

LEGISLATIVE COUNCIL.

Wednesday, 16th 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.

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. 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. B. Singh, O.B.E. (Demerara-Essequibo)

The Hon. Peer Bacchus (Western Berbice).

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

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

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 Hon. C. P. Ferreira (Berbice River).

The Clerk read prayers.

The minutes of the meetings of the Council held on Thursday, 3rd May, 1945, and Tuesday, 8th May, 1945, were taken as read and confirmed.

ANNOUNCEMENTS**BONASIKA IRRIGATION SCHEME**

The PRESIDENT: I would just like to record a matter of some importance touching the warranting of expenditure. This touches the provision of funds under the Development and Welfare Act for the carrying through of the Bonasika Irrigation Scheme. Members will remember from papers circulated that we had planned last year a substantial improvement of this scheme, by putting the main irrigation canal on a revised line, particularly with a view to making the irrigation water available not only to the original area planned but also to the area lying to the west of Vergenoegen and up to Parika and along the Essequibo River bank area,

The object is to make the scheme of much wider and more general potential benefit, and in particular that ultimately it will be possible for the farmlands in this now not well drained area to be put into good condition. This has meant, of course, with other factors a substantial rise in the total estimate which went up to \$827,000, as against \$460,000 already approved from Development and Welfare Funds. Members will remember that I reported to them that this amendment had received the complete support of Sir Frank Stockdale when discussed in January last.

I am very glad to be able to report that actual progress with the work has been in the last few months proceeding very much more quickly than at one time seemed possible. This has been due to the purchase of the dredge *Demerara*—and some other excavating equipment, and to the employment of special construction staff. In the result the beginning of the new work was reached at the end of April, unexpectedly early, and before the notification of provision of funds from the Secretary of State. In view of the fact that it was extremely undesirable to hold up work proceeding so well, and to the fact that overhead expenditure would have been incurred if the machines were left idle, I have taken the personal responsibility of authorising the work to go on. This does not mean provision of funds now, but may later. I anticipate, of course, the provision of funds under the Act, but I should intimate the action taken to Members now. If funds are not granted us we shall have to think again, but I am sure Members will support me in the action taken to meet the present position.

INTERIOR DEVELOPMENT

There is another matter of the same character. Members are aware of the general character of proposals for the administration and development of

the interior and that in general I have taken the attitude that until this Government has some organisation for the purpose, the present machine cannot physically undertake more than we are doing. Nevertheless, so many things are happening in the farther corners of the country that I do not feel it right to go on marking time indefinitely. In particular, having now in being an embryo Government station in the Pakaraima Mountains area—resulting largely from the Amerindian Welfare Officers' activities—I do not feel I can let that be abandoned now that the officer is operating in another part of the country and cannot return there for a long time. Moreover, the Indians in the area have petitioned both me and this officer, Mr. Peberdy, for some attention from Government, vague promises of which are made every time there is a Boundary Commission or anything of that kind which makes use of these people. I received a very pathetic petition from them on my visit in January.

With the completely unanimous and pressing approval of that section of the Interior Development Committee that deals with this aspect of the interior development, I proposed to Executive Council yesterday to advance a small sum on my personal responsibility in order to keep things going at this place for the rest of the year. We have available a very suitable and keen young officer in the Government service who can carry it temporarily. I propose, therefore, to authorise an advance on account of \$3,000 which should cover the expense. I shall inform the Secretary of State that I am doing this in anticipation of the support under Development and Welfare Act which I was led to expect when in England last year, but I am so anxious not to see this matter fall down altogether, that I have taken this personal responsibility for a beginning. Before approaching Members formally in regard to any financial commitment on Colony funds I will await the reply

of the Secretary of State which has again been promised me as early as possible.

RICE FARMERS (SECURITY OF TENURE)
BILL. 1945.

Touching today's business we will go on with the Rice Tenants Bill as to the principle of which we are completely agreed, but as regards the details we face a certain amount of difficulty. I would like to go straight forward with that Bill now.

TOWN PLANNING BILL

We also have the Town Planning Bill which is on the Order of the Day. I should have been glad to bring it before Council for the first and even the second reading, but I understand that a good deal of discussion is going on with the various parties interested, and it seems preferable, therefore, not to bring the Bill formally into Council in case some substantial alteration is necessary. I would, however, ask those parties concerned to expedite the matter, and Members of the Legislature to give it their attention. It is now well over two months since the fire, and Government has not taken any special powers in the matter in the belief that we would be able to legislate very soon. It is, of course, the responsibility of this Council to consider the Bill and decide in what form the work should go forward.

VISIT^R OF INDIAN LEGISLATOR

I have asked Members of Council to be present at Government House this afternoon in order that we should meet a distinguished visitor to the Colony, the Hon. Pandit Harday Nath Kunzru, a Member of the Legislature of India, in order to give Members of the Council the opportunity of some intercourse with that gentleman. I also hope to have him in Council today if he cares to come. We will now proceed with the Order of the Day.

PAPERS LAID

The COLONIAL TREASURER laid on the table the following documents:—

Schedule of Additional Provision for March, 1945, required to meet expenditure in excess of the provision made in the Estimates for the year 1945.

Schedule of Additional Provision for April, 1945, required to meet expenditure in excess of the provision made in the Estimates for the year 1945.

GOVERNMENT NOTICES

INTRODUCTION OF BILL.

The ATTORNEY-GENERAL gave notice of the introduction and first reading of the following Bill:—

A Bill intituled "An Ordinance to provide for the re-planning of that part of the City of Georgetown destroyed by fire on the twenty-third day of February, nineteen hundred and forty-five; to restrict the height and use of premises in the said area; to finance the re-planning scheme and for purposes connected with the matters aforesaid."

SUPPLEMENTARY ESTIMATE.

The COLONIAL TREASURER gave notice of the following motion:—

That this Council approves the Schedule of Additional Provision for the months of March and April, 1945, required to meet expenditure in excess of the provision made in the Estimates for the year 1945, which have been laid on the table.

The PRESIDENT: As I have invited Members to Government House at 5 o'clock this afternoon, if we have no time to take the Schedule today, we can take it in the ordinary way tomorrow. It remains to be seen how we progress.

