

LEGISLATIVE COUNCIL

Friday, 28th July, 1944.

The Council met at 12 noon, the Hon. E. G. Woolford, O.B.E., K.C., (New Amsterdam), Deputy President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary,
Mr. W. L. Heape, C.M.G.

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. deAguiar (Central
Demerara).

The Hon. H. N. Critchlow (Nom-
inated).

The Hon. M. B. G. Austin, 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. C. R. Jacob (North West-
ern District).

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

The Hon. A. M. Edun (Nomi-
nated).

The Hon. V. Roth (Nominated).

The Hon. C. P. Ferreira (Borbice
River).

The Clerk read prayers.

MINUTES.

The minutes of the meeting of the
Council held on Thursday, 27th July,
1944, as printed and circulated, were
taken as read and confirmed.

UNOFFICIAL NOTICES.

AMENDMENT OF LICENSED PREMISES BILL.

Mr. CRITCHLOW gave notice of
the following motion:—

Be it Resolved, that this Council recom-
mends to Government that legislation be
enacted in order that the hours between
which licensed premises may be open in
urban areas, as set out in the First
Schedule to the Licensed Premises Bill,
1944, be amended as follows:—

- (a) That every day with the exception
of Sundays, Christmas Day, and
Good Friday, and as otherwise pro-
vided in this resolution be amended
to read—8 a.m. to 12 noon—2 p.m.
to 6 p.m.
- (b) That Saturdays be amended to read
—8 a.m. to 12 noon and 2 p.m. to 8
p.m.
- (c) That all Wednesdays and public
holidays be amended to read—8
a.m. to 12 noon.

SPIRIT SHOPS HOURS.

Mr. EDUN gave notice of the fol-
lowing motion:—

WHEREAS, Government has embarked
on Social and Welfare matters ably

assisted by the Imperial Government from funds under the Development and Welfare Act:

AND WHEREAS. Social Welfare constitutes the well-being of the Spirit Shops employees, regarding their hours, amenities and conditions of work;

AND WHEREAS, it is an essential ingredient of Social Welfare matters that public streets, roads and/or pavements be kept free of undesirables and debauchers loitering thereabout until very late hours of the night and thus creating trouble of various characters;

Be it Resolved, that this Honourable Council adopts a measure for fixation of hours attaching to opening and closing of Spirit Shops in the City of Georgetown aforesaid. to remove the menacing eyesore in quarters and/or places of the City of Georgetown, aforesaid.

REVENUE AND EXPENDITURE ON GOVERNMENT ESTATES.

Mr. EDUN gave notice of the following questions:—

1. What are the comparative figures of revenue and expenditure of the Government estates of Windsor Forest, La Jalousie and Hague during the years 1941, 1942 and 1943 regarding the cultivated sections of the aforesaid estates?

2. What are the comparative figures of revenue and expenditure of the house lot sections of the Government estates of Windsor Forest, La Jalousie and Hague during the years 1941, 1942, 1943?

CONTRIBUTIONS TO WAR FUNDS.

Mr. AUSTIN: Sir, before the Order of the Day is proceeded with I shall be glad if you will permit me to make a few observations on a matter which has exercised the minds of most of us for the last two or three years. I refer to the small sums of money which some of us would like to be able to send to the United Kingdom rather than deposit them at the Post Office Savings Bank. I am not suggesting that the Post Office is not safe; it is as safe as any other Government Department, but in every Colony in the British Empire the system exists whereby sums

of money can be sent to the United Kingdom for the purpose of war savings.

The COLONIAL SECRETARY: Not every Colony. It does not exist in the Bahamas.

Mr. AUSTIN: I will qualify that by saying that it exists in most Colonies. We can send our small contributions through the Banks but this Colony gets no credit whatsoever for sending such sums of money. It is not that the individual wants to know the amount subscribed, but I think it rather unusual that in this one British Colony on the South American Continent people are unable to get tokens for sums which they may like to invest in war funds. The Colonial Treasurer has always been very eloquent against it. I cannot comprehend why he should be. Many of us are doing it through Trinidad and other places, and it is known that that is done. There need not be any great expenditure about it. A start could be made in Georgetown and New Amsterdam. All people want is a token from the Post Office that it has received 10/-, £1 and anything up to £10, and that the money would be sent direct to the United Kingdom for the purpose intended. I do hope that further consideration will be given to this matter because, although the Treasurer naturally likes to see a large sum of money in the Post Office Savings Bank, he must not forget that quite a lot of that money comes from stores, and that the Post Office Savings Bank was never intended for that purpose.

The DEPUTY PRESIDENT: I shall draw Government's attention to the hon. Member's remarks. I think he is aware that a statement was made on this particular subject some time ago. I do not know how much further I can carry it at the moment, but I will undertake to see that it is brought to the notice of the proper authorities.

ORDER OF THE DAY.

RICE FARMERS (SECURITY OF TENURE) BILL. 1944.

The Council resumed the debate on the second reading of the following Bill:—

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

Mr. C. V. WIGHT: This Bill has my entire support. As a member of the Committee against whom criticisms have been made one would naturally expect that I should support the Bill which proposes to give effect to certain of the recommendations in the Committee's report. It is unfortunate that some of the Members who have spoken, not necessarily against the composition of the Committee, did not have the opportunity of listening to the evidence which the Members of the Committee heard. I was rather surprised to hear the hon. Member for Demerara River (Mr. King), for whom I have the greatest respect (as a matter of fact my opinion is that he is perhaps the best solicitor in the Colony) say that on the Committee there were three barristers not instructed by solicitors. We barristers, although we are not given credit for it, pride ourselves on being able to handle any situation, sometimes well sometimes badly, and sometimes whether we know what we are talking about we handle a situation very well.

With regard to the evidence which was led, I would like to point out that every opportunity was given to the landlords to come before the Committee. Some of them chose so to do but others did not; why, one hesitates to say. The evidence led before the Committee was in the main given by tenants. Perhaps the necessity for this Bill is not, so urgent now as when the Committee was taking evidence. I say that because at that time there was no doubt about it that there were certain landlords who were simply skinning their tenants, and they were people of their own race, reli-

gion and creed. They were the worst offenders. The hon. Member for Essequibo River (Mr. Lee) was also a member of the Committee. He will tell the Council that there were certain allegations made of acts which seemed to be inhuman, and there was a lot of truth in some of them. Some were exaggerated and others figments of the imagination, but there was a great deal of truth in some of them.

Since then we have had the Defence Regulations which prohibit the ejectment of tenants, and which to a certain extent has led to (I do not like the word) victimization. It is very difficult to eject a tenant today. In view of that and the present situation as regards the price of rice the need for the Bill is not as urgent now as it was a couple of years ago, but at the time the Committee was set up there was urgent need to give tenants some kind of security and to see that they got their just due as producers. This Bill is the result.

The hon. Member has raised certain objections. Some of them may or may not be of any weight, not necessarily legal weight in the sense that there is legislation of a similar effect in England. I think I can claim responsibility for the setting up of the Committee because I had repeatedly urged in this Council the necessity of giving some security of tenure to tenants of rice estates, and that was because I represent a district in which the rice industry is perhaps the largest and the only industry in that area. It is true that in that district the rice industry is not carried on in the same way as it is in the other areas. There the tenants have to sell their padi to the millers. They are compelled to have their padi milled at the mills of their landlords. In other words, they are in the grip of the landlords. I have no hesitation in saying that those tenants were seriously mulcted in several ways by that system.

I happen to know of cases (whether they still exist or not I do not know) in

which tenants had actually put their padi into the mills but did not know what price they would get and did not have any document to show what amount of padi they had put there, and for two years or more had not received what was due to them. There have been cases where even after accounts had been gone into and a settlement arrived at, no payment was received by the tenants. In some cases they receive payment in dribbles. Those tenants were nothing but economic slaves, bound hands and feet to the landlords. There are some landlords in my constituency who would chain their tenants and keep them in servitude for life. They are doing it even now. I would like to see whether those tenants will under the extension of the franchise support those landlords. Quite likely they will, but why one cannot say. One only has suspicions.

That is the general background of the Committee's set up. The hon. Member who has just taken his seat happens to be interested in the same estate as I am. His views do not coincide with mine but there may be something in what he says. He has asked that the Bill might be deferred for consideration by a Committee. That request was made to His Excellency in Essequibo on Monday -- that the Bill be deferred in order to give certain persons an opportunity to consider its practical effect. There seems to be a division of opinion as to whether the Bill should be referred to a Select Committee of this Council or to a Committee consisting of landlords, tenants and Members of this Council. From what I gathered, His Excellency seemed rather sympathetic and inclined to defer the Bill if it became necessary. Is it necessary to defer the Bill in its entirety? Is it necessary to defer it at all? There seem to be really only two clauses against which criticism might be levelled or could be levelled. Those clauses are those dealing mainly with specified conditions and the standard rent. First of all I am opposed to going to the Courts. I am

a lawyer and it may be a small source of revenue for me, but I try to keep people out of the Courts. I must say that at the Magistrate's Court during certain hours of the day chaos reigns and will continue to reign. The slipshod methods and the ignorance of legal methods being exhibited today in one or two of our Magistrates' Courts is not a position in which this Colony can be happy. With those few general remarks I think we can dispose entirely of the argument for recourse to the Courts or at least some of them in this Colony.

The specified conditions I have referred to are really questions of the purchase of padi and the milling of padi. Some landlords feel that both are necessary. I cannot agree with the purchasing of the tenant's padi because I see no reason why a tenant should not have the right to have his padi milled and sent to the Rice Marketing Board on his own account. Why should the landlord or anybody else be able to speculate on his padi? In other words, there is no harm in saying straightforwardly that a tenant should be allowed to sell his padi to whomsoever he pleases, provided he is not in debt, and perhaps at the best price. There is, of course, one objection to both conditions,—the purchasing of the padi by the landlord and also the milling of it. The objection is that there is a possibility that the tenant may be hoodwinked by intermediaries who may become middlemen. Men with a few thousand dollars may set about to purchase padi from the tenants by devious methods and otherwise and have it milled themselves and sold to the Rice Marketing Board. In other words, not only will you have the landlord but the agents going around and offering more. If these middle men are allowed to run riot we would get the same effect after a time as we got with the landlord. In other words, you will not get away from the evil you are attempting to stop. You start advancing money at exorbitant interest and they will be compelled to sell, perhaps, at such a price that will have agents doing the

same thing you are trying to prevent the landlords from doing. But I am inclined, perhaps if there is to be any specified condition which may be compulsory, to listen to the argument though I am not in favour of it—the landlords who have mills should be allowed the compulsory condition of the milling being done by their mills at a fixed rate, a rate known and agreed upon by the tenant. In other words, the only way one can agree to that will be if there is inserted in the condition that the milling fee will be so much, so that the tenant will know whether the milling fee is at the same figure as that outside. When one sees a proviso of that sort, one can accede to the request for better milling conditions by the landlords.

