

# LEGISLATIVE COUNCIL.

*Friday, 7th September, 1945.*

The Council met at 2 p.m., His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the chair.

## PRESENT:

The President, His Excellency the Governor, Sir Gordon James Lethem, K.C.M.G.

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

The Hon. the Attorney General (Acting), Mr. F. W. Holder.

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

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

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

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

The Hon. Peer Bacchus, (Western Berbice).

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

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.

## MINUTES

The minutes of the meeting of the Council held on Thursday, 6th September, 1945, as printed and circulated, were taken as read and confirmed.

## ANNOUNCEMENTS.

### LEGISLATIVE COUNCIL (ELECTIONS) BILL

The PRESIDENT addressed the Council as follows:—

As I said yesterday, I will now proceed to ask the Council to go into Committee to resume consideration of those clauses of the Franchise Bill which we had deferred, and in one or two cases re-commit clauses which will require consequential amendment, in view of one amendment at least which has been accepted by Government. There were certain other clauses in respect of which amendments were suggested, and the Attorney-General will be prepared to answer them, as he indicated yesterday, as we come to the particular clauses. That should not be very burdensome, and if we could get through those clauses today we would be able to get on with the Local Government Bill in Committee and take as many clauses as we can. If we can make good progress today, as I hope, we could have a short holiday next week, at least by not sitting on Wednesday, but we will have to sit on Thursday and Friday and see what business we can get on with.

## TOWN PLANNING BILL

The Attorney General is now examining the final report on the Town Planning Bill, and he has spoken to me this morning. We should be able to put that Bill before Council very soon. What we propose to do is to use the Bill as printed and also to print, perhaps in the *Gazette*, but certainly to circulate to Members of Council, the amendments which Government will propose in keeping with the agreement reached in those discussions which have been going on during the last four months.

## RICE MARKETING BILL

I have also with me this morning the Bill to create the Rice Marketing Board as a statutory authority. I am going very carefully into the composition of such a body, but will not bring the Bill before Council until we have discussed the matter very fully with the interests concerned.

CORRESPONDENCE WITH SECRETARY OF STATE *re* FRANCHISE BILL

Touching the Franchise Bill I have had, as Members know, correspondence with the Secretary of State for the Colonies and his acknowledgment of the various representations that have been made, or indication that he has received them and is giving them his very full consideration, and I hope to be able to make an announcement fairly soon. I do not know precisely what that announcement will be. It would certainly be one of certain alternatives. One would be that His Majesty's Government in London, as a matter of principle, desired that universal adult suffrage be adopted in such a Colony as this. They may make that decision as a matter of general principle without worrying about the question as to which section of the community wished it and which did not, or what division of opinion there may be in the Colony.

That is one alternative. The other is that the new Secretary of State may

take the view that he should not alter the decision come to after a great deal of care last October—not only on the ground of continuity of policy alone, which is desirable in matters of this kind, and of which a Labour Government as much as other Governments see the advantage, but also on the ground that there is a considerable amount of responsible opinion in the Colony opposed to universal adult suffrage at this date. He may take that view without going into the question of minority or majority—there is also that principle which was much talked about at one time, the rights of minorities which should not be overridden, or that they should not have something new imposed upon them. That is the other alternative.

Of course it is also possible that the Secretary of State may want further examination and may call upon me to go to London, or say that he is prepared to receive deputations. I think myself that the matter having been so much discussed, it is more likely that one of the first two alternatives will be taken and a final decision announced. That decision would, of course, be the final one by the Secretary of State himself, and I should have the necessary directions. If His Majesty's Government decrees that universal adult suffrage must be introduced in this Colony I shall be told to do that and pursue it in one or other of the ways possible. If, on the other hand, the decision is that the pronouncement made last October shall stand, also for good reason, then of course we shall proceed to complete the present Bill.

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 3 (1) (h).—

The ATTORNEY-GENERAL (Mr. F. W. Holder, acting): Yesterday afternoon, just before the Council adjourned, I made mention of certain aspects of those clauses which were deferred for consideration, and I pointed out certain reasons why some of the suggested amendments were not acceptable. I think the hon. Member for Essequibo River (Mr. Lee) indicated that he accepted the position as explained to him with regard to his amendment in respect to a reduction of the income qualification from \$120 to \$60 per annum.

With regard to the amendment made by the hon. Member for North-Western District (Mr. Jacob) that a wife should be registerable as a voter on her husband's income qualification, provided it is not less than \$240 per annum, I think I have given the answer to the hon. Member's point—that it would be a departure in principle, because his amendment seeks to create an unreal and fictitious qualification for a wife. By that I mean that at the present time we have not adult suffrage; we have an income qualification and a property qualification. Both the income and the property qualifications are personal to the person who seeks registration as a voter. The amendment proposed by the hon. Member that a wife should be registerable on her husband's qualification would mean that her qualification would not be personal. In other words, a husband who is working for \$240 per annum has to apportion half of that amount so as to enable his wife to become registerable. I pointed out that that would create several difficulties, not the least of which is the question of residence, because, as hon. Members are aware, sometimes a husband and wife do not reside together, not because of any domestic difficulty but for reasons of work and matters of that sort, and I instanced the case

of a wife who may be residing in the district of the hon. Member for North-Western District, at Mabaruma, and her husband living and working in Georgetown. Would he attract to himself the registration of his wife in Georgetown or would she be entitled to be registered as a voter in the North-Western District?

In addition to that hon. Members have expressed themselves as being averse to plural voting, and I suggest that in effect it would mean plural voting. We would be saying that by virtue of his income a husband could have another vote *via* his wife. One cannot shut one's eyes to the fact that there would arise in a matter of that sort a certain amount of domestic influence, and more often than not, in almost 100 per cent. of the cases wives would be voting in the same direction as their husbands. It may be argued that that would also apply to a wife with independent qualification, but she would have that because of her individual right, either by having property or by working and receiving an income of her own, but in this instance we are going outside those settled principles and requiring a husband to say that he is halving his income.

I think hon. Members will appreciate the reasons I have sought to put before this Council as basic objections to the amendment. One can appreciate the solicitude of the hon. Member, who wishes to see that wives, who are in very many cases bearing the burden of house-keeping, have the right to vote, but we have to face the facts as they stand. I suggest to hon. Members that the amendment would present several difficulties, and in view of the fact that it would be a departure in principle it should not be allowed. The same principle applied hitherto, because I think the income qualification as it stands to-day is \$300 per annum, and consequently it would mean that a husband who was in receipt of an in-

come of \$600 per annum would by that fact have been in a position to say that by virtue of his income his wife was registerable as a voter, but it has stood the test of time, and I suggest to this Council that there is no clearly defined principle for the adoption of the suggested amendment.

Mr. JACOB: My amendment was that:

“during the qualifying period any woman who, being the wife of a person qualified to be registered as a voter under the provisions of this section, shall be qualified under her husband’s qualification, provided the husband is in receipt of a clear annual income or salary of not less than two hundred and forty dollars.”

The Attorney-General attempted to show that where a husband’s salary was \$240 per annum it would be halved in order to make his wife registerable. If a husband’s salary is \$2,400 per annum, what then? I am not suggesting that the income should be halved. I am suggesting that every wife is entitled to an allowance, but since my amendment is not acceptable to Government I know that in my own case my wife will be registered, and I will have to do it in the unreal and fictitious way that I am paying my wife a salary which would enable her to be registered. Rather than getting about it in a strictly proper and legal manner we have to resort to other means whereby we can register our wives. It is beyond our capacity and ability to frame an amendment to meet the case. I accept Government’s decision that it is impracticable, but I am satisfied that the reason advanced by the hon. Member for Eastern Demerara (Mr. Humphrys) who, in a few words, said: “If you do this you may as well grant universal adult suffrage,” is the real reason, and that the other reasons which have been adduced are just merely—I do not want to say fictitious, but that was the word used by the Attorney-General just now, and it appears proper to say that all the other reasons are fictitious.

