

LEGISLATIVE COUNCIL

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

THURSDAY, 1ST APRIL, 1954.

The Council met at 2 p.m., His Honour the Speaker, Sir Eustace Woolford, O.B.E., Q.C., in the Chair.

PRESENT

His Honour the Speaker, Sir Eustace Gordon Woolford, O.B.E., Q.C.

Ex-Officio Members:—

The Hon. the Chief Secretary, Mr. John Gutch, C.M.G., O.B.E.

The Hon. the Attorney-General, Mr. F. W. Holder, Q.C.

The Hon. the Financial Secretary, Mr. W. O. Fraser, O.B.E.

Nominated Members of Executive Council:—

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

The Hon. P. A. Cummings (Member for Labour, Health and Housing).

The Hon. W. O. R. Kendall.

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

Deputy Speaker:—

Mr. W. J. Raatgever, C.B.E.

Nominated Officials:—

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

Mr. J. I. Ramphal.

Nominated Unofficials:—

Mr. T. Lee

Mr. W. A. Phang.

Mr. W. A. Macnie, C.M.G., O.B.E.

Mr. C. A. Carter.

Mr. E. F. Correia.

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertrude H. Collins.

Mrs. Esther E. Dey

Dr. H. A. Fraser.

Lt. Col. E. J. Haywood, M.B.E., T.D.

Mr. Sugrim Singh.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. I. R. King.

Absent:—

The Hon. G. A. C. Farnum, O.B.E.—on leave.

The Hon. G. H. Smellie—on leave.

Mr. L. A. Luckhoo, Q.C.—on leave.

Mr. R. B. Jailal—on leave.

The Speaker read prayers.

The Minutes of the meeting of the Council held on Friday, the 26th of

March, 1954, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS

LEAVE OF ABSENCE

Mr. Speaker: The hon. Members, Messrs. Farnum, Jailal, Smellie and Luckhoo, have been granted leave of absence but not all for the same purpose. In the case of the hon. Mr. Smellie it is one week's leave from the 1st April, inclusive. The application from the hon. Mr. Jailal is for leave from the 1st April to the 10th April inclusive, and the same applies to the hon. Mr. Farnum. The hon. Mr. Luckhoo has asked for today only. These are matters of detail. Leave of absence is given for today and up to whatever date is asked for. There is no other announcement I have to make.

REPORTS AND DOCUMENTS

The Chief Secretary laid on the table the following document:—

The First Report of the Public Service Commission for the period, 1st June, 1953—31st December, 1953.

The Financial Secretary laid on the table the following document:—

The Report of the Director of Audit, British Guiana, on the Audit of the Accounts of the Government of British Guiana for the year ended 31st December, 1952.

GOVERNMENT NOTICES

INTRODUCTION OF BILLS

The following Bills were introduced and read a first time:—

A Bill intituled "An Ordinance to amend the Constabulary Ordinance to provide for the extension of the date on which certain Non-Commissioned Officers and Constables may exercise the option with

regard to pensions".—(The Chief Secretary)

A Bill intituled "An Ordinance further to amend the Tax Ordinance, 1939".—(The Financial Secretary).

ORDER OF THE DAY

GRATITUDE TO H.M. GOVERNMENT FOR FINANCIAL ASSISTANCE.

Sir Frank McDavid: Mr. Speaker, the motion — item one on the Order Paper—is the last of the three motions in connection with the Development Programme of which I gave notice on the 18th of March. This particular motion reads:

"Be it resolved, that this Council places on record, and requests His Excellency the Governor to convey to the Secretary of State for the Colonies, an expression of its deep appreciation and gratitude to Her Majesty's Government for the generous measure of financial assistance assured to British Guiana in connection with the implementation of plans for its economic development."

Memories are short and consequently it becomes necessary for me to recall again the total measure of assistance which has been provided for this Colony under the Colonial Development and Welfare Act. Shortly after that Act was passed we received the assurance of what was termed a global allocation for British Guiana of £2½ million (\$12 million). Then within the last three years or so we have also been allocated a further sum of £1 million (\$4,800,000). That was the allocation made to British Guiana with specific reference to certain recommendations made by the Evans Commission which visited this country in connection with the settling of the surplus population of the West Indies. That particular project did not materialize, but many of the individual projects in that Report have been considered and some have been given effect to and, I be-

lieve, are in progress now. Thirdly, this country has received assistance from what is known as the Research and Central Allocation under the Colonial Development and Welfare Act of no less a total than £300,000 (\$1,440,000). Those are special projects which are not financed out of our global allocation but from a special allocation which is administered by the Colonial Office.

Then comes this last allocation which we have been speaking about in connection with our Development Programme. By Resolution No. IV, which we adopted on the 26th of March, approving of the Development Programme and of the financial arrangements implementing it, this Council has endorsed those financial arrangements. As hon. Members know, they involve an allocation from the Colonial Development and Welfare funds of another \$15 million. Most of the original allocations are free grants and all of this last allocation, we are assured, is to be so. Apart from that, hon. Members would recall that I referred specifically to the assurance of loan financing by a special procedure, to the extent of some \$16 million. That indicates the measure of financial assistance which is being rendered to British Guiana in connection with its social and economic development, and I am quite sure that hon. Members would agree that this Council ought to put on record its appreciation in the terms in which I propose in this motion.

The motion refers to financial assistance, but what is equally reassuring is the immense interest which is taken by the Secretary of State for the Colonies himself, by the Minister of State and the Colonial Office officials in the affairs of this country. People talk of British Guiana being on the map. It certainly is on the map in the

Colonial Office. I, myself, have visited the Colonial Office several times, and I know the immense amount of hard work entailed in the section dealing with British Guiana. I also know that the present Secretary of State for the Colonies and his Assistants are deeply interested in the welfare of this country. I have very great pleasure in moving this motion.

Mr. Lee: I beg to second the motion.

Lt. Col. Haywood: I rise to support the motion, and I do so with pleasure, as one whose position in this Council is, I believe, unique. By that, Sir, I mean that having been born in England and later adopted by British Guiana, I feel able to sense the feeling in both countries. In the past 11 years I have been back to England three times and it is a source of some regret to me that many educated Englishmen know as little of British Guiana as their opposite numbers here know, for example, of Fiji or Tasmania. The comforting thought is, to use an expression well known to the Press, that "Virtue has no news value." Perhaps we were too virtuous out here to have any news value for the majority of folk in the United Kingdom, but that did, indeed, change in 1953. We lost virtue and we certainly acquired news value.

During my three visits to London I developed contacts made with Officials at the Colonial Office—perhaps not on the same high level as my hon. Friend, Sir Frank—and I found much interest being taken there in the future of British Guiana. Therefore, I say that we owe the help we are now being given by Her Majesty's Government, not to the news value or the notoriety we acquired last year, but to the patient work done over many years by good Officials in England and, of course, to the good work of numerous patriotic Guianese who have had faith in their country and pride

[Lt. Col. Haywood]

in being British. I understand that those whose political antics made us notorious in 1953, are claiming credit for the help Her Majesty's Government has now given to us. There is something in that claim, but not the way they mean it. It will do us all good to reflect on the words of Mr. J. M. Campbell, the Chairman of Bookers, as recently as January 4, last. Mr. Campbell said:

"Never has British Guiana needed British understanding, British interest and British money more, but it cannot be expected that these will be forthcoming unless confidence in British Guiana is firmly re-established. What investor at the present time, if he had a choice between investing in British Guiana and other countries of the world, would choose British Guiana?"

I hold no shares in Bookers, I hold no brief for Mr. Campbell, but his views command respect. We have no right to criticize the hesitation of British investors, when we remember the heavy withdrawals our own people made from the Post Office Savings Bank last year. Capital is very often made up by the savings of people of modest incomes who can ill afford to take big risks. Mr. Campbell is responsible to many shareholders holding comparatively small shares, and he is absolutely sound when he says:-

"In British Guiana, without capital and good government, there can be little life for the people."

The point I am making, Sir, is that at the time when political extremists caused us to lose the confidence of the private investor, Her Majesty's Government stepped into the breach, and we do well to express our gratitude for generous help readily given in our time of need—help that will give us time to put our house in order.

Before I take my seat, Sir, there is something I ought to say at once. When

I was appointed to this honourable Council I was described as an Englishman, but as far as I am concerned, I shall work in this Council and help to tackle the problems set before us, as a Guianese. Nine years ago I decided to stay here and the decision has been made irrevocable in the traditional manner by copious draughts of creek water and more than one dish of labba. I have been here 11 years, and I am nearly 20 years away from a pension. Consequently, if I am regarded as a "bird of passage," I can only retort that I am a remarkably slow flyer. However, after 11 years here, with my wife and children born here, with the vast majority of my friends here, I regard myself as a full-fledged Guianese citizen, well knowing that had I identified myself as closely all the time with the U.S.A. or most other countries, I would long ago have become a National.

