

FIRST LEGISLATIVE COUNCIL

FIRST SESSION

1954 - 1955

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MINUTES of the Proceedings of a meeting of the Legislative Council of the Colony of British Guiana under the British Guiana (Constitution)(Temporary Provisions) Order in Council, 1953, held in the Chamber of the Legislature at the Public Buildings, Georgetown, Demerara,

AT 2.00 P.M.

on

FRIDAY, 4TH MARCH, 1955.

PRESENT:

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

Ex-Officio Members

The Honourable the Chief Secretary, Mr. F.D. Jakeway, O.B.E.

The Honourable the Attorney General, Mr. F.W. Holder, C.M.G., Q.C.

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

Nominated Members of Executive Council

The Honourable Sir Frank McDavid, C.M.G., C.B.E.

(Member for Agriculture, Forests, Lands and Mines).

The Honourable P.A. Cummings

(Member for Labour, Health and Housing).

The Honourable W.O.R. Kendall

(Member for Communications and Works).

The Honourable G.A.C. Farnum, O.B.E.

(Member for Local Government, Social Welfare and Co-operative Development).

The Honourable G.H. Smellie

The Honourable R.B. Gajraj

The Honourable R.C. Tello

Deputy Speaker

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

Nominated Officials

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

Mr. J.I. Ramphal

Nominated Unofficials

Mr. T. Lee

Mr. W.A. Phang

Mr. C.A. Carter

Rev. D.C.J. Bobb

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H.A. Fraser

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

Mr. R.B. Jailal

Mr. Sugrim Singh

Clerk of the Legislature - Mr. I. Crum Ewing.

Assistant Clerk of the Legislature - Mr. E.V. Viapree (Ag.)

Absent

Mr. L.A. Luckhoo, Q.C.

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

Mr. E.F. Correia - on leave.

The Speaker read prayers'.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held on Thursday, the 24th of February, 1955, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS

The Speaker announced that Mr. Macnie had asked to be excused from attending that day's meeting.

PRESENTATION OF REPORTS AND DOCUMENTS

The following documents were laid on the table:-

(i) By the Financial Secretary:

The Sixty-Fourth Annual Report of the Chamber of Commerce of the City of Georgetown, Demerara, British Guiana for the year ended 31st December, 1954.
(IC No. 190/1 III).

(ii) By the Member for Communications and Works:

The Telephone (Amendment) Regulations, 1955.
(PT 94/14/3/2 IV).

GOVERNMENT NOTICES

BILLS

The Member for Agriculture, Forests, Lands and Mines gave notice of the introduction and first reading of the following Bill:

A BILL intituled AN ORDINANCE FURTHER TO AMEND THE DRAINAGE AND IRRIGATION ORDINANCE, 1940.
(Bill No. 12/1955 published 26.2.55).

The Member for Local Government, Social Welfare and Co-operative Development gave notice of the introduction and first reading of the following Bills:

(i) A BILL intituled AN ORDINANCE FURTHER TO AMEND THE GEORGETOWN TOWN COUNCIL ORDINANCE WITH RESPECT TO THE PAYMENT OF A GRATIY WHERE AN OFFICER OR SERVANT DIES IN THE SERVICE OF THE GEORGETOWN TOWN COUNCIL.
(Bill No. 10/1955 published 26.2.55).

(ii) A BILL intituled AN ORDINANCE FURTHER TO AMEND THE CRIMINAL LAW (OFFENCES) ORDINANCE.
(Bill No. 11/1955 published 26.2.55).

(iii) A BILL intituled AN ORDINANCE FURTHER TO AMEND THE GAMBLING PREVENTION ORDINANCE.
(Bill No. 13/1955 published 2.3.55).

../ The Attorney General

The Attorney General gave notice of the introduction and first reading of the following Bill:

A BILL intituled AN ORDINANCE FURTHER TO AMEND THE CRIMINAL LAW (PROCEDURE) ORDINANCE WITH RESPECT TO THE SUMMONING OF JURORS.
(Bill No. 14/1955 published 2.3.55).

The Attorney General also intimated that he had obtained His Excellency's permission under Section 48(2) of the British Guiana (Constitution)(Temporary Provisions) Order in Council, 1953, to move that the relevant Standing Orders be suspended to enable him to proceed with the Bill through all stages that day.

UNOFFICIAL NOTICES

Rev. Bobb gave notice of the following motion:

That this Council, having noted the steps which are being taken by other Caribbean Governments and by Her Majesty's Government towards the creation of a British Caribbean Federation and the statement of the Secretary of State for the Colonies in Parliament to the effect that the constitutional instruments will provide that British Guiana and other territories which might care to do so will be quite free to join the Federation, is of the opinion that British Guiana should join the Federation and that the question of this country's participation therein should be re-examined.