ORDER OF THE DAY

ENCOURAGING DEVELOPMENT OF
NEW MINERALS

Mr. ROTH asked, and the COLONIAL SECRETARY replied to the following question:—

Q.—WHEREAS it is in the interest of the Colony to encourage the search for and development of new minerals,

AND WHEREAS the imposition of Royalty charges and Export Taxes by Government on such minerals would tend to retard rather than to encourage such development by adding to the cost of production and export.

WILL GOVERNMENT consider favourably the adoption of a policy whereby no Royalty or Export Tax will be levied upon minerals not hitherto produced or exported for sale during the initial stages of development?

A.—Government is willing to consider any means of stimulating the development of new mining enterprise, but is not prepared to commit itself regarding any remission or reduction of royalty.

RICE FARMERS (SECURITY OF TENURE)
BILL, 1945.

The Council resolved itself into Committee to consider the following Bill clause by clause:—

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."

COUNCIL IN COMMITTEE

Clause 2.—Interpretation.

The ATTORNEY-GENERAL: I think hon. Members wish to propose an amendment to the definition of "rice lands." I had better explain what the position is. This Bill was sent to the printers to be re-printed, because no spare copies were in existence after the fire. In the course of re-printing the Government printers omitted the words which Members now have as an amendment. In the normal course of events

I should have had the Bill re-printed, but as the printing position is at present it is quite impossible to do so without causing chaos.

Mr. PEER BACCHUS: This is one of the clauses which, when the Bill was first introduced, I termed class legislation. In this definition I notice that certain owners of plantations, who are also engaged in rice cultivation, are being exempted from the provisions of this Bill. If it is considered that in the best interests of the rice industry the tenants of rice lands should be secured, I do not think it is right and fair that tenants of rice lands in certain districts should not receive the same protection. I notice in the Duke Committee's report that sugar plantations charge as much as \$10 per acre per annum for the rent of their lands, that is \$5.50 for one crop and \$4.50 for the other. The intention of Government is to secure for rice farmers in certain districts lands for rice planting at a reasonable rent, but those farmers who live in other districts will still be insecure. If this is not class legislation I do not know what else is. "Rice land" is defined as any land which is let or agreed to be let "either wholly or mainly for the cultivation of padi." I think that gives a very wide scope. Perhaps 50 per cent of the landowners can rightly claim that their main interest in the land is not the renting of it for the cultivation of padi. Income tax returns will show that a good many of them derive more income from the land by other means than by rice cultivation. A miller makes more profit by his mill than he makes on the rental of his land for rice cultivation. He therefore could justly claim that his principal business is his rice milling, and therefore he would not come under this Bill.

I appreciate that it is a very difficult problem which must have caused the Attorney-General a good deal of thought, and it may be discouraging and disappointing to him that after all his energy there are still so many holes

in the Bill through which a coach and four can be driven. As an amendment I move that the words "either wholly or mainly" in the second line of clause 2 be deleted, and that all the words after the word "padi" in the third line be also deleted. The object of my amendment is that any plantation on which land is rented to rice farmers should come within the provisions of this Bill.

Mr. EDUN: I rise to support that amendment. I was privileged to receive a copy of Dr. Benham's report yesterday, and although I have not been able to peruse it thoroughly I consider it to be a masterful document. I find therein that the sugar estates rent 11,430 acres of land for padi cultivation, and that nearly \$50,000 is being received by them as rent from those lands and from other sources. I am not in a position to determine what is the actual rent for padi lands, and what other revenue is included in that \$50,000, but the fact remains that sugar estates do rent padi lands. Therefore, if this definition of rice lands as presented is accepted it would surely give this Bill the semblance of class legislation which would be deplorable. I do not see how any hardship would be placed on the sugar estates if they were made to conform to the same principles, the same law that governs rice estates. They should accept it as a matter of grace, and for that reason I see in this clause a definite attempt to have the sugar estates as a kind of preserve where, in cases of dispute between landlord and tenant, this Bill would not apply at all.

Quite recently Your Excellency had to make Defence Regulations in order to stop evictions throughout the Colony. I do not think those Regulations apply to the sugar estates at all, and I do not see any sense in excluding them from the provisions of this Bill, especially when very nearly 12,000 acre of padi land are being rented year after year. The time will come when the sugar estate

worker will not have to ask for half an acre of land on a sugar estate on the condition that he works on the estate. He will want a definite understanding. If a sugar estate has a piece of land for rent he will rent it. I am looking forward to the day when the sugar estates will not think of keeping themselves aloof from the general trend of affairs throughout the Colony, and if at this time we are excluding them from the provisions of this Bill it is creating a very dangerous precedent for the future. I cannot see that any hardship would be created by including them. All I see is that it would be putting them on the same basis as rice estates, and for that reason I heartily support the amendment.

Mr. HUMPHRYS: The composition of this definition which, as the Attorney-General explained, is part of the Bill, has been called an amendment. It is not an amendment. The definition that now appears was in the Bill as published, and the matter was discussed *ad nauseam* in more than one Select Committee which discussed the Bill. The hon. Member has spoken in opposition to this definition, entirely failing to appreciate the fact that the object of the Bill is to control rentals of rice lands. In other words, to prevent a rapacious landlord from extracting exorbitant rents from his tenants. The hon. Members who have spoken have entirely forgotten, or wish to gainsay the fact that on many sugar estates, not only is a considerable portion of land rented at very small and nominal rents, but in many cases lands are rented at no rental at all; and the estates have been in the habit of increasing the padi lands for their people because of the persistent clamour to have lands on the estates which they can work as they are residing there. That is why lands have been given out to them very often free, and very often at nominal rents, but certainly in no case at exorbitant rents.

Now it is suggested that this Bill, which is applicable to

padi estates, should be applied to sugar estates which provide lands for their resident labourers in order to make them happy. That is the suggestion which has come from the hon. Nominated Member, Mr. Edun, who, in the interest of his own people, the labouring classes that he represents, should be only too glad to see that the sugar estates are to be exempted from this Bill in order to encourage them not to restrict the giving out of padi lands on the estates by making them subject to the same law as padi estates. I need not refer to the sort of estates to which this Bill applies. We know that and why this Ordinance came about. There are, of course, instances in which the tenants are not altogether free from blame. This is not the way they avoid paying rental to landlords and getting away with the padi. The main object of the Ordinance is to encourage the growth of padi and to see that rapacious landlords do not take away their tenants' padi by exorbitant rents. The sugar estates and the rubber estates all just give out the lands to labourers in order to encourage them to live on the estate. I submit with every confidence that this definition now framed by the hon. the Attorney-General covers everything that it should and it should not on any account be made to apply to any estate with a staple industry such as sugar and rubber. We had much discussion on this when it appeared in the last draft Bill. I submit the opposition is unfounded.