The DEPUTY PRESIDENT: A specified condition is set out in (c).

Mr. C. V. WIGHT: What is stated should be the proviso, if you have a compulsory clause that the milling must be done on the landlord's estate. I say that because it is obvious that a number of estates will be unable to compete without the milling and you will have their mills idling. I know it is being said that we have not sufficient mills to mill the padi into rice and, therefore, people will naturally go to the nearest mill at hand. But one has to remember that there are other mills and other agents who if they offer the slight inducement of five or ten cents per bag will have the effect of drawing from the landlord's mill the tenants' padi. Naturally they will leave and go to the other places and then when they return there is fear of sanctions being applied by the landlord. As it is said, there is congestion and they will have to borrow money to pay for the milling or return to the landlord who will then charge them what he likes for the milling. I would seriously advise, even if the Bill goes through today, that we see they get the best price within reason for their padi and also that the milling is done on the estate

and the price of the milling is fixed under contract. That is all they want to be assured of. There is also this other factor. There are certain mills which do not turn out—and in some cases it is a set purpose—the correct grade of rice from the padi received. In other words, a man delivers to his landlord a certain grade of padi and that landlord can juggle around and by turning a little screw on the engine that tenant does not get the best rice from his padi.

The other question is in relation to the standard rent. I appreciate the argument of the hon. Member. As regards Essequibo I can say without hesitation and fear of correction that the average rent charged per acre is \$8.00. Is it fair that those people who have been charging \$8.00, or perhaps \$9.00, should be entitled to 10 per cent. on that as against those landlords who have been charging less—\$5.00 and \$6.00? In relation to that I have a suggestion to make and that is that any landlord whose rent is below \$6.00 should be entitled to raise his rent to \$6.00 and no more, and no rent should be taken over \$8.00. That is, all rents will be kept within the boundaries of \$6.00 and \$8.00. That does not mean you will couch the amendment actually in those words. In other words, if the rent is \$5.00, 10 per cent. will take it to \$5.50 but a man will be able to charge \$6.00.

The DEPUTY PRESIDENT: The hon. Member makes a suggestion of two rentals but there are different conditions. Will you agree to consider the position of two crops being available on certain estates as against only one on others?

Mr. C. V. WIGHT: I am talking generally of where there are two crops. I am not referring to the cases where, for instance on the Courantyne, you actually get in species so many bags as rent for so many bags handed over—in some cases 25 per cent. What I am saying is that you can allow a man to bring his rent up to \$6.00 for the

two crops, but it would seem, if there is no difficulty in that, the fairest method. I think from the report it is not very difficult to rectify. From the report itself one would easily see that if it becomes necessary you can then have an assessment of the several areas. Where all the areas are more or less together as in Essequibo you can easily assess them. I am not entirely in agreement with the principles of the Bill. In fact, I would be very illogical if I did not, seeing that I started out on the cry of better security of tenure for the tenants, repeatedly reiterated that in this Council and was largely instrumental in having the Committee appointed and reporting as a member of the Committee myself. If there are any fears of inequality of treatment, if there are going to be fears that the landlord will be dispossessed entirely of his land, as suggested by the hon. Member for Demerara River (Mr. King): then I suggest that we may limit under Clause 23 the operation to one year. It may be for one year and then reviewed in the light of experience gained in the year 1945 before the continuance of the Ordinance. One will be able to see if the landlords are genuinely suffering a loss, a serious loss, because I quite appreciate one has to be very careful in passing legislation depriving certain people of certain specific rights, rights of ownership of property, that it is being done equitably and in fairness to both sides and not taking for granted that there are only bad landlords and forgetting that there are also bad tenants. There is going to come a time when we shall wake up to the realisation that there are good and bad and all these difficulties will be easily overcome. In support of that we have this: the necessity or occasion for the Ordinance now is not the same as when the Committee was sitting, a period of about six months, or, in other words, from the beginning of the war.

But for hon. Members to say there has been no harsh treatment of tenants, I think, it is stretching one's imagina-

tion considerably. I remember when I went down to Essequibo to contest for a seat in this Council padi was fetching 80 cents per bag and the tenants did not know what was happening. They were purchasing padi at 80 cents and \$1.00 per bag, and there is no doubt about it that today the tenants are getting fair value for their padi and they may even get more. We have it that landlords were making considerable sums of money and were actually speculating with the tenants' padi. It is difficult in Essequibo to break down at once the system of purchasing by landlords, which is done practically throughout the Colony. It may be difficult to induce people to get their padi milled and sent to town. They may be afraid they are not going to get their money. In Essequibo they are lucky if they get it in three months and even in two years, the hon. Member knows that, and some of them are lucky to get it at all. If we can induce them to sign and get their padi milled then it will be all right. It will be also necessary to educate them to the fact that they had better not allow themselves to be induced for the sake of five cents less to have their padi stocked in the mill for a year or two. I think we can do with a mill or two more. I would also like to state I have discussed it with the hon. Member for Essequibo River who is also a member of the Committee and I think our views coincide in respect of this matter—that when we formulated this report we had in mind the early erection of central rice mill which would have eradicated a lot of these provisions in this Bill. A central rice mill policy has been accepted as regards Essequibo, but I believe it is going to be thrown overboard.

Mr. SEAFORD: Rice expansion has nothing to do with this at all.

Mr. C. V. WIGHT: The hon. the Colonial Treasurer will be able to make a definite statement, but I do know the central rice mill will not be erected in Essequibo but will be sent somewhere else.

Mr. PEER BACCHUS: Perhaps to a more central spot.

Mr. C. V. WIGHT: The central spot may be Georgetown or New Amsterdam if that is not too central. There was that consideration which was before the Committee at the time when it was deliberating on this matter, that a central mill system will alleviate the necessity for these two specified conditions. There is another point on which I may touch, and that is in relation to Clause 5 (3) where it says:—

"(b) the undertaking given by the tenant was in consideration of a loan of money made to him at his request by the landlord, and is expressed to have been so made, for the purpose of assisting him to plant, cultivate or reap his padi."

I think we will have to give a little enlargement to that because, as most hon. Members know, tenants do not only borrow for the purpose of planting, cultivating and reaping. They borrow to get married or to get their children married and for all kinds of domestic reasons. It has been a very bad system. I appreciate that, one which gives rise indirectly and gives opportunity to some of these rapacious landlords who simply lend at a tremendous rate of interest so that the tenant never gets out of his hands and is always in debt. There may be good reasons to amend that sub-clause to read, "loan made or to be made." It may be a case where the loan has not been already made but application is being made for that loan. I appreciate the fact that the new Co-operative Credit Bank Ordinance and the idea behind it is to encourage these tenants if possible and people engaged in agriculture to borrow from the banks rather than to be in the hands of these proprietors. Finally, I think if there is going to be any fear of hardship and bankruptcy in the operation of the Ordinance we may give it a trial for a year and see how it works.

Mr. EDUN: It appears to me that certain hon. Members of this Council do not understand or have not grasped the principle underlying this Bill. As I see it in my examination the Bill is a process of conciliation between the landlord and his tenants. This country and every other country are being supported in their economics by two productive elements, the workers and the peasants. So far as I know as a Trade Unionist the law of this country has provided a certain conciliatory process whereby the workers and their organisations can meet with the employers and their organizations and hammer out a certain understanding between them. That is the purport of this Bill, and I want to compliment Government for taking this opportunity to carry out the same principle as between workers and employers in the case of the miller, landlord and tenant. The labour cost of breaking these lands from sugar cane beds into rice beds is the prescriptive right of the tenants, who have been working those lands for about 20 or 25 years. There will be difference of opinion in a Bill of this sort, but I think Government has done everything possible to exhaust every representative machinery—the setting up of a Committee, the Duke Committee; the publication of the Bill; receiving amendments and finally hammering out something which should be given a chance to work. I am privileged to tell this Council that one of the largest landlord-millers—and I am privileged to call his name—Mr. Abdool Rayman, J.P.—has informed me that he supports the Bill *in toto*—and that it should be given a chance to work. That is an opinion coming from a responsible citizen of this country and a landlord and miller himself.

If you look through the Bill carefully it will be seen that there is no provision for penalties. That is because the principle is to bring the two parties together in a District where there is a District Commissioner, who will listen to both sides and exhaust every means of conciliation first. If, however, there is a deadlock then the common law of

the country must decide the matter. There is no penalty under the provisions of this Bill and, therefore, I do not see there should be any fear about a clash of interests. I have listened to the very able and eloquent pleading on behalf of the landlords by the hon. Member for Demerara River (Mr. King).

I think as a lawyer he has done exceedingly well in putting up a case in favour of his interests, but there is another side of the matter—the tenant's side. Both sides will have to put their case before the Council in order that the matter be determined. His remarks were based on the principle of the greatest good of the greatest number. In this case the tenants are in the majority and the landlords the minority.

On my visits to Essequibo, Leguan and Wakenaam. I have seen conditions there among my own people, the Indian people, who are landlords and tenants. There is a system of economic slavery which is rotten to the core, and with those conditions in view the Committee has endeavoured to do something in the interest of the majority. I do not see any question of a landlord losing his property or not being master of his own property. If we are to take an equitable view of the situation, why should a tenant be evicted after he has been on the land for many years and has acquired a prescriptive right as a result of his labour? He may be a tenant of 30 years' standing and has been a good tenant for 29 years, but perhaps in one instance he has become a bad tenant and is evicted. That is what Government is endeavouring to prevent and to humanize the whole thing. I think that in the interest of the rice tenants and their security of tenure this Bill should be given a trial, and I believe that if there can be a change of heart between landlords and tenants there should be no cause for fear at all.

The hon. Member for Demerara River (Mr. King) said there was not a single rice estate in the country with

parapets free from grass. The cleaning of a parapet does not mean cleaning the trench, but in 80 cases out of 100 the landlord requires his tenant to clean the parapet half-way in the trench in front of his land. The Bill protects the tenant from doing work without pay by cleaning the trenches of his landlord. The Bill seeks to create a standard throughout the rice areas, a standard of rent and conditions of planting. It must not be forgotten that in the past there was no planting at all in respect of the rice industry. The padi producers have endeavoured in their own way to establish certain relationship with their landlords. This is the time when planning should be done and the relationship between them should be examined and rectified. I do not see anything in this Bill which invalidates the common law of property. I observed at Leguan and Wakenaam that the kokers and drainage trenches were not well kept. I know of several instances where free grants were given to the proprietors to clean their main drainage trenches in both islands, and if Government considers it necessary to make grants to those landlords it certainly should have the right to lay down the principles on which the relationship between landlords and tenants should be established.

