

# LEGISLATIVE COUNCIL.

FRIDAY, 14th JUNE, 1946.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G., President, in the Chair.

## PRESENT

The President, His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson (acting).

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

The Hon. the Colonial Treasurer, Mr. W. O. Fraser (acting).

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

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

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

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated).

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

The Hon. T. T. Thompson (Nominated).

The Hon. W. J. Raatgever (Nominated).

The Clerk read prayers.

## OATH OF ALLEGIANCE

The PRESIDENT administered the Oath of Allegiance to Mr. W. O. Fraser, Colonial Treasurer (Acting), who then took his seat.

The PRESIDENT: On behalf of the Council I would like to extend a cordial welcome to Mr. Fraser who will be acting Colonial Treasurer for six or eight months during the absence of Mr. McDavid. We welcome you to the Council, Mr. Fraser.

Mr. FRASER: Thank you, sir.

## MINUTES

The minutes of the meeting of the Council held on the 7th of June, 1946, as printed and circulated, were taken as read and confirmed.

## ANNOUNCEMENT

### GENERAL ELECTIONS LEGISLATION

The PRESIDENT: In view of the need of passing the amending legislation for the Elections I am going to ask, with hon. Members' permission, the Attorney-General to suspend the Standing Orders and take that Bill first and, with your permission, through all its stages to-day. It is not possible to make Regulations extending the period of registration to the 15th July until we pass this law and, as the period of the 15th July will be approached before we meet again, it is very desirable to get this Bill through to-day. Copies of the Regulations proposed have been circulated to Members.

## GOVERNMENT NOTICES

### INTRODUCTION OF BILLS

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

"An Ordinance to make special provision with respect to the first register of voters to be prepared under the Legislative Council (Elections) Ordinance, 1945, and to enlarge the power to make regulations thereunder."

## ORDER OF THE DAY

LEGISLATIVE COUNCIL (ELECTIONS)  
(SPECIAL PROVISIONS) BILL

The ATTORNEY-GENERAL: I beg to move the suspension of the Standing Rule and Order, No. 11, to enable me to move the first reading of the Legislative Council (Elections) (Special Provisions) Bill and to take it through all its stages to-day.

Question put, and agreed to.

The ATTORNEY-GENERAL: I beg to move that the following Bill be read a first time:—

A Bill intituled "An Ordinance to make special provision with respect to the first Register of Voters to be prepared under the Legislative Council (Elections) Ordinance, 1945, and to enlarge the power to make Regulations thereunder."

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a first time.

The ATTORNEY-GENERAL: I beg to move the second reading of this Bill. I would crave the indulgence of hon. Members in connection with the taking of it through all its stages to-day. I am sure hon. Members will appreciate the necessity for a Bill of this nature and for the expedition desired in respect of it. The objects of the Bill, as indicated by the memorandum of Objects and Reasons which accompanies the Bill, are that—

"Clause 3 of the Bill provides that the Register of Voters in force for the year 1944-1945 shall be deemed to be the Register of Voters in force at the commencement of the Legislative Council (Elections) Ordinance, 1945, (No. 13). The Register of Voters for the year 1944-1945 expired before the said Ordinance was passed by the Legislative Council."

In connection with that hon. Members will understand that due to printing difficulties consequent on the fire last year it was not possible to comply with the law so far as the publication of the Register for the year 1945-1946 was concerned. It would be realized that there

are many people who are on the Register for 1944-1945 who would have continued to be on the Register for 1945-1946 and, consequently, as the law provides by the Regulations that the Register in force at the commencement of the Ordinance be operative, provision is being made by this clause of the Bill that the Register for 1944-1945 shall be deemed to be the Register at the commencement of the Ordinance in October, 1945. That means that if a person is qualified and is on the Register and has not changed his electoral district and his qualification, the assumption then is that he can be put on the new Register without further ado. A person who has changed his electoral district will not come within the ambit of this proposal and consequently it will be necessary for that person to register. I hope I have made that point perfectly clear. Paragraph 2 of the memorandum reads—

"Clause 4 of the Bill provides that a member of His Majesty's Forces may claim to be registered, in the first Register of Voters to be prepared under Ordinance No. 13 of 1945, by virtue of an income, or of an income tax, qualification if he is residing in the electoral district in which he seeks to be registered. The clause also makes it possible for any member of His Majesty's Forces who returns to the Colony later in this year to be registered as a voter and to vote at the first general election to be held under the Legislative Council (Elections) Ordinance, 1945."

I think this clause would commend itself to all hon. Members, because members of the Armed Forces who have gone abroad and done service should not be precluded on their return to the Colony from registering on the ground that they were not residing in the Colony and in their electoral district during the qualifying period. This is undoubtedly fair to all those who served in the Armed Forces. Hon. Members will observe on examination of the Bill that the definition of "a member of His Majesty's Forces" in clause 2, is:

"a person who was a member of His Majesty's Forces during the period commencing on the third day of September, nineteen hundred and thirty-nine, and ending on the date of the commencement of this Ordinance or during any portion of such period."

That is to say, any member who joined His Majesty's Forces between the 3rd September, 1939, and the date of the commencement of this particular Ordinance will be eligible for the purpose of registration without having the qualifying period in so far as living in a particular electoral district is concerned. That also embraces His Majesty's Forces which means, as stated in the Bill,—

“the army, naval or air forces of His Majesty in the United Kingdom or in any other part of the British Empire and the South Caribbean Regiment and includes the women's auxiliary forces in connection therewith.”

I think it will be agreed that that definition covers all the possible voters in that category who will benefit from this Ordinance.

Clause 5 of the Bill provides that Regulations may be made for the purpose of clause 4, and further, for the making of Regulations appointing persons by name or the holders of designated offices to be commissioners of oaths for the purpose of receiving statutory declarations made by persons claiming to be registered as voters.

The necessity for that provision can be clearly seen by the fact that the forms are out and there are many people who wish to take the opportunity to register immediately, and, therefore, by having a limited number of persons who can administer the statutory declaration it may create a bottleneck. Consequently, it is considered desirable that there should be an increase in the number of persons who could administer the statutory declaration. Hon. Members have before them the draft Regulations which the Governor in Council proposes to make as soon as this Bill has received the assent of the Governor. Hon. Members will see from those Regulations the persons who will be authorized under the terms of this Bill to administer the statutory declaration. Regulation 28A of the Regulations provides for the statutory declaration to be administered by

- (a) any registering officer or any of his clerks;
- (b) any revising officer;
- (c) any returning officer;
- (d) any justice of the peace;

- (e) any district or assistant district commissioner;
- (f) any magistrate;
- (g) any clerk of a magistrate;
- (h) any county or assistant superintendent of police, any warrant officer, or any non-commissioned officer in charge of a police station;
- (i) any government medical officer;
- (j) any postmaster;
- (k) any warden or sub-warden of a mining district; or
- (l) any chairman or deputy chairman of a village council, or any chairman of a country authority.”