Mr. J. COB: If, as the hon. Member for Eastern Demerara stated, it is not necessary to include those sugar plantations that are charging no rental at all in some cases, or a nominal rental in some cases, or a very low rental in other cases, I see no objection in having all those estates under the Bill because they will not be affected at all. This Bill is to protect the tenants so that they may not be overcharged. If, as has been stated, several of these people are so concerned about the welfare of

their workers that they do not charge them any rent, then I say let the Bill include all the estates, and it is indeed class legislation not to have all the estates under this Bill. But while it may be true that some of these estates are not charging any rental or a very small rental at the present time, what guarantee have we got that immediately this Bill is passed the rental of those estates will not be brought up to some level slightly below or above what is called a reasonable rent? Those estates will not come under this Bill and, therefore, will be free to do exactly what they like. For that reason all estates where rice is planted, every acre of riceland, should come under this Bill. We have been told there are 11,000 acres under rice on sugar estates. That is about one-fifth of the area under rice cultivation in this Colony, and it is not proper, I think, for this Government to exclude such a large acreage from being under this Bill. Why exclude those people? I think it is a mistake, and I am going to press the amendment that has been moved by the hon. Member for Western Berbice.

Let us examine the report of the Rice Farmers (Terms of Tenancy etc.) Committee, Legislative Council Paper No. 14 of 1942. At page 31 it is stated that at Pln. Lusignan — an estate not very far from here, about 8 or 10 miles from Georgetown — *the rent is payable in advance. It is \$5.50 for big crop, and \$4.50 for small crop.* The rent there is \$10 per acre. That is what the Duke Committee found. More than that, it is within my personal knowledge that several estates on the East Coast Demerara have reduced their area under rice and have increased their rentals. Letters upon letters have been written to the Colonial Secretariat and the Labour Department about this matter with absolutely no redress, with the result that rice cultivation and rice production on the East Coast Demerara have been consid-

erably reduced during the last eight or ten years. I challenge anyone to dispute that statement. Fifteen years ago there were not less than 20 odd rice mills between Kitty and Nonpareil; today I do not think there are five. There may be others but they are in a most dilapidated state. Rice cultivation has been greatly reduced on this block of land between Kitty and Nonpareil where two or three of the largest estates are carrying on sugar cultivation. It is within the knowledge of some of us that the factory at Pln. Lusignan is going to be dismantled. That estate is to be excluded from this Bill, and the owners can carry it on as a rice estate while sugar cane is being grown there and they can charge any rental for the rice lands. Is that in the interest of the farmer engaged in rice cultivation? I say certainly no. And so I can go on to name several sugar estates which are charging more than other estates. I can call the name of one right away—Bush Lot on the West Coast Berbice, in the block between the Abary and the Berbice Rivers. Paragraph 53 of the Report states as regards Bush Lot—*“The rent payable is \$3 or \$3.50 per acre per annum.”* That is against Pln. Lusignan’s \$10 per acre per annum. Yet the legal adviser to these sugar companies gets up and makes statements here that are absolutely unfounded and not based on facts. And what is more, after this Bill had been in the possession of the Government for such a long time we were asked and we agreed to let it go through as promptly as possible. As a matter of fact I am so sick of this matter that I am prepared to let the Bill go through and let the rice industry be further ruined. This Government will not understand that this industry has not progressed during the last ten years. It will not understand and will not face facts, and it continues to say that everything is well. From figures I have seen recently the production will be less than last year’s.

Mr. LEE: As a member of this Committee I would like to correct a misunderstanding about some of the rents stated in the Appendix to the Report. Evidence was taken showing that in certain areas they had no irrigation and drainage and, therefore, the proprietors could not in any way reasonably and equitably charge the tenants more rent than the yield they got from the land. That is why at Bush Lot there is this low rental. I would like my hon. friend to bear that in mind when reference is made to the rentals in the Appendix. The low rental was because the area was not properly drained and irrigated and the tenants were therefore taking a chance in cultivating the land. At Lusignan where there is proper drainage and irrigation the estate proprietors have to pay drainage rates and water conservancy rates and, therefore, charge a rental accordingly. I cannot say what are the rents charged but the tenants are entitled, not legally but morally, to receive fresh water for their crops when they want it and they usually get it. There were complaints lodged—

Mr. JACOB May I rise to a point of correction! I am going to refer my hon. friend to page 31 of the Report beginning from Golden Fleece and let him see that all the rentals are lower than that of Lusignan. Essequibo has the most petty irrigation and drainage but they get a better crop of rice, a greater yield. I do not know what my hon. friend is trying to explain.

Mr. LEE: I was trying to explain that evidence was given that there were certain areas where the tenancy was insecure in respect of irrigation and drainage and in respect of the yield, and some of the proprietors did not dig trenches in order to supply the tenants with fresh water. My hon. friends will understand that the Appendix relates to evidence given before the Committee. The tenants

gave that evidence, and that is why we recommended that the tenants should be given security under certain conditions. The purpose of the Bill is to protect the tenants, so that when the time comes and they require irrigation and drainage the landlords will have to give it. The purpose of the Bill is to secure it to the tenants. I am not saying the sugar estates should not fall within this Ordinance, but if it is to be so in the wisdom of the Government, because it is within the knowledge of the Executive Council and, I may say, it is within my knowledge and some of my hon. and learned friends, that the sugar estates in order to encourage their resident population do give to them rice lands at a cheaper rate than at other places and that some of them only quite recently allowed them to plant one crop but when they can get fresh water they plant two crops, I do not disagree. If Government thinks the sugar estates should be exempted from this Ordinance in respect of the fixing of the rent it can do so, but let my hon. friends understand that if the sugar estates impose conditions inimical to the interest of the tenants they have a right to come to this Council and move a motion and point out the particular advantage taken of the rice tenants and ask this Council for an amendment of the Ordinance. I am asking in all seriousness to let the Bill be passed and, if there is to be any amendment, to come here and do it at some subsequent time. This Bill is long overdue, and the rice tenants want to be secured. If you look at the Bill you would see that it is only for two years. The last clause, 24, says: "Subject to the provisions of this section, this Ordinance shall continue in force until the last day of April, nineteen hundred and forty-seven." After those two years this Council can throw out or continue the Ordinance. We can make this request to Your Excellency that this Council considers the matter then. I am asking in all seriousness to let this Bill be passed and let us get on with the business.

