

## LEGISLATIVE COUNCIL.

*Friday, 24th August, 1945.*

The Council met at 2 p.m., the Hon. E. G. Woolford, O.B.E., K.C., Deputy President, presiding in the absence of His Excellency the Governor, Sir Gordon Lethem, K.C.M.G.

### PRESENT :

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

The Hon. the Colonial Secretary, Mr. M. B. Laing, C.M.G., O.B.E. (acting).

The Hon. the Attorney General, Mr. E. O. Pretheroe, M.C., K.C.

The Hon. the Colonial Treasurer, Mr. E. F. McDavid, C.B.E.

The Hon. F. J. Seaford, C.B.E. (Georgetown North).

The Hon. J. A. Luckhoo, K.C. (Nominated).

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

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

The Hon. F. Dias, O.B.E. (Nominated).

The Hon. M. B. G. Austin, O.B.E. (Nominated).

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

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 Clerk read prayers.

The minutes of the meeting of the Council held on Thursday, 23rd August, 1945, were taken as read and confirmed.

### ANNOUNCEMENTS.

#### PETITION RE DISTRICT LANDS PARTITION AND RE-ALLOTMENT (SPECIAL PROCEDURE) ORDINANCE, 1945.

Mr. JACOB: Sir, before we proceed with the Order of the Day I crave your indulgence to mention two matters of some importance to this Council and the community. I wish first of all to refer to the Bill intituled "An Ordinance to provide for the partition of certain areas of land for the re-allotment of holdings therein, for the issue of titles thereto, and to render the occupation thereof more beneficial." The Bill was published on the 28th of July, 1945, and the third reading was passed on the 9th of August, 1945. I have a petition here dated 20th August and addressed to the Chairman and Councillors of the Sheet Anchor village

district. It is signed by 55 proprietors of that village, and they are asking that the partition be not proceeded with. I do not know what has happened, but it would appear that the people of that village, do not approve of the partition, and are trying to take steps to have it set aside. I do not know what can be done. I understand the Bill is actually before the Governor for his assent. I mention the matter so that His Excellency may be pleased not to give his assent to the Ordinance just yet.

The DEPUTY PRESIDENT: Will the hon. Member lay over the petition now? If it is addressed to this Council you can lay it over now, but if it is addressed to the Governor under the Lands Partition Ordinance you may send it to the Colonial Secretary as early as possible, and notwithstanding the Governor's assent to the Bill the facts of the petition may be considered.

Mr. JACOB: The petition is addressed to the Chairman and Councillors of the village, and they in turn have sent it to the Local Government Board, but as that procedure may take some time I was asked to mention the matter here so that His Excellency may not give his assent to the Ordinance.

The DEPUTY PRESIDENT: What I would suggest is that either the Village Authority or you yourself should communicate with the Colonial Secretary. It is not a matter for this Council at the moment. You may write the Colonial Secretary stating exactly what you have said here.

Mr. JACOB: There is another point that affects this Council. A Bill is published on the 28th of July and it becomes law on the 9th of August. I have raised that point in one or two other matters. The parties concerned did not actually see its publication.

The DEPUTY PRESIDENT: I would suggest that you raise that point on another occasion. Whenever a Bill is

published in the *Official Gazette* and it reaches this Council the hon. Member may direct the Council's attention to the fact that it is not given sufficient time to consider it, or that there was not sufficient notice of the Bill.

Mr. JACOB: I merely make mention of it now.

The DEPUTY PRESIDENT: I am sure if you send a letter to the Colonial Secretary regarding the petition some notice would be taken of your representations.

#### A CORRECTION.

Mr. JACOB: The other matter concerns an announcement you made a few days ago with regard to a previous announcement by His Excellency the Governor in connection with a request made by "some East Indian Association" for the despatch of a telegram to the Secretary of State. The facts are that the Associations which made the request were not only East Indian Associations. They included three other Associations comprising nearly all the races in the Colony. I am asked to say (there is no other way of correcting it) that the announcement made by His Excellency and corrected by you, that the request was made to him by "some East Indian Associations" was not correct. The announcement should have been that the request was made by certain Associations and Trade Unions.

The DEPUTY PRESIDENT: The hon. Member's remarks will be communicated to His Excellency.

#### ORDER OF THE DAY

#### LEGISLATIVE COUNCIL (ELECTIONS) BILL.

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

A Bill intituled "An Ordinance to consolidate and amend the law relating to the election of members of the Legislative Council and for purposes connected therewith."

Clause 5.—Right to be registered as a voter in more than one electoral district.

The CHAIRMAN: Clause 5 was being debated when the discussion in Committee was adjourned on the last occasion. I think there are other Members, not yet here, who wish to speak, and as it is a matter of very great importance I would ask Members to allow consideration of the clause to be deferred for the present.

Clause 5 deferred.

Clause 7.—Appointment of Registering Officers.

The CHAIRMAN: I would like to say something on this clause. I think the appointment of Registering Officers should be made with the greatest care in the selection not only of competent men but men who have the time to perform these duties. Members are aware that in the past the system has been that claims are filed at the Magistrate's Courts and the Magistrate's clerk prepared the register of voters. A limited number of persons claimed in those days to be entitled to the franchise, and it was not altogether difficult for Magistrates' clerks to perform those duties, but since that time the Magistrates and their clerks have had a great amount of work to do. The Magistrate's office in Georgetown is simply cluttered with work. I do not think the Magistrate's clerk is altogether—I would not say the best person but the sole person to be Registering Officer. I think some other officer should be appointed, and should have a fair knowledge of conditions in the Colony, and time to examine each claim. It is not going to be an easy matter to examine those claims. A person has to be examined as to whether he is literate

or not. That will require personal examination to some extent, and there must be some form of test.