I think that meets the suggestion of hon. Members, particularly the last one, 28 (a) (l). I propose, in view of the fact that the District Officers have been inundated with enquiries and are giving a considerable amount of assistance, to add those Officers to the list because when people go to them with their claims they can at the same time administer the declaration to them. All those people more or less come under persons who are in the Service or have some responsible position in the community and, therefore, it is well that they be empowered to administer the declaration. Although we are extending the power to these people, yet at the same time it is not desirable to go too far and include persons who have not the required standing. I think this would commend itself to all hon. Members as it would mean expedition and the obviating of any difficulty in so far as registration is concerned. In addition, provision is made in the Regulations for extending the period from the 15th June to the 15th July, but that does not mean that the time for holding the election will be postponed. I might inform hon. Members, perhaps they know already, that registration is proceeding and that about 75,000 forms have already been distributed in Georgetown and various electoral districts, and enquiries are being answered by Election Officers and the Bureau of Publicity and Information. Various communiques have been issued, radio talks given and posters issued. So far as Government is concerned, it is doing everything possible to assist in the registration and to see that all

those who are qualified to vote not only are given information as to their voting capacity and necessity of registering immediately, but are assisted in every way possible. Government does not want to put any let or hindrance in the way of voters being in a position to exercise their franchise.

Perhaps it might be well if at this point I mention the stages under the Regulations as now envisaged. The date for registration is from the 1st June to the 15th July, provided the Bill is passed and the Regulations are made. As was stated, the time for registering claims is six weeks. On or before the 31st August the Registering Officers shall compile, sign and publish a copy of the list of voters. That is found in Regulation 9 (1). This gives, therefore, the Registering Officers six weeks within which to compile, sign and publish the list of voters. To enable the list to be published, it has to be printed and that takes time having regard to the difficulties in printing which, as hon. Members are aware, still exist. When the list is published opportunity is given to persons to object and appeal—Regulations 10 and 11—and the time allowed is from the date of publication of the list (the 31st August) to the 17th September. Then on or before the 24th September under Regulation 12 (1) the Registering Officers shall publish a copy of each of the lists—two—one setting out the objections raised and one dealing with appeals. Then under Regulation 13 (1) after all those things have been done the Registering Officers shall deliver all the lists to the Revising Officer; and under Regulation 15 the Revising Officer shall hold his revising court between the 9th and 24th of October. Under Regulation 18 the Revising Officer shall before the 23rd November deliver a copy of the lists to the Returning Officer and also to the Registrar of Deeds. Then the Returning Officer shall publish the lists on or before the 30th November. This, of course, must be read with the proviso to section 9 of the Ordinance.

Hon. Members will see that it is necessary to include that proviso as a time-limit so as to enable all these things to be done. After all that has been done the election may be held, regard being paid to

the time for the issue of the writ which must be fifteen days before the nomination, and then there must be ten days between nomination and polling. It therefore means that the election will not be held until towards the end of December or early January. Those are the facts dealing with this Bill and the draft regulations which hon. Members have before them. I think both the Bill and the Regulations commend themselves to hon. Members. I wish to emphasize that Government will continue to do everything possible to keep the public and the voters informed as to what they are required to do. I beg to move that the Bill be now read a second time.

Mr. FERREIRA : There is only one point I would like to make. Clause 3 enumerated the various persons to receive statutory declarations. In most districts this list is comprehensive and covers the community, but I have particularly in mind the constituency I represent. There is no one really suitable or conveniently placed for the people of that district in so far as clause 3 is concerned. I would ask, sir, that the G.M.O. or the Government Dispenser be mentioned. I say that because you have no Government Medical Officer in that district. You may have a G.M.O. going up there once in two or three months. I think that request is a reasonable one, because a Government Dispenser is the only Government Servant who travels throughout the entire river district. I would also ask that at (k) the words "or forest ranger" be inserted. In my district you do not have a Warden as it is not a mining area, but you have a Forest Ranger. So I am asking Government to consider the inclusion of Government Dispenser in (i) and Forest Ranger in (k). I think it is a reasonable request and one that is certainly of great assistance to the people of the river districts.

Mr. EDUN : I do not think that the persons entitled to receive declarations go far enough, and so far as the sugar estates are concerned I see no provision has been made for them except in the case of Justices of the Peace. If you happen to travel on the East Coast, Demerara, and see those sugar estates you would realize the difficulty for a sugar estate worker to go to the

village and ask the Postmaster to take his declaration. I took the opportunity to discuss this matter with the hon. the Attorney-General in the hope that Government would see eye to eye with us in this direction. I see there is still tardiness in giving facilities to voters on the sugar estates. I have made the request that the Deputy Managers, Chief Book-keepers, Chief Dispensers and Schoolmasters ought to be included in the list of those to receive declarations. Only this morning I was telephoned from Rose Hall by a District Secretary of the Man-Power Citizens' Association telling me that the Postmasters do not find the time to receive persons who want to make their declaration.

So far as the sugar estate managers are concerned, they are very busy persons and it would be difficult for one manager to get 400, 500, or 600 persons to make their declarations before him. For that reason, I made request to Government that the scope for making declarations be enlarged. I remember very well indeed that in 1929 when the Constitution was changed the same absurd principle was being followed but, eventually, Government had to appoint persons other than J.P.s to take declarations. I myself was appointed to receive declarations and I had a roving commission—travelling up and down through the districts in order to take declarations. I have the papers in my possession until today, and it is through my knowledge of these matters that I have made representations on behalf of the sugar estate workers. There is now a double need for improvement on the sugar estates and yet Government does not think it necessary to give effect to my representations. I have been reading in the newspapers recently about how the elections were carried on in Jamaica—what degree of publicity was given to them in the island and what sort of machinery was put into operation in order to register the voters. It was a thorough campaign—one in which the Elections Officer did his job very thoroughly indeed—and I think much credit should be given to the gentleman, Mr. Pellitier, who did it so well.

I made the suggestion to His Excellency the Governor that Mr. Pellitier should be asked to come to British Guiana

to give us the benefit of his advice and tell us what to do about this registration campaign. Nothing was done, however, and I find that Mr. McCowan has been appointed Elections Officer. We have had all the co-operation necessary from Mr. McCowan up to now—no doubt about that—and I know that he has had long experience in these matters. We asked, however, that the sugar estates be given special consideration, but up to now nothing has been done. I find no provision made in this respect. The Manager of a sugar estate is a responsible person, but the Chief Book-keeper is quite as responsible as a Postmaster, and then you have also the Chief Dispenser of an estate. Why shouldn't these persons be asked to take declarations also? Only a period of four months remains for this job to be done and the people of the sugar estates who are wide awake are becoming anxious over their situation. I have received information to the effect that there is a complete bottle-neck in this connection at Pin Port Mourant. In the case of Blairmont it is easy because the Post Office is near and it is convenient for an applicant to go there and make his declaration, but in the case of Port Mourant the Post Office is at least a mile away. For that reason, I am asking Government in all sincerity to do the thing in the right way and let us not have so much grumbling around.