This Council further prays His Excellency the Governor to take such steps as he may deem fit to keep British Guiana in close touch with the action now proceeding towards the setting up of the Federation and to ascertain the state of public opinion in this country towards participation in the Federation.

ORDER OF THE DAY

PRIVATE MEMBERS' BUSINESS

REPLIES TO QUESTIONS

The Rev. Bobb asked the Member for Communications and Works the undermentioned questions notice of which was given on the 15th of October, 1954, and with Council's consent the following replies by the Member which were printed and tabled were taken as read:-

Question 1: Is there any truth in the allegation recently made by a member of this Council and repeated in the Press that the U.S.A. Military Authorities had offered to construct at their expense a permanent road from the Air Base at Atkinson Field to Georgetown and that this offer was rejected by Government during the regime of Sir Gordon Lothem?

Answer 1: The allegation is untrue.

../ Question 2:

Question 2: Will Government state the full facts regarding any arrangements which were made with the U.S.A. Military Authorities regarding the use of the Public road between Atkinson and Georgetown for military purposes and for its maintenance, repair or reconstruction?

Answer 2: The use of this road by vehicles of the U.S.A. Military Authorities at Atkinson Field caused considerable damage and negotiations took place from time to time as to its reconstruction. In February, 1942, the U.S.A. Military Authorities informed Government of their proposal to recondition, improve and surface 15 miles of road from Hyde Park to Craig and later, in April, 1942, Government accepted a further proposal to construct an 18 to 20 foot highway from Hyde Park to Georgetown. Effect was given to this decision by the publication in the Official Gazette of 25th April, 1942 of (a) the Georgetown - Hyde Park Road (Improvement) Order, 1942, legalizing the appropriation of the necessary lands and of (b) Government Notice No. 561 appointing an officer of the Department of Lands and Mines to assess and pay compensation in respect of action taken under the Order. In pursuance of these authorizations a sum of \$19,504.84 was paid by this Government to various persons as compensation for land appropriated and damage caused to buildings, drainage, cultivation and crops in surveying and arranging deviations in the alignment of the proposed new road. Government was however informed in December, 1942, of the decision of the U.S.A. authorities to abandon the project.

_____ The full facts of the matter are contained in the attached copy of a Message dated 25th January, 1943, addressed by the Governor, Sir Gordon Lethem, to the Members of the Legislative Council in seeking approval of the Finance Committee for the writing off of the compensation payments, part of which was met from Colony Revenue and part reimbursed from U.K. "Reciprocal Aid" Funds.

Question 3: Will Government state why reconstruction of this important public road was not undertaken when Atkinson Field became the Colony's Airport?

Answer 3: It had been the intention of Government to give priority to the reconstruction of this road. However, by Resolution No. XXVII of 8th December, 1949, the Legislative Council recommended that priority be given to the reconstruction of the Corentyne Road over any other public road. Government decided to give effect to this recommendation and to postpone the work of reconstructing the Atkinson Field road until the Corentyne road had been completed.

Question 4: Has provision been made in the Development Programme for the reconstruction of this road and what is the estimated total cost?

../ Answer 4:

Answer 4: Provision has been made in the Development Programme for the reconstruction of the East Bank Demerara Public Road. The cost, estimated in October, 1953, and based on the recommendations of the World Bank Mission is \$2,122,761.

Question 5: How many miles of this road have actually been permanently reconstructed and at what cost?

Answer 5: 10.2 miles of this Road have been reconstructed since 1951 at a cost of \$1,121,379 up to 30th November, 1954.

Question 6: Is it the case that portions of reconstructed road are already showing signs of serious deterioration and what steps are being taken to remedy defective construction?

Answer 6: Portions of the road have shown signs of deterioration. Such portions are being repaired.

Question 7: When is the reconstruction of the whole road expected to be completed?

Answer 7: The average rate of reconstruction under perfect weather conditions is one mile in five weeks. At the end of November there were seven miles of road left to be done.

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Honourable Members of Legislative Council,

East Bank Road

At the meeting of the Finance Committee on 26th October, 1942, and subsequently in the Legislative Council in Committee, I made statements referring to the situation which had arisen in connection with the Public Road on the East Bank, Demerara. A brief history of the matter is given below.

2. In February, 1942, the United States Authorities informed Government of the proposal to recondition, improve and surface the road from Hyde Park to Craig - a distance of about 15 miles, as a single track with 12 foot carriage way, by the United States Army Engineers.