I gather from what hon. Members say that there will be a very lively election and an equally lively desire to be registered. I therefore consider that greater care or precaution should be taken to see that the electorate is well served and assisted in the preparation of their claims. Those who have never voted or been on the list of voters before should, if possible, be told what to do, and be assisted to do it. It is my view that the people require a great deal of assistance in that direction, and I hope that one day adult suffrage may be found possible in this Colony. It is the aim of every person with a public spirit, and although I do not think the time is ripe for it in this Colony I think there should be some preparation for it by educating the public mind, and those who wish to vote should be assisted in exercising their votes. They should first of all be assisted to get their names on the register. I do not think the registration of voters should be confined to one office and to public officers only. I think the District Commissioners' offices and places like those should be places where claims may be received. I had hoped that some member of the Franchise Commission would have spoken on this matter.

The ATTORNEY-GENERAL: It is contemplated that so much work will be involved in the preparation of the new register that it will be impossible for a Magistrate's clerk to cope with it. In view of that special provision is made in clause 98 of the Bill for the remuneration of the various officers and clerks, which would not be done if they were all to be Government servants.

The CHAIRMAN: What the Attorney-General has said is quite right, but it does not include the appointment of officials who, I know, in the majority

of cases have quite enough of their ordinary work to do. The hon. Member for North-Western District has so often complained of the attitude of Registering Officers, and I know that other Members have had considerable difficulty in their districts even in obtaining forms. However, there need be no debate on the subject.

Mr. JACOB: As you rightly say, sir, I have strong views on this matter, but I did not propose to speak on this clause. I intended to speak on clauses 9 and 11. I have notes with respect to those clauses, and what you have said is quite correct. This being an administrative matter I think the onus must rest with Government to appoint the right type of persons to perform these duties I do not think it is within our right to question who is appointed. We can, of course, criticize the person when he does not do the job. I therefore do not intend to say anything on this clause. I merely express the hope that competent persons will be appointed, and what is more, impartial persons—not partial persons as we have had in the past.

Clause 8.—Appointment of Revising Officers.

Mr. LEE: As my intelligence is limited in the opinion of certain Members here I would like some information with respect to this clause which says:—

8. (1) The Governor shall, from time to time, appoint a barrister or a solicitor to be the revising officer of each electoral district and may at any time cancel any such appointment.

I take it that that means that there will be only one Revising Officer for each electoral district. For the sake of argument, if certain people desire to delay the General Election they can submit objections to 300 or 400 claims for registration. It would then be necessary for the Revising Officer to take evidence, in those cases, and in that way the Election would be delayed. I think

Government should take power to appoint more than one revising barrister or solicitor. In that way the public will be satisfied that there would be no delay of the General Election.

The ATTORNEY-GENERAL: So far as I can see it may be necessary, when we know the number of claims to be dealt with, to appoint two persons to do the work. This clause does not exclude that.

Mr. LEE: Government would have to come back to this Council for authority to do so.

The ATTORNEY-GENERAL: If the hon. Member wants to move an amendment he should move it, but I may point out that in a constituency of 180,000 in England there is only one revising barrister.

Mr. LEE: I am expressing the views of members of the public who desire an election in the early part of next year. If certain associations desire to delay the election they could enter a dozen oppositions in each district. Are we going to allow that to occur, or are we going to make some provision in this Bill giving Government power to appoint more than one revising barrister so as to expedite the election? I move that the clause be amended by the substitution of the words "barristers or solicitors to be revising officers" for the words "a barrister or a solicitor, to be the revising officer".

Mr. JACOB: I think it is quite in order to give the Governor power to appoint more than one revising barrister or solicitor. I see no harm in the amendment.

Mr. EDUN: Sub-clause (2) provides that the same person may be appointed Revising Officer for more than one electoral district.

The ATTORNEY-GENERAL: That is because there are 14 electoral districts and there are not a great many voters. I have no objection to the amendment.

Clause 8 as amended agreed to.

Clause 9.—Register of Voters

Mr. JACOB: I observe that sub-clause (3) of this clause provides that register of voters shall come into force on the first day of August in each year, and shall remain in force until the 31st day of July of the following year. I take it that there is no intention to hold a General Election until after August next year.

The ATTORNEY-GENERAL: When this clause was drafted there was no idea of a General Election in mind at all. It is merely that certain things will have to be done in time for August. If the hon. Member thinks that the whole procedure can be got through before August there is no objection at all to his putting forward his arguments.

Mr. JACOB: This is August and we are now going through the Bill which has to be passed by this Council. After the Governor has given his assent to the Ordinance Regulations will have to be made, printed and published, and officers will have to be appointed. My fear is that unless those things are done expeditiously after this Bill becomes law there will be no election next year. There was a disastrous fire in Georgetown in February, and up to now we have not seen the draft Bill in connection with the re-planning of that part of the city. Those of us who are debating this bill fully and scrutinizing every clause of it are doing absolutely nothing to prevent an election being held next year. My fear is that an election may not be held next year for reasons best known to Government and the Officers of Government. I make that point in order to emphasize the fact that so far as I and some of my colleagues are concerned we wish to have a General Election next year.

I do not like this clause at all. It does not make it very clear as to how

the register of voters should be prepared. We have just passed a clause for the appointment of Registering Officers, and we have now reached the clause which provides that those officers shall prepare the register. We know what has happened in the past, and I am going to repeat what I have said and what my friend the Third Nominated Member has challenged here, and in a very peculiar manner. I am not going to dispute the veracity of my hon. friend, nor am I going to accuse him of anything at all, but this is what has happened in the past: In 1934, before the register of voters for 1934-35 was actually prepared, several associations and individuals took the trouble to influence or to encourage eligible persons to become registered voters.

Mr. JACKSON: Is the hon. Member reading from Hansard?