I want to point out that in cases of election to the Estate Joint Committees, schoolmasters were the Returning Officers and they did the job so well indeed that the Labour Department commended them for it. Why shouldn't they be asked to assist at this time? I am glad the hon. the Attorney-General has given us some idea as to when the elections will take place. I do not think they could take place before February, however, owing to the difficulties that have to be met. I am sure that the people would rise with indignation if you do not give them much more time, since 14 days have been lost through the matter having to be discussed here so many times. I know, however, that the Elections Officer, Mr. McCowan, is very sympathetic indeed and is willing to give all the co-operation possible. I also know that the hon. the Attorney-General who has had much experience in election matters

and has been a campaigner himself, knows fully well what we are up against and will no doubt advise Government to appoint an additional number of persons for a period of about six or eight weeks to receive declarations. What harm could be done by that? Everybody is expecting Government to do the right thing, especially as this is the first time in their lives that the people on the sugar estates would be getting a chance to vote. We should not hinder them in doing so.

Mr. de AGUIAR: I do not think there is any quarrel as regards the Bill before the Council and if I understand the remarks of the last two speakers correctly, it seems to me that they are dealing with the Regulations put forward. There is probably a good deal in what they are pleading for and I think there is a desire that the widest possible publicity and facility should be given for the voters to register. But, in widening the scope I think Government would be well advised to see that additional persons be appointed to discharge the duties entrusted to them. I agree with the hon. Member who has just taken his seat that there is a problem in so far as the sugar estates are concerned and that steps should be taken to improve the situation. What I would like to know is whether all the officers mentioned on this list would be permitted to sign declarations outside their own districts. For instance, in the case of (1) where power is given to "any chairman or deputy chairman of a village council, or any chairman of a country authority" to sign declarations, I would like to know whether I as Chairman of a Local Authority on the East Bank, Demerara, can sign a declaration for a person in Eastern Berbice. If that is not the case, I think the position should be made clear. The same remarks apply to a postmaster who is mentioned in (j), and to other officers also—whether or not they would be limited to signing declarations in their particular districts.

If the intention is to widen the scope for signing declarations, much difficulty would arise as regards the functions of the officers if these points are not made clear. I agree, however, that every facility should be provided so that every person who

desires to be registered as a voter might do so. I also hope that Government would bear in mind the large number of people who are likely to be registered and would provide means for them to do so within a reasonable area. I have in mind particularly the situation in the various country districts and I know that if the voters would have to travel miles in order to get to the polls all the efforts we are making in this respect—to register them—would be nugatory. It is no good registering a man at Abary and then expect him to vote at Mahaicony; he would never get there.

Mr. C. V. WIGHT: I can see the force of the point raised as regards facility for registration, especially in the country districts. The Government Medical Officers in some instances are far removed from the people who desire to be registered and therefore I think other Government officers should be included under sub-head (i). I think the appointment of Head Teachers in the various schools should also be given some consideration. The hon. the Attorney-General might, however, give some indication as to what Government proposes to do in the matter. As regards the question of the area or district in which each officer is entitled to function, it seems to me perfectly clear that any person appointed under Regulation 3 is a Commissioner of Oaths should not have a commission with a limited jurisdiction. Therefore, it does not matter where that person is—if he happens to be at Skeldon but works in Georgetown—he could affix his signature to a registration.

One point which I think should be made clear—perhaps by the aid of *communiqués* in the Press—is that persons who are carrying on their own trade, such as dressmakers, artisans, and so on, should furnish evidence supporting their declaration to the effect that they earn the necessary amount which entitles them to registration. In my opinion, if a person is unable to obtain such a certificate the Registering Officer would not be entitled to accept his registration form, and if such a person is refused registration he would have a right of appeal and could prove to the Court that he is entitled to registration because he earns the necessary amount. I

am inclined to support the suggestion for an extension of the list of persons entitled to receive declarations and I take it that the Manager and the Deputy Manager of an estate are responsible persons and should be as capable of doing so as any other person.

Dr. SINGH: I think that the Government officers in the various districts would be unable to cope with the work of receiving declarations especially because, as the hon. Mr. Edun has stated, the majority of them reside a considerable distance from the estates. On the other hand, the estate managers with their limited staff are always busy and I would suggest that Government appoint all Moulvis and Pundits who are recognised by Law to assist in receiving declarations. I think they would be of immense assistance to the managers on the estates.

Mr. PEER BACCHUS: I am also supporting the request for an extension of the facilities on the sugar estates and in the river districts. Although Government has endeavoured to give all the facilities possible, there are complaints to the effect that those on the sugar estates and in the river districts are very poor. The sugar estate managers have been appointed Justices of the Peace, but I think it would be very unfair to ask each manager to register a whole estate. A manager would also have to issue certificates as far as earnings are concerned, and he would not be able to do so and take the declarations from the same persons himself. Therefore, it is very advisable that he should be given some assistance, since there are many workers on the estates who would need certificates relating to their earnings before they are registered.

Another point that has struck me is the fact that we have had it from the Attorney-General that the 1944-45 list is the list that would be in force, but I take it that the new list would supersede the 1944-45 list. What I would like to have clarified is the point whether a man whose name is omitted by any chance from the new list after having appeared on the 1944-45 list, would have the same right of appeal under this Bill, since he would not be an applicant for registration or anyone who has been objected to,

I know that Government is doing its best to get the elections through as early as possible, but I would like to have that point clarified.

Mr. THOMPSON: I think the list is not sufficiently comprehensive to give all the opportunity we would like to persons who desire to be registered, and I would like to make an appeal particularly in regard to the river districts and such other areas. Our object is to make it as easy as possible for farmers and other country residents to get their names registered and I think it advisable to give them more facilities by extending this list. In most of these districts there are Government employees—schoolmasters, dispensers, and so on—and if we add some of these persons to the list we are sure to get over some of the difficulty that is being complained about. It is quite easy for Government to get hold of them.

Mr. JACKSON: I have no objection to giving wider opportunity to everyone to register by adding some more persons to this list, but I am afraid that some precaution would be necessary to see that those persons who may be appointed do carry out their duties properly. It would be difficult for certain persons to carry out the duties that would be imposed upon them unless they are given definite instructions as to what they should and should not do. I speak with a great deal of experience in these matters and already it is being thought in some circles that a person might go and vote anywhere, simply because it was mentioned here that if a person holds qualification in two districts that person might vote in either of those districts. That has been interpreted by some to mean that as long as a man's name is in the Register for Demerara he can vote in Berbice. A mentality of that kind is to my mind silly, but you will find a number of persons in that category who would require information and guidance as to the performance of their duties.

There is one point that has failed to come up and perhaps it is well for me to mention it now. On whom will rest the duty of deciding whether a man can read or write? Further, would a Commissioner of Oaths be entitled to satisfy himself that a

man who comes to him to register can read and write, or should he simply take the declaration and leave the man to commit perjury in the eyes of the law if he cares to do so? If it is the duty of the Commissioner of Oaths merely to receive the declaration, that should be made known openly. If, however, he is entitled to satisfy himself that the applicant can read and write before he accepts the declaration, that should also be stated openly so that there should be no doubt in these matters. It is all well and good to ask that the world should be appointed Commissioners of Oaths, but one has to consider whether all the persons named would perform the duties efficiently and without any consideration. I agree that every man should have an opportunity to register as a voter and that there should be a large number of Commissioners of Oaths to take the declarations, but I also feel that Government should be satisfied that the persons who are called upon to take the declarations are fitted to carry out those duties.

