

I will now deal with the hon. the Third Nominated Member (Mr. Jackson). Perhaps I should call him the Member for Den Amstel. Something

is surely rankling in the mind of that hon. Member. I am tempted to ask: is it that he fears elections? The whole democratic world is fighting, shedding blood, sweat and tears, in order to preserve elections, but the hon. Member feels that because a motion is tabled here in order to examine the credentials of the Public Works Department it is an election dodge. Surely that is nothing short of seeing red on the part of the hon. Member. Sitting perhaps in a little ark at Den Amstel like old Noah it does not appear to me that he is aware of the unrush of public opinion in this country and the influence it is bound to have in due course of time. He sits by there and fears an election, whereas in Canada and the United Kingdom there will soon be a General Election. Is there anything wrong in thinking about an election? The suggestion that this is an election dodge proves conclusively what is operating in the mind of the hon. Member. I would ask him if he considers a probe into the Jamaica Police Force an election dodge? An investigation is soon to be held on the Commodity Control organization even in Trinidad. Is that also an election dodge? I would like to ask the hon. Member most seriously: did the thousand dollars evaporate into thin air in order to lend colour to this motion? Did incompetent employees of the Public Works Department allow the Bishop Parry Hall of B.H.S. to fall so as to synchronize with this motion? Don't you see that fate is against this Department? (laughter). I think the time has come when this Government, and you, Sir, as Head of the Government, must allay public opinion and set up an inquiry into this Department.

Mr. C. V. WIGHT: May I point out that that has already been done.

Mr. EDUN: I am speaking of the collective incidents which led me to table this motion in a spirit of no malice against anybody, but with the motive of securing for this country a clean public service. Therefore, to suggest that it

is an election dodge is tantamount to harbouring an evil mind. The motion should have been accepted in the spirit in which it has been tabled. At no time during my 1½ hours' speech did I say anything harsh about any of the officers of the Department, or against the Advisory Committee or any Member of this Council. I took every precaution to be as parliamentary as I could in my speech, and I resent the attitude taken by this Member.

I proceed to deal with the speech of the hon. Member for Berbice River (Mr. Ferreira), and I should include the hon. Members for Western Berbice (Mr. Peer Bacchus) and the Fifth Nominated Member (Mr. Critchlow). Their speeches did not in any way assist in arriving at any conclusion. On the whole I consider it was a poor display of advocacy on their part of the Public Works Department or of the Advisory Committee. Poor advocates they were. The Fifth Nominated Member pointed out that he went to examine the system of payment and found that it was rotten; that even the worker could not say how much he had worked for in a fortnight. I have no love for the system of payment on sugar estates, but when it comes to paying out money at the pay office I think they are ahead of any other employers of labour in British Guiana.

That is why I have suggested that this Committee of Enquiry should investigate all these functions. It is because of the kind disclosures made by the hon. the Fifth Nominated Member. They did not help to clarify the situation at all. The Elected Member for Demerara-Essequibo while agreeing with the motion to a certain extent thought that there was no need for any investigation, that the Advisory Committee had very good intentions, excellent intentions. But the road to hell is paved with good intentions. Must I then take that road? After all these disclosures every Member must agree that the irregularities were too frequent. I suggested that even frauds, nepotism, graft were

all being committed in that Department, and yet we must trust the Advisory Committee to do the job. The Chairman of the Advisory Committee has let the cat out of the bag. He has told us "We are not an executive body; we are simply advisory". I want something more than advisory. I want some power given to them. Therefore you see the speeches made by those Members will not help the matter at all. As a matter of fact they did not comprehend the measure of the problem as existing in the Department. It is painful indeed to have to say these things, but I stand here doing my duty in the interest of the progress of this Colony towards self-government, and self-support is the criterion.

How shall we get self-support if we do not save, if we continue to have leakages in this Department like the sum of \$1,000 that went away with the wind, \$35,000 that was spent on experimentation in the Bonasika Scheme and in the employment, perhaps, of derelict planters giving them high salaries as against those of the overseers. Neopotism is rife in this Department. That is why I want a full investigation so that we can set out our plans in order to catch up when self-government is in our hands, and when I am doing that a Nominated Member must come here and say it is an election dodge. I am sure he will not be able to face an election.