To save the hon. the Attorney-General rising to his feet, I made an honourable exception of Barbados where no immigrant can become a Barbadian. I speak of Guiana's affairs as a Guianese and, as a Guianese, I support this motion. Furthermore, with my English background, I state unhesitatingly and firmly, my conviction that it is the sincere desire of Her Majesty's Government to help Guianese to help themselves to a fuller and better life, not only in 1954 and 1955, but in all the years to come.

Mr. Gajraj: I rise to say a few words in support of this motion. There is no doubt, I am sure, in the minds of anyone around this table that the assurance of funds for the carrying into effect of our Development Programme is something which we ought to be proud of and humbly grateful for. I think that both the hon. Member of the motion (Sir Frank McDavid) and the last speaker (Lt. Col. Haywood) have dealt very fully with the matter from the financial angle. Col. Haywood has

expressed the feelings of Guianese in particular with regard to the appreciation we all share of Her Majesty's Government for stepping into the breach at this particular time. Although our opponents possibly keep claiming credit for this very munificent grant of free money as well as for the promise of loans, we must agree that this sum of \$44 million which we have to spend on these schemes would have been raised at any time within the last year if we had a Government which recognized its responsibilities to its people and was prepared to go into our development proposals as presented by the International Bank Mission.

The unfortunate part of it was that the late Government, although it had before it the report of the International Bank Mission, and although it had every opportunity to study that report, and His Excellency the Governor urged the Members on many occasions to get down to the question of implementing it, they did absolutely nothing. It was because of that that the country remained without a programme backed by adequate finance, until after the suspension of the Constitution and the preparation of the Development Programme which His Excellency the Governor and the Development Secretary took with them to London.

We have already expressed individually in this Council, our gratitude to His Excellency, for the part he played in securing these funds. I know that His Excellency, with his usual modesty, would not wish us at this stage to move a motion thanking him for what he has done, but I think we should make use of this opportunity—when we are expressing our gratitude to the Secretary of State for the Colonies—to express our gratitude also to His Excellency. With those few remarks, I beg to support the motion.

Mr. Correia : I rise also to support the motion so ably moved by the hon.

Member for Agriculture, Forests, Lands and Mines. I join in the appreciation of the people of British Guiana of the action taken by Her Majesty's Government in securing financial aid for our development plans. I would like to warn this Council, however, that the people of British Guiana will be watching our every movement in future—and I need not say that Her Majesty's Government and the British taxpayers will do likewise—in order to see what progress will be made within the next few years. I think our very existence will depend upon what we achieve, and it is therefore up to the Members of this Council to put their shoulders to the wheel and work for the future development of British Guiana. We can only achieve this by unity and co-operation among all the people in the Colony.

The Financial Secretary: I can do nothing else, Sir, but support this motion. I had intended, as a matter of fact, to second the motion, but my hon. Friend obliquely opposite to me (Mr. Lee), seemed to beat me to the jump. I said, Sir, in the course of the Budget Statement which I presented to this Council, that it would be equally fit and proper that a resolution of thanks should be passed in this Council expressing the Council's gratitude for the very munificent gesture of assistance which the Secretary of State has afforded us by making available to this Colony the funds for financing our Development Programme. I am grateful that my hon. Friend on my right (Sir Frank McDavid) has seen it fit and proper to bring this motion today.

I am quite sanguine that the assistance which the Secretary of State has given to this Colony would be regarded by us as almost an insurance policy on the success of our development plan, and I think that the balance will be left entirely to us, to the extent to which we are able, wisely, to administer that

[The Financial Secretary]

assistance. It is with great pleasure that I support this motion.

Mr. Lee : I rise to support this motion which should have been brought forward at an earlier stage. The mover of this motion knows the financial position of this Colony, and during his regime as an Official Member of the Legislative Council, several years prior to when Government was planning an economic development of this Colony, he was able to steer the finances of British Guiana in such a way as to warrant the support of Her Majesty's Government and also of investors abroad. Sometimes we started the year with a deficit in the Estimates but at the end of the year there was a huge surplus which was made possible through the guidance of the mover of this motion. If I may say so, the Ten-Year Development Plan was started by him, and if the last Government had consulted him in these economic matters they would have seen that he would have steered them in the right way; they would therefore have gone in the right way and the economic development of this Colony would have been assured.

In any case, these matters are now in capable hands. When the ship of progress is started, it will require men capable of steering it in such a manner as to bring it to a successful journey's end, and I sincerely hope that God may grant the hon. mover the health and strength to carry this ship to a safe journey. \$44 million is the extent of the cost, and according to the experts we will be required to get \$22 million, and when we have achieved it, all I sincerely hope is that the ship will be in such safe anchorage that we will all be able to give praise to all those who have served under the leadership of the hon. the Member for Agriculture, the

Financial Secretary and others who advise the Government in financial matters. I heartily support the motion.

Mrs. Dey : I rise to support this motion not only on behalf of the ladies in this Council but all the women of Guiana. It is a motion that concerns us all. We know only too well we were looking forward with bated breath for that little ray of sunshine, but alas, the storm of despondency came and we were plunged into utter darkness. Now, once again we find ourselves looking forward to even brighter days than we saw last year. I am sure that you Sir, as well as my colleagues will agree with me that we Guianese are a grateful people, in addition to the fact that we are a hospitable people, and we will prove it as leaders in this Council by giving of our very best in order that this Plan may work out for the benefit of our suffering Guianese. I am proud to be a member of the "crew" and I pledge as a woman of Guiana that I shall throw in my weight and assist in bringing this rehabilitated "S.S. Guiana" into safe anchorage. Once again, I have great pleasure in supporting this motion.

Mr. Macnie : I feel sure that all hon. Members of this Council endorse what has been said before, not only by the mover of the motion. There is a great tendency both inside the Service and outside sometimes to say hard things about the Colonial Office, but I am glad to hear and I am very proud to endorse what the hon. mover has said with regard to what was being done by the Colonial Office, not to interfere and participate in Government of this or other Colonies but purely with the sincere and genuine objective of assisting and providing all the advice that is available either directly or through indirect channels. Again, I must say I am very happy to endorse what the hon. mover said, and to support what was said generally.

Mr. Bobb : I desire just to add a few words to endorse what has already been said, and I propose to strike a different note.

Usually when one speaks of the Colonial Office there is something—at any rate, to me—which seems to separate it from the British Government in general and leaves it as merely administrative machinery. I am glad to be able to say that there is no such detached relationship, and now that we are expressing our appreciation and gratitude for this very generous help I would like it to be recognised that the British Government is equally interested in the assistance both in form and quality which has been in the nature of a grant at this time.

While I had the opportunity of going up and down Great Britain from Cornwall to Golspie in North Scotland and the North of Wales I met several people at conferences who were anxious to know about this country, and I was struck with the feeling of concern shown by the ordinary taxpayer. I think if their feelings were to be taken as any indication of the interest of the Colonial Office in the affairs of British Guiana, no one in my position would have hesitated in coming to the conclusion that very soon we would have had assistance of this kind.

So, in supporting this motion I must strengthen the expressions of thanks already made by adding a word of appreciation for the interest of the British public which has been reflected in this grant and I would like our people to know that, because it is something which, either deliberately or otherwise, has escaped their attention. I think the day is quickly passing—if it has not passed already—when we can be regarded as mere producers of raw materials with no

common interest with the people of the outside world, because the British are a very critical people with a remarkable sense of fairplay. I go further and say that if the Colonial Office had erred at all in the crisis the British public would have made its mind very clearly felt. I am very pleased indeed, that it came to the mind of the hon. Mover of the motion to word his motion in this particular way, and I endorse what the hon. Mr. Lee said in expressing thanks to him for bringing this very splendid gesture of appreciation to our notice, and doing so on behalf of the British Guiana public, so that it will be put on record that the people of this country, in spite of what has been said to the contrary, are very grateful to Her Majesty's Government for this assistance, and are pledged to make the utmost use of it for the benefit of the land we love.

Miss Collins: It is fitting on an occasion like this, that in supporting the motion so ably moved by the hon. Member for Agriculture, Forests, Lands and Mines, I should join with other Members of this Council in expressing our appreciation to Her Majesty's Government for having at this particular time come to the aid of British Guiana. I trust—in fact, I am quite sure—that in the near future our Development Programme will be implemented. I am anxious to see it implemented. I join most heartily in the expressions of appreciation by the previous speakers.