I do not see anything in the Bill to which a landlord should take exception. He is protected so far as the padi is concerned. He can make certain specified conditions, but when the hon. Member for Demerara River says that it will not be possible to get the tenants to work in unison there is an element of truth in that. I feel that the Bill should have gone a little further. The tenants should have some organization whereby they could act together and meet the landlords. That would be an ideal thing, especially in regard to the supply of water by mechanical means. Having regard to the co-operative ideas we are trying to preach it is necessary that this Bill should provide for tenants' organizations which should be recognized by the landlords and by law. I agree that there

should be a Board of Arbitrators because producers should be encouraged not to resort to the Courts and waste their money. The decision in cases of dispute should not be left to the District Commissioner in finality. I agree with the hon. Member when he says that after all the District Commissioners are human and likely to err, and that some of them are incompetent. If Government's idea is to provide a cooling off period between the two parties I think it should be definitely stated in the Bill. There should be certain guiding principles which would humanize the whole affair. Clause 11 (d) says that the decision of the District Commissioner shall be final in the matter of bequests of agreements of tenancy. I think there should be an Arbitration Board which should meet the point raised by the hon. Member for Demerara River.

The DEPUTY PRESIDENT: In your particular area in respect of the lands held under lease from Government at La Jalousie and Windsor Forest I know of cases where a person died intestate and a relative merely went to the Ranger and executed a transfer of the lease. Those things have happened.

Mr. EDUN: I see in the principles of this Bill the system that pertains in India where a tenant has the right to bequeath land from generation to generation. Now that the ideal is being accepted throughout the British Empire not to alienate the land I regard this Bill as a measure to accelerate that principle. There has been much dispute at La Jalousie and Windsor Forest because Government owns the lands there.

The hon. Member for Demerara River suggested that the Bill should be deferred for re-examination by a Committee. As I listened to his speech yesterday I was reminded of the debate on the Labour Bill in this Council. There was the same tendency towards delay, prevarication and to waste time.

This is no time to refer the Bill to any Committee. I think it would be an utter waste of time.

The DEPUTY PRESIDENT: The proposal the hon. Member had in mind was referred to by the hon. Member for Western Essequibo (Mr. C. V. Wight) as a Committee of this Council.

Mr. EDUN: There is nothing wrong in that. I say let us give the Bill a trial. The workers have been given protection and it is time that the rice tenants be given it also. I agree with many of the points made by the hon. Member for Western Essequibo. Like myself he is interested in the tenantry of this Colony. I think the time has come when something should be done to protect them.

Dr. SINGH: I rise to support this Bill and to compliment Government on having introduced it. During the three years when I was President of the East Indian Association many people came to me from Wakenaam with complaints against their landlords. With regard to the points raised by the hon. Member for Demerara River, I agree that they should be gone into because they are worth considering. While I agree that the tenant needs protection I also think that the landlord must be safeguarded. For that reason I agree that the Bill should be referred to a Select Committee of this Council.

Mr. JACOB: I am wholly in favour of this Bill and I do not wish it to be referred to any Committee of this Council or to any Committee of landlords and tenants. I think Government has delayed too long in this matter, and but for the action taken by His Excellency the rice industry would have been in a far worse position. I have in my hand the report of the Rice Farmers (Terms of Tenancy, etc.) Committee which was appointed at the urgent and specific request of the tenants on the 2nd February, 1942. The Committee held 22 meetings at 17 places and submitted its report on the 22nd August.

1942. The landlords and tenants had every opportunity to submit their views before that Committee, and let me say at once a very representative and, in my opinion, a competent Committee. Very few landlords availed themselves of the opportunity, believing, as they do up to the present time, that those with means and money should be able to restrict Government's activities in the future as they have done in the past. The result is that one hon. Member at least has suggested many things, some wise and some very unwise.

I propose to deal at some length with the statement made by the hon. Member for Demerara River (Mr. King), and if I do him an injustice I would be sorry. (laughter). The hon. Member started off by saying — in fact I was not present when he spoke on the previous day. He detained this Council for nearly an hour and a half and started off on Thursday by saying that "anyone with some knowledge of the rice industry would be convinced that the Bill was a measure which would endanger and ruin the rice industry of the Colony." I am reading from the report in to-day's *Daily Argosy*. My friend thinks that the rice industry is in a very healthy state at the present time and that it would be ruined if this Bill goes through. Let me just give a few figures to show the state of the industry at the present time, in view of the fact that the price of rice is so good at the moment and Government has been doing its very best to encourage the production of rice. I have a statement giving the figures from 1928 to 1941. It is not quite complete. I am not going to read all the figures as I find my statement is not complete. I have the complete statement at my office. I had asked for the report of the Rice Marketing Board and got two reports, the only ones available at the moment. I understand—one dated 31st March, 1942, and the other dated 30th September, 1942. Perusing those reports I can find no specific figures as to the quantity of rice produced and exported in any particular year. I know that those who are

particularly concerned with these reports can juggle with figures. They have successfully juggled with figures in the past and continue to do so. While an appeal has been made to the Chairman of the Board to do his best to have this Bill postponed, I am wondering what attitude this Government is going to take up.

I find that in 1941 for the period 1st October, 1941, to the 30th September 1942, we exported 18,663 tons of rice. Let us say that is the 1942 figure. I think the 1943 figure, speaking from memory, is 20,000 tons and for 1941 a little over 8,000 tons. I wonder if steps had not been taken by His Excellency last year to allow tenants to remain on the land what would have been the position. Last year and this year, there is no doubt, there has been some improvement, and this Bill when it goes through will stabilise the industry and put the tenants in a position to continue to plant and with some degree of security. I remember that when this industry exported 29,000 tons of rice Government thought it should step in and aid the industry and enable it to export larger quantities of rice. But what has happened since then with all the help Government has given it, with all the experts and rice expansion expert? The exports declined from 29,000 tons to 8,000 tons in 1941, and this year I doubt whether it will be anything more than 20,000 tons. Therefore from 1933 up to the present time we can state that the exports have declined by at least 10,000 tons and in some years they went down by 20,000 tons.

The DEPUTY PRESIDENT: Was that due to the insecurity of tenancy or to the non-production of rice?

Mr. JACOB: Varied causes, one of which was the tenants were deprived of their lands. There were other causes as well.

The COLONIAL TREASURER (Mr. McDavid): May I ask whether the weather had anything to do with it?

Mr. JACOB: The weather may have had something to do with it, but it had not the effect the Government of this Colony supported by the hon. the Colonial Treasurer wants to make out.

Mr. PEER BACCHUS: The hon. Member will give us a little more information as to the acreage planted during those years!

Mr. JACOB: I am not at all concerned with the figures that the Agricultural Department supplied because those figures are definitely and almost wholly incorrect. They are based on calculations that cannot stand scrutiny.

Mr. de AGUIAR: I am sorry to interrupt! As Chairman of the Agricultural Advisory Committee, I must ask the hon. Member to support his statement with proper evidence. A bald statement like that cannot be accepted.

Mr. JACOB: I do not want anybody to accept my statement particularly those associated with this matter. I have a letter sent me recently by the hon. the Colonial Secretary in which it is stated that the Department of Agriculture is unable to give figures of rice consumption and estimated figures of acreage. I had asked to be supplied with figures of acreages, consumption and production of rice. The figures given are not accurate but just estimated. That, however, is what the Department has done for the last fifteen years. That is a fact. The hon. the Colonial Secretary, I am sure, will not deny that as he may be able to look up the copy of the letter which had been sent to me. I am not going to bandy words with my hon. friend as regards the production of rice. I am merely going to make the statement that the rice industry had been ruined, it is recovering and this Bill is going to stabilise it.

When the hon. Member for the Demerara River, (Mr. King) goes out of his way to say this Bill is going to ruin the industry, I wonder, what he is thinking about. We know the hon.

Member for the Demerara River has been in this Council for some time. We know the interest he has taken and his attendance in this Chamber. All these facts are well known, but while he was speaking yesterday I was wondering what role he was filling. He represents the Demerara River District in this Council. When I look at that constituency I can see very little rice being grown there, particularly on the East Bank, and although the Hector Joseph Commission recommended that rice should be grown in that district up to the present time Government has not seen the necessity to press that rice should be grown there. That is how Government expects the rice industry to be extended. That is how the Rice Expansion Committee is working. From Ruimveldt to the Air Base which the Americans have established on the East Bank of the Demerara River, I do not think 100 tons of rice is produced in that area, but when you consider on the other hand the quantity of sugar produced there you must realise the effect that has on the rice situation or the working people of the Colony. I think not less than 30,000 tons of sugar is produced on the East Bank of the Demerara River from Ruimveldt to Diamond, but when you take the quantity of rice produced there you see very little if any. When you take the West Bank you find the same picture; rice is produced there in a slightly larger way.

Therefore I wondered whether my hon. friend was speaking as Member for the Demerara River or in his other capacity. He fills many roles. We all know he is a practising Solicitor and that he represents large interests—bauxite, sugar, rice, coconuts and others—and I was definitely doubtful as to what role he was filling. Perhaps he may tell us. My hon. friend blames the Committee. This Committee, composed as it was of Mr. E. Mortimer Duke, now Legal Draughtsman; Mr. C. Vibart Wight, the hon. Member's partner in business and Member for Western Essequibo. The hon. Member for

Essequibo River, Mr. Theo. Lee; Mr. A. W. B. Long, District Commissioner and a very competent one too; Mr. L. D. Cleare, Deputy Director of Agriculture. If a Committee, composed as this one is not competent to give a proper report on a matter of this kind, I say with all confidence my hon. friend does not know what he is talking about. He is definitely incapable and incompetent to criticise this Committee's report and its members. He himself has some interest, as he tells us in a rice estate at Marionville, Leguan, and the hon. Member for Western Essequibo has interest in that estate too. Whatever that interest is, I do not know, but I know they control the estate. But the history of that estate has been very — what should I say? I am helped with the word— painful. I do not want to refer to the facts brought out in a Court of Law, in the Supreme Court of this Colony when judicial action was taken. What it was all from?