Mr. JACOB: I am going to read something from Hansard but I have not started yet. I had better put it down. What happened is that in several districts large numbers of forms were sent in by persons who wanted to see a larger register duly signed and declared, and sent to the Revising Officers in Demerara, Berbice and Essequibo. I know of three or four cases in Demerara and Berbice where hundreds of forms were sent in, but most of those forms were not accepted by the Registering Officer and the names of the applicants were not included in the register of voters. I asked a question in this Council in 1935 concerning one of those cases which occurred in the Demerara River district, and if you will permit me, sir, I think I should read the question. As a matter of fact, I asked four questions on November 5, 1935, and they were answered on May 22, 1936. Three of the questions and the answers are contained in Volume 8 of Hansard, column 760, and these are the questions:—

1. How many voters' names were on the 1934 List of Voters for the Demerara River Electoral District, No. 10?

2. How many application forms, duly declared, were received by the Registering Officer for District No. 10, during 1934 for registration up to 31st November, 1934, for the 1935 list?

3. How many persons were registered by the Registering Officer for District No. 10 for the year 1935?

The replies submitted by the Colonial Secretary, were as follows:—

1.—596; 2.—847; 3.—363.

Question No. 4 was not answered. That is how Government treated the four questions asked in respect of this very important matter. It is quite clear from these figures that over 500 forms duly declared to and forwarded to the Registering Officer for the Demerara River District were actually thrown away. That is a fact, although my hon. friend would dispute it. An incident of that kind should not be allowed to happen again and I think it should be the duty of the Registering Officer, whoever he may be, to place the name of every applicant for registration on the Voters' List and if there is any objection to the registration, he should put opposite the name or names concerned the words "Objected to". Those persons should then have the right to go to the Revising Officers concerned to have their claims verified and, if necessary, prove that they are duly qualified. Some years ago, the hon. Member for Georgetown South made the point that if a person's name has been omitted from the Register of voters, he should, as long as he is properly qualified, be able to go to the Revising Barrister and have it put on.

When the 500 forms were rejected, some of us took the trouble to appear before the Revising Officer who happened to be the hon. Member for Western Essequibo, and he said "I cannot go into these matters at all, because there is nothing before me", and I think he was right. The Registering

Officer having destroyed or kept the forms to himself, the Revising Officer could not go into the matter at all. It is only in cases of verbal or typographical errors that the Revising Officer could deal with matters. If it is the intention now to allow a Revising Officer to add names to Voters' List, it would be a very good thing; but I am convinced that this Government, constituted as it is and having all the necessary power, does not intend to do so. Government intends to make the list as small as possible, and I do not know what is going to be done to remedy this unsatisfactory state of affairs.

I urge that the Revising Officers be given very wide powers and that the Registering Officers be made to do their duty and not be partial. I am satisfied that the Registering Officers for the Demerara River Electoral District, No. 10, did throw away those forms, through having a very partial interest in some prospective candidate for the following year. That prospective candidate did not want to have a Register of about 2,000 or 3,000 voters, but wanted a small Register as that would have suited him best. A Registering Officer should be divorced from things of that kind. I am told that the officer to whom I am referring was removed from the district, but that was not good enough; the fault had been already committed and perhaps the prospective candidate for the district got his desire. The whole position was extremely unsatisfactory and I urge that there should be no repetition of that state of affairs.

Mr. EDUN: In making a comparison between the British Guiana (Constitution) Order in Council and Clause 9 of this Bill, I find that in the case of the Order in Council every person has to make a statutory declaration, but I do not find that provision in Clause 9. What I do find is, that in sub-clause (2) (b) the words used are "and, if qualified, he shall be registered.....". I do not know exactly

how far those words would affect a person who wishes to be registered. I remember that somewhere around 1933 or 1934 there was a clamour for the registration of voters, fostered more or less by the Elected Members of this Council. It was found at that time that the Voters' List was very small indeed and certain hon. Members thought that it should be enlarged. I was appointed a Commissioner to take statutory declarations, and I remember I was told that I should just ascertain whether the persons making the declarations believed them to be true. I signed the papers and so everyone of the names was put on the list.

I should like to know what would be the procedure under sub-clause (2) (b) of Clause 9 and who would determine the question of qualification? There is no provision for a statutory declaration and therefore if a person who desires to be registered goes before a Registering Officer—whether he be a Schoolmaster, a Postmaster, a Village Chairman or else,—the whole procedure might become confused, because no one might know or be able to determine his qualification. For that reason, I feel that the situation should be clarified. I made my own complaints last year about certain persons in the Corentyne district who desired to be registered and were told to go and secure certificates from their employers. I do not think there ought to be any such procedure under this Bill. My view is that any one who desires to be a voter should make a statutory declaration before a Commissioner and say "I have the qualification." If he perjures himself, then the law must be left to take its course.

I consider a statutory declaration to be a hindrance, but there is nothing in this Clause, (9), to show that anyone would be able to say to an applicant for registration "You are qualified." And, as we go along examining these Clauses we find complications setting in all the time. Therefore, the hon. mover ought to explain what is

intended, particularly in regard to the point I have raised.

Mr. LEE: I am always willing to be guided by certain actions when taken by Government, but in this case it is desirable that Government should effect certain amendments. Government always desired that any person who feels he has been unjustly treated should have a right to appeal to some higher authority, but in this Bill I do not see any provision at all giving a right of appeal against a Registering Officer who accepts a form but refuses to put the name of the applicant on the Voters' List. Therefore, I desire to move an amendment to the effect that the following words be added to par. (a) of sub-clause 9 (2) :—

"In the event of the Registering Officer refusing to register any name or names, he shall give a list of the names of the persons so rejected and publish the said names in the **Official Gazette**, with his reasons for rejection."

As hon. Members are aware, there is no provision in this Bill whereby the Registering Officer must notify an applicant of the rejection of his form, and in such a case the applicant would remain ignorant of the fact that he has been rejected, especially if he removes from one part of the district in which he registered to another part of the said Electoral District. If it is incumbent upon Government to publish a list of the rejected applicants, everyone concerned would look for it in the *Official Gazette* and no one would be able to excuse himself later by saying he did not know that his claim had been rejected.