Mr. Tello: I would like to add a few words of appreciation of this motion. I think we would have been lacking in a very vital part of our duty if we did not pass such a motion. I seem to think that the extent of the generosity of Her Majesty's Government was influenced by the fact that, in respect of the Ten-Year Plan, there was necessity for acceleration and elaboration. This Government itself thought it necessary to elaborate on

[Mr. Tello]

the Five-Year Programme, and has been the necessity to accelerate it, which is evidence of the necessity for urgency and speed. I think one way of expressing our appreciation and gratitude for this generous assistance is by showing our readiness to embark on this Development Plan as speedily as possible. Even money has a way of dwindling when it is suspended by time, and I feel that our appreciation would be very much better expressed by fulfilling the expectations of the masses of the country by implementing what we can implement at once.

To say that we are still thinking of the best step to take is almost an insult to the work that has been done by many of our previous workers, especially in the Civil Service, because I know there is an abundance of good data which, if put on a scale, would probably weigh many tons. What are we waiting for? When we settled our Ten-Year Development Plan we knew what our needs were. Long before it was settled we had men working, making records of our necessities and formulating plans to meet them. I think each hour we lose in embarking on this Programme is an unfair gesture towards past legislators and past workers in the public field. I think Her Majesty's Government would be very pleased, and would accept it as the greatest evidence of our gratitude and thanks, if we could show by embarking on this Development Programme as speedily as possible, that her generosity was not wrongly extended. I have great pleasure in associating myself with this motion.

Sir Frank McDavid: Mr. Speaker, I find it quite unnecessary to reply to the debate. I am entirely grateful to all Members who have spoken on the motion with such eloquence as in the case of Col. Haywood. I need only say in regard to the last speaker's remarks that he reminded me of the

parable of the talents. I am quite sure this Council will not be like the unwise one in that parable by burying its talents and finding afterwards, to its amazement, that it was a wrong thing to do. I am quite sure the last speaker is quite right in thinking that money may shrink, and that we would be wise to lose no time in getting on with the job and seeing that the money which has been given to us does not shrink. I am entirely grateful to the hon. Member for those particular points.

Motion put and carried unanimously.

Mr. Speaker: While I am precluded from taking part in the debates I am not debarred from saying a few words after I have put the motion. I am glad, and I feel proud indeed to have the privilege of presiding over a Council which has so signally expressed its gratitude not only to Her Majesty's Secretary of State for the Colonies but to Her Majesty's Government for their very generous financial assistance. I do not suppose there is any Minister who has held the office of Secretary of State for the Colonies who has had a more difficult time than the present holder has had. The duty which was cast upon him to impress on his colleagues the wisdom and necessity of granting financial assistance to this Colony must have been a very heavy one, and I do not suppose that he had not some difficulty in persuading the Cabinet to grant this sum of money, and in resisting the objections made on the part of those who sit on the opposite side to him in the House of Commons.

I look forward with pleasure to performing the duty of transmitting this resolution to His Excellency the Governor to enable him to send it to the Secretary of State, and, as far as I am able, to convey to His Excellency the expressions of appreciation of Members of the Council, including myself, of the personal efforts made by

him to secure this assistance for the Colony, accompanied as he was by no delegation from this Colony. I have no doubt that he was able to impress on Her Majesty's Government that the interests of this Colony should be protected by the Home Government, and I am sure we are all very pleased to know that he has been successful in doing that. I hope to be able to report to this Council exactly what steps His Excellency has taken regarding this resolution.

FRIENDLY SOCIETIES (AMENDMENT)
BILL DEFERRED

The next item on the Order Paper was a motion by the Chief Secretary that the Council go into Committee to consider the Bill intituled:

"An Ordinance further to amend the Friendly Societies Ordinance."

The Chief Secretary: I am afraid I am not quite ready to proceed with this Bill, Sir. I had hoped to settle the question of a particular clause in respect of which we are considering some slight amendment, but I think it will be necessary to have another meeting to do so. I am asking that consideration of the Bill in Committee be deferred.

Agreed to.

CUSTOMS (CONSOLIDATION
(AMENDMENT) BILL

The next item on the Order Paper was the second reading of the Bill intituled:

"An Ordinance to amend the Customs (Consolidation) Ordinance, 1952."

The Financial Secretary: With the permission of the Council I am asking to be allowed to withdraw this Bill in favour of a similar Bill which is listed as item 8 on the Order Paper. There are two proposed amendments to the same Ordinance, and I have taken the

opportunity to telescope both amendments into one Bill, the second reading of which I will move when item 8 is reached.

Bill withdrawn.

CO-OPERATIVE SOCIETIES (AMENDMENT)
BILL DEFERRED

Item 4 on the Order Paper was the second reading of the Bill intituled:

"An Ordinance to amend the Co-operative Societies Ordinance, 1948, to provide for the minimum number of persons capable of registration and for the compulsory sale of produce through a registered society in certain cases."

The Chief Secretary: I am afraid the same applies to this Bill as to the previous one. It is contemplated that it may be withdrawn altogether, and the object of the amendment achieved in another way, but consideration of that question has not been completed. I therefore ask that consideration of the Bill be deferred.

Bill deferred.

REGISTRATION OF BIRTHS AND DEATHS
(AMENDMENT) BILL

Item 5 on the Order Paper was the second reading of the Bill intituled:

"An Ordinance further to amend the Registration of Births and Deaths Ordinance."

Mr. Cummings (Member for Labour, Health and Housing): The inmates of the Mahaica Hospital, after reading in the Press of the first reading of this Bill, have submitted a petition requesting certain amendments so as to make the Bill retroactive. The matter was referred to the hon. the Attorney-General who has just sent the papers back to me, but I have not yet had an opportunity to consider the proposed amendments. I therefore ask that the second reading of the Bill be deferred.

Agreed to.

GEORGETOWN TOWN COUNCIL (SPECIAL PROVISIONS) (WATER SUPPLY) BILL

The Chief Secretary : I beg to move the second reading of a Bill intitled:

"An Ordinance to make provision for the supply of water to certain rural areas and for purposes connected therewith."

This Bill (hon. Members may recall having read it in the Press) was introduced in the House of Assembly and passed in a different form. It then went to the State Council where amendments were suggested and the Bill was sent back to the House of Assembly for consideration of those amendments. I am afraid it was not possible for those amendments to be considered by the House of Assembly before the House came to an abrupt end. So it is necessary to institute the proceedings *de novo*, so to speak. That is why this Bill is being introduced by myself today.

I think it is generally known that arrangements have already been made by the Georgetown Town Council in agreement with the Local Authorities of certain areas outside Georgetown to supply them with much needed water. These supplies were first of all made in connection with the Laing Avenue flats outside the municipal area and more recently under an agreement between the Kitty Village Council and the Georgetown Town Council for the provision of water to that village area. That procedure, I am afraid, was not covered by law, since under the Georgetown Town Council Ordinance, copies of which I am afraid are not available to hon. Members, the Town Council is only authorized to provide the city with a supply of water for various purposes. It is not authorized to supply water to areas outside the city limits, such as an area under a Local Authority.

The object of this Bill is merely to give legal cover to what has been already done and also to enable similar arrangements to be made, if agreement can be reached between the Georgetown Town Council and other areas adjacent to the city, for the supply of water to those areas also. I do not think there is anything further I can add, and I beg to move that this Bill be now read a second time.

The Attorney-General seconded.

Mr. Gajraj : I rise to support the motion "That this Bill be now read a second time." I do not think, myself, that the passage of this Bill should engage much of the time of this Council because, as the hon. the Chief Secretary has said, the Bill in a slightly different form—a difference because of the different constitutional position in which we find ourselves as against some time in September last year—was put before the House of Assembly and passed, and it was also passed in the State Council with but slight amendments. What the Bill seeks to do is merely to provide legality for what is already *un fait accompli*.

Last year when the Bill was debated in the State Council, I was able to announce that arrangements had been already made for the supply of water to be turned on for the benefit of the residents of Kitty and Alexander Village District. At that time we discussed the matter most fully and all the reasons and historical background were stated. They are to be found in the Hansards of the State Council of the 24th September, 1953. I do not propose to weary this Council by reviewing any part of the account which is to be found in that Hansard, but merely to say it is very necessary that the position or arrangements between the Georgetown Town Council on the one hand and the Kitty and Alexander Village District, the

householders of Bel Air Park and the Lodge Village District on the other hand, should be legalized as early as possible. At the present time the village areas of Kitty and Lodge are merely getting their supply of water from the city's reservoir during certain hours of the night—from 4 o'clock in the afternoon to 5 or 6 o'clock the next morning. That is all the Georgetown Town Council can do at the present time on account of the smallness of its plant. When I say "smallness", I mean only in relation to the demand which now exists in the areas outside Georgetown.

What we have done is certainly not the complete answer to the problem as it is. The full answer will come when we are enabled by Government aid to enlarge the number of our filter-beds at the Shelter Belt area. When we erect four more filter-beds, we will then have the capacity of the plant extended and will be able, we hope, to provide a quantity of about 7½ million gallons of potable water each day, and will then be able to cater to the needs not only of the city, as we know it now, but of that area which is envisaged in the Greater Georgetown Plan which includes the populated section of Campbellville and Newtown.