I am not going to refer to those facts, but the fact remains that the rice tenants, particularly those at Leguan, have been very dissatisfied with the attitude of the millers and landlords. Let me say at this stage that the majority of these landlords are Indians and I have no regard for them whatever. I think they have been the worst kind of Jews we have in this world, though they are people of my own race. I wish the Deputy President to take note of what I say. I do not support them at all. So far as Wakenaam is concerned I have had to do with many of those properties, the sale of them and other things. I have no sympathy for the landlords and millers of Wakenaam. They are in the majority of cases Indians too, and so I wish as certain hon. Members of this Council state that they have noticed a tendency on the part of certain Members of the Council belonging to a particular race to take every opportunity to support that race, that they take notice of what I say. I represent a constituency here and when I have to speak I do so on behalf of my constitu-

ency and the Colony in general and not on behalf of any particular race of people. While the majority of landlords and millers are Indians I support this Bill wholly. I wish it will go through as early as possible and that the provisions had been much harder.

I do not agree that the Bill should only be in force until 1947 and that the time should be extended by a resolution of this Council. I think it should be a permanent Bill and that it should be extended to all parts of the Colony and not restricted only to rice estates. My hon. friend, the Member for Demerara River, and men like him are always of the opinion that the peasant farmers or tenants must have limited areas of land to plant. I agree with that to some extent. I agree that by mechanical means things will improve. I agree that if these people are aided by mechanical devices they would be able to plant a certain area. I wonder why this Government stresses the point that certain people should not own more than ten to fifteen acres? Why other people should own 20,000 to 30,000 acres of land? I cannot understand it. I trust a law will come into force limiting the holdings not only of peasants but of landlords as well. If a landlord is able to reside on his property and himself cultivate by mechanical means 1,000 acres, by all means let him do so, but do not allow him to reside outside his property and use economic slaves by a set-up in this Colony to keep his estate in order, plant all he wants, reap those products and send them to his mill, and he just sits down and bosses and when it suits him to turn off the land unfortunate victims so as to enjoy the fat of the land by himself. If I own an estate I would certainly like to have it divided up in a co-operative way, so that a man and his family can plant ten to twenty-five acres in rice, coconuts, fruits—rear sufficient cattle with communal pasturage and have a small area for a garden. Should he want title for the land I would certainly give him. Why should he not?

The British policy and the Colonial policy had been—and I think it is sup-

ported by the Imperial view — that certain people, the natives, must be slaves at all times and other people must be landlords or lord it over their tenants and do exactly as they like. As I say, I am going to deal at length with this subject and I wish others would do the same. I do not know what certain Trade Union leaders are going to say and do about what I stated just now. I remember quite well that at a conference held in Trinidad one hon. Member of this Council was present and it was the unanimous wish of those present, representatives of Trinidad, Barbados and British Guiana, that this question of land tenure should be definitely settled. It was also unanimously agreed that representation be made to the proper quarters that no man should own more than fifty acres of land and he should be able to properly cultivate that land and likewise no tenant should own more than he can properly cultivate and when he fails to do so someone else should take over the land. So I say, I do not know what certain Trade Union leaders are going to say at the present time. I know what the landlords are going to say. I know we have most powerful interests in that class. I think it is worthwhile repeating the statement of the hon. Member for Central Demerara: "They have the means and the money and they will do everything possible." They will keep this Council in session here day after day. The Soap Bill is an instance, and this is another. I have no doubt that the debate on the second reading will not finish today, and so we will go on. If they are prepared to delay the work of this Council and this Government and Government supports that view, then we would all delay the work. The time has come—

The DEPUTY PRESIDENT: I have no idea to whom the hon. Member is referring.

Mr. JACOB: I know well what I am saying, and if the Deputy President is not aware of what I am referring to I am only sorry.

The DEPUTY PRESIDENT: There has been no indication on the part of other Members that they propose to take the whole day in considering this matter. If I am told so I would invoke the Rule of ten minutes speeches.

Mr. JACOB: I am afraid you cannot do it now, because you have allowed one hon. Member to speak for one and a half hours.

The DEPUTY PRESIDENT: I do not mind you speaking for two hours.

Mr. JACOB: My hon. friend went on to say that he felt that the Bill was drafted as the result of a report ill-conceived by members with any experience that can be accepted and, therefore, he could not accept the recommendations made by the Committee. Well, sir, I said just now that this Committee was a competent committee composed as it was of the members I have named. The Committee recommended on page 6, paragraph 26—

"(a) the introduction of legislation prescribing and regulating the terms and conditions of letting and hiring of rice lands such terms and conditions to be implied in every instance as covenants running with the land; with full liberty to a tenant to sell his padi wheresoever and to whomsoever he likes; landlords to maintain proper and efficient drainage, and irrigation, and all dams to be used by tenants to be kept and maintained by landlords in good order and condition at their own cost and expense;"

That is the position. Only two or three hon. Members have referred to the fact that a tenant on a sugar estate or on a rice estate—and I am sorry that sugar estates are not included in this Bill—is given a few acres of land. These lands are made up in a way for the planting of sugar canes with drains and beds in a particular form, and in order to convert those beds into rice beds you have to plough, fill in the drains and level off. It takes a period of several years to put that land in good condition so as to be able to get a

proper crop from that land. I know that has happened in Leguan and Wakenaam. Instances have come to my knowledge — and I have seen them myself—where a man spent up to \$50 per acre to level off the land. That man expects to be able to plant rice there and to have that land for an indefinite period and to leave it in most cases to his other relatives when he leaves the place or if he happens to die. But it has suited certain landlords to drive those tenants out of those lands, and sell immediately those lands to other tenants at a price which give them a profit to which they are not entitled. That is what has happened. It has happened at Leguan—probably on the estate in which my hon. friend has some interest—and I believe it has happened in respect of the case of the particular tenant to which he made reference.

During his speech yesterday my hon. friend made reference to a tenant whom he had cause to evict. He knows what I am talking about. I am not familiar with the facts. I do not know whether he has succeeded in evicting that tenant, because it means the tenant has certain rights and I have no doubt, he is pursuing those rights. As I understand the position, that tenant has relatives, maybe his parents, who assisted him to break down that land. They were all living in the landlord's house and he had nowhere else to go. Let us assume that tenant did do certain things which were not proper, such as abusing the manager of the estate or speaking in derogatory terms of the proprietor. He did not, however, commit a felony. He did nothing to put him within the pale of law. He regretted what he had done and asked for forgiveness but it was not given him. I do not know whether that tenant will be able to bring forward a claim for compensation in respect of the land which he has broken down.

Mr. KING: To a point of order! The hon. Member is speaking without the slightest idea of the circumstances

of this particular case. He is speaking in a nebulous way absolutely untrue as regards the foundation of his argument. If the hon. Member had come and asked me what the facts are, I would have been perfectly willing to give him.

Mr. JACOB: That is a surprise to me. I do not know if the hon. Member has forgotten the long conversation he had with me over this particular tenant his holding a long conversation with his partner over this tenant, and it was ultimately decided that they could not endanger discipline on the estate by allowing that tenant to remain there. Maybe I am not familiar with all the facts, but the plain fact remains, as the hon. Member said himself, he is getting this man off the estate. The man has nowhere else to go and is entitled to compensation for the breaking down of the land.

Mr. KING: He is not.

Mr. JACOB: That answers the point.

Mr. deAGUIAR: To a point of order! Are we trying a case here? I suggest it is irrelevant to the Bill.

The DEPUTY PRESIDENT: The hon. Member is speaking in the interest of the tenant. I see no objection to that.

Mr. JACOB: My hon. friend is forgetting the principles of debate. If he was listening to the hon. Member for Demerara River (Mr. King) he would have heard him lay particular stress on this particular case. I have every right to lay as much stress as possible on it too.

Mr. deAGUIAR: I have listened to the debate very well. The hon. Member for Demerara River referred to a tenant, who was going to be evicted and expressed sorrow for what he had done, and stated that owing to all that had happened he could not be

rehabilitated and that the hon. Member for North-Western District was not in possession of the facts.

Mr. JACOB: I have not said up to the present time.—

The DEPUTY PRESIDENT: Don't be unnecessarily long. The report refers to cases of landlords and tenants and I think every member of the Council understands that both have grievances and that both interests are being protected.

Mr. JACOB: As you know, I do repeat myself (laughter). Hon. Members may laugh. If I do it is only for the sake of emphasis.

The DEPUTY PRESIDENT: It is not always true you do so at one session, but you cannot overlook the fact that you do give statistics about the Rice Marketing Board at each session.

Mr. JACOB: Perhaps it is nauseating to the Government when I repeat certain things at each session, but you can refer to particular things at particular times and you can refer to those things every time you have an opportunity. That is not repeating yourself.

I was making the point that this particular tenant came to me. He also went to the hon. Member for Demerara-Essequibo (Dr. Singh) and to the hon. Member for Essequibo River (Mr. Lee). We made a joint representation to the landlords that this tenant should be forgiven as he had learnt a lesson and would behave himself. But in order to make this man an example and in order to intimidate the other tenants on the estate the landlords were not willing to forgive. What did he do? It would be well to understand what he actually did to merit this very harsh treatment. On the other hand my friend said just now that a tenant is not entitled to compensation for the land he has put in a position to grow particular member of the Board is not

rice at all times. He has broken down sugar land and converted it into rice land, but he is not entitled to compensation. I understand he is entitled to compensation but my friend, who is a lawyer, says he is not.

That brings me to this point that my friend wishes every matter of this kind to be carried before a Magistrate, and after that to the Supreme Court, and maybe to the Privy Council. Would a poor tenant be able to do that? The ordinary tenant in most cases is almost penniless, demoralised and obliged to do anything because not only he but his relatives would be victimized, and his supporters too would be victimized. He could not get anyone to state the facts in a court of law. The hon. Member does not like the idea of the tenant going before a District Commissioner or someone in authority and getting him to decide what should be done. Of course not. His partner in business said that he has always discouraged litigation. It is not his policy to encourage people to go to the Magistrate's Court, and he made very uncomplimentary reference to some of the Courts. There we have differences of opinion between two lawyers, two Members of this Council and partners in business. I was wondering what role my friend was playing yesterday. He referred to the Rice Marketing Board and its Chairman, the Colonial Treasurer, who he said was doing everything in the interest of the rice industry, and suggested that the Board should do everything in its power to prevent the provisions of this Bill becoming law. I have no doubt that composed as it is the Board may attempt to do that. What is the composition of the Board?

The DEPUTY PRESIDENT: Don't let us go over that. We know it.

The COLONIAL TREASURER: May we take it as read? (laughter).