When the next clause, 10, is reached, I will move an amendment to the effect that power be given to the Revising Officer to examine all rejected claims and that opportunity be given to the applicants concerned to appear before him and prove them or otherwise, by oral testimony.

The CHAIRMAN: I do not think an amendment will be necessary; I have asked the Attorney-General to explain what the position is going to be.

The ATTORNEY-GENERAL: When this Bill was originally drafted, it had about five more clauses than it has now. When I redrafted it, I had to take out certain things. Under Clause 33, regulations have been already drafted though not printed, giving effect to what the hon. Member for Essequibo River has been talking about. Under these regulations, the respective powers of a Registering Officer and a Revising Officer are exactly the same as in England. A Registering Officer may omit an applicant's name from the Voters' List, but the Revising Officer has a right to over-rule the Registering Officer and enter the applicant's name if he thinks it is right to do so. The entire procedure is contained in the regulations and I am just awaiting the passage of this Bill when they will be published.

Perhaps I should take this opportunity to reply to the hon. Member for North Western District who stated that if anything happens and the List is not completed by September next year, it would put the elections back for another 12 months. If he looks at sub-clause 3, however, he would notice that it covers that contingency. If the hon. Member feels that what he has suggested would happen, we can put another proviso in sub-clause 3.

Mr. JACOB: I merely raised that point to show that it would be impossible, to my mind to have the elections in any month before July, August, or September, and that we should do everything possible to hold them within that period, because that is a financial month. The Government assessment begins in September or October, and it is in the interest of the public that there should be a general election before August next year. Some people believe that there should be a general election next month.

The CHAIRMAN: Not when there are so many amendments and other things to be gone into.

Mr. JACOB: I can see that we are at a great disadvantage in suggesting amendments. We do not even know what the regulations drafted are. That is why I took opportunity to refer to the unsatisfactory state of affairs and I urge that steps be taken to see that the regulations be published.

The ATTORNEY-GENERAL: The regulations are already in draft and will be published as soon as possible. The procedure is identically the same as that adopted and used in England.

The CHAIRMAN: I shall put the amendment moved by the hon. Mr. Edun, if he desires that to be done.

Mr. LEE: My grouse in this matter is that the regulations will be part of the Ordinance and therefore this Council should have an opportunity to discuss them. Under Clause 33 we are giving the Governor in Council a right to make the regulations.

The ATTORNEY-GENERAL: The hon. Member may move the deletion of the Clause.

Mr. LEE: I would have done so, but members of the Governor in Council are Nominated Members of this Council.

Mr. C. V. WIGHT: To a point of order; I am not a Nominated Member of this Council and I am a member of the Governor in Council.

Mr. LEE: You are not a Nominated Member of this Council, but you are a nominated member of the Executive Council and you cannot deny that. That is the reason why we must destroy the system. The nominated members there are responsible only to the person who nominates them.



Mr. C. V. WIGHT: I object to that—"responsible only to the person who nominates them." I think that certain Members, when they get up to speak, get too heated, lose their balance and do not weigh their words carefully. In other words, they get confused in their thoughts.

Mr. LEE: That does not detract from the force of my remarks. I am saying that we should be given an opportunity to discuss the regulations in this Council before they are put into force.

The CHAIRMAN: Will the hon. Member be good enough to show how the remarks he is making now are relevant to the Clause under discussion? He referred to the registration of voters and the hon. the Attorney-General has explained that regulations have been drafted under Clause 33 and will be published. If after they are published the hon. Member is dissatisfied with them, he could have them discussed in this Council through a motion to that effect. If they were ready they would have been published before, but they are not ready to be published yet and in the meanwhile the hon. Member must be content.

The ATTORNEY-GENERAL: I may say that if the hon. Member can come to my Chambers, he can see them now or at any other time.

Mr. SEAFORD: I desire to take strong exception to the remarks made by the hon. Member for Essequibo River, relating to members of the Governor in Council. He makes the statement that members of the Executive Council are only responsible to the persons who appoints them—that is the Governor. If that statement is accepted it means that members of the Executive Council are breaking their oath. The hon. Member should not have made that statement unless he can prove it and I am going to call upon him to prove it. Apparently he knows everything about what is taking place

in the Executive Council, but as a Member of this Council he has no right to impute dishonesty to any other Member by making these false and malicious statements.

Mr. LEE: I did not impute anything dishonest in members of the Executive Council. What I did say was that that form of Government should be abolished.

The CHAIRMAN: What the hon. Member could do at this stage is to say either that he regrets having made the remark, or that he did not intend it to have any such implication. Nobody who knows you would say that you intended to be malicious in making the remark. So far as I know, you are very often incorrect but not malicious.

Mr. JACOB: When the hon. Member for Essequibo River was speaking on Clause 9, his attention was drawn by the Attorney-General to Clause 33 which states:—

"The Governor in Council may make Regulations for the purpose of carrying this part of the Ordinance into full effect."

Then the hon. Member for Essequibo River replied by saying that the members of the Governor in Council are not elected and have no responsibility to the Members of this Council.

The CHAIRMAN: You are entirely out of order. Personal recriminations between one Member and another cannot effect you and you cannot debate them. The hon. Member for Essequibo River has already said he did not mean what the hon. Member for Western Essequibo River attributed to his remark. You are now putting an interpretation on it that he himself did not put.

Mr. LEE: I have moved an amendment and I have a right to say whether I would withdraw it or not. The Attorney-General has said that the Regulations are already in draft and will be published soon.

The ATTORNEY-GENERAL: I did not say they would be published soon. The printing position is such that I very much doubt that they will be printed soon, but they will be printed as soon as possible.

Mr. LEE: What I desire is that persons whose claims for registration are rejected should have the right to appeal to the Revising Officer, and should not be put to the expense of retaining a lawyer or to ask favours of prospective candidates.

Mr. GONSALVES: I did not interrupt the hon. Member for the North Western District (Mr. Jacob) because I always like him to have his run. He challenged the statement I made regarding the right of appeal to the Revising Barrister, and has consulted his own law and said that he could find no such right of appeal.