I come to the hon. Elected Member for North-Western District. I have always tried here to use expressions in this honourable Council which lend nothing else but dignity to its procedure. I can be as harsh in my denunciation of anything under the sun as anybody else, but, I will use language which will not hurt a soul and secure the same success. I do not think the hon. Member was justified in his denunciation, which has had a reply from the Chairman of the Advisory Committee and which shifted the whole debate into personalities. One

Member threatened another, and I have read about threats in the Municipality, threats of libel actions. Within a week they all ended in smoke. Such threats should not be made in a Council of this kind, where we are trying to progress towards a better way of life and better relationship between man and man. I think the time has come when we should change our ways, and I ask the hon. Member for North-Western District to think about that deeply. He has been here for a longer period of time than I. He is the stormy petrel of North-Western District, perhaps, but the best thing to do is to win support of the other Members, who are just as intelligent and just as imbued with the progress of the Colony as he is. I know and feel as he does too that in a question of very great importance to the welfare of the working masses we will not get support in a Council like this, constituted as it is, but he and I and, perhaps, other Labour Members can await our chance when we can form an enlightened opposition against any combination and clique in this Council and fight them to the bitter end for the progress of this country in which we were born rather than criticize harshly. I regret the incident where the Chair had to call him to order. I am sure, sir, if I am here for the next five years I would not give the Chair the occasion to do the same to me.

But he proceeded very well indeed, criticizing the Department and making strong statements. He agreed in toto that everything was wrong in the Department, but suddenly he switched off and said the motion would not have his support worded as it is. If that is not idiomatic quibbling, what is? Just a quibble of words. The spirit of the thing is there, and no matter how we can consult the lexicon or are versed in the English language or any other language for that matter, mankind can never hope to express in written words the thoughts that are emanating from his heart and soul. Therefore, one has to read within the line to see what is actuating in the mind of the hon. Mem-

ber, and there is nothing else actuating in these two motions that will lead any Member to think that something is wrong about them. I challenge him to produce a document of this kind unaided. In any case that is so much for the good of the hon. Member for North-Western District. Perhaps he should know that I am older than he, more experienced, more educated in my language than he, and he ought to take my advice.

Then I come to the hon. Elected Member for Western Essequibo, the hon. the Fourth Nominated Member and the Elected Member for Georgetown North.

The PRESIDENT: Will the hon. Member excuse me for a few minutes? I have an appointment outside and I ask the hon. the Colonial Secretary to take the Chair.

The PRESIDENT left the Chamber and the COLONIAL SECRETARY, Mr. Laing, occupied the Chair.

Mr. EDUN: The hon. Member for Western Essequibo happens to be the Chairman of the Advisory Committee and, as a legal man, an eminent lawyer, I had expected something brilliant from him. I do not know how this Member had got himself led away by the speech made by the hon. Member for North-Western District. But, sir, if I should critically examine his speech in comparison with the eminence in which he is held in this country, I think that speech was unbecoming, undignified and commonplace. Sir, I have a belief in my mind and I am entitled to cherish that belief, that a legal mind is a trained mind and on the question of advocacy or defence he ought to be a past master of the game, but I see the hon. Member just challenging another hon. Member, conflicting the issue altogether before him and just brushing it aside by saying "Give the Advisory Committee a chance to function and in due course of time things will rectify themselves". But he himself has admitted that these irregularities

synchronized with the functioning of the Advisory Committee. That is to say, while the Committee was functioning these irregularities were happening. Then that gives one conclusive proof of the incapability of the Advisory Committee to rectify the wrongs. One Member told us here in plain words an astounding kind of philosophy, that because a man receives inadequate pay he is going to steal. I have never heard anywhere else such an expression on the conduct of life.

Mr. PEER BACCHUS: To a point of order! The hon. Member has not referred to any particular Member, but if I remember correctly the observation came from me as to those Officers in the outlying districts being in adequately paid. I made it clear then that I was not saying that because they were inadequately paid they should be dishonest.

Mr. EDUN: It was conclusively stated that certain employees are paid inadequately and that the Government ought to be blamed for the irregularities, for the frauds, because they are inadequately paid. That is a conundrum, a spiral in idioms. It is like a snake swallowing its tail, achieving nothing. Because a man is inadequately paid and you do not give him more pay that man must steal to get more pay. What sort of logic is that? Then if the conspiracy trial had not happened there would have been no consideration of the inadequacy of pay at all! Don't you see, sir, how justified I am to make the observation that the Advisory Committee was functioning when those irregularities were happening? So you see, sir, it is in the interest of a clean public service that Members of this Council ought to know the right things. And how can you get at the right things without holding an enquiry, making investigation, taking evidence and then making a report? But that sort of thing must be brushed aside. Let us trust the Advisory Committee. I agree, I am placing 100 per cent. trust in the Advisory Committee. I have faith

in the members, in their integrity and honesty. Nothing can be said against them. Let everybody be aware of that.