Mr. EDUN: I have to rise again. It appears to me my hon. friend who has just sat down has failed to comprehend completely what is meant by the term "class legislation." This matter of legislation ought to be free from any entanglement at all. This is legislation which ought to cover everyone in this Colony and, therefore, the domestic policy of the sugar estates' employers towards their workers and tenants is something altogether inadmissible. This is a law that affects the whole Colony. Why let the sugar planters be out of it? Do you want to tell us at this age, when laws should be made in the interest of everybody, that you want the sugar estates excluded? I agree that the sugar estates are doing their best for the workers by giving them land to plant rice, and even that is problematical. I have the figures here. I can prove that out of a working population of 20,801 only 13,053 are given rice lands and the others are without any land. The same case is applicable in so far as provision lands are concerned. But that is not the argument at all. The argument is, here we have an enactment to be made law, and we are trying to bring forward discussion that it ought not to exclude anyone. We do not want "class legislation" not even for the Interior. It must be as broad as it can be. That is the crux of the whole thing. I do not see how it can exclude the sugar estates.

Mr. LEE: If I may try once more to convince the hon. Member who has just taken his seat. Let us for the sake of argument say this Bill is applicable to the sugar estates and they find it imposes difficulties on them; as landlords they will just say "We are not permitting workers anymore to plant rice on our sugar estates." In that case will the people benefit by this Bill? The only answer to that is that they will not be. They are obtaining a little benefit now. Why take away that benefit to the workers by this Bill?

Mr. J. A. LUCKHOO: I am as strong an opponent of "class legislation" as anyone, and I want to say at once that this definition of "rice land" is not the effort of the Law Officer of this Government alone but that of himself, myself and another Member of this Council. We felt at the time we worded this definition that it would be unjust to the sugar plantations, who during a time of severe stress and dire necessity opened their lands for the cultivation of rice, to prevent them from resuming cane cultivation on those lands when they desire so to do. The report of Dr. Benham, which has just recently been circulated, shows that there are 11,430 acres of land under rice cultivation on the various sugar estates of this Colony and those 11,430 acres are held by not less than 13,053 persons, an average of even less than one acre per person. As the hon. Member for Eastern Demerara stated, those lands are given to the workers on the sugar estates to facilitate them in the production of a small quantity of padi from year to year on lands near to their homes. If I were satisfied that the sugar estates have set aside lands purely for the cultivation of padi and are inclined to charge more than what has been discussed as Standard Rent, then certainly they should fall within the four walls of this Ordinance, but I am not so convinced. I think that a little bit of analysis of the whole position ought to fit Members for passing the definition as it stands at the present time.

Mr. EDUN: To a point of correction! Rice lands on sugar estates are even rented out to non-workers on a basis of rent.

Mr. SEAFORD: As far as I know, and I believe I am correct, this Bill now before us is the outcome of this Report of the Rice Farmers (Terms of Tenancy, etc.) Committee. That Committee was appointed because of the reports Government got from Members

of this Council and persons outside about these so-called rapacious landlords who exist in various parts of the Colony. I am going to ask Government and any Member here if at any time Government or anyone here had a report about sugar estates being rapacious landlords. I am sure, sir, on no account have the sugar estates been accused of overcharging for rice lands. The hon. Member for North-Western District said there was no reason for the objection to this Bill if the estates did not propose to increase their rents. There is one point which he seems to overlook, and other Members seem to overlook also. That is, a large number of them do not charge rental for the rice lands given to workers on the estates as it is inimical to do so, and in some cases the lands are given them at a nominal rental not because the estates are altogether philanthropists but they do it so as to induce those people to work on the estates. There is no question about it. In all fairness and in all equity would you ask the estates to give the workers rice lands and the workers are not to give one day's work in return for that? Surely not. If this Bill goes through these people can sit down and are bound to get their rice lands at the same nominal rent. That is a side of the picture which should not be lost sight of.

The hon. Member, I think, has mentioned from the Report what has been charged by some estates, and he also referred to Dr. Benham's Report. When the income from rice lands on sugar estates, if worked out, comes to \$4 per acre, I would ask if you would call that rent. May I suggest that it is not rental; it is more a charge for pumping water on the land and pumping water off the land? How many of the so-called rice estates of the Colony are in a position to give irrigation water, to pump water on the land and then again to pump it off the land, and to give drainage? In other words, how many of them can

give security for their rice lands? The hon. Member for North-Western District referred to page 32 of the Committee's Report and questioned about Bush Lot's rental being only \$3.50 per acre as against that of other estates, but he did not go on to the other estate, Bath, which is in exactly the same area and where it is only \$2.66 per acre. They are also supplied with water and given drainage. We know that places like Bush Lot—I was told in several places—are lucky if they get one crop in a year. I do not think there has ever been a failure of the rice crop on a sugar estate. I do not think that comparison of the rents is fair. I would suggest that this is not a rental but a charge made for supplying water, and it may surprise some Members to know that on the East Coast Demerara, which the hon. Member quoted, the fuel bill of those two large estates which he spoke of is \$8 per hour for pumping. It is therefore not difficult to see that giving a water supply and pumping water off the land is an expensive item, and you cannot compare them with estates where there is no pumping to be done and no irrigation given. That is rather beside the point. It is never intended in the Report and the Bill that sugar estates which exist for the production of sugar should ever be included. Sugar estates do not rent ricefields for revenue. If they did, they would have gone out of business long ago.

The hon. Member for North-Western District in his remarks said it is a well known fact that the Lusignan factory is to be dismantled. I do happen to be a Director of that Company, and I am not aware of that. I do not know if Government has information on that point, but I have not and I do not know where the hon. Member got it from. If you examine that factory which has not been working for some time you would find that the feeding pump is the only bit of machinery that

is not standing in that factory today. I do not know where the hon. Member has got his information from. The other comparisons made about Golden Fleece, I do not intend to waste the time of the Council to deal with. This amendment, as suggested to this Council, I am quite sure the Council cannot in equity and fairness to everyone accept. It is not a case of "class legislation." As far as I can see, it would be doing these people a certain amount of damage, in fact a very great damage, because as far as I understand the Bill the sugar estates have the right here to increase their rental up to the average rental of the area, but they do not wish to do so on that basis of equity and fairness which, I hope, this Council will bear in mind and adopt that principle as a reason why some of us are opposing the amendment brought up today.