In the case of a wife who is living apart from her husband no one could expect that she could be registerable as a voter, but since income plus residence is not restricted to the same constituency I submit with all confidence that that reason has no force at all. We are not suggesting that every wife should be registered as a voter; it is not possible, but as regards the suggestion that it would be plural voting I cannot see the force of that argument at all. However, I agree with Government that it would not be wise at this stage to accept such an amendment, because it would be granting universal adult suffrage while we are awaiting the result of representations made to the Secretary of State for the Colonies in that respect.

The CHAIRMAN: I will now put the question that paragraph (h), as printed, stand part of the clause.

Carried.

The CHAIRMAN: Sub-clause (3) will have to stand over because it is necessary to insert a date which I am unable to give until the Bill is completed.

The next clause deferred is clause 20, and if the Attorney-General explains what we are prepared to do in accepting the amendment it will mean re-committing clause 10.

The ATTORNEY-GENERAL: Hon. Members will appreciate the fact that Government having agreed to accept the amendment in clause 20 (1) so as to allow a period of 48 hours for the delivery by a candidate of a declaration of his qualification, it will become necessary to make certain consequential amendments. Those amendments will occur in clauses 14, 17 (1), 19 (3), 22, 23 and 24. Clause 20 (1) reads:—

20. (1) Every candidate nominated at any election of a member of the Council shall, at the time of nomination, deliver or cause to be delivered, to the returning officer a statutory declaration made and



subscribed by such candidate of his qualification in the form prescribed by Regulations made under this Part of this Ordinance.

It is proposed to insert after the word "nomination" the words "or within forty-eight hours after the hour of ten in the forenoon of the day on which the nominations were received". I also propose to move the insertion after the word "officer" in the third line the words: "either personally or to his clerk at his office." The reason for that is that if a candidate is granted a period of 48 hours' grace there should be some place where he should deliver his declaration of qualification.

Clause 20 as amended put, and agreed to.

Clause 14 re-committed.

The ATTORNEY-GENERAL: I move the insertion of a new sub-clause (5) which reads as follows:—

(5) The returning officer shall, on the occasion of any election, have an office within his electoral district.

Clause 14 as amended put, and agreed to.

Clause 17 re-committed.

The ATTORNEY-GENERAL: I move the insertion at the end of sub-clause (1) of the following words:—

"In such notice the returning officer shall specify the situation of his office."

Clause 17 as amended put, and agreed to.

Clause 19 re-committed.

The ATTORNEY-GENERAL: I move that sub-clause (3) be amended by the substitution of a colon for the full stop at the end, and the insertion of the following proviso:—

"Provided that where at the hour of ten as aforesaid any one of the candidates

has not delivered or caused to be delivered the declaration of his qualification under section 20 of this Ordinance, the acts required to be performed under this sub-section by the returning officer shall not be so performed until after the expiration of the time limited by sub-section (1) of section twenty of this Ordinance, for the delivery of such declaration."

As regards clause 19 (3), it will be seen that :

"...the Returning Officer shall, subject to the provisions of sub-section (2) of section twenty and sub-section (3) of section twenty-one of this Ordinance, prepare a list of the names of the several candidates who have been duly nominated, and he shall deliver to every candidate or to the election agent of a candidate applying therefor, a duly certified copy of the list as aforesaid."

The election, therefore, is postponed until the declaration is handed in, the reason being that the candidates should get from the Returning Officer concerned a certified copy of the list of candidates who have been duly nominated, and who have delivered their declarations, and whose papers are in order.

Clause 19 as amended put, and agreed to.

Clause 22—Election of candidates on the day of nomination.

The ATTORNEY-GENERAL: It is proposed to insert the following between the words "electoral district" and the words "returning officer" in the third line:—

"and such candidate has delivered the declaration of his qualification under sub-section (1) of section twenty and has complied with the provisions of section twenty-one of this Ordinance."

I desire to take opportunity also to substitute the word "forenoon" for the word "morning" in the first line, so as to get the same term which appears in clause 19 (3).

At the end of the clause (22) it is proposed to insert the following words:—

"and where at the hour of ten as aforesaid he has not so delivered the declaration of his qualification but has complied with the provisions of section twenty-one of this Ordinance the Returning Officer shall, on his delivering the said declaration within the time limited by sub-section (1) of section twenty of this Ordinance, forthwith declare the candidate to have been duly elected."

That means that as soon as the candidate has delivered his qualification the Returning Officer shall proceed to the election of the candidate.

Amendments put and agreed to.

Clause 22 as amended put and agreed to.

Clause 23—Appointment of a day for the holding of election in the case of a contest.

The ATTORNEY-GENERAL: I desire to ask permission of this Council to recommit this clause and to substitute the word "forenoon" for the word "morning" in the first line, for the reason previously stated. By way of consequential amendment, I move that a colon be substituted for the full stop at the end of the clause and that the following proviso be added thereto:—

Provided that—

- (a) the name of any candidate who fails to comply with the provisions of sections twenty and twenty-one of this Ordinance shall not be printed on the ballot papers; and
- (b) no poll shall be taken where only one of the candidates complies with the provisions of sections twenty and twenty-one of this Ordinance, and in that case the Returning Officer shall, forthwith after the expiration of the time limited in subsection (1) of section twenty of this Ordinance for the delivery of the statutory declaration of qualification, declare such candidate to have been duly elected.

The reason for this proviso is, I think, clear to hon. Members. The name of the candidate will not be printed on the

ballot paper until it is known that his declaration is in order.

Amendments put and agreed to.

Clause 23 as amended put and agreed to.

Clause 24—Withdrawal of candidate before the polling day.

The ATTORNEY-GENERAL: This clause is being re-committed as it is proposed to insert the following words between the words "thereupon" and "declare" in the third line of sub-clause (4) :—

" , if the candidate has complied or on his compliance with the provisions of sections twenty and twenty-one of this Ordinance,"

Amendment put and agreed to.

Clause 24 as amended put and agreed to.

Clause 47—Disorderly behaviour at public political election meeting to be illegal practice.

The ATTORNEY-GENERAL: When this clause was passed a day or two ago, the hon. Member for Essequibo River who is not in his seat at present, wanted the word "wilfully" inserted before the word "preventing". I explained to him that the proposed amendment was covered by the words "for the purpose of preventing" which appear in the clause and I take it that the hon. Member is satisfied.

Clause 48—Making or publishing certain false statements concerning a candidate at an election to be illegal practice.

The ATTORNEY-GENERAL: Reference was made to this clause, yesterday and the hon. the Sixth Nominated Member (Mr. Edun) rather left the impression that his amendment was covered by clause 50 (b). I under-

stood from him afterwards that his idea was to delete something from clause 48 (1), because it should be covered normally by the libel laws. The hon. Member's amendment reads:—

"Any person, or the directors of any body or association corporate, who, before or during any election, knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of permitting or procuring the election of another candidate, shall be guilty of an illegal practice."

I suggest to the hon. Member that the terms of his motion are substantially the same as those appearing in clause 50 (b), and I think he would be satisfied with that explanation.

Mr. EDUN: I am satisfied with it, but the point operating in my mind was that this is new. Clause 48 (1) is a departure from the Order in Council, because there is no provision therein whereby the making or publishing of a false statement concerning a candidate is to be considered an illegal practice. My point is that this clause is covered by the libel laws of the Colony and, further, who is to determine whether the statement challenged is false? You are endeavouring here to give a measure of undue protection to candidates who do not need it. I cannot understand why it should be an illegal practice for one to say that a candidate is withdrawing, but it would not be an illegal practice to say something about his political career or his business career, or his personal life perhaps, as connected with his public life? It should be the free and untrammelled right of any democratic candidate to say what another candidate is, and I do not see why it is imperative here to regard this as an illegal practice, because it would not give assistance to anybody. Any candidate has a right to claim damages against a person who has libelled or slandered him during an election, or he could bring a charge of criminal libel for that matter.