Water is the most essential thing for all people to have in these modern days and, therefore, it is expected that the enlargement of the plant will be embarked upon as quickly as possible. Of course, the latest quotation which the Georgetown Town Council received indicates a total period of between 18 and 24 months, so that at whatever stage a decision is arrived at between the Government and the Municipality in the matter it would take another two years at least before the materials are assembled and ready for erection. So we have got to have some agreement made very quickly and, speaking as a member of the Georgetown Town Coun-

cil, I can say that we have had word from the Government that the matter is under active consideration. There is only one point which I would like to bring to the attention of this Council, and that is that clause 2 of the Bill says:

"Anything in the provisions of the Principal Ordinance to the contrary notwithstanding, it shall be lawful for the Council to provide the areas specified in the Schedule to this Ordinance with a supply of water for sanitary and domestic purposes and for private use...."

Checking back into the Principal Ordinance it will be found that these very words are used, but in addition, there are words which give permission to make it legal for the water to be used also for extinguishing fires. I am sure hon. Members of Council consider it very desirable that provision should be made in this amending legislation for the water to be made available for extinguishing fires also. I should, of course, make it clear to this Council that at the present time it would not be possible for any of the water that is provided the Village Authorities from the city's reservoir at the Shelter Belt to be used for the purpose of extinguishing fires. It is not that the quantity of water is not there, but it must be remembered that the mains laid down to supply Kitty and Lodge with water are small in dimension and cannot take the pressure per square inch necessary for use with the fire pumps. So for the present we will not be able to use the water supply to those areas for extinguishing fires. But we do hope in the scheme for the enlarged plant that would be brought into effect in due course and, I am sure, hon. Members would not wish us to come back to amend this legislation so as to make it lawful for the water to be used for extinguishing fires. There would be no compulsion whatever if these words are inserted: "for extinguishing fires," be-

[Mr. Gajraj]—

cause the particular clause says "The Council may enter into such agreements with such persons as may be necessary to define the terms and conditions subject to which the Council will provide water under the provisions of this section."

I know that the agreement which exists presently between the Georgetown Town Council and Kitty Village and the one between the Georgetown Town Council and Lodge Village merely refer to the use of the water for domestic and sanitary purposes. That is all it can be used for at the present time, and so the agreements which are in force do certainly limit the use to which the water can be put, but we do want, I submit, to take the opportunity of this amending legislation to have provision made which would be necessary for the future. With these words I do wholeheartedly support the Bill.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill clause by clause.

Clause 2—*Power of the Council to supply water beyond the City limits. Schedule.*

Mr. Gajraj: For reasons which I have already stated in Council, I now propose the insertion of a comma after the word "purposes" in the fifth line, and the insertion thereafter of the words "for extinguishing fires." The clause will then read:—

"2. (1) Anything in the provisions of the Principal Ordinance to the contrary notwithstanding, it shall be lawful for the Council to provide the areas specified in the Schedule to this Ordinance with a supply of water for sanitary and domestic purposes, for extinguishing fires and for

private use, and the Council may enter into such agreements with such persons as may be necessary to define the terms and conditions subject to which the Council will provide water under the provisions of this section...."

Amendment put and agreed to.

Mr. Raatgever: I would like to suggest a further amendment, to include "for industrial purposes" also. That is not in the Bill, but there is an industrial undertaking at Bel Air at the present time.

The Chief Secretary: Perhaps I may assist the hon. Member (Mr. Raatgever) by saying that this point was raised before the Council sat, and we have been advised that although the original Ordinance did not contain anything specific about the supply of water for industrial purposes, it is considered that section 182 covers the use of water for industrial purposes. If we adopt the amendment suggested, we would be going beyond what is in the original Ordinance. I am advised that the words "private use" do cover such cases.

Mr. Raatgever: I accept the explanation of the hon. the Chief Secretary.

The Chief Secretary: I should like to inform the hon. Member that the same point had occurred to me, but I looked up the original section and I asked the Attorney-General his opinion.

Amendment withdrawn.

Mr. Speaker: What is the position with respect to the use of water by industrial firms?

Mr. Raatgever: The practice is that industrial firms have to pay for water by the use of meters.

The Attorney-General: I do not think that Mr. Gajraj forgot the point raised by the hon. Member (Mr. Raatgever). The information was given to me that this point was already covered.

Sir Frank McDavid: I was about to state that industrial purposes are covered. While sitting and hearing Mr. Gajraj, however, I did feel a little uneasy about a charge being made for water used for extinguishing fires.

Mr. Gajraj: I am hoping—and I think the hon. Member for Agriculture is also hoping with me—that by the end of this year this area will be part of the City of Georgetown and there will be no need for a special agreement.

Clause 2, as amended, passed.

Schedule—

Mr. Lord: I was wondering whether we should not, at this stage, move an amendment to the area of land situate at La Penitence and acquired by Government.

The Chief Secretary: May I suggest that since the Governor in Council can add to the Schedule, the Schedule should now be left as it is. That can be amended under clause 2 (2) which has just been passed.

Mr. Lord: I have no objection to that course.

Schedule, as printed, passed.

Clause 4—*Validation of certain acts.*

Mr. Gajraj: Before we resume, I would like to ask the hon. the Attorney-General whether we should not consider, under clause 4, the question of fire for domestic purposes.

The Attorney-General: That is not necessary because, so far as I understand, they do not use the water for the purpose of extinguishing fires. It can be introduced for the sake of caution, however, but it does not really affect the matter.

Mr. Speaker: The hon. Member has to submit to the legal opinion.

Mr. Gajraj: I do not think the hon. the Attorney-General understood the question I asked him.

The Attorney-General: I have given the answer. That would only be necessary if the water had been so used in the past. I understand that there was such a fire, but while it might be included it is a small point.

The Chief Secretary: In any case, if the water was so used, they hadn't the authority of the Town Council to use it.

Mr. Gajraj : I submit and with draw my proposed amendment.

Council resumed.

The Chief Secretary : With the permission of the Council, I beg to move that this Bill be now read a third time and passed.

The Attorney-General seconded.

Question put, and agreed to.

Bill read a third time and passed.

MEDICAL PRACTITIONERS (PROVISIONAL REGISTRATION) BILL, 1954

Mr. Cummings : I beg to move the second reading of the Bill intituled—

“An Ordinance to provide for the provisional registration as Medical Practitioners of certain persons who have passed the qualifying examinations in medicine and surgery.”

I do not think I need say very much about this Bill, except to invite the attention of hon. Members to the Objects and Reasons as appended to it. There, it is set out that in the United Kingdom legislation which has been taken in by way of reference in our local Ordinance, that no person who passes the qualifying examination in medicine

[Mr. Cummings]

is entitled to be registered as a medical practitioner until he has been employed for a prescribed period of time at one of the important medical institutions in the Colony. That is sometimes known as an internship. The Public Hospital, Georgetown, has been recognized as an approved hospital by certain recognized Medical Schools in England. We are now seeking this registration for doctors who have obtained the necessary qualification but cannot practice until they have served this period of internship. In other words, we are now seeking to adopt the practice provided for in England.

Clause 6 of the Bill seeks to give retrospective effect to the Ordinance as there are a number of doctors who are already provisionally registered.

The Attorney-General seconded.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into committee and considered the Bill clause by clause without amendment.

Council resumed.

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

Question put, and agreed to.

Bill read a third time and passed.

CUSTOMS (CONSOLIDATION)
(AMENDMENT) BILL, 1954

The Financial Secretary: In moving the second reading of the Bill intituled :

“An Ordinance further to amend the Customs (Consolidation) Ordinance, 1952”,

there is not much to say on the principles of the Bill: it seeks to correct a number of omissions and errors—

The Attorney-General: Printer's errors.

The Financial Secretary: The Attorney-General tells me they are printer's errors. I see the Ordinance was passed on 31st December, 1952. I wonder whether this date has any connection with the errors and omissions. With respect to the procedure it might have been—

The Attorney-General: Well, you see, quite a lot of blame is attached to the “printer's devils”—and we leave it at that.

Mr. Speaker: There are a certain number of errors and they relate to the clauses.

The Financial Secretary: I am not criticising that, Sir. I am trying to account for the errors and omissions, and I am suggesting that as the Bill was considered towards the end of the year the omissions might have had some connection with the festive season. Clauses 2, 3, 6, 7 and 8 (1) of this Bill seek to correct the errors and omissions.

Clause 4 deals with another matter, and seeks to amend Section 19 of the Principal Ordinance which provides that disputes arising under the Ordinance may be referred to what is called the Customs Tariff Tribunal. The Principal Ordinance provides that if parties to a dispute are dissatisfied with the decision of the tribunal that an appeal may be made to the Magistrate's Court. This Bill seeks to amend that by requiring that the appeal be made to the Full Court of the Supreme Court and not the Magistrate's court. It also seeks to provide that the procedure to be adopted in the case of an appeal from a decision of the tribunal

should be the same as the procedure adopted in an appeal from the decision of a Magistrate.

