

LEGISLATIVE COUNCIL

WEDNESDAY, 9TH MAY, 1951.

The Council met at 2 p.m. His Excellency the Officer Administering the Government, Mr. John Gutch, O.B.E., President, in the Chair.

PRESENT:

The President, His Excellency the Officer Administering the Government, Mr. J. Gutch, O.B.E.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson, O.B.E. (Acting).

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

The Hon. C. V. Wight, C.B.E. (Western Essequibo).

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

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. T. Lee (Essequibo River).

The Hon. W. J. Raat ever (Nominated).

The Hon. V. Roth (Nominated).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. C. Jagan (Central Demerara).

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. A. T. Peters (Western Berbice).

The Hon. W. A. Phang (North Western District).

The Hon. G. H. Smellie (Nominated).

The Hon. F. E. Morrish (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on Friday, the 4th of May, 1951, as printed and circulated, were taken as read and confirmed.

UNOFFICIAL NOTICES

AFRICAN METHODIST EPISCOPAL ZION CHURCH (INCORPORATION) BILL, 1951.

The COLONIAL SECRETARY, on behalf of Mr. Peters, gave notice of the introduction and first reading of a Bill intituled:

"An Ordinance to incorporate the Board of Trustees of the African Methodist Episcopal Zion Church in British Guiana, to vest therein certain property, and for purposes connected with the matters aforesaid."

NOTICE OF QUESTIONS

SINKING OF SHIP IN BERBICE HARBOUR.

Mr. KENDALL gave notice of the following questions:—

1. Could Government state what efforts have been made to remove the ship sunk with scrap iron at the mouth of the Berbice harbour?
2. Is the vessel interfering or would it interfere with the movements of bauxite ships?
3. Has Government investigated as to the cause of the mishap?
4. Was the amount of cargo to be taken safely by the ship over the bar certified by some competent authority before the sailing of the vessel?
5. What is the amount Government received from the Berbice Bauxite Com-

pany to the end of December, 1950, for shipping dues and royalty on bauxite?

ORDER OF THE DAY

GENERAL LOAN AND STOCK (AMENDMENT) BILL, 1951.

The ATTORNEY-GENERAL: I move the suspension of the Standing Rules and Orders to enable me to take item 2 on the Order Paper—the second reading of the General Loan and Stock (Amendment) Bill.

The COLONIAL SECRETARY: I beg to second that, and in doing so I should like to mention that the hon. Member for Eastern Demerara (Mr. Debidin) is unfortunately indisposed and will not be here today to move the first item on the Order Paper (the motion to control the price of gasolene).

Motion agreed to.

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled:

“An Ordinance further to amend the General Loan and Stock Ordinance by making provision for the creation of registered stock and the exchange or conversion of increased stock into registered stock.”

Hon. Members will recollect that in March last year the General Loan and Stock Ordinance, No. 8 of 1950, was passed and eventually enacted, making provision for the transfer of colonial stock by instrument in writing instead of by the former method of inscription, which has been found to be cumbersome. The Secretary of State has made certain comments pointing out that the amendments of the Ordinance were not sufficient to enable a change-over to be made from inscribed to registered stock, and suggested that certain amendments should be made to make the necessary provision. The Bill which is now before the Council seeks to amend the Ordinance in accordance with the suggestions put

forward by the Secretary of State. It is an urgent matter because it is necessary that certain instruments should be published which are required to be in conformity with any change in the enactment of the legislation.

I may point out that although there is a section in the General Loan and Stock Ordinance empowering the Governor to request the Crown Agents to effect conversion of registered stock, the actual request is not embodied in the instrument. I would emphasize that it has been pointed out that where the General Loan and Stock Ordinance has been repealed, a supplementary instrument is required as the original instrument becomes void, and a new instrument must be executed and be in the hands of the Crown Agents before any actual conversion can be made. In view of the urgent necessity of having this legislation, so that the proper instrument, as required, should be published and be in the hands of the Crown Agents, we are asking this Council to pass this Bill today. I now formally move that the Bill be read a second time.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a second time.