Clause 48 of this Bill gives me the impression that it is not intended to allow a free and untrammelled exposure of a candidate's character—political or otherwise—and, therefore, I think it should be deleted. I would also like to have some clarification of the point as to how it would be determined whether any particular statement amounts to an illegal practice except after an election.

The ATTORNEY-GENERAL: I am sure the hon. Member appreciates the difference between saying anything one wishes to say in attacking a candidate's character, as against saying something which is true in fact. The fact that one can say things about a candidate does not give him a licence to say things that are not true in fact, and that is the test of the whole matter. In other words, when you seek to discuss or attack the character of a rival candidate, you must see that your statements are true in fact, otherwise they could be challenged. That is what this clause seeks to provide for, and I would like to point out for the information of hon. Members that as recently as last year the Colony of Jamaica which has adult suffrage, had this section inserted in their law. They found it necessary to see that candidates who are taking part in elections should have this as a guide before them when they are making campaign speeches. The provision will be found in Section 83 (3) of the Jamaica Ordinance and you will find that it comes originally from Section 1 of the Corrupt and Illegal Practices Prevention Act of 1895, which says:—

(1) Any person who, or the directors of any body or association corporate which, before or during any Parliamentary election, shall, for the purpose of affecting the return of any candidate at such election, make or publish any false statement of fact in relation to the personal character or conduct of such candidate shall be guilty of an illegal practice within the meaning of the pro-

visions of the Corrupt and Illegal Practices Prevention Act, 1883,.....”

I think the hon. Member will be satisfied with my explanation.

Mr. EDUN: I think this clause will make elections a very tame thing indeed. We shall have tame elections.

The ATTORNEY-GENERAL: Truth should never make a thing tame. I suggest that this clause be allowed to stand, because it really covers the amendment moved by the hon. the Sixth Nominated Member.

Mr. EDUN: I shall withdraw the amendment in the circumstances.

Clause 48 put and agreed to.

Clause 56—Period for sending in claims and making payments for election expenses.

The ATTORNEY-GENERAL: In reply to the hon. Member for the North-Western District, I would suggest that the amendment which he proposed on the last occasion is amply covered and that he would get all the protection he desires to have. It is apparent that the difficulties under which candidates now labour will be removed by an Order through the amendment I am seeking to insert. It will also be appreciated that in certain districts like Central Demerara, it will not be necessary for candidates to have extended time. It is human nature that if the time is extended from fourteen to twenty-eight days in a particular district, hon. Members will be inclined to ask that it be similarly extended for all the districts, but it is desirable that the returns be made as soon as possible, in keeping with convenience and the requirements of the elections.

The amendment which I have suggested will meet the case of the hon.

Member for North-Western District not only with regard to clause 56, but other clauses. I think the hon. Member will agree that the clause will be sufficiently elastic if it provides that on representation to the Governor an Order would be made to meet a case such as he has in mind. I am sure also hon. Members will agree that the returns should be sent in as early as possible, so that there could be scrutiny.

Mr. JACOB: I cannot see the force of that argument. The time for sending in returns has been fixed at thirty-five days, and I am not asking for that to be extended. If the increase from fourteen to twenty-eight days is granted as regards the sending in of claims and the making of payments for election expenses, it will give candidates in places like the North-Western District and possibly Berbice and the Essequibo River a better opportunity to settle their business and it will not in any way affect the sending of their returns to the Governor within thirty-five days. The suggestion that the Governor should issue an order whenever an extension of time is considered necessary, is one which would involve expenses for printing, etc., and I think it would be easier for all concerned if the period in sub-clause (1) be changed from fourteen to twenty-eight days. I do not think any inconvenience would be caused if it is increased to twenty-eight days, especially as postal facilities are so uncertain in these days.

The ATTORNEY-GENERAL: It is not a question of causing any inconvenience. The point I was endeavouring to make is that if a limit of twenty-eight days is put in the clause it would not be possible to go beyond that period, whereas the amendment I propose would give the Governor power to go beyond it if necessary. Circumstances may arise in which it may be found that twenty-eight days would not meet the requirements of the time.



Mr. JACOB: I offer no objection, but I only throw it out that it might be far better to make the whole thing twenty-eight days.

The ATTORNEY-GENERAL: I hope the hon. Member appreciates that 56 (2) provides that all expenses must be paid within twenty-eight days.

Mr. JACOB: Yes.

The ATTORNEY-GENERAL: I am prepared to accept the hon. Member's amendment for the substitution of the words "twenty-eight" for the word "fourteen" in the fourth line of sub-clause (1). That would apply to all electoral districts.

Clause 56 as amended put, and agreed to.

Mr. LEE: May I refer back to clause 58 with respect to the disqualification for five years of a person guilty of an illegal practice?

The CHAIRMAN: The hon. Member always jumps about the Bill like a humming bird.

Mr. LEE: I suggest that the period of disqualification should be three years instead of five years.

The CHAIRMAN: We discussed it and it was carried at five years.

Clause 80—

The ATTORNEY-GENERAL: I replied yesterday to the hon. Member's suggestion with regard to security for costs and pointed out that it was covered by clause 93 (1).

Clause 80 agreed to.

Clause 25 re-committed.

The ATTORNEY-GENERAL  
When this clause was being considered

I did not take the opportunity to move an amendment at the end. I now move the substitution of a comma for the colon after the word "candidate" in the eighth line and the insertion of the following thereafter:—

"and in the determination of such tenth day public holidays shall be included:

Provided that where the tenth day as aforesaid is a public holiday, the day for the receiving of such nominations shall be the next following day not being itself a public holiday; and"

That follows on the previous amendment which was accepted by the Council.

Clause 25 as amended put, and agreed to.

The CHAIRMAN: There is one other point which has been under discussion, and that is as regards the total expenses allowed a candidate. It was pointed out that in one clause a candidate could spend \$100, and in another clause he is only allowed a maximum of \$500. The point was whether it was \$500 plus \$100. The Attorney-General says that on reading the clauses carefully he has come to the conclusion that \$500 is the maximum and must include the \$100.

The ATTORNEY-GENERAL: If hon. Members would look at the First Schedule they would see at the bottom of the page under the heading "Miscellaneous Matters" it is stated:—

"Subject to the provisions of this Ordinance expenses in respect of matters not specified in Parts I and II of this Schedule which, together with the expenses incurred under the said Parts, do not exceed five hundred dollars."

The hon. Member for North-Western District (Mr. Jacob) raised the point, and having regard to the reading of clause 38 (1) I said it appeared to me at the time that the maximum of \$500 mentioned in clause 39 was exclusive of the \$100 mentioned in clause 38 (1). I would refer the hon. Member to the

exemption permitted the Supreme Court in clause 57 (a). Under that clause the Supreme Court has power to exempt an act done in good faith, and among the acts mentioned is the incurring of expenses in excess of the maximum allowed by this Bill.

So far as the hon. Member is concerned it is a question of the amount, because I understood him to express the view that the sum of \$500, if it is regarded as the maximum expenditure to be incurred by a candidate, was not sufficient. If \$500 is not regarded as the maximum amount then it would mean \$500 plus the \$100 mentioned in clause 38 (1), a total of \$600. If the hon. Member considers that the maximum should be \$600 it is up to him to move an amendment to that effect.