Clause 5 of the Bill seeks to empower the tribunal to take evidence on oath and requires persons giving evidence to produce before the tribunal any books, papers and other documents. As the law now stands there is no power for the tribunal to compel witnesses to produce these documents.

Clause 8 (2) of the Bill seeks to correct a drafting error. That is all the Bill seeks to do, and I trust hon. Members will have no difficulty in approving it.

Mr. Raatgever: I regret I cannot support the amendments sought in Clauses 4 and 5 of this Bill. I see absolutely no necessity to change the original Ordinance. If the original Ordinance is changed, it means that the importer is going to be charged twice the amount of money by the lawyer taking the case to argue it in the Supreme Court. You know, Sir, what I mean. I understand this tribunal has never had any appeals. I do not think it is functioning yet, and before it sits and before anybody appeals they are seeking to have the law amended. I think we should try to reduce the expense rather than to increase it. The hon. the Chief Justice said before his departure that the judges had tremendous arrears of work in the Supreme Court which would take about four years to be worked off, so that an importer would have to wait an indefinite time before justice is done if the amendment is approved.

Mr. Speaker: Who are the members of the Tribunal?

The Financial Secretary: The Tribunal consists of the Crown Solicitor who is Chairman, the Principal Assistant Secretary, Finance, two Members of the Chamber of Commerce and a barrister.

Mr. Lee: I take it that the reason for taking it to the Full Court is that while in the Magistrate's Court there will be only one person sitting, in the Full Court there will be more than one person—at least two. Why go to the Magistrate's court when you can go to the Full Court.

Mr. Speaker: Would any other Member like to speak?

The Attorney-General: While the hon. Member can, with propriety, make his objection on the second reading of the Bill, I think that part of the Bill could be more properly discussed in the Committee stage. I do not think the hon. Member is opposed to the Bill as a whole, but this is part of the principle which might be discussed in the Committee stage, otherwise I do not think we would be able to go into the matter as carefully as we would wish to do; because, if the hon. Member speaks on it now and gets an answer from the hon. the Financial Secretary the question would be closed. I would therefore suggest to the hon. Member that the Bill should be approved in principle on the second reading, and that he should reserve his comments with regard to the particular provision until the Committee stage is reached.

Mr. Raatgever: I appreciate that and I have no objection to raising the matter in Committee when I shall move the deletion of the clause.

Mr. Speaker: I can only refer Members to the Ordinance itself. Section 20 says:

"20 (1) There shall be established a Customs Tariff Tribunal (herein referred to as "the Tribunal") consisting of a Chairman and four members to be appointed by the Governor...."

The hon. Member suggests that an appeal from that Tribunal to a Magistrate is more satisfactory than an appeal to the Supreme Court.

The Financial Secretary: I am suggesting that we should discuss the matter in the Committee stage.

Mr. Speaker: It affects the principle of the Bill. The hon. Member has pointed out that an appeal to a Magistrate involves little expense, while an appeal to the Full Court involves a trial which may take years. It is a matter for consideration. I do not know how the commercial community will view such a proposal.

The Financial Secretary: I am suggesting that I should either reply to the hon. Member's point now or do so in the Committee stage. Other Members may wish to speak on it.

Mr. Speaker: Do it now.

The Attorney-General: As I understand the position, the hon. Mr. Raatgever is himself agreeable to the matter being discussed in the Committee stage. That being so I do not think it is necessary for the hon. the Financial Secretary to make his reply now.

Mr. Raatgever: I said I would not pursue it now.

Mr. Speaker: It is going to be very difficult to frame an amendment to give effect to what the hon. Member proposes. If he moved the deletion of the clause it would affect the original purpose of the Bill.

Mr. Raatgever: The Tribunal has not yet met. There has been no appeal.

Sir Frank McDavid: I cannot understand this reference to moving a deletion. We are now engaged in a debate on the second reading of the Bill.

Mr. Speaker: The hon. the Attorney-General has interposed to say

that the hon. Member should reserve his remarks until we are in Committee. I am pointing out that whatever the hon. Member has to say should better be said now.

The Financial Secretary: I would prefer to reserve my reply to the hon. Member's comments until he moves the deletion of the clause in Committee. If I replied now and he moved the deletion in Committee I would have to repeat myself, which I do not want to do.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill clause by clause.

Clause 4— *Amendment of section 19 of the Principal Ordinance.*

Mr. Raatgever: I move the deletion of this clause. Sub-section (2) of section 20 of the Ordinance says:

"(2) The Tribunal shall decide all disputes referred to them under the provisions of section nineteen and all cases of doubtful classification of goods for tariff purposes under section twenty-two and shall transact such other business as the Governor, from time to time, may assign to them."

This Tribunal is a new body. Previously the Comptroller of Customs made decisions from which an appeal could be made to the Attorney-General, and if the party concerned was still not satisfied he could appeal to the Full Court. The Tribunal was supposed to take the place of the Attorney-General, and an appeal from its decision should go to a Magistrate. Apparently, the gentlemen who comprise the Tribunal consider it *infra dig* that appeals from their decisions should go to a Magistrate, and desire that they should go to

the Full Court. That means that a person who wishes to get justice will be mulcted in very heavy expenditure in appealing to the Full Court. Lawyers' fees will cost more, and there will be delay in the hearing of appeals. I see no necessity for this change of procedure. If the Tribunal had given a decision which was reversed by a Magistrate, with whose decision they were not satisfied, then they could have asked for this change. The Ordinance was passed in 1952 and we are being asked to amend it for no reason whatever. Nothing has happened to cause this amendment of the Ordinance.

In Finance Committee we asked that Select Committees be set up to consider anomalies in the Customs Tariff, and to consider expenditure in the Customs Department. Those Committees have not been set up but we have the Financial Secretary coming forward with amendments of the Ordinance for no reason whatsoever. It is very regrettable. There are more urgent things requiring attention. The adjustment of anomalies is a very important matter. The existence of anomalies is causing importers to lose money, and the public to pay more for articles because there is no proper classification. I am asking Members to support the deletion of this clause.

The Financial Secretary: It seems to me that the hon. Member is mixing several points. The Tribunal has nothing whatever to do with the Customs Anomalies Committee. He is trying to suggest to this Council that I have done nothing about having that Committee appointed. I have taken action on the matter, and action is still proceeding. I hope that the personnel of the Committee will be announced in a day or two. These things take time.

Speaking on the Bill itself, I wish to say that the Tribunal has met and drawn up rules for the conduct of its proceedings. It was felt that it was a body of men sitting with special data

before them and arriving at decisions which they were more competent to arrive at than a Magistrate. The hon. Member says it will cost money. That is quite true, because if an appeal is made from the Tribunal to a Magistrate and the party was not satisfied with the Magistrate's decision he would have the right to appeal to the Supreme Court.

What this amendment seeks to do is to short-cut that procedure, and I do not think we should hold that there are going to be all these appeals from the Tribunal. That is the main point—to reduce the cost of appeals and to assure the importer who is aggrieved that he can go to this Tribunal with his case and argue it before them and so get justice done speedily. I do not think the Magistrate is in the same position as the Tribunal to go into the merits and demerits of any dispute. In the circumstances I do not think I can agree with my hon. friend that it would be costing the importer more because I am seeking to have this amendment providing for an appeal from the Tribunal to the Supreme Court.

The Attorney-General: The point is this: Under the provisions of section 17 of the Customs (Consolidation) Ordinance if either an importer or the Comptroller is dissatisfied with the decision of the Tribunal which is established under section 20, he may within one month after such decision appeal therefrom to the Magistrate's Court to ascertain the right amount of duty to be paid on the goods; if no proceedings are so instituted the decision of the Tribunal is final and conclusive. What is sought under this provision which is now before the Council is to substitute for the Magistrate's Court the Full Court of Appeal and, as the hon. the Financial Secretary has said, thereby to short-circuit the appeals. That is to say, straight from the Tribunal the party aggrieved or dissatisfied with the decision will appeal direct to the Full Court of Appeal and

[The Attorney-General]

consequently save the expenses which would otherwise ensue if the present procedure is continued. As it is now, there is the appeal from the Tribunal to the Magistrate's Court and then to the Full Court of Appeal.