Mr. GONSALVES: I don't know whether this point has been previously raised by any other Member, because I have just come in. I notice that certain persons have been appointed under the Regulations to be Commissioners of Oaths and I don't know whether the hon. the Attorney-General would say that these are the only persons who would be able to take declarations. If that is so, what would be the position with regard to declarations taken by other persons who have been appointed Commissioners of Oaths? I have taken quite a few declarations from persons who desired to be registered and I would like to know whether those Commissioners of Oaths including myself who are not referred to in these Regulations have the power to do so.

The ATTORNEY-GENERAL: Oh yes; you have the power. These are additional.

Mr. ROTH: These Regulations do not say so.

The ATTORNEY-GENERAL: The hon. Member for Georgetown South is a Commissioner of Oaths. He is a Commissioner of Oaths for all purposes, but these here have only a limited Commission for the

purposes of these specific Regulations. In other words, they are Commissioners of Oaths just for the purpose of swearing the claimants under these Regulations, but the usual Commissioners of Oaths have general powers which entitle them to receive declarations and everything else.

Mr. GONSALVES: If that is the opinion of the Law Officers of the Crown, I hope it would be handed down to the Registering Officers so that when the time comes no objections would be raised by lawyers in the matter. I have only mentioned the point because, if the objection is taken successfully quite a few names will have to be removed from the list.

Mr. LEE: I notice that under the Regulations governing the appointment of Commissioners of Oaths the Managers of sugar estates are not included in the list. I would very much like in the Committee stage the hon. the Attorney-General to consider Managers of sugar estates being permitted to administer oaths.

The ATTORNEY-GENERAL: That point has been raised already.

Mr. LEE: I cannot quite follow clause 3 of the Bill. Here you have in paragraph (a)—“The Register of Voters which was in force for the year 1944-1945 shall have effect as if it were, and shall be deemed to be, the Register of Voters which was in force at the commencement of the Principal Ordinance.” The commencement of the Principal Ordinance is dated the 13th October, 1945. Between the period of the revising list in April, 1945, which makes the list for 1946, and October, 1945, there was no register of voters. I would like the hon. the Attorney-General to say that the list for 1944-1945 shall have the same effect as if it was the voters' list for 1945-1946.

The PRESIDENT: If the hon. Member had not arrived late he would have known the answer. It was all explained by the hon. the Attorney-General.

Mr. LEE: I do not think the hon. the Attorney-General considered this point. I do not like to bring it up. For us to be Members of this Council we must be voters

and must have a certain qualification. If there was no voters' list from April, 1945, to October, 1945, then we were not holding elected positions in this Council. If it is felt that there was no negligence on the part of Government that there was no voters' list and we are making an amending ordinance, then we should give legal effect, as if that 1944-1945 voters' list was in force at the time, to that list being the 1945-1946 list. I ask Government to consider that so as to give this Council legal status from April, 1945, to October, 1945. If you take this clause as it is, we would only be voters from October, 1945, when the Principal Ordinance came into force. We were not voters in April, 1945, when the Returning Officer sent in the returns. Therefore any act done by us during that period is not in keeping with the Ordinance. I desire Government to consider that aspect of it.

The PRESIDENT: No other hon. Member wishes to speak on the principle of the Bill. I therefore call on the hon. the Attorney-General to reply.

The ATTORNEY-GENERAL: With regard to the point raised by the last hon. Member about his not being on the Register, the Register not having been printed and published in accordance with the law, that is quite a different thing from being on the Register and being qualified. I take it the hon. Member is qualified. That one is an actual fact and the other one is a step further in being put on the Register. What the Bill seeks to do is to bring the Register which was in force at the beginning of 1945 up to the commencement of the Ordinance in October, 1945. I think the hon. Member appreciates the point, as he made some reference to it. This is being done so that persons who were on that Register in 1944 and continued to be on the Register in 1945 will not be required to go through the same procedure of registration so long as they continued to be qualified. That is perfectly clear, for the simple reason that if a man, who was on the 1944-1945 Register and was qualified by way of income, lost his qualification and the Register is brought up to date he would be off the Register if it is known and the Revising

Officer is aware of the fact. Once you are a voter on the 1944-1945 list and you continue to enjoy your qualification this only brings the Register up to date without your having to go through the procedure of registration again. I do not think we need deal with that aspect any further.

Most hon. Members have limited their observations to the Regulations, and that is desirable because it is the wish of the Government to act immediately in regard to these Regulations. It would be appreciated, as His Excellency said, that until the Bill is passed he cannot really sign the Regulations for the purpose of publication, but the opportunity was taken to present them to Members in order that they could see what was being done and what was in the mind of Government in connection with this important question of enlarging the personnel of those who would administer the declaration. As the hon. Member for Western Essequibo has remarked, a person, who under the terms of the Ordinance and the Regulations will be authorised to administer a declaration, will have the power to do so, but the point which must be clear is that he has to be satisfied as to the identity of the persons who go to him to be sworn or to make the declaration. I take it that those persons who are set out in the proposed list would not be such as would take a statutory declaration unless and until they are satisfied that the applicant making the declaration is the person who has signed it and he is satisfied as to the identity of the person. That is the important part of it.

The next point raised deals with the provisions to be made with respect to estates. Government is very glad to hear the point of view of hon. Members as they are moving around the districts. I may say that steps have been taken. Forms have been distributed in all the districts, and everything possible has been done to get the largest number of people possible who are qualified to register. The difficulty which will emerge is the number of persons to administer the statutory declaration. Consequently this Regulation is designed to meet that difficulty and one welcomes the suggestion put forward by hon. Members. When the Regulations are approved, if not all, a good

many will be included—a Headteacher in charge of a Government-aided school, the Managers and Deputy Managers of estates, a Government Dispenser. I think consideration will be given to all those points raised by hon. Members.

With regard to River Districts, I do not know how that can be met. One hon. Member said it should be extended to Forest Rangers; another Member said Catechists—Schoolmasters. I do not know exactly how that can be met, but I can assure hon. Members that full consideration will be given to that view. I do wish to emphasize the provision in the Bill itself. There is at the end of clause 5 (2)—

“Any appointment under paragraph (b) of subsection (1) of this section may be made to take effect as from the first day of June, nineteen hundred and forty-six.”

If hon. Members turn to clause 5(2) they would see that provision is being made. It can be done by name or designated office as appearing in the Regulations. As hon. Members are aware, instructions were given to many of those who hold designated offices appearing in the Regulations to carry on as from the first. There were one or two instances where a person designated wanted to have full authority appearing in the Bill or the Regulations. That has been got over. I propose to add, so that it will be beyond doubt and difficulty, the following words to sub-clause (2)—

“and all acts done by such persons as ~~Commissioners of Oaths~~ from and after the first day of June, nineteen hundred and forty-six, shall be good, valid and effectual for the purposes of the Principal Ordinance and any Regulations made thereunder.”

In other words, those people who carry on have covering authority as from the 1st June. I think that meets with the approval of hon. Members. I take it that the Bill itself in principle is approved by all hon. Members. No one has spoken against the principle of the Bill but only about the Regulations. I wish to emphasize the fact that the Regulations have to be made by the Governor in Council and in section 100(1) it is stated:

“All regulations made by the Governor in Council under this Ordina-

ance shall be laid before the Legislative Council within fourteen days next after they are made if the Council is sitting on the last day as aforesaid, and, if the Council is not then sitting, within fourteen days after the commencement of the next ensuing sitting.”