Mr. JACOB: I am not in favour of increasing the maximum expenses to \$600. When the matter was discussed by the Franchise Commission it was definitely decided that the maximum expenditure by a candidate should be \$500 and no more, and I was surprised to find that it has been suggested here that a candidate could spend \$600. The maximum expenditure allowed is \$500 and I am glad it is appreciated that that is correct.

The ATTORNEY-GENERAL: Yes, it is appreciated.

The Council resumed.

The ATTORNEY-GENERAL: The Committee reports progress and asks leave to sit again.

#### LOCAL GOVERNMENT BILL.

The PRESIDENT: We can now proceed to the second item on the Order of the Day, the Local Government Bill. I have asked the Commissioner of Local Government to be present.

The Council resolved itself into Committee to consider 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 3.—Constitution of the Board.

Mr. JACOB: This Bill contains 222 clauses apart from those clauses the insertion of which I propose to move. Therefore Members can exercise the right to speak more than 200 times. I do not, however, propose to speak 200 times. I do not know whether Your Excellency proposes to take clause 3 in sections.

The CHAIRMAN: Yes, it is a very long clause. I am quite prepared to take it in sections.

Mr. JACOB: For convenience sake I will speak on the whole clause, and if there is any amendment to be moved on a particular portion of the clause I will do so. I am told that we are making progress. I say frankly that we are not making progress in regard to local government. Members of this Council, including myself, can speak very freely on this matter because we are not personally concerned. In the case of the Franchise Bill we were somewhat concerned, and it was a little embarrassing at times to speak, because it might have been thought that we were talking about ourselves and our re-election. So far as local government is concerned I have never had any aspirations to be a member of the Local Government Board, or to be a village councillor or Chairman of a Village Council. Therefore I can speak very freely on this matter.

I consider section 11 of Chapter 84 to be far better than the proposed change in this Bill. We are told that the Board shall in future consist of 10 members. At present the Board consists of eight or more members. We are told that we are proceeding in a democratic way by getting the people to elect a large number of the members of the Board. I want to ask Members to think a little seriously and not to be misled. Yesterday we were

told (I think I am correct) that it was the wish of the people that representatives of the Sugar Producers' Association should be members of the Board. When I speak of the wish of the people I mean the wish of the people as exercised by the ballot, and not by influence. This clause does not at all reflect the wish of the people; it is a wish expressed by Government and certain interests. If we had County Councils, or another form of government, and the people elected members of the Sugar Producers' Association to the Board that would be the wish of the people.

I strongly protest against statements being made in this Council to mislead the public. Whenever Government initiates something it is said to be the wish of the people. It is democracy going backwards and not forwards. The hon. the Third Nominated Member was at pains to point out that this constitution of the Board is a great step forward, and the Commissioner endorsed that view. It is probably a great step forward in the opinion of those two hon. gentlemen, but it is certainly a great step backwards in my opinion. It is proposed as a fixture that the President of the Village Chairmen's Conference shall be a member of the Board, and we are told that that is the wish of the people. It looks to me like hypocrisy to make such a statement.

I want to make it perfectly clear, whether I am alone or I have one or two supporters, that local government in this Colony is going definitely backwards. I was born at Buxton 50 odd years ago. I lived at Buxton and I am thoroughly ashamed of the progress of that village; I am ashamed to go there at the present time. That is the kind of progress we are told about. There are no roads or water supply, and the sanitary conditions are in a most deplorable state. Yet we are told that in the last 30 years we have made great progress in local government and village administration. Your Excellency was at pains to say that this Colony has the best system of local

government in the West Indies. Possibly, but Your Excellency has gone around this country, and if you are still of the opinion that the system of local government is not responsible for the state of affairs you have seen I beg respectfully to differ from you 100 per cent. On at least three occasions when I have spoken strongly against local government Your Excellency has been at pains to say that you considered it the best system. The system of local government has some democratic principle. It is a partly elected system, and that is what I have always urged in this Council. I am in favour of a wholly elected system with a secret ballot—a system under which people would be elected with very little influence. I have been told it is the best system in the West Indies but I am satisfied that it is the worst I have ever known.

I would like to remind this Council that British Guiana had the best constitutional system in the West Indies, but recently we have made such progress backwards that I do not know whether we are considered to be in the third class. Jamaica was behind this Colony but it is now in the first class. Trinidad was also behind us but is now ahead of this Colony. Perhaps the President of the Village Chairmen's Conference is perfectly satisfied with the system of local government, but I know many people who are not satisfied. As regards public opinion I read a long article in the *Daily Chronicle* of September 4 headed "Recasting Local Government Machine Necessary", which condemns this Bill. The writer signs himself "Progress", but it does not matter who wrote the article. That is public opinion as expressed in the *Daily Chronicle*. Another person writing in the *Guiana Graphic* of the same day condemned the Bill as illogical, and said that outmoded provisions were included in it. Yet we are told that the Village Chairmen require it. The views of those two correspondents agree to a large extent with my views.

I have said that the President of the Village Chairmen's Conference has said certain things about the Board. With your permission, sir, I will read just a few sentences from his address to the Conference held on August 21—not 15 days ago—regarding the status of the Board. He states: —

“There are cases where no attendance is registered for a whole year, while with a membership of nine, two or three important meetings have fallen through consecutively for want of a quorum, or they have been barely constituted.”

That is the kind of thing we are told is a wonderful piece of machinery which has done so much work. We are perpetuating that system, Paragraph (a) of sub-clause (2) of clause 3 reads:

- (a) the officer for the time being performing the duties of the Commissioner of Local Government.

I have no objection at all to the officer performing the duties of Commissioner of Local Government being a member of the Board, but when it comes to the officer performing the duties of Director of Medical Services, or in his absence, the Deputy Director, he should attend meetings of the Board in an advisory capacity only, and should not be a fixture on the Board. The President of the Village Chairmen's Conference should not be a member of the Board, but by co-operating with the various administrative officers he could have his views communicated to the Board.

The Board I am advocating would be one that would act for the whole Colony and not for a particular district or a particular section of people. The members will be men who have no particular axe to grind or are not connected directly or indirectly with the local Government. The officer in charge of the Department of Local Government should be the executive officer, and his duties should be governed by the Board I am thinking of. Then there should be an Advisory Committee as we have for the Public Works Department, the Agriculture

Department, and the Education Department. Perhaps I will be told that I am not ‘in favour of the Committees existing at present, and do not appreciate the work they do. They are doing practically no work, but the system is good and should be extended as it would lead us to the Ministry system with the Electives in control, in the not too distant future. I know who would be selected from the Legislative Council to be Members of the Board under the present proposals; they will be henchmen and “yes-men” who will be regarded as nice fellows, and will be relied upon to do certain things. I strongly disapprove of this system and I urge that the number three be increased to five.

Paragraph (e) provides membership on the Board for “two persons who are members of village councils or of country districts.” The term ‘Government’ could have sufficed, and while I do not like that phrase I think it virtually designates the work of these people. They may be all appointed men — appointed by the Board although confirmed by His Excellency the Governor. We had Your Excellency telling us yesterday that you have not had sufficient time to go into the details of the membership of the Board, and that you have had to rely on the Commissioner of Local Government for everything. I have drawn much from that statement. If the Commissioner selects five names for nomination and puts them in a certain order, they would certainly be nominated in that order.

I have nothing to say against the ability of the Commissioner of Local Government—a hardworking and pains-taking officer—but I think he has failed completely in this job, and that he ought not to be vested with such great power—being allowed to run the Board. I see also that one of the members will be a person nominated by the Sugar Producers' Association. I have always raised objection to the



name Sugar Producers' Association in any Ordinance, and in the Central Board of Health Ordinance I raised the same objection. There is no objection against any particular person, but it is untimely that any member of that organisation should be on the Board unless he is the President and has a seat in this Council as an Elected Member, in which case he could be selected for nomination. Up to recently, the President of the Sugar Producers' Association was a Member of this Council. The Member is still with us, but he no longer holds the position in that Association.