Mr. JACOB: The hon. Member for Western Essequibo (Mr. C. V. Wight) said the parties could not be heard by the Revising Officer, and I agreed with him. I did not consult my own law at all.

Mr. GONSALVES: Before the hon. Member reached that stage he said that I had said on a previous occasion here that there was a right of appeal, but he found there was none. Then he went on to give an illustration of what happened. The hon. Member cannot deny that he made that statement. I may read for his benefit section 29 (2) of the Constitution Ordinance which I believe he sleeps with under his pillow. It says:—

(2) A Registering or Revising Officer may, on the consideration or hearing of any claim, objection or appeal, require that the evidence tendered by any person shall be given on oath or affirmation, and may administer on oath or affirmation for this purpose; and any person who in the course of any such consideration or hearing knowingly swears or affirms anything material to the validity of such claim or

objection which is false or incorrect shall be guilty of an offence, and on conviction thereof, be liable to be imprisoned, with or without hard labour, for a term not exceeding two years.

If anyone who reads that section does not gather that there is a right of appeal to the Revising Officer I do not know what else he would gather. If a person's name has not been included in the register of voters after he has filed an application he has the right to appeal to the Revising Officer to determine why his name was omitted. That is what I said on the last occasion, and that is what I say now. I agree that the Regulations should lay down the procedure in these matters and so put at rest any doubts that may exist. It is not unusual for laymen to make definite statements as regards their interpretation of the law, but I think they should not be encouraged.

Mr. J. A. LUCKHOO: I think the whole thing is a storm in a teapot. I do not think there is a more apt phrase to describe the debate on this point. When I first entered this Chamber in 1916 the procedure was that the Registering Officer included in the list the names of all applicants for registration as voters, and if he felt that a particular applicant was not qualified he placed against his name the words "Objected to." At the time of revision of the list such a person was called upon to prove his claim to have his name placed on the register. If Regulations are to be made I cannot see why we should delay the passage of this clause.

Mr. LEE: If I am given the assurance that provision will be made in the Regulations for a right of appeal to the Revising Officer I would withdraw my amendment.

Mr. EDUN: I move the deletion of the words "if qualified" in par. (b).

Mr. JACOB: I support that amendment. It should not be the duty of the Registering Officer to say whether a

person is qualified or not. It is just what I have complained about—that a Registering Officer could elect to reject hundreds of claims submitted to him. That is what happened in the Demerara River district. I may tell the hon. Member for Georgetown South (Mr. Gonsalves) that a registered voter whose name has been omitted from the register may at the discretion of the Revising Officer have his name replaced on the register, but no new name can be added except the Revising Officer chooses to do so. I said that on the occasion I referred to the Revising Officer, the hon. Member for Western Essequibo (Mr. C. V. Wight) ruled that he could not listen to those people because there was no document in his possession. If the Registering Officer had forwarded the document to the Revising Officer and stated his reason for rejection of those claims, the matter could have been considered. It was done in a very clandestine manner.

My friends will not agree that there must be some justice for the ordinary man. Of course, in keeping the list of voters as low as possible, everything would go well, but I warn them that everything will not go well in these circumstances. I want to see an addition of about 50,000 persons. Why not? Why not have 100,000? In Ceylon 42 per cent. of the people are voters, but in this Colony the majority want it to be 3 or 5 per cent., and they have very good reason for keeping it so, and Government wants to keep its cast iron majority.

Mr. J. A. LUCKHOO: I think Members of Council ought to take care in scrutinising every clause of a Bill. If those words "if qualified" were struck out and a Registering Officer was bound to place the name of every applicant on the list of voters, it means that if a form was presented to him on which an applicant stated that he was a French subject and he was 18 years of age, the Registering Officer could not decline to put his name on the list. *Ex facie an*

applicant must be qualified to have his name put on the list.

The CHAIRMAN: I think the hon. Member should accept the assurance of the Attorney-General that provision will be made as early as possible so as to avoid any person being affected in the way suggested. I do not think there will be any trouble at all.

Mr. JACOB: It is not a matter of thinking. I have stated what has actually happened. It is all very well to express these pious hopes. Very recently people could not get forms. The Colonial Secretary's Office knows about it, and I think letters have appeared in the Press. I think the onus should be placed on Government to place on the list the name of every person who is qualified to vote. It is done in Australia.

The CHAIRMAN: The only place in the world where there is compulsory voting is Queensland. Frequent reference is made to Ceylon. Let us pay some respect to our own. Ceylon has had three Commissions within the last six years.

Mr. EDUN: The Attorney-General himself has said that the Regulations will make the necessary provision. Why is this quibbling? What we want is that the name of every person who presents a form should be put on the list. Someone else must object to its inclusion.

Mr. LUCKHOO: Even if he is a German or a French subject?

Mr. EDUN: A Registering Officer is simply an instrument to receive the forms and to put the names on the list. Somebody else must object to them if they are German subjects.

Mr. LEE: We have had such experience of this rejection of forms in the various districts that we want to protect the prospective voters by seeing that a Registering Officer does his job.

The CHAIRMAN: The Attorney-General has told you what will happen. A person makes application to be put on the list, and if he is not qualified, or if the Registering Officer does not think he is qualified, he has the right of appeal. You have suggested that that appeal should not necessarily be in writing, and should be made early. You know how difficult that is where the Revising Officer has a lot of work to do, and he may be sitting in Court at a point in the district far away. Do you want the applicant to go to the Revising Officer?

Mr. LEE: Yes, at his Court.

The CHAIRMAN: His Court may be miles away.

Mr. LEE: It does not matter how far it is. If a person wants his name to appear on the register he must find his way to the Revising Officer wherever he is.

The CHAIRMAN: With regard to the point made by the Hon. Member for North Western District (Mr. Jacob) I hope he has heard what the Attorney-General has said. What happened in the Demerara River district should not happen again if the would-be voter is alive to his rights. When he sees that his name is omitted he will know what to do. We need not discuss that. If it should happen it would be as much the applicant's fault as anybody else's.