But, sir, the Advisory Committee is simply advisory in nature, and I have seen here the procedure of 15 to 20 items placed before me in Finance Committee, affairs of the first magnitude, and the Committee just brushing them through one after another. I am however prepared to stand by what is passed there; in the course of an hour 15 to 20 items are passed. That is what is happening to the Chairman of the Advisory Committee. These things come before the members and they say "Yes" or "No" and are finished. I will give an instance. I am a member of the Legislative Council Food Production Committee, and at one meeting there was a shortage of funds. I will not be able to tell you now how much money was involved. The Chairman of that Committee suggested to the members to let that money be waived. That is money which had to be paid back by the District Commissioner. The District Commissioner had asked the Legislative Council Food Production Committee to repay him the amount, and the Chairman said "Yes" and certain members agreed; I took up a stand there and was told the Governor suggested it. I protested against it. I maintained that if through slackness on the part of the District Commissioner funds evaporated, his duty is to find it, but to come to the Committee and tell me "Let it be waived; let us give back the money," I consider is not playing the game with the taxpayers.

The COLONIAL SECRETARY: I think in fairness to the District Commissioner I should say that money was not expended by the District Commissioner.

Mr. EDUN: That is true, but it was lost somehow.

The COLONIAL SECRETARY: I was only drawing the hon. Member's

attention to that fact. It was not the District Commissioner's responsibility although he had to pay it. I think it is only fair to him to say so.

Mr. EDUN: The fact remains that is the kind of things that happen within these advisory committees, and I feel certain this debate will prove a success in the long run. Even if it is thrown overboard in this Council, it does not matter at all. What I want is that we should give more power to the Advisory Committee, more executive power. I am going to suggest how. This motion here was fully gone into and it was sent previously to Government in strong language very parliamentary indeed. There was nothing wrong in the language except that it did not suit the caprices of the Government. I then said "All right, if it pleases the Government to have a motion worded to suit itself, providing the right thing is done, by all means let us have it." But, sir, that is the kind of thing that happens. Therefore in order to proceed step by step towards the goal of self-government we have begun here with the Advisory Committee. Give it more power now. So you see when the hon. Member for Western Essequibo, who is the Chairman of the Advisory Committee, suggested that this motion should be thrown out I was perturbed in mind greatly indeed because he more than anyone else ought to know that this is a democratic privilege to investigate the affairs of the State which, if subdued, would lead to complications in the future. I am not going to ask for a probe into the Commodity Office, though I know there is need for a probe there. The probe into the Police Department in Jamaica is as equally important even here. I say that with authority.

But, sir, the hon. Member for Georgetown North simply made the same observation "Let us give the Advisory Committee a chance". But he as an expert wants me to believe that no expert in the world will be able to foresee where erosion and where accretion will

take place at the same time. I am not an expert; I am a layman, an ignoramus perhaps, but I have read about the cycle of tides. If the expert can know where the Demerara River flows in a certain cycle of time he will be able to say beforehand where erosion will take place and he will be able to put up groynes to avert the calamity. But not because I have taken the experts to task he must want to throw a blanket over the expression. That will not help the situation at all.

I want now to examine the hon. the Fourth Nominated Member. He seconded the motion and rightly too. I put him in comparison with the Chairman of the Advisory Committee as one having the facts at his fingertips concerning the conspiracy trial, knowing the things as he does. If the hon. Member as counsel for the accused in that conspiracy trial came to this Council and said in open debate that things are wrong in the Department and there ought to be an investigation and from the top to see whether or not higher ranking Officials are not involved, am I not to take his word for it?

The Chairman of the Advisory Committee asked: why didn't the accused give statements to show the culpability of other officers? I have it on good authority that statements were given to the Police involving high-ranking officials, but those statements were "ducked."

The ATTORNEY-GENERAL: As far as I am aware no such statements were given to the Police. I saw all the statements taken by the Police and there was nothing in them involving high ranking officials.

Mr. EDUN: I wish to absolve the Attorney-General's office, but that is why I want an investigation—so that people could go and give evidence and not keep shy of it. I know that those statements did not go to the Attorney-General's office, otherwise I know what

the results would have been. I mention these things in order to bring home to this Council the seriousness of the situation, and that the time is ripe for a motion of this kind to be accepted wholly by Government without any quibbling. The hon. Nominated Member, Mr. Luckhoo, suggested that a Committee of the Advisory Committee should be appointed to make the investigation. I am amenable to that because I have faith in the members of the Advisory Committee, provided an opportunity is given to anybody to give evidence. I have confidence in these Advisory Committees, and I feel they are the stepping stone to self-government.

I want to thank the hon. the Fourth Nominated Member (Mr. J. A. Luckhoo) for seconding my motion, because I was deeply perturbed about securing a seconder. I do not wish to say more than that, but perhaps, in the interest of the Advisory Committee itself, I ought to say that I consider there is nothing wrong in a member of that Committee seconding a motion of this kind, against himself perhaps. I have seen Members of the Executive Council doing the same thing here. I got a rebuff from member of the Advisory Committee who refused to second my motion, and I want to thank the hon. Nominated Member for having done so in order that this country might have a clean public service.