If this Government was statesman-like it would have offered the other seat to the President of the Rice Producers' Association, but one sees that Government has a leaning towards a certain class of people. I say again that there should be five Elected Members along with the Commissioner of Local Government, and two members from the Village Councils or Country Districts, and then the Governor should select whom he likes to fill the four or five other seats, so that the nominated element should not be allowed to out-vote the elected element. That is all I am saving—the elected element must at all times be in the majority and one of them should be Chairman of the Board. I do not agree that the Commissioner of Local Government must be the Chairman and that the Deputy Chairman should be a member appointed by the Governor. I think it would be quite proper for the Commissioner of Local Government to be the Deputy Chairman.

In sub-clause (6) it is stated that:

(6) The Chairman, the Deputy Chairman, or other member presiding at any meeting of the Board shall have an original, and a casting vote.

Why should an individual have two votes? The President of this Council has only one vote and that is quite in keeping with democratic principles. Now, this Bill is seeking to provide

that if the Chairman or any other member of the Board presides over a meeting he should vote on one side after having carefully weighed the situation, but if there is a tie he should break it by exercising another vote. That is democracy going backwards and not forward. If the President of this Council could have one vote and one only, then I suggest that the Chairman of any Village or Country District, or of any other authority like the Local Government Board should have one vote also and should not be given a casting vote.

Sub-clause (7) states:—

(7) At any meeting of the Board, four members, including the presiding member, shall form a quorum.

In this direction experience has shown that if you fix a quorum at say six members you will not get many more. I have known meetings to go on without the required number of members being present, while some members are apt to attend meetings principally for the purpose of forming a quorum. I think it is widely known that no meeting is properly constituted unless a quorum is continuously present, and in this case I do not think a quorum should be less than 50 per cent of the number of members of the Board. I am against any man—the Chairman or anyone else—having more than one vote.

I think also that the public should be invited to attend the meetings of every Board, and all private administrative matters should be discussed at convenient periods before or after such meetings. Why shouldn't the public know what their representatives and public officers do at these meetings—hear how they speak and see how they vote? All the representatives of this Council—the second highest body in the land—should know what happens in other places. I hap-

pened to be a member of the Canals Polder Authority and all the meetings were held public. When there were certain things to be discussed regarding expenditure and the purchase of land, etc., which the public could not know about except for the decision, private meetings were held, but it is improper and wholly unjustified that the meetings of this Board should be private and not public. Those are the main points I desire to refer to at the present time as regards clause 3. As I have said before, if and when it becomes necessary to speak on any other sub-clause I would just say one or two things in one or two minutes.

Let us proceed with this Bill, because I am satisfied that Government is determined to push it through as fast as possible. Whether that is being done with the desire of having a general election in the villages, is another matter, but I am prepared to obstruct this Government—perhaps I am an obstructionist—in any attempt to enslave the villages. Should the Government go on they would find themselves in a sorry mess. They are doing all these things and the people would not protest, but the time is coming when they would protest.

The CHAIRMAN: The question is that clause 3 be put.

Mr. SEAFORD: I wanted to suggest that some provision be made making it compulsory for the Board to meet once every month.

Mr. C. V. WIGHT: I was going to suggest that there should be statutory monthly meetings, and that there should be no objection to the meetings being held in public. There are other bodies which hold their meetings in public and I do not see why that question could not be considered in this case.

The CHAIRMAN: Suppose we take sub-clause (1) which lays down

the constitution of the Board? If there is any criticism I think it would be far better for the Legislative Council to advise the Committee along the lines mentioned and, possibly, not to have a statutory Board. I think the Commissioner of Local Government might answer the point. I should like to see an Advisory Committee rather than a statutory Board. However, as I have already said, I do not wish to cramp his style.

Mr. LAING (Commissioner of Local Government): There is no objection, sir, to a Legislative Council Advisory Committee but the Local Government Board has to supervise the various local authorities in the rural areas and it has always been the desire of the Local Government Board to have appointed to the Board persons who reside in the districts and are acquainted with conditions there, or persons who travel in those areas.

The CHAIRMAN: You really want a piece of machinery and not an advisory committee. If, as one Member stated, you get to the Ministry system, then the ministers would be responsible. We have got the Local Government Board which exercises that responsibility; isn't that the way you look at it?

Mr. LAING: Yes, sir.

The CHAIRMAN: As I have already said, Members should endeavour to advise on administration policy, especially as you will have three Members of this Council on the Board.

Mr. LEE: If you look at the old Ordinance you will see that the question of an advisory committee was being held in view as regards the constitution of the Local Government Board, and I would suggest that section 11 of that Ordinance, except the last part, be incorporated in this Bill. Government agrees that we are approaching the Ministry system where the Elected Members would be respon-

sible for the conduct of such bodies and we say that the Commissioner of Local Government ought to be the Deputy Chairman of the Board. Section 11 (1) of the present Ordinance states that the Board should have no less than eight members and we are saying that Government should accept our amendment to the effect that five of the eight members to be appointed should be Elected Members. I will move that.

The CHAIRMAN: Let us take sub-clause (1); that is the whole crux of the matter—whether or not we should have a piece of executive machinery or any Advisory Committee. As I have already said, I would rather see a Board similar to that of the Transport and Harbours, but you say that this is a case where something different is required.

Mr. EDUN: I think, sir, that we ought to be given an opportunity to examine the constitution of this Board more fully.

The CHAIRMAN: We will come to the constitution of the Board in the next sub-clause. The first sub-clause is to decide whether we should have such a body at all. If you want to speak again you may do so. Have you any proposal now for any kind of Board whatever?

Mr. EDUN: I have in mind something advisory rather than a statutory Board, following the trend of events in England.

The CHAIRMAN: It is quite possible. You can put all these Boards in the hands of the Commissioner of Local Government and then give him an advisory committee.

Mr. EDUN: But the whole framework of this clause is too arbitrary in its nature. It says first of all—in sub-clause 4—that “the Commissioner of Local Government shall be the Chairman of the Board . . .” I am saying, however, that the members

of the Board should be responsible to this Legislature. At the moment, the Chairman of the Board is not a Member of this Legislature.

The CHAIRMAN: We would have the same thing with an Advisory Committee. We have three Advisory Committees for three departments, but they have no executive power. I have been very careful to make this clear to all the Advisory Committees, but this case is not comparable with them. This would be a piece of executive machinery carrying definite responsibility and power, all of which would be exercised through the Board. The Commissioner of Local Government is a senior officer of Government and it seems to me almost inevitable to appoint him as Chairman of the Board. If you had an Advisory Committee comprising Members of the Legislative Council the Commissioner of Local Government could have been the Deputy Chairman, but if we have cause to make this an executive body then it seems to me perfectly clear that the Government officer responsible should be Chairman. I do not see who else you could have.

Mr. J. A. LUCKHOO: It seems to me that unless we have a Ministry system, this power, as Your Excellency has pointed out, has to be vested in a statutory Board with executive functions. The present Executive Council can only advise Government and has no executive power at all. As Your Excellency has stated, the whole thing devolves upon the head of the Department and hon. Members should think a great deal before they change the present system.

The CHAIRMAN: There is so much involved in this principle that we want to broaden the whole basis—call it democracy if you like—rather than having Mr. Laing as dictator.

Mr. EDUN: If we accept this now—a statutory Board—we will make it cast iron and leave no chance for

alteration later on. That is why I suggested yesterday that we should continue with the old Ordinance and discuss this matter after the elections.

The CHAIRMAN: This does not make anything cast iron at all. At one village council meeting some time ago, complaint was made about the very long time Government was taking to pass this Ordinance. Don't you remember?