Mr. HUMPHRYS: The hon. Member for North-Western District (Mr. Jacob) stated plainly that he was surprised that the legal adviser should make statements to this Council that are absolutely unfounded and not based on fact. What I have stated is founded on fact and nothing but fact, and if the hon. Member suggests that I am supporting this definition because I am legal adviser to the estates, such a suggestion is very unparliamentary—not that I expect him to know very much better. I would like to tell this Council why it is that he so hates sugar. I am not going to accuse him of anything unparliamentary; he would know that himself. I have before me here a list of the rentals which are paid by tenants on sugar estates, and in going through it I find that they range from 48 cents up to \$4 per acre. The only exception is Pln. Lusignan where the rental is \$4.50 per acre for exceptional land, and only one estate charges \$4 per acre, and apart from the special lands at Lusignan the general rental is \$1.96 per acre.

If the hon. Member for North-Western District and the hon. Mr. Edun think they are going to benefit Labour by imposing this Bill on the sugar estates let them listen well to these words of warning. The rents of rice lands on sugar estates can be considerably increased. Furthermore, the estates are primarily for the cultivation of sugar. The lands are good lands and if they are required for the cultivation of sugar they can be taken over on application to the Commissioner on reasonable grounds being shown. When the hon. Member talks about class legislation I would ask him to look to his own house first and see how much in favour of class legislation he often is. It is not a question of class legislation or favouritism, and in justice to the people who are occupying rice lands on sugar estates I must point out that this Council would be doing them great injury by including the sugar estates in this Bill. They get their lands at nominal rents and they get all sorts of facilities. If those lands are taken away from them their position would be very bad indeed. I would like to say to the hon. Member for North-Western District that I am speaking here as a Member of the Council, and not as a legal adviser, but it is because I am legal adviser that I know so much more about the affair than he does.

Mr. JACOB: I do not want to enter into a conflict with my friend who has developed so much heat. I only wish to repeat that I have been given figures in a report signed by Mr. Duke, the hon. Members for Western Essequibo (Mr. C. V. Wight), and Essequibo River (Mr. Lee), the District Commissioner (Mr. Long), and the Deputy Director of Agriculture. They have stated clearly in their report that the rental of rice land at Lusignan is \$5.50 for the big crop and \$4.50 per acre for the small crop. My hon. friend has an advantage. He admits he is the legal adviser, and that he has documents

concerning these matters, yet he gave information not founded on fact. He not only gave it in the first instance but he repeats it. If he is right then this report is wrong. What is more, I happen to have started my career at Lusignan and I know what goes on there. I know that some of those estates charge very small rentals because the lands are of no value at all for rice cultivation, and it is only when the people make them of value that the owners charge up to \$10 per acre.

Government knows perfectly well that people have been making application to get lands, but Government would not give them. They are quite prepared to do these things because it would be of advantage to them later on, and it is of advantage to the sugar estate proprietors, not only of Lusignan, Le Ressonvenir, Hampton Court, and Anna Regina, and to the advantage of both landlords and tenants that lands which are unfit for rice cultivation should be given free. If I accuse my friend of knowing the facts and withholding them can it be said that I am doing something unparliamentary? Why should I hate the sugar estates? Without sugar the Colony cannot get on, but sugar wants to get hold of everything. Sugar estate proprietors must realize that other people have to live. I certainly would like to see all workers working for themselves. Why don't the estates give people lands to plant cane and other things? Of course it does not suit them. Give the people land to plant rice and other things, and we would not have any controversy over this matter.

Mr. EDUN: The hon. Member is not aware as I am of the evictions from sugar estates of workers who have in some cases lived there 35 and 40 years. The insecurity of tenure on the sugar estates is galling to their very souls, and after they have broken down the cane fields they are thrown

bag and baggage on the road. Clause 12 of this Bill gives them some sort of protection. Sugar wants to get everything for itself; perhaps it wants to own the whole Colony. That day is gone forever, and the moneyed people will have to consider the labourers as their partners. It is impossible for them to make money without employing labour. I have been preaching night and day that every regular estate worker should be given half an acre of land, but have I succeeded? At the time I was endeavouring to get into the good graces of the sugar estates. I saw an opportunity to try to save them from themselves. I am asking this Council to have nothing like class legislation.

Mr. HUMPHRYS: I must apologize for rising again. The hon. Member for North-Western District (Mr. Jacob) stated that evidence had been given that land was being rented at Lusignan at \$10.50 per acre and the hon. Member for Essequibo River (Mr. Lee) said that it was certain land which was drained and irrigated. The information I have before me in writing is that the rentals at Lusignan (I do not think they have changed since) were 48 cents per acre for residents, and in the case of special drained land with irrigation facilities, \$4.50 per annum for two crops. The average rent charged is 48 cents per acre for resident labourers at Lusignan. However, I am not going to beg the question. Either the evidence was given by someone responsible or it was not. To suggest that any one of those estates rent lands at lucrative rates is simply ridiculous.

Mr. SEAFORD: The hon. Nominated Member, Mr. Edun, said he acted with the high motive of saving the sugar industry from itself. I am afraid that the industry has not appreciated it.

Mr. PEER BACCHUS: I think I am more convinced now than when I moved my amendment. In opposing the amendment the hon. Member for East-

ern Demerara (Mr. Humphrys) and the hon. Member for Georgetown North (Mr. Seaford) asked that in fairness to the sugar estates it should not be accepted. If I thought we were passing a Bill here which does not do equity not only to the sugar estates but to the community as a whole—

Mr. SEAFORD: I never said "in fairness and equity to the sugar estates" I said "in fairness and equity generally". I did not refer to sugar estates only; I meant throughout the Colony.

Mr. PEER BACCHUS: I am very pleased to hear that explanation from the hon. Member. I take it that it is accepted that if a Bill is to be passed it should be accepted by the general community as fair and equitable to everyone concerned. I do not like to go into detail. It has been made out that the nominal rent charged is merely for pumping and drainage expenses. I thought the hon. Member would have gone a little further and said that where there is no charge for drainage and irrigation no rent is charged. We know that in some seasons we do not need any drainage or irrigation, but a flat rental is charged. I admit that it is a facility to the estate population to give them rice lands on the estates, but isn't it also a facility to the employers? Are the expenses of drainage, irrigation, and the empoldering of rice lands charged separately and taken off the dividends of shareholders? No, the cost of conditioning those lands is charged against working expenses.