The Council resolved itself into Committee and considered the Bill clause by clause without discussion.

The Council resumed.

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

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a third time and passed.

AMERINDIAN BILL.

The Council resolved itself into Committee to resume consideration of the Bill intituled:

“An Ordinance to make provision for the good government of the Amerindian tribes of the Colony.”

Clause 3—*Establishment of Amerindian Districts, Areas and Villages.*

Mr. SMELLIE: I would like to make a few remarks with regard to clause 3, and in doing so, perhaps to amplify in some measure the general remarks which the hon. the Attorney-General made in introducing the second reading of the Bill. The Message from His Excellency dated 2nd February, 1949, to which the Attorney-General referred, was presented to the Council at the same time as hon. Members were provided with copies of two reports, one by Mr. P. S. Peberdy and the other by Mr. A. Gregory-Smith, who was then Commissioner of the Interior. We are dealing with clause 3 and with the subject of reservations. On page 14 of his Message His Excellency stated that there were 14 reservations, and he summarized the position by saying that Mr. Peberdy recommended that they should be reduced to three—one in the North West District, one in the Mazaruni District, and one in the Rupununi District. Mr. Gregory-Smith also thought that they should be reduced to three, and recommended the existing Mazaruni reserve, an extended reserve in the south of those in the Karasabai area, to be used for the settlement of the Makusi tribe for cattle rearing, and the existing reserve at Moruca in the North West District, to be used for timber and agricultural produce. His Excellency expressed the tentative opinion that Mr. Gregory-Smith's views should be accepted, and ended his Message by saying that he would refer the Message to the Legislative Council Advisory Committee on Communications and the Interior for consideration and advice.

In accordance with those instructions the Committee reported on the

8th April, 1949. It was in agreement with the recommendation in the Gregory-Smith report, that there should be three reservations—Mazaruni, Karasabai, and Moruca—but at the same time the Committee made the following comments which, with your permission, sir, I would like to quote:

“We feel very strongly indeed that no iota of compulsion should be brought to bear on any Amerindian to make him change his habitat, and this applies with special force to the proposed transfer of the Macusi tribe to the Karasabai area. The Commissioner of the Interior wishes to associate himself wholeheartedly with this opinion....”

The report of the Committee also states:

“We do not agree with the conclusions reached in paragraph 131 of the Gregory-Smith Report.”

Paragraph 131 of Mr. Gregory-Smith's report, which deals with the North West District, states:

“131. It would therefore appear that there is only one possible solution, namely, that these people must be looked upon and developed as detribalised Amerindians, and that the Government must endeavour to find means and ways from their own resources, or with the help of the missions, to promote a strong and sympathetic educational programme for them, as it is believed that by this means only can they be made into good citizens.”

The Advisory Committee, commenting on paragraph 131, stated:

“In our opinion it is precisely because of their fallen condition that the Caribs should be protected and not detribalised. We understand that the Commissioner of the Interior is now considering an alternative scheme, by means of which these people may be accommodated in a Reservation in the North West District adjacent to, but separated from that provided for the Arawaks.”

Paragraph 130 of the Gregory-Smith Report states that there are reported to be two or three thousands of these Caribs, and in paragraph 127 Mr.

Gregory-Smith states that they have been described by the Amerindian Welfare Officer as "the most impoverished and traumatic aboriginal group that I have encountered throughout the length and breadth of British Guiana."

That is so far as the North West District reservation is concerned. In April, 1949, the Bishop of Guiana (now the Archbishop of the West Indies) submitted a memorandum to His Excellency the Governor in which he pointed out that the Karasabai area was quite unsuitable for a reservation. At the same time I received a letter from an influential Amerindian in the Rupununi in which he expressed similar views. He wrote:

"To move the Macusis from their present habitat to the Karasabai area would be unwise. They do not want to go. The area is not suitable, being mountainous, without much vegetation and restricted. There would be no leaves for thatching their houses."