Mr. JACOB: The Board is composed in the main of landlords, men who have the money to do anything. A particular member of the Board is not

here today to represent the cause of certain interests. I think my hon. friends know to whom I refer. I will not supply the name. Some of the members of the Board have been there for too long a term. If this Bill is referred to a Committee as suggested and the appointment of the Committee is delayed for some time, the Committee may refer it to the Board and other parties, with the result that there would be further delay. I want to suggest, as I have done before, that there should be a limit to membership of Boards. No person has the right to sit on a Board perpetually. I observe that effect is being given to that. For instance no Member has the right to sit on the Executive Council for eight years.

Mr. J. A. LUCKHOO: Is this relevant to the debate?

The DEPUTY PRESIDENT: It is not. The hon. Member has referred to a remark made by the hon. Member for Demerara River (Mr. King) who expressed the opinion that the Rice Marketing Board should use its influence to suppress this Bill, and he has called attention to the personnel of the Board. There is no argument that follows on that. Why examine the composition of the Board or its life?

Mr. JACOB: I am submitting that this Board is not competent to go into this matter composed as it is. I am within my right. I certainly cannot just say those few words without saying something to make my statement understood. While it may be unpleasant it is nevertheless true. I observed in one of the newspapers — I think it was the sugar paper—that in Jamaica the Governor has taken action to the effect that no member should sit on a Board for more than six years, probably four. I am not certain of the number. I suggest that this matter should not be referred to a Committee and that the Rice Marketing Board is not competent to advise on it. Finally the hon. Member for Demerara

River suggested that the Bill should be withdrawn and submitted to a Committee consisting of proprietors of rice lands and rice tenants or the representatives of rice tenants. I cannot understand that suggestion because a Committee was appointed, received evidence and reported. I strongly protest against these interminable methods adopted by Government in some matters—land settlement is one of them —bringing them forward and then referring them to a Committee, with the result that nothing practical is done. This matter has been in the minds of certain Members of this Council without self-interest, and they are fully satisfied that the Bill as drafted is a good one, and that its operation should not be limited to 1947.

Regarding the remark that the rice industry would be ruined if this Bill goes through I would like to point out that, if I understand the preamble correctly, it is only to provide better security of tenure for tenant rice farmers and to fix the rent payable for the letting of rice lands. I understand that this Bill is not to have effect all over the Colony. It may have effect in Essequibo and in the islands of Leguan and Wakenaam, but not on the East Coast of Demerara. I hope I am correct in that interpretation.

The DEPUTY PRESIDENT: It is quite universal—wherever the conditions exist. There is nothing restrictive about it. You are thinking of the Defence Regulations which were restricted to Leguan and afterwards to Essequibo.

Mr. JACOB: I take it then that tenants other than those on rice estates will have security in most cases.

The DEPUTY PRESIDENT: In places where rice is cultivated and where there is the relationship of landlord and tenant.

Mr. JACOB: I understand that, but in respect of other plantations this Bill will have no effect.

The DEPUTY PRESIDENT: Yes, that is so. It is clear from the definition.

Mr. JACOB: That is what I was getting at. Members may have noticed that something peculiar has happened between Kitty and Buxton, the constituency of my friend the hon. Member for Central Demerara (Mr. de Aguiar). Ten years ago one saw large blocks of rice growing alongside the road between those two villages. I think it is well known that there were large numbers of rice mills 10 years ago between Newtown and Buxton, but I think no less than 15 of those mills have been demolished because of the fact that rice cultivation was no longer there. The landlords refused to allow rice to be planted. While the mills were getting some rice from that area they got the bulk of rice from the Upper East Coast and sometimes from the East Bank. The result has been that less and less rice was grown on the East and West Coasts of Demerara, the West Coast of Berbice and the East Bank of Demerara, resulting in at least a score of mills being demolished in Demerara during the last 10 years. Of course that has had no effect on the production and export of rice from Government's point of view. It is only the weather. It is not the restricting of the areas and the breaking down of the rice mills, or the curtailing of the worker's right to plant rice so that he could move around and get a few day's work at very small rates of pay. From Government's point of view those things have not contributed to the decreased production and export of rice.

I say that this Bill should be extended to include every estate, or wherever rice has been planted in the past. Why sugar and rubber plantations should be excluded beats me. But I wonder whether there is any rubber plantation in this Colony? Are we thinking of planting rubber here (let members of the Chamber of Commerce take note), a new industry that can be built up on the front lands?

Mr. SEAFORD: I thought that as a member of the Chamber of Commerce the hon. Member would have been more up-to-date, and would have known that a rubber industry is being developed.

Mr. de AGUIAR: He is a silent member.

Mr. KING: It is the only place where he is silent. (laughter).

Mr. JACOB: The hon. Member tried to get me to speak there today but I would not speak. Two can play at the same game. It is definitely instructive to me to know that there is a rubber plantation in the Colony and that it is on the coastlands. There may be rubber at Plns. Tuschen, Leonora and Uitvlugt, but certainly there is no rubber plantation in this Colony, and I challenge any Member to name it and to tell me the area under rubber. That is the kind of statement we get here. I can see the trend of thought.

Mr. de AGUIAR: Is the hon. Member the Member for North Western District?

Mr. JACOB: My hon. friends are so apt to pick holes that they would not listen. Their ears are corked at times and some of them have such warped minds that they cannot think correctly. I qualified it by saying "on the coastlands" because I know my constituency very well. I keep in constant touch with my constituency and I have been around the place over and over again. I do not pretend to be a rubber expert, but I know there is no rubber plantation on the coastlands, and I suggest that this Government is not acting fairly when it restricts the Bill and excludes rubber and sugar plantations from its provisions. I am asking Government to be honest and to think of the future of the country and not of the capitalists only. The rubber industry is going to be capitalized and the sugar industry is capitalistic.

If the Colony is to progress it must progress through the peasants.

When I attempted, at first very cautiously, through the preamble to get at the facts I was actually put off. Government must decide to be honest, and I make no exception when I make that statement. I am dissatisfied with the methods adopted by this Government over a considerable period. It is true that there have been changes recently, but I am not satisfied with the sincerity of the actions being taken. One or two officers may be sincere but the majority of the officers, especially those on the Civil List, are not working in the interest of the people of this Colony.

The COLONIAL SECRETARY: The hon. Member for North Western District (Mr. Jacob) mentioned a letter which I sent to him. I think he was only partially right when he said that the Department of Agriculture had given the estimated figures. Actually what the Department provided were the estimated figures of production and the actual figures of the export of rice, and it is of interest to remind the hon. Member that this is what was stated in the letter:—

"The rice table shows estimated production and actual exports. The average of the differences gives an average estimated annual local consumption figure of 26,000 tons. The Rice Marketing Board informs me that their figure for local consumption approximates 25,000 tons with an upward trend as a result of war conditions. It will be appreciated that the figures of production for any year bear no relationship to the exports of the same year as the bulk of the crop is reaped in the late Autumn and exported the following year. Shipping available also influences the figures and there may be a carry over."

The hon. Member was furnished with the actual exports and the estimated production and I think the Department of Agriculture which went to great pains in furnishing those figures from 1931 onwards, cannot be so severely criticized as implied by the hon. Member.

Mr. JACOB: I have actually prepared a statement showing the total exports over a period of two years, and

the total production over a similar period, so that we could arrive at the average consumption. I have in my hand a statement from 1926, but as I said just now the statement I have prepared was left in the office. The fact remains that all these figures are estimates.

The COLONIAL SECRETARY: Not the exports.

Mr. JACOB: Of course not. The Rice Marketing Board in its report will not give those figures so that a proper comparison may be drawn. The Colonial Secretary said that the Department of Agriculture has taken great care in the matter. I have taken extremely great care over a number of years to get those figures but I cannot get them from the Department of Agriculture, the Rice Marketing Board, the Chamber of Commerce or anywhere else.

THE DEPUTY PRESIDENT: You must not debate that statement.

Mr. JACOB: It is a sad state of affairs that this Government, with all its statisticians and economists, cannot arrive at figures showing the production, export and consumption of rice over a period of years. If they took figures for 20 years before the war and worked out the average they could certainly arrive at the figures. I am going to give the Council the figures at some other time.

Mr. de AGUIAR: In the course of this debate the Council has been treated to considerable divergence of opinion regarding the provisions of the Bill. I did not propose to say anything on it, but in view of the remarks made by various Members it seems to me to be proper at this stage that I should say something on it. Before I deal with the Bill itself I would like, as a member of the Rice Marketing Board and the Chairman of the Advisory Committee of the Department of Agriculture, to make some reference to certain remarks made by the last speaker. I had hoped

that his references to the Rice Marketing Board in particular would have ceased long ago by reason of the fact that he has quoted so many figures on so many occasions which could not bear examination. It seems to me that he is one of those people who will never be convinced. He starts off by referring to the report of the Board and accuses the Board of juggling with figures. Of course those of us who have listened to him here all these years are accustomed to that phrase of his. Anything that he has not done is wrong and any figures submitted by other people have been juggled with.

Mr. JACOB: May I correct my hon. friend? I have quoted the export figures which have been supplied to me as being accurate.

Mr. de AGUIAR: The hon. Member does not deny that he used the phrase that the Rice Marketing Board juggled with the figures. I do not think he can unless his memory is very short. He used those words not very long ago.

Mr. JACOB: I do repeat that the Rice Marketing Board has juggled with the figures and the Chamber of Commerce had to correct them at a certain period. It is recorded at the Chamber of Commerce.

Mr. de AGUIAR: I am afraid that the hon. Member's understanding of what happens is entirely different from mine. If he regards a correction of a statement as a suggestion that there had been juggling with figures I do not understand his logic at all. There is one thing he has done today in quoting a series of figures. I do not wish to deal with all of them but I was very pleased to hear him say—and this time his prediction may be right—that he believes that the exports of rice may reach 25,000 tons. I would like to remind him that he has worked out his estimate quite a good deal since the last time he referred to the same matter in this Council. What I would like to tell him again—and I hope it will

be the last time I will have to do it—is that he knows that he keeps on repeating, and I hope he will spare me the trouble of having to point it out to him again. He knows how difficult it is for either the Department of Agriculture, the Rice Marketing Board, or any other Government organization to arrive at what may be described as a true return of the rice produced in this Colony.

Mr. JACOB: I do not think it is so very difficult. Do not put words into my mouth.