Mr. SEAFORD: The hon. Member is entirely wrong. Although he is a member of the Drainage Board he apparently does not know what the cost of irrigation is on drained lands. Pumps have to be used to get water on the land.

Mr. PEER BACCHUS: It is a general charge on the plantation itself. I am certain that it does not come off the

dividends of the shareholders, therefore it benefits the resident labourers and the shareholders. I admit that in certain districts there are heartless landlords who squeeze the lifeblood out of their tenants, and that is the reason why I suggest that there should be a clause in this Bill, as in the Rent Restriction Ordinance, under which the Governor in Council could, if the necessity arose, declare an area. Had there been such a clause I would not have had the unpleasant duty to move this amendment today. It would have been the discretion and responsibility of the Government, if any sugar plantation wanted to press its tenants, to declare the area. There are areas in Berbice in which very pleasant relations exist between landlords and tenants. Can I not claim for them the same equality and fairness? Why disturb the pleasant relations existing between landlords and tenants in other parts of the Colony? I think it would have suited the Colony better if areas were declared under this Ordinance as under the Rents Restriction Ordinance. I do not know whether the Governor in Council is fighting shy of such responsibility.

INDIAN LEGISLATOR WELCOMED

The CHAIRMAN: I must take this opportunity to say one word. Our distinguished guest, to whom I referred at the opening of the Session, has been good enough to pay us a visit this afternoon. I would like again, as I said at the beginning, to say how much we welcome his presence. He is a Member of the Legislature of that great country of India. We welcome his visit to this Colony, a visit all too short, if I may say so, but nevertheless a visit which we welcome. We welcome his attendance at this meeting of Council today and would like to assure him of our pleasure in receiving him here. As I said, I hope Members of the Council will be good enough to call upon me at Government House this afternoon when we

will have an opportunity of conversing in an informal manner with this guest of the Colony (applause).

The ATTORNEY-GENERAL: The hon. Member for Eastern Demerara (Mr. Humphrys) said something about this Bill being passed today. The position is that one amendment to one clause has taken an hour and 15 minutes, and at that rate there is no hope of getting through the Bill in the next three months. When the amendment was made in the original Bill, and those additional words were inserted, I stated the reason it was done. That reason has not been directly mentioned today by anybody, although the hon. Mr. Luckhoo did verge on it. Rather the debate has developed into a slogging match between sugar interests and non sugar interests. I am sure that the Committee which drafted that clause, a member of which was the hon. Member for Central Demerara (Mr. de Aguiar), thought nothing of class legislation and nothing of sugar interests. They were just doing a straight piece of work.

The position then was that at the end of hostilities one part of the world would be faced with starvation, and that the utmost efforts of the Allies and non-belligerents could not possibly feed those devastated areas during the next two years. The problem is how many are going to die in those areas. As we release the areas in the Middle East and Far East the problem will be magnified two or three times over. They are starving and dying now. The problem facing the world now is to increase the production of food. Everybody knows that one of the most essential foods for the human frame is sugar, and everybody knows that we have to pour sugar from the Western Hemisphere into Europe as fast as we can, the only limiting factor being shipping. If shipping was available we would produce more sugar for the next two years in order

to save those wretched people from starvation. We are asking the sugar growers to produce every ounce of sugar possible, and giving the utmost priority we can to their fertilizers in order that they may increase their output, and if we can get the shipping we are asking them to extend their sugar lands in every possible way.

Hon. Members are aware of the figures given in Dr. Benham's report as to the number of acres under rice cultivation at the time of his visit to the Colony. The extension of rice cultivation deprived the sugar estates of lands which they needed for their own purpose. It was done at the request of Government at a time when, owing to shipping losses in 1941, we ourselves faced a very serious food situation.

Mr. EDUN: I do not think that statement is correct. There was no extension of rice cultivation at all on the sugar estates.

The ATTORNEY-GENERAL: I said that in 1941 the food situation here was extremely serious, and for six weeks we had no flour in the Colony. I know as a positive fact that we asked the sugar estates to release lands for ground provisions, to grow ground provisions themselves, and also to grow more rice.

Mr. SEAFORD: They reaped more rice in this way; that whereas one crop was grown on sugar estates before they grew two crops. In that way they produced more.

Mr. JACOB: Not correct again.

The ATTORNEY-GENERAL: The reason why sugar estates were left out from this definition of "rice lands" was in fairness to them—to take back any land they had given up for the cultivation of ground provisions, or some of it, and, if necessary, and if requested by Government, to take it all back and get busy growing more sugar. That was the reason for this amendment. It

had nothing to do with class legislation, and certainly, as I can see it, there is nothing unfair about it.

There is another danger in the amendment moved by the hon. Member for Western Berbice (Mr. Peer Bacchus). If that amendment is passed it would go further than the mover realizes. It is going to catch everybody who grows rice, even if it is grown on a small plot in Georgetown. As it is now, it only affects lands which are intended for the cultivation of rice. I hope that everybody will forget any reference to class legislation, and just bear in mind that the object is to enable the sugar companies, if required, to grow more sugar. As the hon. Member for Essequibo River (Mr. Lee) pointed out, the Bill itself is limited by the last clause, and unless this Council passes it before the date mentioned, the whole Bill will go out.

Mr. JACOB: I am sorry I have to raise another matter. It seems to me that this whole thing is put in a one-sided manner. Let us admit that what has been stated by the hon. Member for Eastern Demerara (Mr. de Aguiar) is correct, and what the Attorney-General has said is correct. Are those gentlemen going to tell this Council that large numbers of people on sugar estates have not been evicted recently because they would not work under the terms and conditions imposed by the sugar estates, and have had to leave their rice plots and go elsewhere? Is it not necessary then that there should be some protection for those people who have broken the land and planted rice? Those are reasons why all owners of rice lands should come under the provisions of this Bill. If the sugar estates are so kind and generous to their tenants, why this objection? There is another clause in the Bill under which they can give their tenants notice to quit and put the land under sugar cultivation. Why have this double-barrelled protection? Estates throughout the Colony, in Demerara and Berbice, have been evicting large numbers of people.