I point that out because the Regulations are made and laid before the Legislative Council and the views as now expressed are the views of hon. Members; that is the reason why they are laid here now so that there can be discussion on them during the discussion on the Bill itself. The Government will proceed along the lines of the Regulations which are before hon. Members. I do not know if there is any other point to be raised, but I think I have covered all the points submitted by hon. Members during the course of the discussion. We have, so far as the Regulations go, provided for the division of the Colony into areas and several districts. That will be a question of arrangement subsequently for the Electoral Officers and those who will be responsible for considering the matter. As far as the Regulations are concerned, they provide ample arrangements and facilities so as to ensure convenience for voting by voters. This, Your Excellency, is the main difficulty. That is to say, it is a question of providing facilities at the moment for eligible persons to register their claims, and that is being done. After that, we wish to emphasize that all voters and all hon. Members do their best to encourage and stimulate claimants to put in their claims as soon as possible.

Although we have extended the time to 15th July, I suggest that claimants do not wait until the 13th or 14th July to come forward with claims. I suggest to hon. Members to urge on all those with whom they come into contact to go immediately and register and save a bottle-neck and confusion by waiting until the last day, July 15, for registration. If claimants put in their claims now that everything is being done and the whole matter is being ventilated and all publicity is being given to it, it would simplify matters and enable everyone concerned with the registration to get on with the work as expeditiously as possible.

There are other things to be done as soon as the claims are put in, and we want to have that done with the greatest ease and expedition.

The PRESIDENT: I would just like to add a few words to the remarks made by the hon. the Attorney-General. This discussion has been very useful indeed to Government. Next Tuesday I propose to discuss in Executive Council the recommendations made by Members for the extension of the number of persons under Regulation 3 who are appointed as Commissioners of Oaths for the purpose of this Ordinance. I do not know whether it will be possible to meet all the wishes of all the Members, but the sense of Members is clear to Government and we will do our best to meet your wishes. But we must be absolutely certain that the people who are going to be given this power are fit and proper people. The Publicity Department is getting letters from various people in the country in increasing number, and answers are given to the questions under the headings of the electioneering officers. It is most useful to Government because it shows what the mind of the people is on this question of the elections. Many people do not question them at all. The Publicity Department of Government is doing its absolute utmost by *communiques*, broadcasts, and answering letters to tell the people what to do, and the people themselves on their part cannot just sit back. They must find out what to do and go and do it. There must be co-operation on both sides.

I think hon. Members said they appreciate that Government is doing its utmost, and I wish hon. Members would go into their constituencies and give every possible help by explaining and extending the work of publicity which is being carried on by Government. I think it should be made very clear, because I do not think the people understand at all that there are no stamp duties and no fees to be paid. I would like the Press to make that clear. Registering as a voter does not cost a person anything at all, and I know from what the Publicity Officer has told me there are a great many people who do not understand that at all. With the permission of hon. Members we will proceed into Committee

and carry on after the second reading is passed. I would like this Bill to become law or pass through all its stages today.

Question put, and agreed to.

Bill read a second time.

### COUNCIL IN COMMITTEE

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

*Clause 5—Enlargement of power to make Regulations.*

The ATTORNEY-GENERAL: As I intimated, in order to remove any doubt that any act done by any of those persons set out in the Regulations should not be questioned and should be quite valid, I propose to move the following amendment to subclause (2)—

“the deletion of the “full stop” at the end of the subclause and the addition of the following words—

‘and all acts done by such persons as Commissioners of Oaths from and after the first day of June, nineteen hundred and forty-six, shall be good, valid and effectual for the purposes of the Principal Ordinance and any Regulations made thereunder.’”

As I have explained some have been already carrying on under an instrument.

Question put, and agreed to.

Clause passed as amended.

The Council resumed.

The ATTORNEY-GENERAL: With the permission of the Council I would like to take the third reading.

Question put, and agreed to.

The ATTORNEY-GENERAL: The Council having given permission to take the third reading, as I intimated at the beginning that I would ask for the suspension of the Standing Orders to take the Bill through all its stages to-day, I am in order in moving that the Bill be now read a third time and passed.

The COLONIAL SECRETARY seconded.

Question “That this Bill be read a third time and passed” put, and agreed to.

Bill read a third time.

CO-OPERATIVE CREDIT BANKS  
(AMENDMENT) BILL

The Council resolved itself into Committee and resumed consideration of the following Bill intituled

"An Ordinance to amend the Co-operative Credit Banks Ordinance, 1944, with respect to the security to be given for loans made under that Ordinance and other matters connected therewith."

The ATTORNEY-GENERAL: Your Excellency, the hon. Member for Western Berbice (Mr. Peer Bacchus) during the course of the debate on this Bill in the second reading and also in Committee suggested that in connection with loans over \$60 there should be some publication of the fact that the applicant is applying for the loan in order to ensure that creditors, if there are any of the intending applicant, should be apprised of the fact that a loan was being contemplated. I intimated at the time, that, perhaps, the point might be met by drafting a clause providing for publication in a newspaper. I have had that new sub-clause drafted and circulated to hon. Members. I understand from the hon. Member for Western Berbice that the sub-clause as drafted has met the point which he raised. In addition hon. Members will see there is an amendment to clause 22 of the Bill, as I had it circulated. Reference had been made to the original section 22. It will be seen that a loan by the Banks is to be a preferent charge on a property in certain circumstances. That is the original Ordinance passed in 1944. It reads:—

"(1) During such period as any part of any loan or advance made to any Bank from public funds under this Ordinance remains outstanding any loan or advance made to any member of that bank, together with any interest that may have accrued thereon, shall constitute a preferent charge on all movable and immovable property of that member over and above all claims of whatever nature, not being claims due and owing to the Crown or the Government of the Colony, and the same preference shall apply if proceedings in insolvency are instituted against the member:

"Provided that the preferent charge constituted by this section shall be limited in amount to four hundred and eighty dollars."

We are going beyond that and are providing for sureties where a person has no property. Therefore we have to insert the words "or any other person who becomes a surety for the repayment of any loan under sub-paragraph (ii) of paragraph (a) of subsection (1) of section twenty-eight of this Ordinance." That is to put the sureties in the same position as a member of the bank who applies for a loan.

The CHAIRMAN: I am not quite clear where we are now. Have we been through all the clauses?

The ATTORNEY-GENERAL: I should think so. I have circulated the amendments which have resulted from certain communications received from the Directors of the Bank. Now that we have seen the Bill in its present form, it will be appreciated what those consequential changes are.

The CHAIRMAN: Do you wish to recommit clause 2 then?

The ATTORNEY-GENERAL: Yes, sir. Clause 2 recommitted.

The CHAIRMAN: The question is that Clause 2 of the printed Bill be amended in accordance with the amendments which have been circulated and explained by the Attorney-General.

The ATTORNEY-GENERAL: We are having a new sub-clause and certain consequential amendments which will be put into the Ordinance.

The CHAIRMAN: I would like to have a look at the Bill complete with all the amendments, in order to see what it looks like.

The ATTORNEY-GENERAL: The only way that could be done is by reference to the original Bill of 1944. When an amendment is being made the original Bill should be put in.