Mr. SEAFORD: I cannot understand the position. Certain Members here object to this as being an arbitrary Board and yet they have asked for arbitrary power to be given to certain individuals.

Mr. JACOB: That is not so. Perhaps my hon. friend does not understand. The point is that the Commissioner of Local Government would be the executive officer—like the Director of Education for instance—and would be advised by an Advisory Committee, according to our suggestion. The education system here is more costly and of greater importance than the system of local government, and if that provides for an Advisory Committee, why can't we have one for local government also? My suggestion is to leave this Bill over and see how the present system will work after the elections. If there is to be adult suffrage, then let us carry on. It is not necessary to consolidate these several Ordinances at the moment. In doing that you are doing something premature.

The CHAIRMAN: I do not agree. You are obtaining a useful piece of executive machinery and you are making it more democratic by bringing in Members of the Council and so on. You are changing the whole thing by having a statutory Board. I think there will be three representatives of the Village Councils on the Board, a provision which does not exist under the present law. I need not appoint any villager to the existing Board. Isn't that so, Mr. Commissioner?

Mr. LAING: At present all appointments are made by the Governor.

The CHAIRMAN: I can appoint anybody, and I need not appoint anybody from the Legislative Council, whereas this Bill will compel me to appoint three Members of the Legislative Council and three persons from the Village Councils. Surely that is an advance.

Mr. EDUN: It might be considered an advance, but it must be remembered that the Chairmen of Country Districts are all nominated, and Government will have to choose from among them. They could not be said to have been elected by vote.

The CHAIRMAN: You can criticize clause 3 if you like, and we will have a general election for the Local Government Board as well as the Legislative Council. We can spend all our time having a general election, and all the village councillors nominating people. It would not be very efficient.

Mr. EDUN: The question of village administration is so important that we must be very careful in passing this Bill. It would be difficult to change it.

The CHAIRMAN: Have you any specific alternative? The Bill has been before the Village Councils for two months.

Mr. LAING: Much longer than that.

The CHAIRMAN: I am not aware that they raised any objection to this fundamental part of the Bill.

Mr. LAING: No, sir. The villages raised only one point, and that was that the "one other person" provided for under par. (g) should be a member of the Department of Agriculture.

Mr. SEAFORD: I am told they were divided on that point.



The CHAIRMAN: As far as the representation of the Village Councils is concerned they have accepted this clause in general. Why should the hon. Member claim to speak for them or for somebody else?

Mr. JACOB: The villagers have a belief that if they do not support things like this they would not get some of the favours they get at the present time. The whole thing is demoralizing.

The CHAIRMAN: In other words they have been bribed.

Mr. EDUN: The Commissioner said yesterday that the villagers raised no objection, but he must not forget that those who did not raise objection were nominees of the District Commissioner. They were not elected by the people. The ordinary villager did not have an opportunity to read the Bill. It was sent to the Village Chairman who was recommended by the District Commissioner under a system of espionage.

The CHAIRMAN: What alternative have you to put up?

Mr. EDUN: That we should not rush this Bill at the moment. Let us get together and suggest something by common consent. I do not accept the suggestion that as a legislator I have no right to object when the villagers themselves want this Bill. I want to tell the Commissioner that if he reads Your Excellency's speech he will find that I was nominated to this Council to represent the agricultural community.

The CHAIRMAN: You are aware that if we do not get on with something like this all those fundamental things which you advocate—large-scale drainage and irrigation, a balanced economy, co-operative machinery in agriculture—cannot be achieved unless we get a good many of the changes proposed in this Bill. Isn't that so, Mr. Commissioner?

Mr. LAING: That is so, sir.

The CHAIRMAN: We would simply have to hold them all up. We have done certain works on the understanding that we would bring forward this legislation. Ask yourself whether Government has not spent \$17,000 on works purely on the expectation of being able to form a village authority there?

Mr. LAING: Particularly at Crabwood creek.

The CHAIRMAN: We have done it all without having this procedure, because we wanted to get on and do some fundamental work. Now you say that we must hold up all those constructive works we are doing.

Mr. EDUN: In view of what Your Excellency has said I am prepared to go through with the Bill.

The CHAIRMAN: I do not say that it is perfect. You and I may be able to put up a better system. We may be able to get nearer to our ideal.

Mr. EDUN: I am willing to give this Bill a five-year trial as it is.

The CHAIRMAN: I think that is a practical way of looking at it.

Mr. J. A. LUCKHOO: I am glad the hon. Nominated Member has given way, because under the existing law Your Excellency has the right to appoint members of the Board. You are giving up that right. I hope the hon. Member for North-Western District (Mr. Jacob) will also withdraw his objection and let us get on with the Bill.

Mr. PEER BACCHUS: It is within my knowledge that appointments to village authorities are made with the concurrence of the majority of the proprietors in the districts. I make that statement and I am able to support it. Every member appointed by the Local Government Board

has the support of the majority of the people in his district. I do not say that he gets 100 per cent. support, because even in an election a candidate would not secure 100 per cent. of the votes. In almost every Village and Local Authority the members appointed have the confidence of the majority of the ratepayers.

Mr. JACOB: I do not know whether my friend has forgotten it but I think the Commissioner will remember that for the last two years serious objection was raised to appointments to the Local Authorities of Triumph-Beterverwagting, La Grange, Craig and, I think, one or two other places. That does not confirm what the hon. Member has stated. I do not think the existing Local Government Ordinance would interfere with the great plan that is being carried out. I am not prepared to vote for this Bill. It will be passed by a majority of this Council but my objection stands, and there will be means of doing something at a later stage for the benefit of the village communities.

Sub-clause (1) put and agreed to.

The CHAIRMAN: Now we come to the next decision which is important. The hon. Member for Essequibo River (Mr. Lee) suggests that there should be five Members of the Legislative Council.

Mr. LEE: Apart from that I would suggest that the wording of sub-clause (2) be changed to provide that the Board shall consist of not less than ten members. The Governor might consider it fit to appoint more than ten members. In paragraph (d) I suggest that three Members of the Legislative Council be increased to five, and I would suggest the deletion of paragraphs (f) and (g).

The CHAIRMAN: So you would have five Members of the Legislative Council, three village Councillors, and two officers of the Government?

Mr. LEE: Yes, sir.

Mr. C. V. WIGHT: Isn't that rather inconsistent? The hon. Member suggests that five members should be chosen from this Council and gives the Governor authority to appoint six other members who would outvote those five Members of this Council. I understood the idea was that the five Members of the Council should be in the majority. It rather reminds one of the late Mr. Lloyd George who once threatened to increase the membership of the House of Lords in order to outvote a certain policy.

Mr. LEE: If there are ten members five of them should be Members of this Council. I do not suggest that the Governor should have the right to appoint six other members.

Mr. JACOB: I think the Board should consist of not less than eight members.

The CHAIRMAN: Suppose we ask Mr. Laing to defend the proposal as it stands?

Mr. LAING: The present proposal is that in addition to the three *ex officio* members the Governor may appoint seven other persons to be members of the Board. These seven persons must be chosen from the Legislative Council, the Village Councils, and the Sugar Producers' Association. A *liaison* between the Local Government Board and this Council is created by the appointment of three Members of the Legislative Council, and the village, as represented by the President of the Village Chairmen's Conference, and two persons who are members of Village Councils or of Country Authorities. The reason for the suggestion of the appointment of a representative of the Sugar Producers' Association is because of the very close and intimate connection between the villages and the sugar estates. At the present time many of the villages on the East Coast are

connected by waterways with the sugar estates, and there is a general desire that the friendly relationship between them should be maintained by the appointment of somebody to represent the sugar estates on the Board. It is for the purpose of fostering this friendly relationship that now exists between the sugar estates and the villages that the proposal is made that the Sugar Producers' Association be represented on the Board. As cane farmers, many of the villagers depend on the sugar estates for their livelihood, and it is essential that the Board have this connection with the sugar producers. Provision for the appointment of "one other person" is included, so that if any interests are not represented on the Board the Governor would have the power to appoint somebody with an intimate knowledge of rural affairs to represent those interests on the Board.