Mr. JACOB: I am sorry I cannot agree that it would be his fault. He sends in his form duly declared, but the Registering Officer throws it away. The applicant has nothing to go on except he is given the right to go to the Revising Officer and say "I have submitted a form, please ask the Registering Officer for it." If he is given that right all would be well.

Mr. LEE: What we want is that in every case where a person applies to have his name put on the register it should be the duty of the Registering

Officer to do so. If in the opinion of the Registering Officer an applicant is not qualified he could write "rejected" against his name, and the applicant could then appeal to the Revising Officer.

The CHAIRMAN: Your point is quite different from that of the hon. Member for North Western District who says that when a person submits his claim he should be given some acknowledgment, because there is danger of the Registering Officer being so perverse as to destroy the form.

Mr. LEE: We further say that when a claim is submitted it should be the duty of the Registering Officer to put the name of the applicant on the list.

Mr. GONSALVES: I have been thinking whether the hon. Member for Essequibo River (Mr. Lee) and the hon. Member for North Western District (Mr. Jacob) have not discussed beforehand the question of the appointment of more than one Revising Barrister. The hon. Member for Essequibo River pointed out a while ago that we needed more than one because anybody could lodge 500 or 1,000 objections to names on the list. We are told now that the Registering Officer must put on the list the name of everybody who comes along, regardless of whether he or she is qualified or not. I invite the hon. Member to say whether that would not create the necessity for several Revising Barristers, and perhaps some adding machines. I fear that there would be more abuse in that way than what is complained of now.

Mr. LEE: We want every person who is entitled to be registered to exercise that right within the limit of time.

Mr. GONSALVES: May I ask what the hon. Member means by the word "entitled?" Does he mean qualified?

The CHAIRMAN: I must ask hon. Members to avoid repetition.

The ATTORNEY-GENERAL: I have told the hon. Member for Essequebo River (Mr. Lee) that the procedure under the draft Regulations is identical with that adopted and in use in England where they have far more experience of elections than he has. I think he might rely on their good sense rather than have his own ideas when he has not even seen the draft Regulations. I have them here and he can see them now.

The CHAIRMAN: Do you wish your amendment put to the vote?

Mr. JACOB: Yes, Sir.

The CHAIRMAN: The question is that the words "if qualified" be deleted from paragraph (b) of sub-clause (2).

The Committee divided and voted:—

For Messrs. Edun, Lee, Jacob and Dr. Singh—4.

Against—Messrs. Jackson, King, Humphrys, Peer Bacchus, Gonsalves, Austin, Dias, Critchlow, C. V. Wight, J. A. Luckhoo, Seaford, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—14.

Amendment lost.

Clause 9 put, and agreed to.

Clause 11.—Compilation of List of Voters by Registering Officer.

Mr. JACOB: I do not know whether this Council will be given an opportunity to approve of the Regulations that will be made under this Bill. If we will be given an opportunity to consider those Regulations there should be very little objection to this clause. I however wish to move an amendment by the addition of the following new sub-clause (a):—

(a) Any Registering Officer who wilfully refuses to place on the List of Voters a duly qualified person shall be

guilty of an offence against this Ordinance, and shall be liable on summary conviction thereof to imprisonment with or without hard labour for any term not exceeding six months, or to a fine not exceeding two hundred and fifty dollars.

Mr. LUCKHOO: No flogging in it?

Mr. JACOB: I can quite see that if a person commits a breach of this Ordinance he should be liable to a fine and imprisonment, and as one Member suggests, a flogging, but when a Registering Officer or a Returning Officer commits an offence he should go Scot free. That is another revelation. In this Bill there are more than a dozen penal clauses. I have proved here conclusively what a Registering Officer has done, but Government officials are immune to any of the penalties to which an ordinary person is liable. A Government servant can do anything. There are irregularities and frauds about which we hear nothing. Some Government officers retire and some leave the Colony, while in other cases the charge is withdrawn. The sooner an end is put to the life of this Council the better for all concerned. One hon. Member suggested that something should be destroyed. The sooner he is destroyed the better for this Colony. I am serious about my amendment.

Mr. LEE: There have been cases in which Registering Officers have wilfully destroyed or got rid of papers. If a person can prove that a Registering Officer has wilfully destroyed his application form why shouldn't that officer be punished? If a Magistrate marries immigrants and does not send the certificates to the proper authorities he may be fined.

Mr. PEER BACCHUS: I share the view that any person who seeks registration as a voter should be notified if his claim is rejected. Although we have had an assurance to that effect from the hon. the Attorney-General, I see no harm in making the provision

doubly sure by inserting an amendment in this clause. I therefore beg to move that the following words be added to clause 11.

"The Registering Officer shall notify in writing any person who in his judgment is not entitled to vote at the election of a Member of the Legislative Council, within sufficient time to permit him to lodge an appeal."

Mr. EDUN: I am of opinion that the question of a penalty ought to be considered in this clause, especially when the judgment of the Registering Officer is to be unfettered. I know, as a matter of fact, that the hon. Member for Western Berbice had also tried at a certain period of his political career to urge persons to become voters and, as a result, he was taken before a Magistrate for doing a public service to the people to whom he owed an obligation. In the case of a voter who makes a false declaration, I agree that he should be charged with perjury. There are other instances in which penalties would be involved but in the case of a Registering Officer or a Revising Officer his judgment would have to be depended upon and therefore he should be an impartial man.

When the hon. Member for North-Western District suggested that a penalty should be provided for these officers, certain hon. Members frowned heavily at the suggestion. They did not even consider the implication of a penalty. In other parts of the Bill penalties of different kinds have been provided, but I am not sure that we can rely entirely on the judgment of a Registering Officer or a revising officer. At sub-clause 9 (b), I asked who would determine the question of qualification and it seems to me that we could make it clear in this clause (11). The whole procedure ought to be a simple one so that Government could see to it that the thousands and thousands of persons who desire to exercise the franchise are assisted. Wherever, I examine this Bill, however, I see nothing but the hands of frustration working all along.