Mr. SEAFORD: I suggest that the hon. Member get the figures from the Labour Department and not come here and make rash statements of that kind which are incorrect.

Mr. JACOB: My statement is absolutely correct, and there are several letters in the Colonial Secretariat bearing out what I have stated. It is for Government to deny it. I challenge Government to do so. It suits the hon. Member to deny it and to call the Labour Department into this matter. That Department has the letters too, because when letters are written to that Department copies are sent to Government and the Local Government Board, but nobody has taken any notice of them.

The CHAIRMAN: I may say a word or two before putting the question. As Members are aware, I was not in the Colony when this Bill came before Council last year. I have not taken any personal part in the discussion leading up to this particular form of amendment, but I would say, speaking personally, that the amendment moved by the hon. Member for Western Berbice and supported by two other Members, certainly would appear to me to be a logical and equitable one in general principle. I should also say, as they have said, that if the sugar estates are good landlords what have they to fear? That certainly appealed to me initially, but the practical aspect of the matter has been very well put by the Member for Western Essequibo and the hon. the Fourth Nominated Member, the strong sympathy of both of whom for the small tenants is not questioned, and is in fact very well known.

I might go back to the original objective which led first of all to the report of the Committee and, secondly, to this Bill. I personally had very much to do with that. It arose out of my visit to the islands of Leguan and Wakenaam in March, 1942. I was then accompanied by the Member for

the constituency, the hon. Member for Essequibo River. I can remember very clearly to this day the number of excited small rice tenants, who came around my car and everywhere I went, with their protests against the treatment they received from landlords. That led to my issuing that Order against eviction and subsequently the Order against the raising of rent. That Order has been maintained pending firstly the Report of the Committee and secondly the bringing into effect of this legislation. It has taken a long time, but in the intervening interval I have had from time to time other complaints brought to me and they have led to my publishing that subsequent Order. That action was taken as a result of the same kind of complaints made by individual small rice tenants and made personally to me by some of these poor people coming to Government House Annexe and stating their case. I am not aware of any other kind of eviction, threatened or carried through, which would have made it necessary to extend this Order as I did extend it otherwise than for the same class as the Order originally made in March, 1942.

I am not inclined, therefore, to think that the amendment, particularly in the general form proposed, may very well act as a two-edged sword, not only in the light of experience as I see it, and be prejudicial to the interest of the very class of people we are anxious to benefit. My own position will be, therefore, I am not against the amendment which, if passed by this Council, I would accept. We can always, as the hon. Member for Essequibo River said very wisely, have the future to look to, and if it is necessary amend this clause or any other. I am quite prepared to say on behalf of Government that we will proceed to make the necessary amendment. In the meantime I do not think any harm will be done by accepting the form proposed and, as I said before, if the amendment is preferred by this Council, on behalf of Government I would accept it.

I think I might therefore proceed to put the clause. I shall put the question in the usual form "That the words proposed to be deleted stand part of the clause." Therefore those in favour of the clause as presented to the Council will say "Yes" and those in favour of the amendment will say "No."

Question put, and the Committee divided, the voting being as follows:—

For: Messrs. Ferreira, Roth, Jackson, Humphrys, Percy C. Wight, Austin Dias, Critchlow, de Aguiar, C. V. Wight, J. A. Luckhoo, Seaford, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—15.

Against: Messrs. Edun, Jacob and Peer Bacchus—3.

Amendment lost.

The CHAIRMAN: We can therefore proceed to put the question "That clause 2 unamended stand part of the Bill."

Question put, and agreed to.

Clause 2 passed without amendment.

Clause 7—Termination of tenancy by landlord.

Mr. PEER BACCHUS: I am asking if Government would consider adding another sub-clause "(g) if the tenant does anything to interfere with good estate management."

The CHAIRMAN: The Attorney-General advises me that it should be (f) and the existing (f) made (g). Do you wish to speak to that amendment?

Mr. PEER BACCHUS: Yes, sir, As one who has practical experience of dealing with tenants, I submit that unless such a sub-clause is included the landlord might be put into very great

difficulty at times in managing his estate properly. It might be in the best interest of the majority of the tenants at one time to keep the outlet koker closed, and that might not suit one or two other tenants who might then go and interfere with the koker. There is no provision in this clause affecting tenants who interfere with the good management of the estate. It may not be a criminal offence and, I am afraid, such tenants will not come under any other sub-clause. The proposed sub-clause will ensure the co-operation of the tenants.

The CHAIRMAN: We are prepared to accept the amendment subject to the hon. the Attorney-General studying any reaction in the words moved. Is it the feeling of the Council that this sub-clause be inserted? If so, I would put it without any further debate.

Question "That the new sub-clause (f) to be inserted stand part of the Bill and (f) become (g)" put.

Mr. SEAFORD: Does not clause 9 cover that point?

Mr. J. A. LUCKHOO: I do not think so.

The CHAIRMAN: I suggest that we take it in.

Mr. PEER BACCHUS: Can we defer consideration of the clause to allow the hon. the Attorney-General to consider the sub-clause?

Mr. JACOB: Since the clause is deferred we can leave it over.

Further consideration of the clause was deferred.

Clause 8—Avoidance of notice to quit.

The ATTORNEY-GENERAL: I move that "27th day of April" be substituted for "1st day of January" as

from that day was the Order applying the defence Regulations in respect of the whole Colony.

Question put, and agreed to.

Clause 8 passed as amended.

Clause 9—Certificate of non-observance of the rules of good husbandry, etc.

Mr. J. A. LUCKHOO: I suggest the transposition of certain words in line 4 of sub-clause (1) and line 2 of sub-clause (2). Instead of "landlord or the tenant" it should be "tenant or the landlord", following upon the preceding words "If any question or difference arises with respect to the non-observance by the tenant of the rules of good husbandry or the non-observance by the landlord of the rules of good estate management."

The ATTORNEY-GENERAL: Quite right!

Amendments accepted.

Clause 9 passed as amended.

Clause 11—Bequest of agreement of tenancy.

Mr. HUMPHRYS: I am going to suggest that these words "unless he is prevented by some unavoidable cause from notifying him within that time," be omitted, because very often they create a great deal of legal argument as to what is avoidable and what is unavoidable. I do not think any useful purpose will be served by having those words. My experience is that those words cause a great deal of litigation. I think it would be better to make a definite time. Let it be incumbent on the tenant to notify the landlord within a fixed time. I throw that out as a suggestion, because difficulties will arise as to whether the tenant could let the landlord know and did not.