The CHAIRMAN: The consequential amendments are very difficult to follow, but I suggest that we agree with the amendment to clause 2 of the Bill.

Clause 2, as amended, put and agreed to.

Clause 5 recommitted.

The ATTORNEY-GENERAL: It is proposed to amend this clause as a result of a point raised by the hon. Member for Western Berbice. I think the amendment would meet the point he has raised, since it is proposed to insert the following new sub-clauses:—

(7) Before any loan exceeding sixty dollars in amount is made, the Committee or the Board, as the case may be, shall at the expense of the Bank cause general notice to be given in two consecutive issues of a daily newspaper circulating in the Colony of the application for the loan, and every such notice shall state the name of the applicant, the amount of the loan applied for, the amount of every loan already made to the applicant, if any, and a short description of the property owned by the proposed surety or sureties for the loan or to be charged by the instrument in writing under this Ordinance.

(8) At the expiration of one week from the date of the last publication of the said notice the Committee or the Board may make the loan applied for if no sufficient objection to the making thereof has been received by the Bank.

Mr. EDUN: I well recollect that the hon. Member for Western Berbice raised this point, but as I see this amendment now it raises a different matter. I think this is a question entirely for the Directors of the Bank to decide. Why should the Bank endeavour to expose the business of a client to the world, in order that the world should know that he is borrowing money? That does not happen with the usual commercial banks at all and if it is introduced here I think it would defeat the whole idea of this Bank. I cannot understand why this idea has arisen in the mind of the hon. Member for Western Berbice. Has the hon. Member been asked by the merchants in Water Street because some people might go and make a double loan—one in Water Street and another at the Bank? Why should the whole world know about the business transaction of an ordinary farmer—perhaps a small business transaction in which he intends to borrow about \$60? I don't see why the whole world should know what a man intends to

pledge for such an amount. This idea, to me, suggests "playing to the gallery" by certain people, and if the hon. Member for Western Berbice is desirous of helping the peasantry of this country I think he should withdraw this amendment. I am tempted to ask whether this amendment was prepared by the hon. Member and handed in to the hon. the Attorney-General. If it is the intention of Government to support the hon. Member in this idea I do not agree—and I do not think any other Member of this Council should agree—that the business of a small man who wants to borrow a small amount of money should be exposed to the whole world.

The ATTORNEY-GENERAL: I just want it to be understood that in so far as Government is concerned I am glad to hear the views of the hon. Member who has just taken his seat. This amendment is not being put forward by Government. The hon. Member for Western Berbice raised the point when the matter was last before this Council in Committee and I stated that a draft amendment would be put forward at the next meeting. So far as Government is concerned, Government advanced this Bill as it stood originally.

Mr. de AGUIAR: I can well understand the desire of Government to meet hon. Members of this Council but, as I said on the last occasion when this matter was being discussed, I do not know of anything to support this amendment. My views are similar to those of the hon. Member who has just taken his seat and I want to assure him that there is not a single Water Street merchant behind this amendment. I was also told that another hon. Member would have risen to object to that suggestion.

Mr. EDUN: To a point of order. The reason why I made the suggestion is because I suppose the Water Street merchants want to lend money also.

Mr. de AGUIAR: Water Street merchants are always the scapegoats. Whenever anybody wants to say anything bad they always try to pin it on them. However, they are quite capable of looking after themselves. As regards the amend-

ment proper, I do not think it would be wise for us to agree to the expenditure that would be necessary for advertising such small loans in two issues of a daily newspaper. The Bank would only receive the normal interest provided for by law, while the cost of any publication would have to be at the expense of the Bank. One does not have to await the arrival of a quinquennium in order to know what is the financial position of the Bank. If a shareholder has \$50 in it he would only receive \$3 interest for a whole year and immediately it can be seen that there is no necessity for publishing applications for loans in two daily newspapers. The hon. Member for Georgetown Central has just reminded me that after the publication of the notices an applicant might change his mind and say "I do not want the loan any more" and therefore the Bank would have to lose all that expenditure. I am going to ask the hon. Member for Western Berbice not to press this amendment. The hon. the Attorney-General might have been impressed by the flowery speech he made but, personally, I do not think he has a very good case.

Mr. C. V. WIGHT: I am entirely in agreement with the last speaker. The only benefit I can see in this idea is that the newspapers would get much revenue because these advertisements are not going to be exactly cheap. It would also depend on the form the Bank would require these advertisements to take. If there are going to be many details relating to the applications, we might find an advertisement half a column long just because a small man desires to obtain a loan of \$60 or perhaps \$61.50. It seems to me that such a loan would not be able to repay the Bank for an advertisement of that kind and, further, the advertisement might not be any definite security against a person who might not read the particular newspaper in which it appears. It is not the type of advertisement which would have to appear in the *Official Gazette* and it might appear in a newspaper which one might never see. There are three daily newspapers at the moment, and it means that one would have to read all three of them in order to see when these loans are being granted.

Mr. THOMPSON: I am not prepared to support this amendment at all. I had no sooner seen it than I described it to my friend—the hon. Member for Western Berbice—as an improper piece of legislation to come before this Council. The only effect I think it would have is to retard the business of the Bank. No decent-minded man would be pleased to apply for a loan and have his business exposed as it is proposed to do, because the business of the Bank should be carried on with a certain amount of privacy. I have been serving on loan banks for quite a long time and during this period the business has been put through quite satisfactorily without the kind of procedure proposed in this amendment, all the applicants having honoured their obligations. That is how the peasantry should be helped and how I think the farmers desire that they should be helped. If this amendment is inserted I think it would strike a discordant note in the affairs of the Bank. I hope the amendment would not be carried and I am prepared to oppose it strongly.

Mr. PEER BACCUS: I am quite prepared to state that I suggested this amendment and that I did so on principle. The Ordinance under which the Co-operative Credit Bank operates throughout the Colony is an enactment repealing one of our statutes in so far as the functions of this Bank are concerned. It is the law in this Colony that whenever one wishes to encumber immovable property it has to be advertised, therefore the right of a borrower under this Bill to go to the extent of \$240 without encumbering his property is inconsistent with the law. It is on that principle that I suggested this amendment. We have got it from various branches of the Co-operative Credit Bank that 63 per cent. of the borrowers borrow \$60 per annum, and if that is so one can easily see that the business of the Bank would not be retarded by this amendment. I have the same good feelings for the peasants of this Colony as any other Member of this Council but, at the same time, I should present both sides of the picture. Let us say for the sake of argument that an applicant has immovable property to the value of \$120 and has an obligation of \$70

outstanding on it. He then goes and makes an application to the Bank for a loan of \$60—one half of the value of the property—and it is granted. That applicant whose property is worth \$120 would then have received loans to the extent of \$130 on it, so that if the property goes he would not be the loser at all.

I stated in the first instance that I was not opposing this Bill, neither would I press this amendment if it is not the intention of this Council to support it. It is within my knowledge that scores of applicants have been pursuing the kind of speculative policy to which I have referred, hoping that they would profit at the expense of the Bank. If the Bank examines carefully the conditions under which applications for loans are made it would minimize any such practice and not leave it entirely to applicants to borrow loans far and above the value of their security. An applicant should be made to disclose his entire indebtedness on the application form before the application is considered by the Bank. In 99 per cent. of the cases at present, the applicant makes a false declaration—and a statutory declaration at that. The Bank does not care, however, because it makes no difference how much of its credit goes to the wind. I repeat that the Bank should see that the facts contained in every application are true and correct, and anyone who makes a false application should be handed over to the Police.