I beg to move that the words "in his judgement" be deleted from this clause.

Mr. JACOB: I rise to support the amendment. The hon. the Fourth Nominated Member (Mr. J. A. Luckhoo) stated that if an applicant for registration had not to prove his qualification, one might find a German or a French subject claiming registration, but that is too absurd for me to think about. No German or French subject would make any such claim unless he is a fool, and I do not know them to be fools.

In the Demerara River District, in 1935, the Registering Officer, "in his judgment," threw away a large number of forms, and now I am merely being told that it would not happen again. What is to prevent it from happening again? Maybe, the same man in the Government Service might be appointed Registering Officer and might do the same thing again. Perhaps his friends might get him to do it and he might be a Barrister or a Solicitor. There are many of them here and we know what they all can do—what they are up to—and we know the names of the Members who appear before the Legal Practitioners' Disciplinary Committee. I do not agree that a Registering Officer should be allowed to use his judgment, he should be a mere machine. If a Magistrate's judgment is questioned by way of an appeal to the Supreme Court, then a judge's decision should be questioned by an appeal to the West Indian Court. I would not be surprised to know that the regulations as framed do not give a rejected voter a right to appeal. I have not seen them as yet.

I find that this Government, constituted as it is with its Law Officers, has been withholding information from this Council and that is grossly unfair. It is done even when one goes to the Attorney-General's office to find out anything. I went there during last week-end and asked permission to look at a certain document, but it was re-

fused. I am not going back there; I am not asking any favours whatever. We are quite in order here and every Member when he raises a question.....

The CHAIRMAN: That is irrelevant to the amendment. Most of those remarks you have made before.

Mr. JACOB: I am saying that I am against the proposal to allow the Registering Officer to use his own judgment. In the past his judgment has been very unsatisfactory, resulting in the actual state of the Council at the present time—this moribund Council that has been going on for over ten years. I am asking that this amendment be carried through.

Mr. J. A. LUCKHOO: Whenever the hon. Member for North Western District makes a good point he would find me in support of it. When I mentioned just now about a German or a French subject seeking registration, I did so with reference to the words "if qualified" in par. (b) of sub-clause 9 (2), and I think those words should not be deleted because they are in the nature of a safeguard. If an applicant is qualified under par. (b) of sub-clause 9 (2) his name should be put on the Voters' list, but if he is not qualified the words "objected to" should be placed opposite his name and he should be given the right to appear before a Revising Officer and show whether he is qualified to remain on the list.

Mr. GONSALVES: I am going to look at this matter from another angle. It seems to me that if these words are struck out the clause would not be affected at all. The clause states that the Registering Officer shall compile a list placing thereon the names of the persons entitled to vote and it follows, therefore, that he must do so in his own judgment. He is the person dealing with the register and would have to exercise his judgment. In my opinion, the hon. the Attorney-General need not have put those words in the clause, and

it appears to me that the hon. the Fourth Nominated Member (Mr. J. A. Luckhoo) has made a very generous answer to the two hon. Members who have asked that the words be deleted.

In Section 28 of the Constitution Ordinance, it is stated that "the Governor may from time to time appoint such person as he may think fit to perform the duty of Registering Officer or Revising Officer." It does not follow that a Magistrate will be appointed; any young Barrister who has just come out would be qualified for appointment. I have in mind certain young Barristers answering the names of certain Members of this Council and if it is felt that they might commit any such act as that mentioned by the hon. Member for North Western District, then I would quite see the necessity for having the penalties suggested. One should not speak on matters here smarting under some experience he has had before, but should bear in mind that he is casting a reflection on Barristers and Solicitors in the Colony by anticipating that they would commit acts such as those mentioned. The hon. Member himself has a son who is a qualified Barrister.

Mr JACOB: To a point of order. I had proposed to refer to the point just raised, when speaking on the general motion here. I take strong exception to any hon. Member of this Council coupling the names of other hon. Members with those of their relatives. It is grossly improper and the trend of the hon. Member's speech is one that I take strong exception to. Everybody has a right to refer to me as a Member of this Council, but they have no right to refer to members of my family.

Mr. GONSALVES: I have a right to refer to the fact that the hon. Member was casting a reflection on members of the Legal Profession. As a member of the Legal Profession myself, I resent the insinuation that every member of the profession—whether he is a

relative of the hon. Member for North Western District or any one else— is dishonest. I think it is no credit to any practitioner in this Colony to have it thrown at him in this Council that he is likely to commit a wilful act of dishonesty if he is appointed to act as a Registering Officer.

Mr. JACOB: My complaint is against a particular Registering Officer. Under this Ordinance, a Registering Officer need not necessarily be a Barrister or a Solicitor. The hon. Member referred to certain Barristers who came out here a year ago and who bear the name of certain hon. Members of this Council, but I had no intention to refer to them at all.

The CHAIRMAN: I am afraid I must agree that the remarks made by the hon. Member who has just taken his seat, were remarks reflecting on the profession of which the hon. Member for Georgetown South is a member and in making a comparison of the different members of that profession might commit in the performance of their duties as Registering Officers, I think it is quite within the power of the hon. Member of Georgetown South to remind the hon. Member for North Western District that he himself has a son in that profession. I see nothing wrong about it—saying that any reflection he casts on members of that profession would also be a reflection on his own son. I see nothing wrong about it—there is nothing unparliamentary about it.

Mr. JACOB: I made no remarks about members of the Legal Profession.

The CHAIRMAN: You did; you even referred to what is called the Disciplinary Committee. I do not think you remember what you said.

Mr. JACOB: The hon. Member for Georgetown South is referring to my son.

Mr. GONSALVES: If the hon. Member makes any remarks about me, I would know how to deal with him.