Mr. JACOB: I am entirely opposed to that. My hon. friend knows better than I do, as he deals with clients, how after death people are not certain who are the beneficiaries and that most of these people are unlettered and worse still illiterate. There should be no fixed time. There should be some reasonable time which is very flexible. It is unfortunate I have not my old papers here. I think I opposed this clause when the Bill came up originally. I think it would be most unwise. I take it, this Bill is to give tenants, who are not organised and are not able to seek legal advice and who may not be able to seek legal advice in time, some protection. It would not be in the interest of the tenants to have this clause amended. The amendment suggested is in the interest of the landlords, most of whom are well organised and most of whom like the Sugar Producers have legal advisers. I am not taking tales out of school, but I know that the rice proprietors have consulted several legal men in connection with this Bill. Since it is not possible to get through with the Bill today, it may be well to leave this clause over too.

Mr. J. A. LUCKHOO: I agree with the hon. Member who last spoke on this matter. I do not think that the legatee should be compelled within any specific time after the death of the tenant to notify the landlord. This difficulty will arise: A will is in existence and the executor keeps it and does not make a deposit until months after. The legatee does not know his rights under the will and is therefore precluded from exercising that right if he does not have sufficient time. Leave the clause as it is which reads:

"The legatee shall notify the landlord of the testamentary bequest within twenty-one days after the death of the tenant, unless he is prevented by some unavoidable cause from notifying him within that time, and in that event, he shall notify him as soon as possible thereafter;"

I think it was drafted to meet such cases.

Mr. HUMPHRYS: The hon. Member who has just spoken has forgotten this difficulty of the landlord. A legatee comes along about nine months later and says "I want the lease to continue." In the meantime the landlord had rented out the land because he was not informed and that tenant is on the land and he is not in a position to tell him to get off the land. There should be a fixed time during which the landlord knows he cannot lease the land until that time expires. I think it is going to work great hardship on the landlords. It does not seem fair to make the time as long as you like, but let the landlord know that after a certain time he can re-let that land. I submit that the hon. the Attorney-General should consider it from that point of view. It would mean hanging up that land for a long time and the landlord would never be safe.

Mr. JACOB: I think a will has to be deposited within a certain time. I have not all the facts before me now, but I am opposed to it on several grounds. One is that it will be in the interest of the landlord to rent or sell the land to someone else. If it is land put under cultivation or is in proper order for cultivation at a great deal of expense—it costs \$25 to break in an acre of rice lands—that is something a legatee would like to have. If the land remains unplanted for a year, the estate would be liable. I think the landlord can find out what is the position from those concerned and make proper arrangements, but to debar a legatee of reasonable time, I think, is very harsh.

The ATTORNEY-GENERAL: I cannot quite understand the difficulty raised by the hon. Member for Eastern Demerara. The clause says "the legatee shall notify the landlord within twenty-one days after the death of the tenant." Then it goes on to say "unless he is prevented by some unavoidable cause." I think that is quite straightforward. If he cannot, he cannot. If the landlord is not in the country it is not the tenant's or the landlord's fault.

It has got to be unavoidable. It is not that he should have taken reasonable care. Then I agree it is possible that in all cases a hardship may arise, but which ever way it operates it will be a hardship. Either it is going to be a hardship on the tenant deceased, or legatee, or on the landlord. The new tenant in occupation remains in occupation for a few months and then the legatee turns up with title to the land. Who is going to suffer, not the legatee or the landlord, but the new tenant?

I am quite prepared to discuss the matter with any Member of this Council who will get me out of the difficulty. How can we save the position arising? It is no good saying twenty-one days, if it is not possible. If the legatee did not notify within twenty-one days he would lose his right. He would lose his right for not doing the impossible. I think that will be very hard on anybody. Between now and the time the Bill leaves the Committee if I can put in something to save the unfortunate tenant, I would be only too glad to do it.

Mr. HUMPHRYS: What I was pointing out is this: The new tenant will have the right of action against the landlord, because under the Statute the legatee has a right to do certain things. I am quite willing to agree to any wording that will meet the difficulty on both sides. As it stands now "unavoidable" may be over any time and the new tenant will find himself being put out on the road without notice.

Mr. C. V. WIGHT: It is quite easy for the landlord to protect himself when renting to the new tenant by making the proviso that if the legatee arrives he is not liable.

Mr. HUMPHRYS: What tenant will accept such?

Mr. C. V. WIGHT: Most of these proprietors or landlords will know, I take it, the family history of their tenants, and will soon find out the legatee.

Mr. J. A. LUCKHOO : I would suggest that the legatee and the executor should notify the landlord. If the executor has possession of the will he should notify the landlord.

The ATTORNEY-GENERAL: That will meet a long way.

The CHAIRMAN: Do you advise inserting the words "and executor" and let us proceed with the clause? As I said, we can always recommit it for further consideration if we find any point arising.

The ATTORNEY-GENERAL: Yes; and there is a consequential amendment in (a), the substitution of the words "they are" for the words "he is".

Question put, and agreed to.

Clause 11 passed as amended.

Clause 12—Resumption of lands by landlord.

Mr. EDUN: Sub-clause (2) (b) reads:

"Where the land had been broken in for the cultivation of padi by persons other than the landlord or his predecessors in title within three years..."

I do not think three years would be sufficient. It takes a man an expenditure of \$80 to break down an acre of

land for padi cultivation. Would that mean if a man did that ten years ago, breaking down 5 acres of land, he would be deprived of that because he is evicted. Unless we have a period of fifteen years I do not see where it would be equitable to the tenant who had broken down the land for padi cultivation. If he has improved the land he has his common law right to claim for the improvement of the land. In this case he has broken down the land ten years ago and then has no right of compensation at all. I think the years ought to go further than three years. I suggest that matter might be given some consideration.

Mr. JACOB: I think three years is too short a time. My hon. friend's figures are not quite accurate. Three years is too short a period, but I do not think it costs as much as \$80 to break down an acre of rice land. Maybe \$30. I do not know if five years would be acceptable to the majority of Members. If it is \$30, at this time it will certainly cost more than \$30 and \$6 per annum is certainly reasonable to repay for the rental of that land. I think five years would be a more reasonable time.

Further consideration of clause 12 was deferred.

The Council resumed and adjourned until the following day at 2 p.m.