To continue the story. After receiving the report of the Legislative Council Advisory Committee for Communications and the Interior, as well as the memorandum from the then Bishop of Guiana and other recommendations from other interested parties, His Excellency appointed an Amerindian Policy Comments Committee which was charged with the task of co-ordinating the reports and memoranda which had been submitted. The personnel of that Committee was: the Hon. Vincent Roth (Chairman), the Bishop of Guiana, the Rev. Fr. Keary, S.J., Mr. A. W. B. Long, Mr. H. G. Gregory-Smith and Mr W. T. Lord.

With respect to the Reservations, the Committee approved of the Mazaroni Reserve, recommended as an alternative site to the Karasabai area, the area between the Rupununi and Esse-quiibo rivers extending to the foothills of the Kanuku mountains, and were of the opinion that the Moruca Reservation

should be extended to include the Caribs and other scattered Amerindians of the North West District.

Then, on the 17th November, 1949, the hon. the First Nominated Member (Mr. Roth) moved a motion in this Council, which was agreed to without a division, approving of the introduction of the legislation which we now have before us. I think it would not be out of place to refer to the remark which I made in seconding that motion, when I described the hon. Member's survey as an "almost masterly survey of Amerindian affairs in this Colony." I would like to take this opportunity, although at a very much later stage, to withdraw that qualifying word "almost", because it was entirely masterly. On the question of Reservations he observed that there would be no longer any need for the existing 14 Reservations. I quote from the Hansard report of the debate of the 17th November, 1949, at column 1612—

"On the question of reservations it is obvious that, with the putting into effect of the principle just quoted, there no longer will be need for the present fourteen reservations which it is proposed to reduce to three large ones—one in the north, one in the west and one in the south of the Colony. It is on these Amerindians who do not choose to reside within any of these three reservations, that the process of assimilation in the general economy and administration of the Colony will be commenced. The process will begin by converting those reservations which are to be abandoned as such, into village communal lands, that is, land owned by the entire village. In this way those Amerindians now living in these to-be-abandoned reservations, and who are not prepared to move into one of the three remaining reservations, will not lose any of their existing rights and privileges."

Then the preparation of the necessary legislation was commenced, and we have the draft Bill before us, and this clause of which I am now speaking, which gives power to the Governor in Council to declare any portion of th

Colony to be an Amerindian district. It will be recollected that Mr. A. W. B Long, a former District Commissioner of the North-West District, was one of the signatories to the report of the Amerindian Policy Comments Committee. It is interesting to note that he wrote a letter to the Press in which he stated that it was imperative to elicit from Government before discussion of the Bill, among other things the names of the Districts, Areas, Villages proposed to be declared under clause 3 of the Bill. That is really the matter that concerns me. I feel that we should know what areas it is proposed to declare as Reservations, because in the survey which I have just made of the whole story it will be seen that there was a great deal of disagreement with regard to the Reservations, and if it is still intended to leave clause 3 as it stands I can only urge on Government the supreme importance of a close consideration of the areas chosen.

In conclusion I would like to say that I have recently had an opportunity of reading the report of the Amerindian Medical Officer, Dr. C. . Jones, covering the period of September to December, 1950, and in a paragraph dealing with the Wai-Wai tribe he says:

“Owing to their small numbers and low fertility seemed doomed to extinction. With strict medical supervision and routine D.D.T. campaigns they may still be preserved. However, should an epidemic disease, such as Measles, extend to this area their extinction would seem inevitable.

“I recommend that the Government gazette the area along the Essequibo south of the Kassikaitu mouth as an Indian Reservation. Strict supervision of entry into this area can then be enforced.

That is another example of conflicting views as to the right place to have these Reservations, and I only wish to emphasize the necessity for Government to consider the location of these Reservations, Districts, Villages and so on very carefully.