The Tribunal is now being regarded as being on the same level as the Magistrate's Court. That is to say, after the Tribunal has investigated a matter and given its decision, that decision will be regarded in the same light as the decision of the Magistrate's Court, and for that purpose it will not be necessary, or desirable, or expedient, or advisable to go to the Magistrate's Court but to the Full Court of Appeal so as to have the matter settled. The amount involved may be very substantial and, I think, those who do business would probably prefer to go direct to the Full Court and have their matter definitely settled by such a Court. Although the hon. Member who has raised the objection to the provision may feel the old provision is cheaper, I suggest to him that what is cheaper at one time may in the long run be more expensive. As you, Mr. Speaker, remarked, it is not so much the expense as it may be the delay, the question of time. That is a matter which this Council will have to consider but, I think, those who are responsible for the advice in connection with the substitution of the procedure must have given great thought to this and considered it fully before making the representation for a change in the law.

I would suggest to the hon. Member that he should not look at it from the aspect of the Magistrate's Court purely and solely. The Magistrate's Court has quite a lot of work and that may cause delay in determining such appeals. It has to be remembered when it comes to litigation, it has been emphasized over and over in this

Council that the population is growing and also other aspects besides production are sometimes increased too, such as offences, and as a result the Courts of the Colony are very fully occupied. I would suggest to the hon. Member to accept the proposal as contained in the Bill now before the Council.

Mr. Raatgever: With due deference to my hon. friend, the Attorney-General, it took the Administration of this Colony many years to bring forward this Customs (Consolidation) Ordinance. I know that the commercial community had asked for it for at least ten years. I myself as President of the Georgetown Chamber of Commerce on four consecutive occasions, once each year, wrote letters to the Government asking that the Ordinance be amended, and it was only late in 1952 that it was enacted. The hon. the Attorney-General must have consulted all the experts when the Ordinance was being prepared before it was placed before the previous Legislative Council and was approved.

The Attorney-General: I may remind the hon. Member that I introduced the Bill before the House and it had a very prolonged discussion. I am quite aware of what took place.

Mr. Raatgever: What has happened since this Ordinance was enacted to cause the Administration to come forward to have this law changed? Here is an Ordinance recently enacted providing for a Tribunal which has not yet sat, and there has been no appeal from its decision. What is the reason for the Administration coming forward to ask that this section of the Ordinance which was recently enacted after great thought be amended? That is my point, and I can get no answer to that. I see no necessity for this change in the law, unless it has been causing trouble in having the appeals to the Magistrate's Court or the Tribunal is not satisfied

with the decisions of the Magistrates. This thing is going to cause delay. Justice is going to be delayed. The consumer is going to pay more for his goods because of the wrong rate of duty levied.

The Attorney-General: I do not think the hon. Member appreciates that this will not cause the expense or delay to which the hon. Member infers, because the object of it is to cut out one of the legal steps in the movement so as to obtain justice. In other words, at present it is from the aggrieved party to the Tribunal, then to the Magistrate's Court and then to the Full Court of Appeal. What we are doing now is to cut out by this provision going to the Magistrate's Court. So I cannot see how the expense would be increased thereby or that justice would be more delayed by cutting out one step. It is an "express" to the final step, as I see it.

Sir Frank McDavid: It seems very emotional, this talking about the consumer and justice. As I see it, it is quite a simple matter. There is a dispute between an importer and the Comptroller of Customs in regard to the amount of duty to be paid. What this Bill seeks to do is to set up something new; that is, to place the Tribunal on a fairly high status in order to determine such disputes. It has been given the dignified name of "The Customs Tariff Tribunal", and it is composed of a Chairman and four members appointed by the Governor. In point of fact the Ordinance does not specify the appointees, but we have been told by the hon. the Financial Secretary the high level of the persons who are to be appointed. The Chairman is to be the Crown Solicitor, two members are to be commercial men representing the Chamber of Commerce, one is to be a Financial Officer and the other is to be a Barrister. Consequently, the intention is that it should be a Court of a fairly high

standard, and so it is given a responsible name. It is composed of responsible people, and it is given power to summons witnesses and to order the production of books. In other words, it is in every sense of the word a judicial court with judicial powers. When this body meets and comes to a decision, the law provides that either the Comptroller of Customs or the importer can appeal from that decision.

Under the law, as it now stands, that appeal is to the Magistrate's Court, and obviously that is wrong. You cannot have a judicial body of such a calibre and status appointed for this specific purpose and composed of people who know what they are doing, and envisage after they have given their decision for an appeal to the Magistrate's Court. I am not trying in any way to depreciate the merits of our Magistrates by any means, but when you have such a special tribunal an appeal from its decision should at once go to the highest Court. It is not a question of expense; I do not think that comes into it. It is not a question of cost to the consumer. The money is on deposit and the actual duty is not really paid until the issue has been determined.

It is like the Income Tax. You do not go to the Magistrate to determine your assessment. The assessment is made by a Commissioner and if you find that there is something to which you should object, you appeal to the Commissioners as a body and they sit as a Court and determine the issue. If you object to that second assessment or determination you then appeal to a Judge of the Supreme Court and not to a Magistrate. My point is, wherever you set up a high level Tribunal the proper step as regards appeal is to the Supreme Court. The other things raised are irrelevant. It is merely a case that a mistake has been made in putting the Magistrate's Court instead of the Full Court of Appeal.

Mr. Raatgever: A mistake was made when the Ordinance was enacted and the Administration is seeking to amend it. Why not come out and say that?

The Financial Secretary: It is obvious it was not necessary for me to state that it was an error in the first instance to require the appeal to go to the Magistrate's Court. In any case, as it is, the Tribunal has not yet the powers of a Court in summary jurisdiction. That is what the amendment is now giving it. I do not see there is any necessity for me to state that an error was made.

Mr. Speaker: I know of a case where an appeal has been pending for nearly two years now. May I ask whether there would be payment of duty pending an appeal?

The Financial Secretary: Yes, Sir; if there is no appeal within three months, then the goods would not be released.

Mr. Raatgever: This has been my business for 40 years. The importer deposits duty with the Comptroller of Customs at the higher rate—the rate he is appealing against. If the decision is against him and he does not appeal to a Magistrate or to the Supreme Court, he loses that amount of money and, naturally, it is added to the cost of the goods and the consumer pays it. Therefore, it makes the cost of living higher. However, in view of what the Member for Agriculture, Forests Lands and Mines has said—that it was obviously a mistake and that Government admits it—I would not press my objection.

Sir Frank McDavid: I maintain that the reason why the importer does not appeal but accepts the assessment

is because he is satisfied that the duty is correct—fair and just.

Mr. Raatgever: I will not pursue the matter in view of what has been said. My remarks will remain on record and people will see them.

The Financial Secretary: One will probably find that so long as he is appealing against a decision of the Comptroller of Customs and a lower duty has been paid, then a refund will be made to the importer.

Mr. Raatgever: I did not want to speak again, but I have been forced to do so. The importer appeals not because the goods are dutiable goods, but because he is not satisfied with the duty charged. If the tribunal decides that the full amount of duty must stand, and he feels that it is going to take four years to get a decision in an appeal against that—his money being tied up in the meanwhile—he pays the higher rate of duty and abandons the appeal, but that higher rate of duty must be passed on to the consumer.

Mr. Tello: The hon. Member (Mr. Raatgever) has assured us that when the higher rate of duty is paid it is passed on to the consumer, but I wonder whether he would also give us an assurance that if the duty is reduced and there is a refund to the importer, that refund would be passed to the consumer.

The Financial Secretary: I beg to move the insertion of the following proviso in this clause, 4:-

"Provided that the term "Tribunal" shall be read for the term "magistrate" and the expression "magistrate's court" and the expression "Secretary to the Tribunal" shall be read for the term "clerk" in the said Ordinance."

The Attorney-General: In view of certain difficulties, I beg to move that this amendment be deferred, and that

the Council now resumes with leave to meet again.

Question put, and agreed to.

Council resumed.

Mr. Speaker: The Bill is deferred in Committee.

GUARANTEED PRICES FOR FARMERS'
PRODUCE

Sir Frank McDavid : I beg to move, as at item 10 of the Order Paper, the following motion:

"Whereas by Resolution No. XXIX of the Legislative Council passed on the 9th day of March, 1951, the guaranteed minimum prices to farmers for ground provisions was extended up to the 28th day of February, 1954;

And whereas it is desirable that the said guaranteed minimum prices shall continue in operation for a further period;

Now therefore, be it resolved that the guaranteed minimum prices to farmers for ground provisions shall be extended from the 28th day of February, 1954, for a further period to the 31st day of December, 1954."

I presented to Council a memorandum on this subject on the day on which I gave notice of this motion, and I have very little to add to it. Members know, I am sure, that the prices of ground provisions have now been de-controlled. This is intended to encourage and stimulate the farmer. It is supposed to be a trial period of some six months in order that Government may secure some knowledge of the price structure. Farmers have pressed for this measure of de-control for some time, and as was stated in the memorandum, a Committee was set up in 1951 to consider the question of controls in general.