3. In March, 1942, this Government was asked by the U.S.A. Consulate to make special arrangements with regard to any private property so as to facilitate the expeditious proceeding of the work and it was agreed that pending any decision as to whether the United States of America Authorities would bear costs of compensation these should be met by advance by the local Government. At that time it was estimated that the amount of compensation likely to be paid would be very small, i.e. in the neighbourhood of \$1,000, and this Government agreed therefore that payment of compensation should be made at once and the expenditure charged to a suspense account pending decision as to which Government would finally bear the cost.

4. In April, 1942, the United States Engineers informed the Department of Lands and Mines of a further proposal to construct a wider road, 18 to 20 feet, from Hyde Park to Georgetown, and that although it was proposed to make some use of the existing road as far as possible there would be considerable deviations to avoid sharp corners and curves. Furthermore, that it would be impossible for the Engineers to follow the regular procedure of preparing plans before commencing actual construction because the road making gangs would be following immediately behind the survey parties. It was stated that plans were being altered and varied at intervals according to the military experience obtained and in some cases adjustments might have to be made so rapidly that it would be difficult to go through the legal formalities that are usually necessary in connection with the construction of such roads. It was then realised that the amount of compensation which would be payable would, in all probability, be in excess of the \$1,000 originally estimated.

5. In these circumstances Government agreed that permission should be granted to the U.S.A. Authorities to proceed at once with the construction of the road and that where it became necessary to pay compensation to persons whose property was destroyed or damaged as a result of the construction such compensation should be paid forthwith by an officer of Government as Assessor pending negotiations with the U.S.A. Authorities with regard to the settlement of claims. Effect was given to this decision by publication of the Georgetown - Hyde Park Road (Improvement) Order, 1942, in the Official Gazette of 25th April, 1942, legalizing the appropriation of the necessary lands and of Government Notice No. 561 in the same Gazette appointing Mr. C.P. De Freitas of the Department of Lands and Mines to assess and pay compensation for damage caused by action taken under the Order.

6. Later in the year Government was informed of a communication received from the United States Engineers Department by the Commissioner of Lands and Mines to the effect that the Department had been authorised to complete construction of only some 4 miles of road extending to the vicinity of a place known as "Singh's Landing", which is a distance of about $2\frac{1}{4}$ miles northward of the boundary of the leased area. The idea of building a first class road for full length originally contemplated was deferred. The taking over of private property immediately ceased but extensive possession had already been taken and demolition of buildings, fences and crops carried through. At that time the sums paid in compensation amounted to \$14,443 with outstanding liabilities (which have since been met) making a total of \$19,078.

7. After discussions between the Government, the U.S.A. Consul and the Officer Commanding the Base, an endeavour was made to secure a decision that the road be continued according to the original or modified plan. But a final decision to abandon this work was intimated in December.

8. The payments for compensation can be divided into two portions:-

(a) Hyde Park - Singh's Landing	\$10,108
(b) Singh's Landing - Pln. Brickery	8,970

and the question arises as to the action to be taken to dispose of this expenditure which as already indicated has

been temporarily charged to suspense account.

9. In regard to (a) above I consider that it would be inexpedient to approach the United States Government for reimbursement, having regard to the fact that ownership of the land and road in this section, together with usage facilities of the road itself, remain with the Colony. Subject to the concurrence of the Secretary of State, therefore, I propose that compensation charges under this head, should be borne by the vote for Colonial Emergency Measures.

10. The expenditure under (b) is in an altogether different category and correspondence is proceeding with a view to meeting this expenditure from funds other than those of the local Government.

11. I propose to discuss the matter with Members of Council at the next meeting of the Finance Committee and to invite approval of the action proposed.

GORDON LETHEM

Governor.

GOVERNMENT HOUSE,
BRITISH GUIANA.
25th January, 1943.

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Miss Collins asked the Chief Secretary the under-mentioned questions, notice of which was given on the 19th of November, 1954, and with Council's consent the following replies by the Chief Secretary which were printed and tabled were taken as read:-

Question 1: Was there any sum of money left under the will of the late Dr. R. Miller, retired Government Medical Officer, for Government to establish a scholarship or scholarships?

Answer 1: Yes.

Question 2: If so:

- (a) How much was it?
- (b) When was the amount paid to Government?
- (c) What were the conditions laid down for the scholarship?

Answer 2: (a) \$5,000

- (b) The amount was paid into the Treasury during October 1950 by the Public Trustee, and in accordance with an Executive Council decision of the 29th of May, 1951, the funds were invested in New Amsterdam Mayor and Town Council 4% Bonds.