Mr. ROTH: I would like to thank the hon. Member who has just taken his seat for the very kind remarks he has made in his speech concerning me, and for his withdrawal of the qualifying word. I should like to assure hon. Members that there is no intention whatever on the part of Government to coerce Amerindians into any particular reservation. The idea is to make these reservations economically acceptable to the Amerindians so that they would go there—those who wish to—of their own free will. With regard to the three reservations, I think Government has decided that the first would be the existing reservation on the upper Mazaruni extending to the Ireng, while the second would be in the Moruca district with forest lands so as to make the Amerindians free from economic difficulties. This, of course, cannot be done until surveys have been made of the most suitable areas for the purpose. With regard to the third reservation in the South, the same reason is given because the exact site has not yet been definitely fixed. Investigations would be made with respect to the area mentioned by the hon. Member and it is believed that this reservation would be located on the right bank of the Mazaruni between the Rupununi and the Essequibo rivers. It is obvious that Government cannot commit itself by saying where the boundaries of the reservations would be until the surveys show the areas that would be suitable for the purpose—where the Amerindians would be able to get lands for cultivation as well as timber for their economic use and so on. With regard to the Wai Wai tribe, I am not certain whether the hon. nominated Member (Mr. Smellie) was speaking of the Advisory Committee for the Interior.

Mr. SMELLIE: Yes.

Mr. ROTH: The hon. Member would recollect that it was suggested that it would not be wise to have such a vast area for only 15 or 20 persons. It is felt that it would have the same effect if a smaller area is used.

Mr. LEE: I would like to say that I am just from the Rupununi district and

I have been told that there is a tribe called the Patamona which also deserves a reservation. I would, therefore, ask Government to give some consideration to that fact.

Clause 3 agreed to.

Clause 4—*Registered Amerindians entitled to reside in District, Area or Village.*

The ATTORNEY-GENERAL: I beg to move the insertion of the words "registered under the provisions of this Ordinance" between the word "Amerindian" and the word "shall". The clause will then read:—

"4. Every Amerindian registered under the provisions of this Ordinance shall be entitled to reside in a District, Area or Village."

Amendment put and agreed to.

Clause 4, as amended, passed.

Clause 5—*Restriction on entry into District, Area or Village.*

The ATTORNEY-GENERAL: We have on the list of amendments which have been circulated a re-draft of clause 5 (1) and I move that it be substituted for the original sub-clause to read as follows:—

"(1) No person other than an Amerindian shall enter or remain within any District, Area or Village or any Amerindian settlement or encampment without lawful excuse or without the permission in writing of the Commissioner."

I do not know whether it is required that the same point with regard to the registration of Amerindians should apply here as in clause 4 because clause 4 deals with the question of residence. It is a question of exercising proper control. I do not know whether Amerindians not registered under the provisions of this Ordinance would be required to have the permission of the Commissioner in writing. An Amerindian not registered

might have a relative in a reservation and although he might cease to live in accordance with the laws of his tribe he might wish to pay a visit to the reservation for a day or two, perhaps.

Amendment put and agreed to.

Clause 5, as amended, passed.

Clause 6—*Offence.*

The ATTORNEY-GENERAL: I would ask that in accordance with the amendment circulated we substitute for the words "District, Area or Village" the words "District, Area, Village, settlement or encampment as aforesaid."

Amendment put and agreed to.

Clause 6, as amended, passed.

Clause 8—*Registration of Amerindians.*

Mr. ROTH: I am sorry the hon. Member for Georgetown South is not present because I should like to take this opportunity of replying to the strong objections he raised during the debate on the second reading of this Bill when he compared conditions in this Colony with those in South Africa. In the case of South Africa the legislation was passed for the benefit of non-residents, but in this case the legislation is for the benefit of those Amerindians who are registered. It may very well be that an Amerindian might come along with his gun and a Tax Officer would call him and say "John, where is your licence for your gun?" He might reply by saying "I am an Amerindian", and the Officer would say to him "Then, where is your registration certificate?" I would like to impress upon hon. Members that the registration is for the benefit of the Amerindians themselves and not for the benefit of non-Amerindians. It has no connection whatever with what takes place in South Africa.