The CHAIRMAN: He might be a Member of the Legislative Council. What are your views regarding the suggestion of having five Members of the Legislative Council?

Mr. LAING: If the membership of the Board is increased from 10 to 12 there is no reason why there should not be five Members of the Legislative Council instead of three, provided those Members can find the time to attend meetings of the Board regularly, and can also find the time to tour the rural districts and inform themselves on village affairs. The Members appointed must have an intimate knowledge of drainage and irrigation and village affairs. They should also consult the village authorities and perhaps sit in their Council.

The CHAIRMAN: What about the D.M.S. ?

Mr. LAING: Members will recollect that provision for Public Health matters was made under the Local

Government Ordinance, Chapter 84, but those provisions are also in a separate Ordinance—the Public Health Ordinance. There must therefore be close connection between the Public Health Authorities and the village authorities, because the Village Councils and Country Authorities are also the Rural Sanitary Authorities.

The CHAIRMAN: We now come to paragraph (d). The point is whether there should be three or five Members of the Legislative Council. We do not want to make the Board too unwieldy.

Mr. LEE: I moved an amendment that there should be five Members of this Council.

Mr. SFAFORD: If we are to have five Members of the Council it would be essential to have five representatives of the villages also.

The CHAIRMAN: We are swelling the Board to 16. I do not mind. The real point is to have reasonable representation of this Council on the Board. It is not really important to have voting power as if everything depended on a vote. The Board would have its affairs better understood in Legislative Council.

Mr. LEE: The nominated members from the villages would be under the thumb of Government.

The CHAIRMAN: They would like to please the Government. (laughter). You know that anything Government does must be against the interests of the people?

Mr. LEE: I do not say that but it might occur. We must make safeguards now. That is why I suggest that if there are eight members of the Board three should be villagers and five Members of this Council.

Mr. C. V. WIGHT: Are we to understand that nominated members come under the thumb of Government?

The CHAIRMAN: I was about to refer to that.

Mr. LEE: This Ordinance will last for ages, but under the new franchise the constitution of this Council may be changed.

The CHAIRMAN: I still think that if you are creating an executive machine you must have less politics and counting of heads, and more getting together to do something effective. That is really what we want in these things. That is what is done in any properly constituted body. You have party politics but when you have a Board with all parties represented you forget all about party politics.

Mr. LEE: I admit that after an election those Members of the Council who have the interest of the country at heart should put their shoulders to the wheel, but at the same time there should be some safeguard in order that when Elected Members return to their constituencies it cannot be said that they have not done their duty.

Mr. J. A. LUCKHOO: I think we should not make the Board too top-heavy, and that is what Members are doing in suggesting an increase of the number. Soon we will have a Board of 24 members. I think three Members of the Legislative Council are quite sufficient. I think that any two Nominated Members in this Council are worth more than five Elected Members. That is what I want to tell Members. (Laughter).

The CHAIRMAN: The Sixth Nominated Member (Mr. Edun) cannot deny that. (Laughter).

Mr. LUCKHOO: I think we are playing with the situation. We want to get ahead with the work in hand

and not have matters brought to a standstill. It is not a question of having five Members of the Legislative Council to out-vote the other members of the Board, but to use their commonsense and to go into the various districts and see things for themselves so as to make useful suggestions when the Board meets.

The CHAIRMAN: The hon. Member for Essequibo River (Mr. Lee) will remember the awful state to which the Roman law was reduced. They gave up trying to decide things on their merits and resorted to counting of heads. Perhaps the hon. Member will remember that.

Mr. LEE: I was thinking of the future of this Council—the new Constitution and the new Council.

The CHAIRMAN: Your new Council, if it is as you would like it to be, might want to have three Elected Members on the Medical Board with one doctor. That is the kind of political education you will have to go through in the coming years. I can see you electing yourselves to an Engineering Board. I will now put the question that sub-clause (2) (d) as printed stand part of the Bill.

The Committee divided and voted:

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

Against—Messrs. Lee, Jacob and Dr. Singh—3.

Did not vote—Mr. Edun—1.

Sub-clause as printed passed.

The CHAIRMAN: We now have the second part of the amendment—that the three Members of the Legislative Council should be Elected Members.



My view is that once you get into Council you should forget the distinction between elected and nominated Members. Nomination is used to secure representation of some unrepresented interest, and once that is done the Nominated Members have exactly the same standing as Elected Members. They are on the Council because they represent somebody. It may be that they have reached there by nomination, but they are just as much representatives of the people as are Elected Members. I am not prepared to admit that your Elected Members are better representatives than that gentleman who represents 70,000 workers on the sugar estates. (laughter).

Mr. LEE : I would yield to your better judgment if I can secure an amendment to sub-clause (4) to make an Elected Member the Chairman of the Board.

The CHAIRMAN : The amendment is withdrawn, and I now put the question that paragraph (e) stand part of the Bill.

Mr. LEE : I would move the deletion of paragraphs (e), (f) and (g).

The CHAIRMAN : That is most astonishing.

Mr. LEE : There are reasons for that, but perhaps I have not made myself very clear. In certain Village Councils there are nominated Chairmen who were recommended by the District Commissioner. Some of them—I do not say all of them—take no further interest in village affairs than matters which concern their particular village, so that their views are not wide enough to make them fit to be members of the Board. As men who could always be depended upon to support Government they would be nominated.

I would prefer Your Excellency or the Commissioner to have that right, so that if there is any complaint by an Elected Member it could be said that

the Governor elected that particular person, and not that he was compelled to do so under the Ordinance. In that case, you will be able to elect villagers or other persons interested in village affairs who are not chairmen of village councils.

Mr. JACOB : Wouldn't it be better to leave it to the discretion of the Governor to nominate three or four persons rather than leave it to the discretion of the Commissioner of Local Government? This law is going to remain for some time and why should we presume that because there is this provision Your Excellency is going to do the right thing? Another Governor might come here and say "I am restricted to members of the village councils" and refuse to go outside of that.

The CHAIRMAN : I am most surprised to hear that. Here is Government practically calling for representation on this Board from the village councils and you say no, appoint Bishops or anybody else, the Archbishop of Canterbury used to be a member of the Board of Health in England.

Mr. LEE : If I can be satisfied that this would mean the giving of responsibility to men who are willing to accept it in village affairs, then I would support it. The rice industry has been developed in the villages and if Your Excellency feels that there should be a representative of this industry on the Board along with a representative of the sugar industry, then where would the other interests be? Minor industries might be developed in the villages also, and if Your Excellency has a wider field for selection you might be able to select men interested in minor industries and other activities in the villages and thus get better representation on the Board.

Mr. PEER BACCHUS : I find myself in the position of having to ask

who are the genuine representatives of the people among the Elected Members in this Council? At one time certain Members advocated that the people should be given greater responsibility in the administration of their own affairs and now that Government is endeavouring to give it to them, we get agitation and hear them saying that there should be no change.

Mr. JACOB: As this is going through, I am suggesting that there should be a wider range for selection. That is not a change in principle.

Mr. PEER BACCHUS: But the suggestion is that Government should leave these people without any representation on the Board. Are we being told that out of 95 districts Government would not find two fit and proper persons for appointment on this Board? These are the Members who are making representations and desire to run this Colony.

Mr. J. A. LUCKHOO: It seems to me that the heat of the afternoon has affected the mentality of certain Members.