(c) The relevant extract from the Will is as follows:

"I direct my executor hereinafter named to sell my dwelling house known as "Sydney Ville" with the lots 35, 36 and 37 on which stands, and from the amount realised to pay over the sum of Five Thousand Dollars to the Government of British Guiana, and I do hereby request the said Government to accept the said amount and to use the said sum for the sole purpose of establishing by the said Government a Scholarship for one boy and one girl of purely African blood born in British Guiana. The said Scholarship shall be known as "The Miller Memorial Scholarship", and to be competed for every three years and tenable at one of the Secondary Schools recognised by and approved by the Government of British Guiana. The age limit shall not exceed twelve years for entrance to the competitive examination on which the award is to be made. The examination shall be on the standard of the Government County Scholarship or such other standard as the Governor in Council may from time to time decide upon. Every candidate competing for the said Scholarship shall satisfy the Department of Education with two certificates as to respectability and general good character. I direct that my executor shall at all times where requisite be a member of any Board or Committee appointed by the Governor in connection with the carrying out of my wishes herein expressed".

With the approval of Executive Council the following conditions were published in the "Official Gazette" of Saturday, 12th April, 1952:

"MILLER MEMORIAL SCHOLARSHIPS

The Trustees of the Miller Memorial Scholarship established under the Will of the late Dr. Robert Stuart Miller desire to give notice that in and after 1952 Miller Memorial Scholarships will be awarded under the following conditions:

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|----|---|------------------------------------|
| 1. | One "Miller Scholarship" tenable at one of the secondary schools recognised by the Government for the purpose shall be offered for competition. The first scholarship shall be awarded to a boy in 1952 and the second to a girl in 1955, and thereafter alternatively to a boy and a girl every three years. | Number of Scholarships. |
| | Every candidate shall satisfy the Trustees as to his respectability and general good character and produce two certificates to this effect. | Candidate to be of good character. |
| 3. | The Miller Memorial Scholarships shall be open to any boy or girl of purely African blood born in British Guiana, whose age does not exceed 12 years on the 31st day of May in the year of the examination. Candidates must supply satisfactory proof to the Trustees, that he is of purely African blood. | Other conditions of Eligibility. |

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|----|---|--------------------------------|
| 4. | The scholarship shall be awarded on the results of the Government County Scholarship Examination and subject to any entrance test imposed by the secondary school selected. | Test examination. |
| 5. | The award of the scholarship shall be made by the Trustees. | Trustees to award Scholarship. |
| 6. | The scholarship will provide the cost of tuition and a grant will be given towards books and maintenance. | Value of Scholarship. |
| 7. | The sum due in respect of each scholarship shall be paid in equal terminal instalments. The Trustees shall deduct from each instalment the amount due for school fees and pay this direct to the Principal of the approved school. Any balance of the instalment remaining in hand after payment of such fees shall be paid by the Trustees to the parent or guardian for books and maintenance. | Payment of school fees. |
| 8. | Every Miller Memorial Scholar shall be under the general supervision of the Trustees to whom the parent or guardian of each scholar shall send at the end of each term a certificate of good conduct and satisfactory progress from the Principal of the School attended. Failure to obtain such a certificate may, at the discretion of the Trustees, entail a suspension of all the rights and privileges of a scholar for one or more terms, and two consecutive failures to obtain such a certificate shall entail forfeiture of the Scholarship if the Trustees so decide. | Supervision of scholars. |
| 9. | The Trustees of the Miller Memorial Scholarship shall be the Director of Education or his representative and the Public Trustee." | |

It is to be noted that the Scholarship is not a Government Scholarship.

Question 3: Have any scholarships been granted?

If any, when?
If none, why?

Answer 3: One scholarship was granted to a boy, J.H. Fraser, in 1952. A scholarship for a girl, to be awarded on the results of the 1955 Government County Scholarship Examination, was advertised in the "Official Gazette" of 18th December, 1954, and in the Press on 19th December. It will be re-advertised twice in the Press and the "Gazette" near the closing date for entrance - 26th March, 1955.

GOVERNMENT BUSINESS

BILLS

SUMMARY JURISDICTION (APPEALS)(AMENDMENT) BILL, 1955 -BILL
NO. 8/1955.

At the request of the Attorney General, consideration of item 3 in the Order of the Day was deferred.

MINING (CONSOLIDATION)(AMENDMENT) BILL, 1955, BILL
NO. 9/1955.