Mr. de AGUIAR: I am saying that the hon. Member knows. If he does not know he ought to know because he claims to have a considerable knowledge of the rice industry, and if he has that knowledge he must know, otherwise he is either ignorant of the subject or perhaps he makes false utterances whenever he makes a speech on this matter in this Council. He knows only too well that although one may know the exact number of acres under rice cultivation it is exceedingly difficult to get correct returns from those cultivations. What is done is that the average yield is worked out. In a particular area where rice is planted over a period of years an estimate is made of the average yield in that area, and the hon. Member knows too that even that average varies in various districts. Therefore it is exceedingly difficult to arrive at accurate figures. An attempt has however been made to arrive at what may be considered a reasonable estimate of the crop, and that is done first of all by working backwards. You get your export figures and you arrive at an estimate of the consumption figures. That, of course, is extremely difficult and in fact impossible.

I wonder if he would claim the right or knowledge of being able to say what is the quantity of rice consumed in this Colony? If he does that, then his place is not on earth but somewhere else. There is an estimate prepared of the average consumption, and by adding the average consumption to the

export figures you arrive at what may be considered as the crop return of that particular area. If the hon. Member knows any other way in which an estimate of the rice crop in this Colony can be arrived at, then it seems he is in duty bound, not only as a Member of this Council but in the interest of the industry he claims so much to have at heart, to disclose it. We have been trying for years and years—the Agricultural Department, the Rice Marketing Board, and most people who have the interest of the industry at heart—to estimate what is the true crop return. If the hon. Member knows any other method by which this return can be computed he is in duty bound to submit his formula, and in that way we will get some idea of the true crop return. But I submit, he has none. What he has got—and he has it always in his mind—is to rise in this Council whenever the occasion arises and speak about the Rice Marketing Board. The hon. Member cannot refrain from doing so.

Mr. JACOB: May I interject? Is this not rather personal? I think my hon. friend is labouring the point too much, and it is quite irrelevant.

The DEPUTY PRESIDENT: I much prefer that neither of the hon. Members refer at any time to the activities of the Rice Marketing Board.

Mr. de AGUIAR: I agree and personally I will not refer to the Board at all in this debate. As a matter of fact I have not yet begun to speak, but I was compelled to make the reference the hon. Member having referred to the Board and the Agricultural Department to which I am attached. With my better knowledge of the suggestion of the hon. Member, I think, it is only fit and proper that I should give the Council the benefit of my knowledge in so far as this matter is concerned. I would leave the hon. Member alone and his criticism of the Board, the membership of the Board and the whys and wherefores of the Board, and pass on to something else.

In so far as this Bill is concerned, there is general agreement that the existing conditions, as we know them, in this Colony should not be allowed to continue. What has led up to this Bill? His Excellency appointed a Committee, a very strong committee, to examine the position, and that Committee submitted a report. To my mind the task of that Committee was in the nature of an enquiry, and I do honour to those who served on it. They certainly made a very complete and exhaustive enquiry into the subject. One has only to read the report to see the amount of labour they expended in the performance of that particular onerous duty that was entrusted to them. The next step that was taken, was the laying of the report in this Council. On some occasions when you have an important report like this one, it is the custom to discuss it and to accept it entirely or to accept a portion of it and reject the balance. But, sir, there was great haste in this matter. There is no doubt about that. Conditions were very bad indeed, so bad that it became necessary to invoke the assistance of the Defence Regulations and to prescribe certain orders. It became necessary to proceed at once with the preparation of a Bill. I think I am right in saying that His Excellency immediately gave instructions for that to be done. I am not by any means suggesting that the Bill was prepared in a hurry, nor am I saying that the Bill was not prepared in accordance with the recommendations of the Committee's report. To the contrary, my own view is that the Bill was prepared along the lines of the Committee's report.

But whilst it is true that the enquiry was exhaustive, I am beginning to feel a little bit worried as to whether the conclusions arrived at are correct. It naturally follows that if the conclusions are not quite correct then the recommendations—there are thirty-five of them—are not correct. Having regard to the importance of the Rice Industry to this Colony, it seems to me that those Members who feel that we

should act with caution are not taking what I consider to be the correct course. I do not want non. Members to feel, especially those who spoke in favour of the Bill, that I am not in favour of it I do want them to accept the view that caution is necessary and we ought to be very careful not to do anything that may lead to irreparable harm instead of the good we hope to achieve by the passing of this Bill. It therefore seems to me that, perhaps, the suggestion that was put up—I think it was done by more than one hon. Member—that the Bill may be referred to a Select Committee of this Council so that various points may be threshed out is a good one. So, sir, I may perhaps give you one illustration as to why I think that view is sound.

It is true that in the course of the Committee stage, perhaps, it may be possible for any hon. Member—in fact it is allowed—to rise from his seat and suggest an amendment to the clauses of the Bill, but we know from experience here that when you put forward an amendment of a clause on the spur of the moment, while it may appear reasonable yet on the other hand it may have very serious effect on the remaining clauses of the Bill, and in some cases it may make the Bill wholly useless. Therefore I fear that unless we proceed with caution it may well be that the whole value of the Bill will be lost. We will not be doing justice to the landlord for whom, I believe, some Members care very little—and I may say I share their views to some extent—neither will we be doing justice to the tenant. What do we find? I am very much concerned about certain aspects of it. I know and I am very conscious of the desire to assure security of tenure to the tenants. I think that is the primary object behind the Bill, and that is as it should be. There can be no question about that, but as a layman it does seem to me that this Bill goes a little further than that, perhaps not in so many words; but I am inclined to the view that it may be

well that the tenant is not obtaining security of his tenancy. On the other hand, the landlord may be dispossessed of his land and, so it seems to me, we are doing a wrong thing just there.

In so far as clause 11 is concerned which is another clause I have picked out where provision is made for the tenancy to pass on at the death of a tenant either to his heirs or executors. I do not know, but that does not seem to me to be quite right. It brings me back to the original point I made. If you are going to provide in this Bill for a tenant to be secured during the whole of his lifetime and at his death that tenancy is to be passed on either to his heirs or executors, as the case may be, then the only conclusion that can be arrived at is that you are dispossessing the landlord of his land.

Mr. JACOB: Certainly not!

Mr. de AGUIAR: The hon. Member agrees with me.

Mr. J. A. LUCKHOO: He is on the other side, because he does not agree with you.

Mr. de AGUIAR: I am sorry I misinterpreted him.

Mr. JACOB: That is what you do all the time!

Mr. de AGUIAR: He evidently does not agree with my interpretation of the clause. Then I ask the hon. Member this question, as I happen to know he is owner of transport which, I am told, is described as an indefeasible title to land. The hon. Member has such a document in his possession. I wonder whether he would like any endorsement to appear on his title giving a tenant perpetual rights as prescribed in this Bill. I ask him the question, if he had to do it whether he would not think that he was being dispossessed of his land. I go further and ask him if he would not think the title he holds to the land is valueless.

Mr. JACOB: May I reply by saying, my original point comes in. No person should own land who cannot beneficially occupy it, even a landlord.

Mr. de AGUIAR: The hon Member does not go as far as I would like. He should say no person should own a house unless he wants to live in it. He talks about democracy, slavery and all kinds of things. I ask him whether he would not like to own the house he lives in, whether it is not the aim of every man to do so, whether he has not always in this Council—and I agree with him—championed the cause of the man who is anxious to obtain land and his title to it? The hon. Member has done that over and over again. I am sure he will not deny that when we had the debate on Land Settlement he himself said: "I do not want tenancy, I want ownership".

Mr. JACOB: Is my hon. friend so ignorant? I am sorry to use that word. Why should one man own a thousand houses and sub-let to others under conditions beneficial to himself only?

The DEPUTY PRESIDENT: I must ask hon. Members to observe the rules of debate. An expression of opinion by one Member does not justify another Member getting up and taking exception to it. He can only do so by raising a point of correction and stating what is correct. Should each Member get up to take exception to expressions of opinion we would never finish the business of Council.

Mr. JACOB: May I say that the hon. Member asked me a question.

The DEPUTY PRESIDENT: That is only the usual form of a debate.

Mr. deAGUIAR. I will leave the hon. Member alone, as he is so accustomed to his interruptions. If, however, he thinks he can thereby put me off the track he is making a very sad mistake. I am able to stand up to any interruption he may wish to make.

However, I gather from what he says—I hope I do not misunderstand him—that he prefers to live somewhere else where the rights of citizens are preserved and where the rights of ownership of land, house and property and everything else they possessed are preserved. Perhaps the hon. Member prefers to live in Utopia.

Mr. JACOB: My hon. friend is making incorrect statements every time.

Mr. de AGUIAR: I leave the hon. Member—to use a colloquialism—"to fry in his own fat". One last word, I would like to say. I am sorry I have to refer to the hon. Member again but I want to make the position perfectly clear. I do not know if it is the intention of the Chairman of the Rice Marketing Board to speak on it, but I want to make it perfectly clear that the Rice Marketing Board has nothing to do whatever with the Bill. They are not there to bully as he says. That is the inference I drew from his remarks. He rather fears the Rice Marketing Board, the people connected with the Board, the people with money. I am sorry he omitted that people with brains had nothing to do with it. I want to tell him that they are not interested in it one way or another. I do urge that in view of what has fallen from the lips of those speakers who have gone before me, this is a very controversial matter and is one in which, I think, great caution should be exercised, but that does not mean any considerable delay. Let us have a Select Committee of the Council to thresh out the recommendations which have been incorporated in this Bill according to what is workable, and let us come back to the Council with a common agreement on this very important question. I urge caution on the ground that if any steps taken dislocate the relationship between the landlord and his tenant that may cause a considerable amount of harm. The right-minded people of this community think that a stage has been reached in the Rice Industry where

certain developments are taking place and where it is very desirable to see that the relationship between the landlord and tenant is the best. We should, therefore, in passing any legislation take care that justice is done on both sides. I hear, sir, that these landlords did not appear before the Committee. That is regrettable.

Mr. JACOB: That is not correct again. I wish my hon. friend will make sure of his facts. Very few landlords agreed with the report.

Mr. de AGUIAR: The hon. Member says "Very few." I did not hear in this Council what was put up as a reason why all of them did not go. How many of them, I do not know, but as in the case of the Franchise Commission they did not appear before the Committee. That is not new to us. We know what happens here. The average man growls when he sees something is going to affect him. Certain people do not take the interest in matters that they should. I think you yourself, sir, have expressed that from your seat on the right side of me. But that is not sufficient reason why we should pass this Bill in a great haste. I am not suggesting that it should be put off for an indefinite period. I think we should get through this Bill as quickly as possible, but I conclude by urging we should appreciate that consideration by a Select Committee of the Council is far better than any debate of this kind, as I am afraid that if hon. Members begin to move amendments here and there the whole Bill would be put in a state of chaos, as in trying to do good for one we may do considerable harm to the other. What is more, we have to be very careful as the Rice Industry is a very important industry in this Colony and we should be very careful not to take any undue steps that may impair the progress we are making at the present time.