Mr. JACKSON: I must take opportunity, Your Excellency, to object to the attitude that is being adopted principally by two hon. Members of this Council. In and out of season we have been told that they are the only two representatives who have the interests of the people at heart. We know that they go and storm the various constituencies and, as I have it, put their own views forward for the adoption of those constituencies. These are the hon. Members, Your Excellency, who do not want any responsibility to be placed on the villagers and yet they talk about democracy. One of them does not want the President of the Village Chairmen's Conference to be a member of the Board at all. Now, that gentleman is the head of the village chairmen throughout the Colony and yet it is being suggested that he should not be on the Board.

The 95 village and country districts in the Colony meet quarterly in committee and they meet annually also. They discuss matters affecting their interests, and they do so without the assistance of those Elected Members who claim to know so much about the wants of the people in the villages.

I want to say, sir, that these Elected Members are taking up an impossible attitude—an impossible policy—and I wonder what they are going to say if they have to face those villagers. As regards the remarks made by the hon. Member for Essequibo River who feels that persons elected to this Council are only those who would support the views of the Government, I want to say that those men are chosen for their ability and according to their mentality, and it is manifestly unfair for anyone to think that they should come here to represent any one constituency and not the whole Colony. I hold that Nominated Members represent the Colony and it is silly to expect that they would come here and represent the interests of certain people only, without exercising their own commonsense and discretion. But I know what it is. If you don't go by what the hon. Member for North-Western District says and if you do not copy the example of—

Mr. JACOB: I rise to a point of order. I think it is improper for the hon. Member to name me. He has been talking very improperly all along and now he has named me.

The CHAIRMAN: I think he is undoubtedly out of order.

Mr. JACOB: The hon. Member does that every day, sir, and I am not surprised at his doing so now that he has decided to get up and pity other Members.

Mr. JACKSON: I am quite sure it is the considered opinion of this Council that whenever differences of opinion occur among the Members,

those who are not on the side of the hon. Member whose name I mentioned are looked upon as not carrying out or not mindful of the interest of the people. Probably that is why they talk about dictatorship so often in this Council. They want to dictate to this Council. I object.

Mr. LEE: I would like to say that the hon. Nominated Member once put up his name for election in his village and was defeated. Is he going to say—

Mr. JACKSON: That is an unmitigated falsehood. I have never put up myself for election; I have always been nominated.

Mr. PERCY C. WIGHT: I would like to say that I deprecate these personal references. We have only been wasting time.

Mr. EDUN: The matter concerns the villages and we should let them decide it.

Paragraph (e) of clause 3 (2) put and agreed to.

Paragraph (f).

The CHAIRMAN: The affairs of village authorities and sugar estates are so much intermingled, that we want to encourage co-operation.

Paragraph (f) put and agreed to.

Paragraph (g).

Mr. EDUN: If hon. Members go down to clause 4 they will find that the Commissioner of Local Government is to be the Chairman of the Board. I was thinking, however, that we should give the Deputy President of this Council some work and let him be the Chairman. He might not like it but I suggest it.

Mr. C. V. WIGHT: There is a difference of opinion in the villages as to whether this other member of the Board should not be an officer of the Department of Agriculture. We have heard from the Commissioner of Local Government about the necessity of having an officer from that Department, but we hear on the other hand about the importance of the rice industry. I think we should consider whether an agricultural officer should not be the other member.

Mr. EDUN: We want all the help possible from the top to assist the people at the bottom, and I think the Chairman of the Board should be the Deputy President of this Council.

Mr. JACOB: And I take it that the progressive thing would be to let the Deputy President be the Chairman of all Boards.

The CHAIRMAN: Mr. Commissioner, do you agree that the other member of this Board should be an officer of the Agriculture Department?

Mr. LAING: We have put it in this way so that Your Excellency may appoint him in the circumstances.

The CHAIRMAN: I think it is a pretty good suggestion to have an officer of the Agriculture Department on the Board.

Mr. PERCY C. WIGHT: Personally, I think the appointment of the "one other person" should be left to Your Excellency.

The CHAIRMAN: I put the question that the words "one other person" stand as printed in the paragraph.

Question put and agreed to.

The CHAIRMAN: I have recorded here that I propose to appoint a member of the Agriculture Department,

Sub-clause (3).

Mr. LEE: If we are going to follow the principle that a member of this Board should not serve longer than eight years as in the case of nominated Members of the Executive Council, I think it should be stated here.

The CHAIRMAN: Do you think there is a parallel between a Member of the Executive Council and a member of this Board? I do not think that we should decorate the whole of our law with that kind of provision.

Mr. LEE: The Secretary of State saw the wisdom in stating that a Nominated Member should not serve more than four terms on the Executive Council!

Sub-clause (3) put and agreed to.

Sub-clause (4).

Mr. C. V. WIGHT: I suggested that the appointment of both the Chairman and the Deputy Chairman should be left to the local Government. It is not probable that another Commissioner of Local Government would always have the same experience as the present holder of the office, and Your Excellency should be in a position to appoint his deputy or anyone else whom you desire to be the Chairman of the Board.

Mr. SEAFORD: That point was raised by members of the Village Chairmen's Conference. They said they had no objection to the Commissioner of Local Government being the Chairman of the Board but that later on they might get a new Commissioner from outside the Colony who did not know anything about local village affairs. They therefore thought that if the matter was left in the hands of the Governor, he could appoint the Commissioner of Local Government,

and I say that there is nobody more competent and respected than the present holder of the office.

The CHAIRMAN: It does not matter, I think, if we leave it open. Perhaps we might have it that the Commissioner of Local Government should be the Deputy Chairman.

Mr. LEE: I accept the little hint from the Chair that an Elected Member should be the Chairman of the Board and that the Commissioner of Local Government should be the Deputy Chairman.

Sub-clause (4) put and agreed to.

Sub-clause (6).

Mr. JACOB: I move the deletion of the word "original" in this sub-clause. No idea is given as to what exactly it means.

Mr. SEAFORD: The Chairman would have both an original and a casting vote. A chairman might otherwise have an original vote but not a casting vote.

The CHAIRMAN: I think the hon. Member's thoughts are running too much on this sub-clause, as though this would be a parliamentary or a political body.

Mr. C. V. WIGHT: It would be like the Town Council—where the Mayor has a casting vote. In the case of the Legislative Council, the President is not supposed to have a casting vote because he is only presiding. In this case, the Chairman of the Board must have an original vote also, because he would be a member and would take part in the discussions.

The CHAIRMAN: I now put the question "that the sub-clause as printed stand part of the Bill."



The Committee divided and voted as follows:—

For—Messrs. Jackson, Peer Bacchus, Percy C. Wight, Critchlow, C. V. Wight, J. A. Luckhoo, Seaford, the Colonial Treasurer, the Attorney-General and the Colonial Secretary (10).

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

Sub-clause (6) passed without amendment.

Sub-clause (7).

Mr. C. V. WIGHT: I would ask that my suggestion for the holding of monthly meetings be considered.

The CHAIRMAN: The Attorney-General has made a note of it and will consider it.

Clause 3 passed as amended.

Mr. J. A. LUCKHOO: I take it that the suggestion for the holding of statutory meetings once a month would form the subject of another sub-clause.

The CHAIRMAN: Yes; under clause 4.

Clause 9—Committees.

Mr. JACOB: I have something to say about committees, but as it is near adjournment time I would ask that the adjournment be taken now.

The Council resumed.

The PRESIDENT: There is this point about our next meeting. I do hope that we would not sit on three days next week, if we sit at all. We have a long Bill—the Town Planning Bill—in front of us, but I would suggest that we meet on Thursday instead of Wednesday, next week.

Council adjourned until Thursday, September 13, at 2 p.m.