I now come to the silent group of Members—the Members of the Government. I do not know whether they should or should not have said something in this debate. It is often said that silence is golden, but sometimes I feel it is dangerous, and at other times it is treacherous. I expected Members of the Government to say something on the motion so that I might get some indication of what was occurring in their mind. The fact that a conspiracy of silence enshrouded this whole affair makes me feel that Government may be protecting some people, and that is why the Government Members have

kept silent. I regret to say these things but I do so because they occur to my mind. Why shouldn't they have taken part in this debate? It makes one feel that there is something more beneath, and that they are preserving an attitude of nonchalance on the question of frittering away public funds. Must I believe that Government is not concerned? It would be a sorry day when members of the Government are expected to remain silent on questions of such great importance. I cannot understand it.

On the question of the necessity for an investigation, I think I have said enough, and I think every Member is agreed that there ought to be an investigation.

I come now to the most serious part of the motion—the appointment of a Vigilance Committee. In that part of my motion it will be seen that I have mentioned several Departments. Government has gone out of its way and made a fine gesture by inviting Members to sit in Finance Committee but, strange to say, Members of this Council have not taken advantage of that gesture. They simply look at documents and pass them without examination. We want more power to examine how the work is being done, and Advisory Committees should submit reports periodically.

The PRESIDENT returned to the Chamber at this stage and took the chair.

Mr. EDUN: I was just making the observation that it was a fine gesture on the part of Government when it suggested that the Council should sit in Finance Committee periodically and examine expenditure, but I think Government blundered, if I may say so respectfully, when it said that it wanted a quick despatch of business in order to avoid the necessity for the Governor to sign special warrants. I think that was not

the way to approach the subject at all. It should have invited Members of the Council to select seven of their number, in whom they had confidence, to form a Finance Committee which would sit periodically, examine all the expenditure, and see the progress of the work. I am sure that Members would readily agree to spare some of their time in going through the expenditure in detail. For instance, it is proposed to spend \$47,000 in the Pomeroun. If there was a Finance Committee, or a Vigilance Committee if you like, it would pass that expenditure, call for periodical reports on the progress of the work, and keep a check on the expenditure. I am sure that if Members could spare a little of their time in Finance Committee abuses would be checked.

I remember the Deputy President suggested to Members of the Council to form among themselves the nucleus of a Finance Committee to examine the details of works, but nothing has been done. I agree that it would take up some of the time of Members, and perhaps they are not prepared to waste a little time in that way. My motion asks for the appointment of a Vigilance Committee but I am agreeable to its being called a Finance Committee. It should be a small Committee elected by Members of the Council from among those of their number who can spare a little time.

I am appealing to you, Sir, as Governor of this Colony, not to take this motion lightly; I am serious about it. I wasted an hour and a quarter in my opening speech and I think I have almost taken the same time in my reply. If Government will not yield, and this motion is thrown overboard, I will ask that the report of the debate be forwarded to the Secretary of State. I think that is a privilege which should not be denied me if this Council does not accept my motion. I have done everything possible to put before Members of the Council the seriousness of the problem before us—the problem of

supporting ourselves in the hope of securing self-government. Your Excellency has time and again referred to that ideal, and the Secretary of State for the Colonies has indicated to all the Colonies that they cannot expect to achieve self-government until they can support themselves. Unless we in this Colony tighten up our supervision of expenditure and see that wastage of public funds does not occur, I do not see any hope of our achieving self-government, and the result may be that we will go straight back into Treasury control. It would be a slur on the people of the Colony that the natives cannot govern themselves. That is what is perplexing my heart.

There is no election dodge in this motion. It simply asks for the exercise of a democratic right by every Member of this Council. I think it should be accepted in principle, and the question of the appointment of a Finance Committee could be threshed out among the Members. In conclusion I wish to thank the Deputy President and you, Sir, for listening to me.

The PRESIDENT: I understood the hon. Member to appeal to me to take certain action, one being to submit a report of the debate to London. There was another which I did not quite catch. Was it that I should not put the motion?

Mr. EDUN: I suggested that the motion should be accepted.

The PRESIDENT: That I must leave to the Council. It is a motion which I would not take upon myself to withdraw or to accept, but to take the vote of the Council. It is not a matter in which Government would direct the Official Members.