Mr. J. A. LUCKHOO: It is a great pity that when the report of the Committee was laid on the table in this

Council there was not a debate upon that report, because it would have saved all this time now that we are discussing the principle of this Bill. There is no doubt that this Bill is based more or less upon the findings of that Committee, and whilst I agree that we should act with caution because the Common Law rights of landlords are involved, I think, sir, there should be no postponement of the discussion of this Bill, but whatever amendments hon. Members would like to make should be done when the Bill reaches the Committee stage. We all know the genesis of the introduction of this legislation. Certain Defence Regulations affecting islands of this Colony and certain unscrupulous tenants brought about the intervention of His Excellency the Governor when he brought into force certain Defence Regulations affecting those two islands. Nevertheless it seems to me that legislation is needed, especially at this time of the Colony's history in so far as the Rice Industry is concerned, to put on a proper basis the relation which should exist between landlords and tenants.

The Bill is 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". There are certain features of the Bill with which I am not altogether in agreement, but I do not think the difficulty is insuperable when we reach the Committee stage for Members to express their opinion upon those clauses and to achieve some measure of unanimity. With much of what the hon. Member for Demerara River (Mr. King), who spoke yesterday, stated I agree. For instance there are certain things which are outside the scope or intention of this Bill. He referred to clause 7, where the tenancy may be terminated by a landlord if the tenant is convicted of any offence involving fraud or dishonesty in respect of any agricultural produce or livestock. It is a man's own private inclination to steal some-

one's produce, why penalize him by depriving him of a tenancy he has properly created and the conditions of which he has observed?

Also clause 11 was referred to by the hon. Member on my left (Mr. de Aguiar)—Bequest of agreement of tenancy to any person. I think that if this provision is put into effect it might cast very great hardship upon the landlord. Whilst the present tenant may be a very good man and observes the conditions of his tenancy, you may find his beneficiaries or heirs may not do the right thing towards the land which is let to his testator by the landlord, and in that way one may perpetuate a tenancy with a person who is a good tenant and who bequeaths it to a person who will not carry out the terms of tenancy. It seems that it will be depriving a man of his real right of ownership. He will be having only in his hand the shell instead of the kernel of his proprietary rights. All he will have is the transport, and the occupation of that land may continue year after year in the hand of the tenant and his descendants. I do not think that provision is wise, and it will be well that the hon. mover see his way to agree to the deletion of clause 11 of the Bill.

The DEPUTY PRESIDENT: It is left open to any legatee and not to his own family or children.

Mr. J. A. LUCKHOO: It does.

The DEPUTY PRESIDENT: You must draw a distinction between heirs and the other person.

Mr. J. A. LUCKHOO: This is a tenancy from year to year. It is subject to termination and is not a long lease. It does not seem that the provision is absolutely necessary in a measure of this nature. With respect to the resumption of lands by the landlord I listened very carefully to the remarks of the hon.

Member for Demerara River (Mr. King) yesterday, and at one stage of the debate by him on clause 12 of the Bill I agree that it would be very hard on a landlord who wanted to resume possession of his own land for the purpose of cultivating rice by mechanical methods that he should be deprived of the right. Since I entered this Chamber this afternoon, my attention has been drawn to the provisions of subclause (3) of that clause which reads:—

"(3). In any case where it is deemed reasonable the Governor in Council may grant leave to a landlord to terminate a tenancy either forthwith or at such notice as may be specified and in any such case the Governor in Council may make the grant of leave subject to conditions."

I think there is sufficient safeguard in this special provision contained in that sub-clause.

The question of the standard rent is a very debatable point. It seems to me that we cannot fix a standard rent for districts of the Colony. Conditions differ in the various localities and it seems to me that a standard rent might be fixed in respect of particular regions according to the conditions and facilities existing in the respective areas. For instance the hon. Member for Demerara River (Mr. King) made a strong point when he said that a rapacious landlord who obtained \$10 per acre from his tenant in 1941 would stand to gain by the addition of 10 per cent. to his standard rent, while a very considerate landlord who only charged his tenant half that amount would only get an increase of 50 cents per acre. It seems to me that the fixing of the standard rent requires very careful consideration by this Council.

Some Members feel that appeal should not be made to the District Commissioner but to a Court of Law, and that there should be a right of appeal from a Magistrate to the Supreme Court. I personally do not

think that such a cumbrous procedure should be introduced in a Bill of this kind because a Magistrate, like a District Commissioner, would hardly know anything about rice cultivation. He would have to receive evidence and might have to visit the *locus in quo*, whereas the District Commissioner, accompanied by an officer of the Department of Agriculture would be able to go to the spot and determine the dispute in a summary manner at less expense to the parties concerned. I am in favour of the decision being made by the District Commissioner because there is sufficient safeguard in another part of the Bill in an appeal to the Governor, whose decision would be final, though I feel that it would be throwing a great deal of work on the Head of the Administration who has his hands full with work of the Colony.

I do not wish to detain the Council any longer. I feel that this Bill should proceed to the Committee stage when Members will have an opportunity to consider it clause by clause. As a matter of fact, the Committee stage in this Council would be like a Select Committee. Why should it be referred to three or five men and then be brought back to be debated in this Council? I think this Council is quite capable to deal with the points raised.

The DEPUTY PRESIDENT: It would avoid a report being prepared.

Mr. LUCKHOO: With those remarks, I support the Bill subject to the points I have made.

The COLONIAL TREASURER: I shall not detain the Council very long. In fact, I did not intend to speak at all. I have only risen because of a few observations which fell from the lips of hon. Members, and particularly because the *bona fides* of the Rice Marketing Board, of which I happen to be Chairman, has been somewhat called into question. The Attorney-General in moving the second reading of the

Bill based his remarks on the Committee's report. I should like to go back just a little further. We all know that when the Rice Marketing Board in its present constitution was formed the clash of interests, between landlords and growers became acute. That happened because of the rise in prices, and because of the efforts made by Government to increase the production of rice. We found that the increased prices were not going into what we considered the correct channels—into the hands of the people who planted padi. We were bombarded with petitions and deputations from growers asking for protection and that some of the increases should fall to them. Matters came to a head in 1941 when a particular increase in the price of rice was granted, and when certain of the landlords tried to make it impossible for those increases or any portion of them to go into the pockets of the growers.

I have in my hand a file containing a record of a deputation which was received by the Officer Administering the Government then, Mr. G. D. Owen. That deputation was led by the hon. Member for North Western District (Mr. Jacob) and the hon. Member for Essequibo River (Mr. Lee). They discussed very many matters in connection with the rice industry but more particularly this question of security of tenure for the padi grower, and the report of that conference was referred to me as Chairman of the Rice Marketing Board. I was asked to discuss the matter with the Law Officers, the District Commissioners and others and make some report as to what should be done. Of course, the object aimed at at that time was to prevent the threatened increase in the annual rent. After a discussion with the Attorney-General I was almost horrified to have to report that in his opinion many of the people whom we were going to try to help—many of the so-called tenants of rice lands—were not tenants at all because, in his view, they had practically no status, no rights whatever in regard to the lands which they were cultivating. The Attorney-General further pointed

out to me, and I so reported, that no legislative enactment was possible which would enable the Government to frame rules or provisions for restricting an increase in rents. All this refers primarily to the Essequibo Coast and the islands of Leguan and Wakenaam. I also had to report as a result of my discussion with the Attorney-General, that unless and until some legislation could be introduced which would give adequate protection in the form of better land tenure it was impossible to protect those people. As a result of all that, I did say in my report that the whole matter was extremely difficult, and that the niceties of the law were not clear to laymen like myself. It was I who suggested in my capacity as Chairman of the Rice Marketing Board, that Government should appoint what I described as a strong *ad hoc* Committee under the Chairmanship of a Law Officer and including representatives of the District Administration and the Department of Agriculture, to consider and advise as to what steps should be taken to improve the position of padi growers who are undoubtedly suffering hardship in a large number of cases because of the peculiar conditions of land tenure at present obtaining in certain districts of the Colony. I have just referred to that matter in order to let the Council know the real genesis of this Bill. It originated, as I said, from myself as Chairman of the Rice Marketing Board.

I have listened to the speech made by the hon. Member for Demerara River (Mr. King) with great interest. Some of the things he said I heartily agree with, but with others I definitely and strongly disagree. There was one point in his speech which, in my opinion, he rather overstressed. He spoke on more than one occasion of the sacred rights of property and ownership of land. Well obviously what this Bill purports to do, and what we ought to do, is to preserve the sacred rights of those who work on

the land, and we have to admit that those people did not have ample protection and do not have it now.

The point in his speech which interested me was that in connection with the equitable fixing of the standard rent and the difficulty which would fall on the District Administration Department. As regards the standard rent, the hon. Member who spoke before me has given his ideas on the subject, and I have no doubt that either in the Committee stage or in Select Committee—if hon. Members prefer that course—that matter will be threshed out.

As regards the District Administration Service, Mr. Laing has pointed out to Government that this Bill when passed will throw a very onerous burden on his Department, and I am perfectly sure that steps will have to be taken to bring his Department up to strength in order to deal with its provisions.

I heard the hon. Member for Western Berbice (Mr. Peer Bacchus) say that this Bill, if passed into law, would completely disorganize the rice industry. The hon. Member is a valuable colleague of mine on the Rice Marketing Board and I regret to have to disagree with him. It may not function well at first, but I cannot accept the view that it will disorganise the rice industry. I believe the hon. Member for Demerara River (Mr. King) also suggested that the Bill was to the detriment of the rice industry. I cannot accept that also. I think that on the whole it is for the benefit of the rice industry.

I am not going to join issue with the hon. Member for North Western District (Mr. Jacob) with regard to the Rice Marketing Board. We have had many exchanges in this Council over that, and I think hon. Members will agree that I have never come off second best. I will keep any artillery I may have for another time. I was extremely glad, however, to hear the hon. Member say that he has now

come to the conclusion that the rice industry is not ruined. What is more, it is going to have a very good future.

Mr. JACOB: I must correct that. I say it is improving very slowly.

The COLONIAL TREASURER: This is also for record—the rice industry is now improving very slowly. If I and my colleagues can do anything to make it improve faster we shall do it.

Mr. JACOB: I am not certain about that.

The COLONIAL TREASURER: With those remarks I leave the rest to the Attorney-General.