Mr. RAATGEVER: I should like to state that this amendment was not engineered by Water Street as my hon. friend, Mr. Edun has suggested. I would, however, support it if the sum of \$60 is changed to \$240.

Mr. LEE: If the hon. Nominated Member (Mr. Raatgever) reads the Bill, he would see that under clause 3 (2) it is permissible for an applicant to borrow as much as \$480 providing it is made a charge on immovable property. I think the hon. Member for Western Berbece has withdrawn the amendment and therefore that ends the matter.

Mr. PEER BACCHUS: I would formally ask leave to withdraw the amendment.

The CHAIRMAN: The amendment is withdrawn and we are now where we were previously.

The ATTORNEY-GENERAL: I now beg to move that paragraph (a) of clause 5 (1) be amended by the substitution of the words "acceptable to" for the words "approved by" in the seventh line.

The CHAIRMAN: That means that in the new Section 28 the words "approved by" would be deleted and the words "acceptable to" substituted therefor.

Amendment put, and agreed to.

Mr. ROTH: I would like to suggest that sub-clause 5 (3) be amended by the substitution of the words "three quarters" for the words "one half" in the second line. I do not know personally, as I have not had any personal experience of Co-operative Credit Banks, but I speak on behalf of persons who made representations to me as recently as this morning. They consider the security too high, actually 200 per cent. of the loan. I move as an amendment the alteration of the word "one-half" to "three-quarter".

Mr. PEER BACCHUS: I do not think it would be in the best interest of the Co-operative Credit Banks to advance more than one-half of the value of the security that is offered to the Bank. If a borrower wishes to obtain an additional loan he has one-half of the value of his property to play with outside the Bank. You must allow a good margin between the debt and the security, as it invariably happens that interest accrues from one year to another.

Mr. LEE: I ask the hon. Nominated Member not to press his amendment because, as far as I know, the Loan Banks have their own valuers. It is not a question that you pay for it and the valuation is on your side. It is a question of the assessment by the valuer of the Bank. After enquiring into the details of income and otherwise, 50 per cent. of the value is granted as loan based on the assessment by the valuer. I am asking the hon. Nominated Member not to press his amendment. If it is in the interest of the community,

certainly the appraiser would consider that and not what the property was originally bought for. Some places bought for \$100 are now worth \$200, but if you look at the transport you would see that it is stated they are only worth \$100. The Committee of the Bank considers the application for a loan on the valuation of the security by the appraiser. This is not detrimental to the borrower, and I ask the hon. Nominated Member not to press the amendment.

Mr. ROTH: The Bank's valuer would on one occasion appraise a property at 100 per cent. beyond the stated value, and on another occasion he would value the same property at 50 per cent. below.

Mr. PEER BACCHUS: One knows that places sold at auction are sold below their value. The transport value of a property is not taken as the true value. The appraiser is sent to give the face value of the property. One may purchase a property for \$100 and improve that property, and when application is made for a loan that property may be worth \$500. In such a case the owner of that property would be entitled to obtain loan of \$250 on it.

The CHAIRMAN: The amendment moved by the hon. the Fifth Nominated Member to subclause (3) is that the words "three quarter" be substituted for "one half." I think it is quite clear what the issue is. I put the amendment by the hon. the Fifth Nominated Member.

Question put, and not agreed to.

Amendment lost.

Clause 5, as amended by the Attorney-General, agreed to.

Clause 7—*The Third Schedule to the Principal Ordinance.*

The ATTORNEY-GENERAL: I move the following verbal amendments:—

- (a) the insertion of inverted commas before the words "Third Schedule."
- (b) the substitution of the word "by" for the word "at" in the fifth line of 1 (b).

Question put, and agreed to.

Clause 9—*The Fifth Schedule to the Principal Ordinance.*

The ATTORNEY-GENERAL: I move the insertion of a full stop before the figures "25".

Question put, and agreed to.

Clause 10—*Power to amend the Third, Fourth and Fifth Schedules.*

The ATTORNEY-GENERAL: I move the insertion of a comma after the word "alter", the deletion of the word "and" and the insertion of the words "or revoke" after the word "amend."

Question put, and agreed to.

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be now read a third time and passed.

The COLONIAL SECRETARY seconded.

Question "That this Bill be now read a third time and passed" put, and agreed to.

Bill read a third time.

#### MINING (CONSOLIDATION) (AMENDMENT) BILL

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

~~A Bill intitled "An Ordinance to amend the Mining (Consolidation) Ordinance for the purpose of requiring the consent of the Commissioner to transfers of concessions, leases and licences granted under that Ordinance."~~

The ATTORNEY-GENERAL: The point made by the hon. Member for Georgetown South (Mr. Gonsalves) is whether it is not desirable in particular circumstances in a mining activity to put power in the hands of the Governor under clause 2 of the Bill instead of in the hands of the Commissioner of Lands and Mines as it appears in the Bill. It was suggested in consequence of that point that the words "in writing of the Commissioner" should be deleted and the words "of the Governor"

inserted. That is one point. The other point is the deletion of the words "and any transfer of, or creation of a right, title or interest in, any concession or lease made contrary to this subsection shall for all purposes be absolutely void" at the end of both clauses. I pointed out then and I gave my view that so far as the last point made by the hon. Member for Georgetown South is concerned it is absolutely necessary to have this provision appearing in the Ordinance, to prevent anybody being under any misapprehension and to prevent any possibility of an argument that the transfer is voidable and not absolutely and completely void as the Ordinance proposes to make it. I think the hon. Member would see the force of that and not proceed with his amendment or suggestion.

So far as the hon. Deputy President's (Mr. Woolford) point is concerned, I wish to emphasize this aspect of the question. Some time ago, hon. Members will recollect, the necessity arose to pass an Interpretation (Amendment) Ordinance, No. 17 of 1942, to relieve the Governor of certain statutory powers and duties. Therefore the question of policy arises. At one moment we are taking steps to relieve the Governor of having to perform certain statutory powers and duties, and the next moment we are seeking to put other statutory powers and duties back on the Governor. I take it, the Commissioner of Lands and Mines as the head of a Department is subject to the direction of the Governor and, consequently, any matter of any importance relating to his department will be submitted to the Governor for his final direction. But it is a matter for hon. Members. Obviously, the Governor has the ultimate decision and any matter of importance will receive his direction. It only means, if you put that suggestion in the Ordinance, that everyone of these transfers which come up has to be submitted to the Governor for his approval. I think, therefore, that hon. Members can very well leave the Bill as it stands, but they must know the circumstances prevailing outside in connection with mining activity. Consequently it is entirely a matter for this Council.

The CHAIRMAN : I would like to

ask the hon. the Attorney-General, if the Bill passes the Governor has to give his assent to it ?