This motion seeks to continue in force the provision of a minimum guar-

anteed price, and indeed, some Members here and a good many others outside of this Council may feel it is illogical to have de-control simultaneously with the existence of a minimum guaranteed price. Indeed, it is illogical. The farmer would be benefiting both ways. At the same time I do feel and hope Members will agree it is very desirable we should continue this support of the farmer, that is to say, allow him to get the best he can; however illogical it may be, it is something that can be done and we cannot allow him to be discouraged in any way. Therefore, this motion seeks the approval of this Council to continue the system of a minimum guaranteed price, for another year, that is to say, to the end of 1954.

In point of fact I do not believe it will inflict a very great burden on the revenue: it simply means that in times of glut the Government Marketing organisation will undertake to buy, and therefore support the farmer in that respect. I do commend this motion for the serious consideration of this Council.

Mr. Phang : I beg to second that. It is very good that Government has decided to do this, and I agree with the hon. the Member for Agriculture that it is necessary and desirable to give the farmer every encouragement in his production of ground provisions. The period should, however, be three years instead of one.

Mr. Gajraj : I think it is desirable there should be more support from this Council on this particular motion. The hon. mover clearly indicated Government's view in this matter and I do not think we can too often repeat that it is desirable that Government should create conditions whereby production from the land can be increased as much as possible. We know that while there was control, prices of ground provisions

[Mr. Gajraj]

were bitterly complained against by farmers, particularly in the Canal Polder, the Pomeroon and the Northwest District. Selling prices were, in effect, below the cost of production, and as a result we found that the maximum retail selling price was hardly observed. Anyone going into the markets to purchase eddoes and plantains found themselves having to pay the prices asked for them or leaving without them. Government faced up to the facts and we realised that if we were to continue to maintain uneconomical prices which would hardly stimulate production, production would be reduced. We fixed what is known as the maximum retail selling price affecting certain areas only, and it was quite easy for the farmer to take his plantains and eddoes outside the area and sell them at more than Government prices, but what could we do about it?

It was suggested that this measure is illogical, but when we have reached to this stage, the law of supply and demand must come into play; and it is hoped by Government that farmers would see the opportunity of planting more plantains, more eddoes, more cassava, more tannias, because here they have the chance of getting a fair return for their labour. But we do not merely wish to see an increase in provisions, but will welcome the day when our plantains and eddoes will find their way again to Trinidad, Barbados and other islands of the West Indies. I hope that in the event of Government buying provisions in the time of glut the price paid would not be too low. Government should not take it out of public funds, but farmers should get back every cent that it cost them to produce. Also, we cannot expect to get 100 per cent. of production costs in time of glut.

I do not think that in the past Government received the right amount

of publicity for its actions and this is one case where Government must take full credit.

In conclusion I would urge farmers to plant not only for their own good but for the good of the country.

Mr. Raatgever : I rise to support the action of the Administration in removing control because the Committee recommended since last year that controls should be removed. The price of ground provision has risen. It has increased the cost of living of the masses and the people in the lower ranks of the Government services, and I am sure that in the next few months it will drop, before the farmer starts to produce in full.

Mr. Tello : I want to add a few words in support of this motion and to carry my mind back to 1945 when as Secretary of the Northwest Farmers Association and Secretary of the B.G. Farmers Union I was among those who had to approach Government for an increase in the price of provisions. We approached Mr. Laing, then Colonial Secretary together with the Marketing Officer, Mr. Moss, Government charged us with unbalanced production — too much of one thing and not enough of the other, and we in turn charged Government with improper distribution, and marketing which was not good enough so that in many other parts of the country there was a shortage while there was a surplus in the City.

In support of this motion I would say that Government is being faithful to its terms to protect the farmer and is upholding them by maintaining guaranteed prices.

This is an opportunity to convince Government that the farmers were

right nine years ago that distribution was bad. Now farmers are free to handle their produce by selling it in the best markets without restriction of price, and they will have a chance to consider their original form of production which will not only increase but increase in a balanced manner.

I agree with Mr. Gajraj on the hope of exporting produce. Once an elected member in this chamber said they were taking too much interest in the production of a commodity that is not exportable. Well, I think farmers have a good opportunity for export. I think Mr. Phang will be assured that the price will send down costs of production in the North West District, and I think farmers there have enough experience of the past to take care of distribution.

Sir Frank McDavid : I am very grateful for the support given to this motion. Perhaps I did not emphasise enough that decontrol is for a trial period. Prices have risen considerably and recently above the fixed price—even above the “black market” market prices—and of course, the effect of this is that the cost of living is going up.

I do think that the hon. Member (Mr. Raatgever) is correct when he says there will be or there should be enough for export, but we must first look after ourselves. I think everyone will agree with me that we lift the food guarantee here by exporting out of the country at the expense of the consumer. In such circumstances the guarantee must of course go on, even if we do not prevent the export. However, I am glad hon. Members have taken it in the way they have, and I think the farmer should receive due encouragement from the words which have been expressed here this afternoon.

Question put, and agreed to.

Motion carried unanimously.

CONTINUATION OF RICE FARMERS
(SECURITY OF TENURE) ORDINANCE

Sir Frank McDavid : I beg to move:

“Whereas by Resolution No. XXXIV of the Legislative Council passed on the 25th day of April, 1947, the Rice Farmers (Security of Tenure) Ordinance, 1945, was continued in force up to the 30th day of April, 1951;

And whereas by Resolution No. XXXI of the Legislative Council passed on the 9th day of March, 1951, the said Ordinance continues in force up to the 30th day of April, 1954;

And whereas it is desirable that the said Ordinance should continue in force for a further period;

Now, therefore, be it resolved that the Rice Farmers (Security of Tenure) Ordinance, 1945, shall continue in force for a further period of one year from the 1st day of May, 1954.”

I regret that I have to ask the Council to approve of the continuation in force of the Rice Farmers (Security of Tenure) Ordinance, 1945, which was continued in force until the 30th of April this year by a previous resolution of the Legislature. I think Members are fully aware of the fact that the report of the Committee which was presided over by the hon. Member, Mr. Lee, was in the hands of the Administration some time ago during the regime of the last Government. However, many complexities arise out of that report. The Bill which will be introduced as a result of that report has been engaging the attention of the hon. Attorney-General for some time. It is quite useless to come forward with that Bill unless all these very difficult points are resolved. Consequently, what is being sought now is the approval of this Council for the extension of the Ordinance for a further period of one year from the 1st of May, 1954, on the under-

[Sir Frank Mc David]

standing, and with the expectation, that before that year expires the Bill will have emerged and will be introduced in this Council. I sincerely hope that will be so. I regret having to bring this motion but there is no other course open. I formally move the motion.

The Financial Secretary seconded.

Mr. Raatgever : I am very glad to hear the hon. Mover apologise for bringing this motion forward, because the existing Ordinance is an iniquitous piece of legislation. In the State Council last year I said it was unjust to continue the Ordinance. It is unfair to the landlords because the rents are pegged to the 1941 figure while the cost of maintaining the estates has increased two or three times. On the other hand the rice farmers have received very substantial benefits. The price of padi has risen considerably, and so has the price of rice. In 1941 the price of padi was \$1.20 per bag and rice \$4.20 per bag. Today the price of padi is \$6.30 and rice \$16.90 per bag, but the landlord's rental is pegged to the 1941 figure.

Mr. Speaker: Not when the payment of rent is in padi. Aren't there cases in which the farmer pays his rent in padi?

Mr. Raatgever : In very few instances. I agree that where a farmer pays his rent in padi there is some benefit to the landlord, but even then it is not what it ought to be, because the landlord is losing money. It is not right; it is not fair. I would have thought that the Law Officers would have made some attempt to bring forward the draft Bill prepared by Mr. Lee's Committee. We spoke about this in the State Council last year and it was publicised. I do hope the new Ordinance will be brought into force before the year ends, and that the revised

rental charges will be made retrospective from the 1st of May when the new Ordinance should have come into effect.

When I was speaking on the Development Programme last week I sounded a note of warning about over-expansion of the rice industry. I repeat that warning and with your permission, Sir, I would like to quote from the *Jamaica Advocate* of the 20th of March. It is a very valuable newspaper because it gives me a lot of information which I hope will benefit our people. The article is headed "U.K. Trade Policy Aids Communists," and states:

"The danger of the U.K. Government's present attitude towards West Indian export crops providing 'a fertile field for Communist agitation and infiltration' was pointed out by the Farmers Federation at a Council meeting this week. In a resolution on the subject the Council catalogued a number of points indicating a U.K. trade policy which tends to deny encouragement and assistance for development of primary products in the West Indies.

"Government of the United Kingdom rejected the representations of the British West Indies Sugar Association and failed to grant the British West Indies an export Sugar Quota adequate to the needs of these territories, so that Jamaica is now faced with the necessity to reduce sugar production from the present rate of 364,000 tons per annum to approximately 315,000 tons per annum, thereby causing distress to thousands of cane farmers and creating unemployment among sugar workers."