The ATTORNEY-GENERAL: It has been suggested by two or three Members that this Bill might be sent to a Select Committee of this Council. That is a matter which has to be decided by the Council; it has nothing to do with Government and has to be put to the vote. As far as I am concerned, personally, I think it would be a complete waste of time, for either the Committee who were appointed to enquire into the conditions on the spot were capable and efficient or they were not. Without being discourteous to Members of this Council I would ask whether a Committee of this Council, without hearing any evidence, would be in a position to counteract what has been done by the Committee which has reported? If so, what is the good of appointing Committees? However, that is my personal view. Of course delaying the Bill might mean killing the Bill. A Committee might criticise the Bill in such a way that it would have to be withdrawn and redrafted. That is purely a matter for the Council, but I personally should vote against it. However that may be, the Commissioner of Local Government has reported to Government that he does not wish the Bill to come into operation too soon because he simply has not the staff at the moment to give effect to those provisions which refer

to his own Department. It is not that he is not willing but he has not got the staff. He has to move members of his staff around and he may have to get an increase of staff as well. He has therefore requested Government not to hurry the Bill through. We have been going very slowly in the last two days.

I am quite sure that every hon. Member who heard the hon. Member for Demerara River will agree that he thoroughly blasted the Bill from all angles, and would conclude that no landlord has ever been subject to treatment like this before—that it is something quite new—crushing down the landlord. I can assure hon. Members that *there is not a single provision in this Bill which does not appear in the English Act of 21 or more years ago. Most of them will be found in the Agricultural Holdings Act of 1923.* For 21 years it has worked quite satisfactorily in England where I have heard of no sudden demise of landlords, and I cannot see why landlords and tenant rice farmers in this Colony should be quite different to the small holders in England. Nobody could know less about rice than I do, not even the Colonial Treasurer.

The COLONIAL TREASURER: I differ. (laughter).

The ATTORNEY-GENERAL: I meant the Colonial Secretary. The hon. Member said that a landlord would not be the owner of his property; he would only have title but could not get rid of an undesirable tenant. He was overstating his case when he said that. Clause 7 of the Bill provides:—

"7. A landlord shall be entitled to give his tenant not less than one month's notice to quit his rice land in any of the following cases, that is to say—

- (a) if, where the rent is payable in money, the tenant fails to pay the same by the thirty-first day of December in any year; or
- (b) if the tenant, not having previously paid his rent, removes his padi from the land let to him, without the permission of his landlord; or

- (c) if, where padi is reserved as rent, the tenant fails to pay the same within twenty-one days after it has been reaped; or
- (d) if the tenant, without any reasonable excuse, fails to plant or cultivate any padi or reap a crop in any year; or
- (e) if the tenant commits a breach of a specified condition; or
- (f) if the tenant is convicted of any offence involving fraud or dishonesty in respect of any agricultural produce or livestock or if the tenant is convicted of having caused malicious damage to the property of the landlord or of tenants of the landlord;

Provided that if at the time of such conviction the tenant has a crop growing on the land the landlord shall not require the tenant to quit until the crop has been reaped."

I ask on what other ground could a reasonable landlord terminate his tenant's tenure? If there is any other reasonable ground Members should state it and it would be put into the Bill. Surely no reasonable landlord would evict his tenant on any other ground save these. I say that a landlord possesses all reasonable rights regarding eviction of his tenant. If a landlord lets his land for consideration and gives up occupation to a tenant that tenant has his rights too. Do not forget that. One would imagine that all the rights are vested in the landlord. The rights of occupancy are vested in the tenant.

With regard to the specified conditions the hon. Member said that 98 per cent. of the present tenants have to mill their padi at the mills of their landlords and that if this Bill goes through they would not sign an agreement. If a tenant wants to be free why should he sign? If I buy a car from a dealer why should I sign an agreement to buy my petrol there? What argument can one advance to prevent a rice tenant from milling his padi where he wishes to? In practice I imagine that no tenant or very few tenants will sign

such an agreement. If they do it gives them security, but if they do not I think they would still go to the nearest rice mill. In practice I do not think it would make any difference, but as a matter of ordinary right a tenant should be free to have his rice milled where he wishes.

As regards the point about interference with the rights of landlords, those who have read the Committee's report will have noticed that the rights of tenants have been interfered with in the past. One landlord forbade any of his tenants to take advances from the Co-operative Credit Banks. He wanted to make advances to them himself and to charge 40 per cent. interest for doing so. Isn't it time that something was done to stop that kind of action? Those are the rights which this Bill seeks to protect. Tenants are advised not to sign an agreement unless they wish to. No Select Committee would criticise that but would support it every time.

The report of the Committee is very strong on the matter of frequent evictions. Everywhere the members of the Committee went they found that tenants were being evicted right and left. When a tenant has spent money to put land in a condition to grow rice is it fair to kick him off at six months' notice without any payment of compensation? This Bill says that he must have six months' notice and compensation. Do we require a Select Committee to tell us that that is fair? Surely every Member of this Council would support that. It is based on ordinary fairplay. Does the hon. Member who said he could not support 80 per cent. of the Bill as it stands need any argument at all? The Bill simply sets forth what is recognised as good husbandry and good tenantry. It has been copied from a 21-year-old English Act.

The hon. Nominated Member on my left (Mr. J. A. Luck-hoo) mentioned that he did not like clause 11. I do not like it

either. I was interested in its history because I could not find any reference in the Duke report to account for its being there. It is copied from the Scottish Act word for word, and to tenants who have never had any security whatsoever it proposes to give what amounts to a life tenancy. If any Member moves that clause 11 be deleted I would offer no objection. I stated at the outset that there were two clauses in the Bill which I did not like myself. That is one and the other is the fixing of the standard rent. I objected to two things in that, but the drafting committee which considered this Bill met for a dozen times or more and could not draft anything more satisfactory than that. I myself think that the 10 per cent. allowed is too high. But do not forget the standard rent here is the 1941 price, according to the Duke Committee's report around \$10 an acre. I think that in taking the 1941 figure 10 per cent. is too high. I admit that the cost of labour has gone up. This Bill allows a landlord to add on the increased rates which took place since then. The people I have spoken to say they cannot afford to pay an increase in rent. I thoroughly agree with the hon. Member for Demerara River (Mr. King) that it is most unfair that one estate which had charged \$5 should only get .50 cents increase and the estate which charged \$10 should get \$1 increase. I may tell him that, if there is any method of getting around that, I will gladly sit down and do the drafting. But how can we get over that difficulty? How can we get over the man who had charged too much at the time in respect of which the Standard Rent is fixed getting more than the other man who did not? The hon. Member for Western Essequibo (Mr. C. V. Wight) suggests that no rent should exceed \$8 and be under \$6. The Committee does state that in one case the rent then being charged was \$10 an acre and in four other cases \$9 an acre. How are we going to do those? The production of the land, the fertility of one estate, makes it quite possible that \$10 an acre

is in effect not more than \$5 an acre on another estate. I agree with the hon. Member that this method of fixing 10 per cent. is unsatisfactory, but I cannot think of any other. If any hon. Member thinks that over and communicates to me another method of getting over that difficulty, I will be very glad to do the drafting.

The hon. Member for Demerara River said he objected to the District Commissioner going on a man's land and telling him what he must do with his land and his tenant. The answer is, the District Commissioner is exercising his right to visit a tenant, who is paying for being on the land, and to advise him what to do. The hon. Member referred to the keeping of the parapets free of grass and stated that in Georgetown most of the parapets have grass. The provision states "grass and other obstacles." That word "other" qualifies "grass." Every hon. Member knows that grass causes obstruction, and it is perfectly clear that the provision refers to long grass which grows in the drains and chokes them. That is a matter, however, which can be put right in the Committee stage.

The hon. Member further stated that the District Commissioner is often a Junior Officer with no legal training and not capable of performing the duties this Bill seeks to put on him and, therefore, he would like disputes to go to the Magistrate and appeals from the Magistrate to go to the Supreme Court. I say nothing against the Magistrate, but I imagine he is no wiser as to the rules of good husbandry being obeyed or not. It is beyond the point of possibility for a Magistrate to go and visit the scene of every estate in dispute for he will have not one but dozens of such cases. My objection to the hon. Member's suggestion is that arbitration is best. The District Commissioner as arbitrator will go and see whether the parapets are clean or not. After he has seen that it should not be very much difficult to decide the dispute. My objection to

substituting the Magistrate for the District Commissioner is simply due to the fact that we have not enough Magistrates, and to impose additional duties on them will simply break down the whole magisterial system.

The Duke Committee's report said there are generally four growing evils spread through the Colony, and this Bill seeks to cure those evils. One is that rent is being increased all around and usually by steps of \$1. The Bill seeks to cure that with clauses 13 and 14. The Committee said evictions are common and general all around without any reason whatever but merely in spite or to get the tenants to pay more. Clauses 4 (b) and 7 seek to remedy that. They further said that compulsory milling by the landlord was an absolute curse to the tenant, who never knew what the price was until after delivery. Clause 5 seeks to remedy that. Lastly it is said that the milling fees are arbitrarily increased, and it is admitted that part of the increase is due mainly to the fact that the price of padi and of rice has increased and it is partly attributable to the increased cost of maintenance of the mills arising from war conditions. Clause 5 (3) (c) of the Bill seeks to give effect to a specified condition of milling.

In my opinion the Bill does not restrict the right of property of the landlord, but only does one thing which, I admit, is wrong and I do not like. If you are going to require statutory notice for the termination of tenancy you must keep him on unless he does one of six things. Experience elsewhere has shown that is not a very difficult matter to straighten out. I myself do not think any good will come out of a Select Committee of this Council

sitting in judgment on this Bill. A Committee has already reported and, I think, an ordinary Committee of this Council is perfectly able to make any alterations necessary when the time arrives. I beg to move the second reading of the Bill.

The COLONIAL SECRETARY seconded.

The DEPUTY PRESIDENT: I agree with the suggestion that there are some contentious parts of the Bill—clauses 7, 11, 12 and 14 and perhaps 13, which may need amendment in the Committee stage. I do not think we will reach those clauses this afternoon. That will give us until next Thursday—those Members who are interested—an opportunity to submit suggestions either for the deletion of the particular clauses or the amendment of them. The only difference in the procedure in that case and consideration by a Select Committee is that you arrive at a more rapid decision and not have any further report. I think in all the circumstances the convenience of the Council will be met. It is a most important piece of legislation and I agree with hon. Members that the greatest care should be taken in giving effect to the measure in relation to landlord and tenant.

Question put, and agreed to.

Bill read the second time.

The ATTORNEY GENERAL: I give notice that at the next or a subsequent meeting of the Council I shall move that the Bill be taken in the Committee stage.

The Council adjourned to Thursday, August 3rd, 1944, at 12 noon.