A great deal has been said and ventilated in the course of the debate, and the last thing I would wish to do is to detain Members further, beyond saying that Government's intention in appointing Advisory Committees to

three of the principal spending Departments was precisely to give Members of Council a close knowledge of the activities of those Departments and control over the finances of those Departments. You will remember the terms of reference of those Advisory Committees, touching policy, legislation and finance. Government has also, in impressing upon this Council the advisability and usefulness of an active Finance Committee, had precisely the same object in view, but that again is a matter which I must leave to the initiative of Members.

I am not sure whether another aspect of the matter came up during the debate as to the possibility of appointing Inspectors, as I have been away from the Council most of the time, but I have had experience in other countries where officers of standing travel about the country and, without notice, visit certain offices where money is being spent, look at the accounts, check the entries and, if necessary, take immediate and summary action. That is the kind of procedure I shall be quite happy to see in this Colony.

It is not for Government to say whether this motion should be accepted or otherwise. The debate has been an entirely open one, and I leave the matter to Members of Council. Whatever happens to the motion, a great deal has been said and will remain on record for the assistance and guidance of Government. I will now proceed to put the motion.

The Council divided and voted:—

For—Mr. Edun.

Against—Messrs. Roth, Lee, Jackson, King, Jacob, Humphrys, Peer Bacchus, Gonsalves, Percy C. Wight, Austin, Dias, Critchlow, deAguiar, Woolford, Seaford, Dr. Singh, the Colonial Treasurer, the Attorney-General and the Colonia Secretary—19.

Motion lost.

The PRESIDENT: In view of the somewhat overwhelming and definite result, I wish the hon. Member will not continue after his eloquent effort of an hour and a quarter to "waste time", as he so often told us in the course of his speech. As I have said, the report of the debate will remain on record, and a great many things said by the hon. Member and others will, I am sure, be of use to Government.

Mr. EDUN: I made one other request—that you refer the report of the debate to the Secretary of State for the Colonies.

The PRESIDENT: In any case it will go to him.

RICE FARMERS (SECURITY OF TENURE)
BILL, 1945

The Council resolved itself into Committee to resume consideration of clause 13 of the following Bill:—

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

The ATTORNEY-GENERAL: This Bill has been before Council on four or five occasions, and in the Committee stage, when we came to clause 13 progress was reported. That action was primarily taken because of objection raised to the method of calculating the standard rent. In particular the hon. Member for Demerara River (Mr. A. G. King) pointed out that in the case of land in which he himself was interested, because they had not increased their rent during the war, or only by 40 per cent. above the rent charged in 1939, they would be penalized by this Bill. Of course that was the effect, so the first time we reported progress we had to discover some way of getting over that difficulty in the Bill, that it did not penalize the good landlord and give everything to the bad landlord. I have worked on it but I could not devise

anything until the hon. Member for North-Western District (Mr. Jacob) came forward with a suggestion which I considered a very good one. It certainly was a great advance on the Bill as originally drafted. I personally was quite prepared to support the hon. Member's suggestion.

However, Dr. Benham was coming to the Colony the following week, and as the Council was busy with the Budget at the time, it was decided to await his arrival. He arrived here and I put the facts before him, particularly the case put forward by the hon. Member for Demerara River. I also gave him the Duke Committee's report which contained all the figures in the Appendix, and from that he evolved the formula which appears as a proviso to sub-clause (1) of clause 13, copies of which Members have before them. In doing that Dr. Benham said that the original draft Bill was based on the major fallacy that all farmlands were worth the same. We must allow for the fact that farmlands vary in value as much as any other commodity. One might pay up to \$10 per acre for land and still make more profit out of it than a man who pays \$5 for another piece of land, merely because your land is more productive. He said that in areas where high rents were being paid before the war he was certain that those lands would stand this rent. The people who were lessees could in fact produce sufficient crops in order to pay that rent and make a profit. He further said that in order to put the position right we have to deal with two separate things—first the actual rent itself before the war and, secondly, the position which might arise in 1941, which was the basic date prescribed in the original draft Bill.

If hon. Members look at the proviso, the idea is that both must apply before the other method of calculation is adopted. The first one is this: Where the standard rent of any farmland under subclause (1) is not more than 40 per cent. increase on that paid in 1939 and if the rent paid by the tenant

in the year 1941 was not what the owner could have got, then you can calculate the rent under subclause (2). Subclause (2) states in effect that the rent will be fixed as the rent paid in respect of other lands in the same area. I am not competent to criticize or to put forward an amending clause as Dr. Benham who had all the facts put before him. The hon. the Colonial Treasurer was present at one time and put the facts before him for consideration. This is Dr. Benham's own suggestion and scheme. There is one other thing I would say. I do not like the wording of paragraph (b) but I can do nothing about it but credit the value of the expression used by Dr. Benham. So I will not object to an alteration of the wording so far as (b) is concerned as it is not very satisfactory.