That is what I was warning against when I advised the rice producers in this Colony to go cautiously. I advised against over-production in the rice industry, because I knew about this situation in Jamaica. I had this information a year ago, and it was in the interest of the rice farmers that I said what I did. I did not want them to have the experience of the cane farmers of Jamaica. Her Majesty's Government during the war years and the post-war years encouraged the sugar producers in the Caribbean area to expand their

production, and recently entered into a long-term agreement with these Colonies to take a certain portion of their production. Her Majesty's Government had also encouraged the producers in this Colony and other Colonies in the Commonwealth to increase their production of rice, for which purpose free grants to the extent of £3 million were provided.

In the recent debate I said that the same thing was going to happen to the rice producers in this Colony as happened to the cane farmers in Jamaica where, unlike this Colony, peasant cane-farming is carried on to a very large extent. It is the poor people in this Colony who are going to suffer if care is not taken not to over-expand the rice industry. That is the point I tried to make in the previous debate, and I am repeating it now, so that there may be no doubt about the matter. On the last occasion I pointed out what was happening in Jamaica and the hon. Member, Mr. Kendall, told us what was happening in Trinidad.

Traditional markets for rice supplies from this Colony are trying to make themselves self-sufficient. Where are we going to sell our rice if we over-expand our industry? I am told that the rice-eating population of the world is increasing to a tremendous extent. I agree, but so is the production of rice in the East increasing. As eight million tons more rice will be made available in 1956-57, the production of rice is bound to overtake the increase in population, and rice is going to be dumped again in the West Indies. I do not say that that will happen in 5 or 10 years, or sooner. I hope the time will never come when what has happened to the sugar producers in Jamaica will happen to the rice producers in this Colony. Our sugar industry has reached the limit of its expansion. It is going to suffer from

the restriction of the quantity to be taken under the Agreement, but we will not be so badly off here, because we did not expand our sugar industry to the extent that Jamaica did. On the other hand cane-farming is a peasant industry in Jamaica, while in this Colony cane cultivation is largely carried on on a plantation basis.

There is one other point on which I wish to sound a note of warning to the Administration. It is about the high drainage and irrigation rates which are being charged.

Mr. Speaker: Is the hon. Member likely to be much longer?

Mr. Raatgever : I should be finished in another 10 minutes.

The Chief Secretary : I hope the hon. Member will speak to the motion.

Mr. Raatgever : I am speaking to the motion. I was about to give an instance as part of the rice expansion scheme on the Corentyne, that on the four estates, Bloomfield, Letter Kenny, Auchlyne and Whim, where Government empoldered the third depths at the expense of the proprietors. The empolder was completed in 1948 and the Drainage and Irrigation Board started to assess rates on the estates, although the main drainage works in the area which have been commenced are not in operation, and the Torani canal is not functioning. I was just pointing out that the drainage rates collected by the Drainage Board was for something they were not providing, and even up to now it is not being provided. The rates charged at the outset were \$3.00 per acre and last year the amount was increased to \$4.00 and this year to \$6.31.

I said when I was speaking about rice that we have to reduce the cost of

[Mr. Raatgever]

production in order to meet competition, that we have to increase the yield per acre and reduce the cost of production. How can we reduce the cost of production if the Government are continually increasing the drainage and irrigation rates which are passed on to the tenants? There is provision in the law for that. How can the cost of rice production be reduced? How are we going to meet competition if the Government increase the drainage and irrigation rates annually as they have been doing? The time has come when the Administration will have to investigate all these charges. If this Colony is to be able to compete successfully in the open market, the time has come when in everything we produce expensively—sugar, rice, ground provisions — we must reduce the cost, if we are to get outside markets for our produce and if the people of this Colony are to get a better standard of life. We want to give them a greater stake in the country, and so we must diversify our agriculture to give them that. If we produce, we must produce in competition with the outside world.

The Administration has not given much assistance to the rice producers. Much of the lands in the third depth on the Corentyne is heavily wooded and bulldozers are needed to clear the land. I know two estates in that same area that were unable to get the use of bulldozers to clear the land. They are now clearing the land, but as the result of lack of equipment about 1,000 acres of rice lands on those two estates were not put into cultivation. Yet we are talking of expanding the industry. Both estates have been able to do a certain amount of clearing of the land. I applied for a dragline about six months ago and I have not been able to get it as yet. I was told both were being used on the jute experimental scheme, instead of one being used there and the

other made available for purposes of rice cultivation. Now is the time that we must get all we can out of rice, if we are to get any benefit from it. We should not wait five or six years when the competition starts. I wrote again a month after I had applied and was told that one of the draglines had broken down. The following month I enquired again and was told that it was still broken down.

When I wrote the third time I was told that we had to wait because there were a lot of applications before ours, and I do not know whether we would ever get a dragline. They could have told me that originally and I would have tried to get a dragline from one of the sugar estates. The land is being made available to the extra-nuclear population on the sugar estates, but there are many other people who would like to use it. It seems to me that there is no proper management of the equipment that Government has at its disposal for assisting rice production.

Mr. Speaker : I can understand the necessity the hon. Member has making his remarks, but I think he is going outside the motion at present.

Mr. Raatgever : I accept your ruling, Sir, but I would like to point out that my remarks relate particularly to the Rice Farmers (Security of Tenure) Ordinance. I think the question of the preparation of land has something to do with the Bill, but if you rule that I am out of order I will accept it.

Mr. Speaker : The main purpose of this Bill is to continue in force the Ordinance mentioned by the hon. Member, for a period of one year. Apparently the hon. Member wants to justify the comparison he made yesterday, and I know that what he is saying is correct.

Mr. Raatgever : I will just close by saying that I hope the remarks I have made would be of some use to the people of the Colony, and also that they would be accepted in the spirit in which they have been made.

Mr. Rahaman : I am not in agreement with the views of the hon. Member, Mr. Raatgever, when he says that the world is learning to eat more rice.

Sir Frank McDavid : I must rise to a point of order. I think we are developing the debate into a question of the acceptance of rice by the public.

Mr. Speaker : I am not going to deal with that.

Mr. Rahaman : I think it is necessary to explain this Bill, and that should be done now. I am supporting the motion.

Sir Frank McDavid : All I would say is that I hope it would not be assumed from the remarks of the hon. Member, Mr. Raatgever, that the recommendation in the report on the draft Bill has been prepared entirely in favour of the landlord. One would expect that the new Bill would be entirely in favour of the landlord, but that is not so at all. The hon. Member (Mr. Raatgever) spoke almost entirely on the increases in rent which the landlord hopes to receive. I want to make it quite clear that the new Bill will embody changes which, I hope, will improve the position on both sides and set what is wrong right. A considerable amount of latitude was allowed in this debate, and I do feel I should say that there is a considerable margin of satisfaction in the issuing of the warning. That is incidental, but if the person who warns proves to be right he could always say "I told you so",

while if he proves to be wrong his warning is forgotten. The hon. Member (Mr. Raatgever) gave at least three warnings this afternoon, to which my remarks apply. Motion put and carried.

INCREASED PAY FOR RURAL CONSTABLES

The Chief Secretary : I am very grateful to you, Sir, for allowing us to go through with this motion which reads:

"Resolved, that the rate payable under Item 6 of the Third Schedule to Chapter 30 be increased from \$1.50 to \$2.00, and that the maximum award provided for under Footnote (d) to the said Third Schedule be increased from \$3.00 to \$4.00;

And Further Resolved, that these increases be given retrospective effect from the 1st of January, 1954."

Under Chapter 30 of the Constabulary Ordinance wherever a Rural Constable is called out on active service it is laid down that he shall be paid for his service with money provided by the Legislative Council for that purpose, according to the Third Schedule of the Ordinance. The rates which are at present operative were fixed in 1949 and are completely out of line with the cost of living and the daily wage payable to an unskilled labourer.

When some Rural Constables are called out they are employed in guarding prisoners who are hospitalized and this means they have to do duty for long periods, and, as Members can see, they are only paid at the rate of \$1.50 for eight hours. It is proposed to increase this rate to \$2 and bring it practically into line with the daily wage of an unskilled labourer who is paid \$2.09. Sometimes when a Rural Constable is called out and he already has a job, he actually loses by giving service in this way.

[The Chief Secretary]

Footnote (b) to the Third Schedule says that where more than two services are performed on the same day, not more than \$3 shall be awarded altogether for those services, and it is proposed to increase this from \$3 to \$4.

I may say that the claim made by these people has been outstanding for some considerable time and it is proposed to give effect to this alteration from the first day of this year.

Mr. Ramphal seconded.

Mr. Sugrim Singh: I would like to say briefly that I support this motion whole-heartedly.

Question put, and agreed to.

Motion carried unanimously.

Council adjourned to Thursday, 8th April, 1954 at 2 p.m.