Mr. EDUN: The hon. Member says it is a question of generosity on the part of the Fourth Nominated Member—in his reply to the requests for the deletion of the words “his judgment.” Those words, in my opinion, are redundant and disclose poor draftsmanship on the part of those responsible. How is the question of generosity involved?—I do not see it. If this is not an instance of poor draftsmanship, what else is? To say that it is a question of generosity is all nonsense.

Mr. GONSALVES: There is no Member of this Council who talks more nonsense than the hon. Member who has just taken his seat. He has made a remark and he has got the answer.

The CHAIRMAN: I must ask hon. Members to submit their amendments in writing whenever possible. They have to be dealt with by the Clerk and he would be able to see exactly when they have been moved or put to the Council.

Mr. PEER BACCHUS: I will put mine in writing, sir.

The CHAIRMAN: I am sorry to have to ask that it should be done. Mr. Edun's amendment should be for the deletion of only three words—“in his judgment.” I do not suppose hon. Members would wish me to read this amendment again. There being three amendments, my duty is to put the original motion in the text. I therefore put the question that the words stand as in the original clause.

Mr. PEER BACCHUS: My amendment is in the nature of a new clause.

The CHAIRMAN: I have asked the Attorney-General to meet the wishes of Members, if possible, with regard to the deletion of the words “in his judgment.”



ment." I will now put the question that clause 11 stand part of the Bill.

The Committee divided and voted:—

For—Messrs. Jackson, Peer Bacchus, Gonsalves, Austin, Critchlow, C. V. Wight, J. A. Luckhoo, Seaford, the Col. Treasurer, the Attorney-General, and the Colonial Secretary—11.

Against—Messrs. Edun, Lee, Jacob and Dr. Singh.—4.

Did not vote—Mr. Roth.

On the motion of the Attorney-General clause 11 was recommitted and amended by the deletion of the words "in his judgment" in the fourth line.

The CHAIRMAN: I would like to inform the hon. Member for Western Berbice (Mr. Peer Bacchus) that his amendment is already provided for in the draft Regulations.

Mr. PEER BACCHUS: With that assurance, sir, I withdraw my amendment.

Mr. JACOB: I desire to move my amendment with respect to the addition of a new sub-clause (a).

The CHAIRMAN: The Attorney-General advises me that it should come under Part V of the Bill. The hon. Member should wait and move it then.

Clause 11 passed as amended.

Clause 12.—Preparation of Registers of Voters by Revising Officer.

Mr. JACOB: I would like to have it made quite clear that this Council will have an opportunity to discuss the Regulations to be made under this Bill.

The ATTORNEY-GENERAL: This Council cannot pass Regulations. They are made by the Governor in Council,

as provided by clause 100 of the Bill, and will be laid before this Council.

Mr. JACOB: I was thinking that clause 11 means that this Council would be given an opportunity to approve and, if necessary, amend those Regulations.

The ATTORNEY-GENERAL: I give all assurance that the draft Regulations will be laid on the table in this Council under the procedure set out in clause 100.

Mr. JACOB: Does that mean that the Council could amend them, if necessary?

The CHAIRMAN: You could move a resolution that the Regulations or any part of them be annulled. I propose to proceed no further with this Bill this afternoon.

The Council resumed.

#### DEBATE ON WEST INDIAN FEDERATION

The DEPUTY PRESIDENT: It is not proposed that the Council should sit next Tuesday. The proposal is that we should meet at 10.30 a.m. on Wednesday when the hon. Nominated Member, Mr. Critchlow, will move his motion with respect to West Indian Federation. I have been asked to request Members to say whether that arrangement will suit them. I am sorry that some Members have already left. The discussion in Committee on the Franchise Bill will be resumed after the debate on the motion.

Mr. SEAFORD: Is it intended to sit from half past 10 until 5 o'clock, or will there be a break for lunch?

Mr. C. V. WIGHT: What is the urgency about this federation? I do not know whether the hon. Member who will move the motion is so insistent on exercising his right of Members' Day on Wednesday. I think hon. Members

would like some time to consider the question of federation which affects us more than it does the West Indian Islands.

The DEPUTY PRESIDENT: Will somebody move that the Council meet at a later hour?

Mr. WIGHT: Does the hon. Member insist on moving his motion on Wednesday?

The DEPUTY PRESIDENT: I think Wednesday is all right because we will meet on that day in any case.

Mr. SEAFORD: Is it intended to go on with the federation motion all the time?

The DEPUTY PRESIDENT: The debate on the federation motion will precede the resumption of the discussion in Committee on the Franchise Bill. Will those in favour of sitting at half-past 10 say so?

Members having indicated their views as to the hour of meeting, the DEPUTY PRESIDENT declared that the majority was in favour of 2 o'clock.

#### ATTORNEY-GENERAL'S HOLIDAY.

The DEPUTY PRESIDENT: As this is the last occasion on which the Attorney-General will sit in this Council, we hope only for some time to come, I am sure I express the sentiments of all present in wishing him a restful

holiday and a really good time in England. I know of no previous holder of the post who has had a more anxious time than he has had, since his service in this Colony has covered the whole of the war period, and only those who have been associated with him in his very delicate work can really testify to his ability and his urbanity in most difficult situations. He has been a very useful member not only of the Government Service but of the public during this very difficult period. It is only my personal opinion, but I sincerely regret that capable man as he is in the practice of his profession, and with a rich and extensive knowledge of which he has given ample proof to various persons with whom he has come into contact, he has not found it possible to enter into the life of the community in the same way as perhaps some of us do, because the community needs the association of men like him.

As a Member of this Council we have always found him very willing and ready to place his knowledge at the disposal of Members, and I am sure his intervention in the debates in this Council from time to time will always be remembered by all of us. I do wish him a long and prosperous holiday, and I hope he will have enough money to have a good time. (laughter).

The ATTORNEY-GENERAL: I very much appreciate your very kind remarks, sir.

The Council was adjourned until Wednesday, 29th August, at 2 p.m.