I regret Members have not a copy of the Bill before them. I expect most of them have lost their copy. There were thirty-seven amendments to the original one and so it has lost much of its value. Unfortunately it perished in the great fire and so the whole thing has to be done afresh. Opportunity has been taken to incorporate the 37 amendments and also this clause in the Bill, and so when the Bill comes forward next week this clause will be in it. Whether there is any agreement or not this is the operational clause of the whole Bill. The Bill depends upon it.

Mr. KING: I have listened with great interest to the speech made by the hon. and learned Attorney-General. I was hoping that he would help me to understand the wording of clause 13. Maybe I am very dense and thick-skulled, but certainly I do not understand the meaning of clause 13. To me it is just a puzzle. I have had a certain amount of education; I am a lawyer with a certain amount of training. If I cannot understand readily the wording of this particular clause, I cannot conceive how the ordinary layman and

more especially the type of farmer we have on rice lands is going to understand what this particular clause means. Reference has been made to Dr. Benham for whom I have the greatest respect, but I do not admit that Dr. Denham is competent to come here and tell us in this Colony what land-owners of rice lands should charge for their lands in this Colony. I will not accept opinion of that kind. On that particular matter I consider myself just as capable and competent as Dr. Benham to say what rice farmers should pay for rice lands as rent. I do say that the Bill in its present form is going to cause endless strife and trouble. It may not be felt so at the moment by Members of Council, but I can assure them from my dealing with the type of rice farmers we have that it is going to cause endless strife. In my opinion it is going to be the beginning of the end of the rice industry in this Colony. Why not have a fixed basis of rent for rice lands, and on that add the various increases which the Bill provides for? Where drainage is granted a person is given a percentage for drainage and irrigation, and things of that kind. To attempt to fix the standard rent by way of assessing the rent of rice lands on the basis of the rent fixed in a certain year is in my opinion the most difficult as it has proved and even more unfair. I personally see no great difficulty in saying that a fair rent for rice lands shall be \$5 or \$6 a year and on that tenants who have certain benefits from drainage and irrigation or other benefits shall have to pay an additional sum for those particular benefits. Those can all be worked out. There are certain increases which the landlord will have to pay any time,—drainage rates and irrigation rates under the Drainage Board. I know one instance in the Colony where an estate was purchased and the drainage rates were 69 cents per acre and within three years those drainage rates went up to \$2.10 per acre. There is no provision so far as I remember in the Bill for such increases.

The ATTORNEY-GENERAL: There is provision that all increases for drainage rates shall be passed on to the tenant—clause 14 as amended and not as printed in the Bill.

Mr. KING: I am thinking of the Bill we were considering on the last occasion I was in Council. If amendments have been put in and not published it is quite impossible for me to grasp the matter, and quite impossible for me to deal with this Bill in this manner. I suggest in the interest of the Members of Council and the industry itself, as it is a very important matter to owners of rice lands and also rice farmers, that this Bill be made to stand down until a comprehensive Bill is redrafted with something that actually exists. I think it was last June that this Bill came before this Council and there were certain amendments. I thought I had them all in my dossier, but now I find that is not so. I would ask Your Excellency in view of the importance of the Bill that until the redrafted Bill or the Bill with the amendments in can be placed before Council this matter be allowed to stand down.

The CHAIRMAN: We will have the whole Bill reprinted for the next meeting. There is however no reason why we should not try and expound this clause and get Members to understand it as far as possible by discussing it now.

Mr. KING: I do not know if hon. Members are able to understand the operation of this amended clause 13. If the hon. the Attorney-General would be good enough to give a specific instance—taking the rent of rice lands in 1939 at \$5 per acre no matter where, and on that basis working it out for the use of Members, and let us see how that rent would operate as the standard rent paid if this Bill were passed — it would help us. Speaking honestly and frankly I cannot understand the operation of this

particular clause. I have tried to work it out and have not been able to grasp the basis of it. I certainly would appreciate it very much if the hon. Attorney-General would do that, take where the rent was \$5 per acre in 1939 and show how that works out on this basis as the standard rent in the Bill.

Mr. PEER BACCHUS: I must admit I am under a great handicap. I have not even received a copy of the amendment which, I presume, was posted to my residence while I was in town a few days ago. I have not had the privilege of going through the Bill, and recently it seemed to have been put away since the last debate on it in this Council. I was thinking there need be no great hurry in getting this clause passed today and whether it would not suit Government's convenience to postpone its consideration until we get the entire amendments next week. We may be able to refresh our memory and so give the necessary assistance for the adoption or otherwise of the amended clause, because I rise to say that I fear I will not be able to make the contribution I would really like to make even on this clause before us today. As I see it, clause 2 (b) proposes to levy rent according to the yield. Whose yield are we going to take? Yield differs even in adjoining beds. It all depends on how the farmer plants his seedlings, and so the yield varies. One may prefer to broadcast the padi and another prefers to plant, and in that case the yield will vary. On which yield are we to base our calculation? Are we to take the individual tenants' yield to arrive at what the rent should be? That is very unsatisfactory. I repeat I would really like to refresh my memory on the entire Bill and to consider the thirty odd amendments that are being made to the original Bill so as to be able to contribute to the debate, and give all the assistance that my knowledge of the rice industry in this Colony and also as a landlord can afford to Government in so far as this Bill is concerned.