The ATTORNEY-GENERAL : Yes, but they are now specifically saying by suggestion that they want the Governor to deal with this matter. The clause will read —

"No concession or lease, or interest therein, shall be transferred by the holder thereof to any other person, and no right, title or interest, legal or equitable, shall be created in any concession or lease by the holder thereof in favour of any other person, without the consent of the Governor is first had and obtained...."

The CHAIRMAN : The Governor may delegate those powers !

The ATTORNEY-GENERAL : It is a matter entirely for the Council. I suggest that the Commissioner of Lands and Mines should do so, as he is the Head of the Department dealing with this matter. I take it, if any Head of a Department is alive to his job any matter of importance which comes before him in relation to this aspect of the question with which we are now dealing, will be submitted to the Governor and the Governor will be aware of it and probably will take the advice of the Executive Council on it. I take it, it is only a question of our putting in those powers and the Governor turning around and delegating them to someone else. This matter has been gone into with the Commissioner of Lands and Mines, Mr. Ray Green, who suggests that the Bill is in order.

Mr. WOOLFORD : When the amendment of the law was made, I think, Members of the Executive Council will remember what His Excellency complained about was having to attach his signature on every kind of petty document — a little lease on the Mahaicony River. There is no necessity to examine the credentials of anyone as the land is of no value and only becomes valuable after it has been cultivated. But here we are dealing with large mining concessions, and so one must be against the vesting of power in one individual to accede to a transfer in such cases. There can be no

possible objection to the Governor or the Governor in Council giving that particular transfer. I have good grounds to believe, and many Members of this Council too, that in the very near future there are going to be attempts to make transfers to undesirable people, and I emphasize that what is still more important is that those companies which are seeking to get large privileges should be made more amenable to the laws of this Colony. All they are required to do is to have an address for service. What is the value of that—an address for service where letters might be sent? I do solicit the assistance of Members of this Council in ensuring that this power for transfers be vested in the Governor especially at this particular period.

Mr. C. V. WIGHT: I think the hon. the Deputy President has more or less expressed the views expressed by most of us. My views are well known to Government on every one of those grounds. I have done so, perhaps, without any foundation but with an impression—a selfish impression—that there is in the near future something in connection therewith which may not benefit the Colony and its inhabitants. Only recently it has been brought to my notice—while perhaps it is not a matter which concerns the present Bill but it is a matter to which notice should be given—that large areas of land can be granted to persons as long as they desire to go in for forestry; these grants are not even subject to approval by the Executive Council, but the applications just go before the Commissioner and are granted. I have been informed that a large concession has just been so granted by the Commissioner. If that obtains—

The CHAIRMAN: The hon. Member is not correct!

Mr. C. V. WIGHT: I am glad to hear the pronouncement from His Excellency that it is not so, because it has been a matter of concern and a matter of discussion in certain circles within the last twenty-four hours. That shows there is the possibility of such things happening. I do think there should be a safeguard, and the Governor can be entrusted and should be entrusted with powers of that kind.

I do not think it can be said that the Governor is going to give away against the interests of the community some valuable concession. We can quite readily and safely leave that to the Governor or whoever is at the head of the administration to exercise his discretion. He should have the oversight and, I suggest, he should have the responsibility of the transfer of such large tracts of land.

The CHAIRMAN: I would like to explain the Governor, whoever he is, in a question of a large tract of land for forestry or mining will consult his Council, even if the law does not provide for it. There is no doubt that he will do so. As regards the question of forestry the action taken by Government has gone to the Executive Council. The hon. Member saw the papers himself. I want the Council to be well assured that if you insist on the powers going to the Governor, the Governor would always consult the Executive Council on this matter.

Mr. EDUN: I was absent during the discussion on the principle of this Bill. What has occurred to me is that the flexibility will be more conducive to speculation when the Governor in Council has to deal with these matters. I certainly will support the views expressed by the hon. the Deputy President, because I can remember very well indeed when some companies came here during the diamond boom and had these mining concessions transferred to themselves. As the result ~~the diamond industry went down. In-~~stead of having these large concessions being given like that, the Governor in Council should examine the applicants' credentials through the Banks. But we are leaving it to the Commissioner of Lands and Mines. This is nothing to play with. There is a hullabaloo over the giving of concessions in the interior at the present moment, and this Bill gives credence to some of these suspicions. I think the Deputy President's views should be pressed and we would support them.

The ATTORNEY-GENERAL: Your Excellency, in view of the observations of the Deputy President and other Members, it is just as well that they be accepted. So

far as the hon. the Fifth Nominated Member's (Mr. Edun) comments are concerned, at the second reading of the Bill I pointed out that all the matters to which he had referred had received the fullest consideration of the Commissioner of Lands and Mines and later by the Governor in Council, and every possible safeguard is taken to ensure that those who take up lands are people of some standing and whose *bona fides* are satisfactory. I can assure the hon. Member that the Commissioner of Lands and Mines has gone to much trouble in his investigations in connection with those who apply for lands under the Mining Ordinance. Therefore, what the hon. Member has said has been the course followed by Government and, indeed, the fullest possible investigation is made in connection with these matters. The hon. Member was not present on the last occasion when I so informed the Council.

With regard to the point raised, as to placing the power in the hands of the Governor, the two amendments which become necessary are — in the fifth line of subsection (2) in clause 2 delete the words "consent in writing of the Commissioner" and substitute the words "approval of the Governor".

The CHAIRMAN: Then the words "consent in writing of the Commissioner" would be deleted. The Deputy President expressed the view that the Governor's approval should be obtained, but the hon. the Fifth Nominated Member (Mr. Edun) says that the Governor in Council's approval should be obtained. I have just explained that if the Governor's approval is necessary, the Governor, nowadays, in any question of importance, would consult the Executive Council. Therefore, I suggest that the word "Governor" and not "Governor in Council" should be used.

Mr. WOOLFORD: I think the hon. Member used both terms.

Mr. EDUN: I don't mind the word "Governor" being used.

The CHAIRMAN: The question is that clause 2 (2) be amended by the deletion of the words "consent in writing of the

Commissioner" in the fifth line and the substitution therefor of the words "approval of the Governor."

Clause 2 (2) as amended put and agreed to.

The CHAIRMAN: Clause 3 (4) would have to be amended similarly. That is, the words "consent in writing of the Commissioner" would be deleted and the words "approval of the Governor" substituted therefor.

Clause 3 (4) as amended put and agreed to.

*Title and Enacting Clause.*

The ATTORNEY-GENERAL: I also have to move an amendment here to the effect that the words "consent of the Commissioner" be deleted and the words "approval of the Governor" be substituted therefor.

Title and Enacting Clause, as amended, passed.

Council resumed.

The ATTORNEY-GENERAL: I beg to move that this Bill be now read a third time and passed.

The COLONIAL SECRETARY seconded

Motion put and agreed to.

The PRESIDENT: Mr. Attorney-General, if you are ready, I would like to take the first reading of the Quarantine Bill now. Are you ready?

The ATTORNEY-GENERAL: No, sir. I would like to explain certain details and I would prefer it to be taken later.

The PRESIDENT: Very well; we will leave it for the next meeting.

The ATTORNEY-GENERAL: Whenever next is convenient to Your Excellency.

The PRESIDENT: I will now adjourn the Council until Thursday, June 20, at 2 p.m.