On a motion by the Member for Agriculture, Forests, Lands and Mines, seconded by the Attorney General, the BILL intituled AN ORDINANCE FURTHER TO AMEND THE MINING (CONSOLIDATION) ORDINANCE WITH RESPECT TO THE PAYMENT OF ROYALTY ON TIMBER CUT ON CONCESSIONS AND LEASES GRANTED UNDER THAT ORDINANCE was read a second time and was thereafter taken through its remaining stages and passed as printed.

POUNDS (AMENDMENT) BILL, 1954, BILL NO. 54/1954.

At the request of the Chief Secretary, consideration of item 5 in the Order of the Day was deferred.

CRIMINAL LAW (PROCEDURE)(AMENDMENT) BILL, 1955 - Bill
No. 14/1955.

At this stage the Attorney General moved that the relevant Standing Orders be suspended, notice of which had been given earlier, to enable him to proceed with the BILL intituled AN ORDINANCE FURTHER TO AMEND THE CRIMINAL LAW (PROCEDURE) ORDINANCE WITH RESPECT TO THE SUMMONING OF JURORS.

The Standing Orders having been suspended, the Attorney General moved and Mr. Gajraj seconded that the Bill be read a first time.

The Bill was then read a second time and thereafter was taken through its remaining stages and passed with the following amendments in Committee:-

Clause 1: The Short Title was amended by the substitution of the year "1955" for the year "1954".

New Clause 4: The following new Clause 4 was inserted:

"Amendment 4. The first schedule to of the the Principal Ordinance as first amended from time to time is schedule hereby further amended by the to the addition of the following at Principal end thereof - Ordinance.

"Members of the Special Reserve Police Force."

PRIVATE MEMBERS' BUSINESS

MOTION BY MR. CARTER RECOMMENDING INVESTIGATION OF THE POSSIBILITY OF ESTABLISHING A PLYWOOD INDUSTRY IN THE COLONY.

Leave was granted Mr. Carter to amend the following motion as under:-

WHEREAS the locally grown wood known as "Dalli" is being exported to a foreign country and no export duty is being collected thereon;

AND WHEREAS only the highest quality grade of Dalli logs which must be free from knots, splits, waness, warps, flats and borer are acceptable in the export market as a consequence rejected logs involving thousands of cubic feet of this wood are allowed to rot and waste in the forest;

AND WHEREAS this Colony imports plywood on which import duty is collected and such plywood is manufactured from Dalli logs of this Colony;

AND WHEREAS the Colony's forests abound with Dalli and in quantities estimated to operate a plywood industry for at least forty (40) years;

AND WHEREAS the Colony's housing programme would absorb fully all of the plywood that could be manufactured locally from Dalli and other suitable Colony woods and the establishment of such an industry would create employment for many of the present unemployed;

BE IT RESOLVED:

That this Council recommends -

- (a) the appointment of a Select Committee comprising five members to investigate and report on the possibility of establishing a plywood industry in the Colony;
- (b) the immediate imposition of an export tax on the wood known as "Dalli";
- (c) the imposition of an export tax on all forest products excluding firewood and charcoal;
- (d) that Rules be enacted under Section 18 of the Export of Timber Ordinance, 1937 (No. 1) to provide for the collection of export tax and inspection fees, etc. on forest products.

Amendment:

Substitution of the following for "(b)" of the Resolve Clause:

- (b) the immediate prohibition of the export of the wood known as "Dalli" and also all other soft woods required for the manufacture of plywood;

../ Mr. Carter

Mr. Carter then moved the motion as amended which was seconded by Rev. Bobb.

After discussion Mr. Carter was granted leave to withdraw paragraphs (b), (c) and (d) of the Resolve Clause.

Thereafter the motion as under was put and carried:

RESOLVED, That this Council recommends the appointment of a Select Committee comprising five members to investigate and report on the possibility of establishing a plywood industry in the Colony.

MOTION BY MR. SUGRIM SINCH RE REFUND OF ONE HUNDRED DOLLARS TO THE BRITISH GUIANA SANATAN DHARMA MAHA SABHA.

On a motion by Mr. Sugrim Singh seconded by Mr. Ramphal the following Resolution was carried unanimously:

RESOLVED, That this Council recommends to Government the refund to the British Guiana Sanatan Dharma Maha Sabha the sum of one hundred dollars paid in terms of the Tax Ordinance, 193 , for the Private Bill intituled An Ordinance to incorporate certain persons as trustees of the body known as the British Guiana Sanatan Dharma Maha Sabha; to vest in such persons certain property; and for purposes connected with the matters aforesaid.

ADJOURNMENT

At 5.15 p.m. the Speaker ad'ourned Council to 2.00 p.m. on Thursday, the 10th of March, 1955.

Confirmed,



Speaker.

Public Buildings,
British Guiana.

10th March, 1955.