Mr. JACOB: I think the request for a further postponement of this Bill is a very reasonable one. I think the draft Bill, No. 324, was published on the 8th July, 1944, and I have been given the suggested amendment to clause 13 today, the 3rd May, 1945. We have clause 13 of the proposed Bill to settle before going through the entire Bill some day next week. This clause, while it may be the gist of the whole Bill, is really dependent in a large measure on other clauses in the Bill itself, and since Members have not had a copy of the redrafted Bill I think this matter should not be discussed at all today. I can quite understand Government's anxiety to have this matter settled. As a matter of fact I am rather surprised this matter was not settled long ago. This Government, the Imperial Government and, I think, the individuals who are interested in the welfare of this industry are all concerned about the increased production of rice, and the rentals charged in certain areas are responsible in a large measure for the decreased production up to the present time. I am at a loss at the unnecessary delay and at the rushing of it at the present time. When one hon. Member, who is a lawyer and a solicitor of standing, says he cannot understand the wording of this particular clause.

We have been told that an expert, Dr. Benham, Economic expert on matters of this kind, has settled this for us. I am not an expert and I do not wish to be classed among those experts who are advising us on rice, public works and other matters. I prefer to be an ordinary layman, but I claim to know as much about rice as any hon. Member around this table. I tried last night, although somewhat tired, to understand the clause myself and just had to leave it to return to it again. I had an interview with the hon. the Attorney-General, and he said he would try to figure out and see how this 40 per cent. increase as stated in this clause, 13 (1) (a), would benefit

the landlords or the tenants. I have not come to a considered conclusion as to who will benefit by this 40 per cent. increase as suggested by Dr. Benham. I was hoping the hon. Member for Demerara River would have said something about that. I am thinking this is somewhat of a rush. I am thinking this 40 per cent. increase will benefit the landlords, but I am not too certain about that. I would certainly like to hear something from the legal side of this Council about this 40 per cent. which has been suggested by Dr. Benham. The whole Bill should come before Members of the Council, the redrafted Bill, and Members should have an opportunity to study it for a week or so and then have this whole matter debated. I agree that the whole matter should be postponed.

Mr. LEE: Perhaps it may be said on behalf of Members that the amendment was handed to them yesterday, but this Bill was pending now over a year and I can assure Government that the tenants are anxious to know how they stand, because in my constituency where rice is grown they are afraid that after the war ceases rent and other things will go up and they will not be protected. This Bill will give them protection. If hon. Members feel they should be given a week, certainly I do not think one week will make any difference to this Government or to the public. I feel certain, and I express the view of the public, that this Bill ought to be passed within a month from now in order that the rice growers who are now cultivating their lands can feel certain of their tenancy and what is the rent they will have to pay. The hon. the Colonial Treasurer, as Chairman of the Rice Marketing Board, will be able to manipulate the market and so keep the price at a certain standard. If that is not possible then what is going to happen to these tenants two or three years from now? There will certainly be bankruptcy for the tenants as well as the owners of rice lands. They are never left out in the computation of profits. Only clause 23

is being amended in regard to the fixing of the standard rent and other profits. The Bill has made provision for increases in drainage and irrigation rates. It is there to be seen and Members should have read it. They had amended clause 13 through possibly the efforts of the hon. Member for Western Berbice, and I do say it was unfortunate. I am urging on this Government that this Bill be proceeded with and passed as early as possible.

Mr. EDUN: The last time I spoke on this Bill I made particular reference to the fact that a landlord-miller told me he was prepared to help this Bill from an experimental point of view and see how it will work in the course of a year. If amendments are desirable, those amendments can be made in due time. I am of the same opinion as the hon. Member who just sat down that there should be no delay in so far as this Bill is concerned. I know of many instances where landlords have increased their rents to the tenants disproportionately and it was fortunate that the Defence Regulations did come into force. But I think the best thing to do is to get this Bill through and let us see how it will work, and if there are to be amendments those can be made in due course. It will hardly be possible to have a Bill or make a law which will suit everyone at a certain point. We must begin somewhere. Let us begin with what we have before us, and then be guided by experience later on.

Mr. HUMPHRYS: I confess to a difficulty in understanding clause 13 (1) (b)—“the rent of such land in the year nineteen hundred and forty-one was less than that a tenant would have been willing to pay for such land.” Does that mean you have to get a tenant who is foolish enough to say he was willing to pay more than the rent charged in 1941? Perhaps the hon. the Attorney-General can explain that. I really cannot see how that is going to operate. I would think that if

(b) is omitted the clause may be more or less readable. Paragraph (b) is impossible.

Mr. LUCKHOO: I admit that this Bill has been too long delayed but, like other Members, I feel that some time should be given us to consider very carefully the practical effect of the amendment sought in clause 13 of the Bill. I must confess that reading the amendment as it is, one will be able to drive a coach and sixteen through it and, I think, if left in this way will be very unsatisfactory. It would be much better, though I feel that early steps should be taken to have it passed as law, that some time, probably a week, might be given Members to study this amendment along with the original Bill which was amended here by Council months ago. I feel, sir, that the question of fixing rent dependent on the average yield of padi and also what yield there was in the year 1941 would lead to a great deal of confusion, and I would ask that the discussion on this clause be postponed.

Mr. SEAFORD: I wonder if the hon. the Attorney-General possibly studied the effect of clause 13 (1) (b)—the rent in the year 1941 was less than that prevailing in the area at the date—because if one rice proprietor had put up his rent and the other did not, whose would be a fair average for that area? I do not see why that should be put in. It may be put "What was considered a fair value prevailing on similar lands at that date". I think that point can be got over that way.

The ATTORNEY-GENERAL: There are one or two things I may explain. One hon. Member said he did not want an expert, even like Dr. Benham, to come here and thrust upon us what we have got to do. That is a complete distortion of the facts. We could not find anyone to make the Bill and we asked him to help us, and he did

so and told us we can take it or leave it. It was not a question of his interfering. He was willing to do something which we could not do.

The hon. Member for Demerara River asked what tenant clause 13 (1) (b) referred to. He is a theoretical tenant, and he knows that most lawyers are not mathematicians. I have asked the hon. the Colonial Treasurer to work out the answer under sub-clause (2)—\$5 per acre would be increased by 50 cents.

The hon. Member for Georgetown North suggested a wording of the clause. I hope he will continue the effort, but it is absolutely unsatisfactory. If anyone would be good enough to suggest a wording giving the idea required, I would be very grateful. What is wanted is that a particular plot of land, say in 1941, should bring the landlord less rent than he could have got for that particular land. In other words, he should not increase his rent during the war to the same extent or to a greater extent than his neighbour's.

The CHAIRMAN: Government has no intention to commit Council to this particular clause suggested to-day, but it is very necessary that we do not lose any opportunity of discussing any part of the Bill we can bring forward. That is why, as soon as I learnt that the Attorney-General had got this provision in draft, I thought it was desirable to bring it before Council at the earliest possible moment, but not necessarily to commit Members to passing it in the time we have now.

The general position is that it is three years and one month since I went to the Essequibo islands with the Member for that constituency and discovered a most astonishing condition of things, which resulted in my publishing a certain Order under the Defence Regulations, merely extending the provisions to Essequibo and also to cover the question of rents. Throughout those three years I have had

constantly coming to me at Government House Annex numbers of tenants with complaints, possibly unfounded and possibly founded, and my only answer has been: "Well, we are going to pass a Bill." We have had the Duke Committee in 1942 which reported quite fully, and the report was sent to the Secretary of State and the Comptroller for Development and Welfare. The position now is that we are expected to, and we must get through a Bill of this character. Other countries have had it, and it is up to us now to pass it as soon as we possibly can.

The position is that I extended the Order last Saturday covering the whole Colony, setting out the grounds on which a tenant can be evicted or have his rent increased, and I have told the Local Government and the District Commissioner to stand by until we get this Bill through somehow.

As regards the Secretary of State and the Comptroller for Development

and Welfare, it is on the understanding that we are going to pass a Bill of this character, giving security of tenure and some security as regards rents that we are asked for, and receiving a good deal of financial assistance in respect of reconstruction, drainage and irrigation. I do not think I need stress that. Several Members have themselves said how desirable it is to get this Bill through. We have to admit the difficulties. Other countries have had them and have not run away from them. It may be that we will get the Bill through, and then find some flaw which may need amendment at a later date. I do not think I need stress any more how desirable it is that we really put our minds to it. We have clause 13 in front of us and we hope during the week to get reprints and put them before Members for consideration at the next sitting. I suggest that we adjourn until next Thursday at 2 o'clock, when we may possibly get the Bill through.

The Council resumed and adjourned until Thursday, 10th May, at 2 p.m.