Mr. PETERS: On the last occasion I enquired whether Amerindians would be registered at the Registration Offices of Births and Deaths, but I am still not

certain what the position would be. Speaking for my Church's mission at Caria-Caria I can say that we have a duly registered office there and I would like to know whether it would be necessary to have these Amerindians registered again. What are we going to do about that in the light of this Bill before us?

The ATTORNEY-GENERAL: The hon. Member's point is that there is registration of births and deaths in his Church's mission or missions for the purposes of record, but that is a different thing from registration under the provisions of this Bill which seeks to confer certain benefits upon those who register themselves and would be regarded as Amerindians. As the hon. Member has said, the object of the registration is to enable those who claim the right to that registration to get certain benefits, lands, licences and matter of that kind. The hon. Member is referring to registration relating to births, deaths and so on, but those are different matters for which different legislation has been provided.

Mr. LEE: I take it that if I were an Amerindian and I did not desire to be registered I would not fall within the provisions of this Bill. On the other hand, I take it that if I were an Amerindian and my father and mother were registered as such I would be regarded as one forever. I agree with the hon. Member for Western Berbice that if it is disclosed on a birth certificate that the parents of a child are Amerindians that should be regarded a registration of the child and its parents as Amerindians.

The ATTORNEY-GENERAL: The whole idea underlying this legislation points to the growth and development of the Amerindians. This is entirely a voluntary matter; it is not a question of bullying a person to register. If he desires the benefits to be conferred then he would take advantage of the registration provided under this Bill. There might be cases where a person was born an Amerindian but ceased to live a life as such. For instance, that

per on might come to Georgetown and get married and cease to live as an Amerindian. The hon. Member's point is that once a person is born an Amerindian he should be always regarded as such under this Bill, but such a person might come out of his tribe and live in Georgetown, New Amsterdam or Bartica, as the case might be, and would therefore claim to be more civilized.

Mr. ROTH: For the benefit of the hon. Member for Essequibo River, I would say that I know of cases where persons were born Amerindians but objected to being described as such. As the hon. the Attorney-General has said, if such persons live away from their tribes they would want to be admitted into rum-shops and so on.

Mr. PETERS: How are we going to bring a child of Amerindian parents into line with this legislation?

The ATTORNEY-GENERAL: It seems to be very clear. The point we are considering deals with the question of registration and clause 8 (1) of this Bill reads:—

"(1) Every Amerindian who has attained the age of twelve years shall be registered by the assistant registration officer appointed for that part of the Colony in which he resides."

The hon. Member may have, for instance, fifty or 100 Amerindians on the list at his Church's mission, and any one of these who attains the age of 12 years may be registered by the assistant registration officer in that area and he would then come under the provisions of this Bill.

Mr. LEE: There are Amerindians who come across from Brazil into British Guiana territory and it seems to me that we would be also protecting them, while we would not be protecting our own Amerindians unless they are registered. What puzzles me is the inconsistency in this legislation; you are protecting Amerindians who come from a neigh-

bouring country so long as they are registered, and if they are not registered they would consider themselves civilized individuals who do not come within the provisions of the Bill. Therefore you would not be protecting all the Amerindians as required by the old Ordinance.

The CHAIRMAN: They could register themselves; it could be done under Part II of the Bill. I take it that an Amerindian who crosses over into this country from neighbouring territory could also be registered.

Mr. LEE: I admit that when an Amerindian speaks of going "just down here" he sometimes means 20 or 30 miles, but it might mean very long journeys for those people who come over and desire to be registered.

Mr. ROTH: The Brazilian Boundary Officer is stationed right up the river bank and it would not be difficult to reach him.

Mr. LEE: I have just come from there. Lethem is the country between the North and South banks of the river and Good Hope is 75 miles away. I should like to know if every Amerindian who needs and seeks protection under the Ordinance must be registered. If that is the intention of Government I bow to it. I would point out, however, that under the old Ordinance we were protecting Amerindians who cross into this country from neighbouring territory, but they could not be registered until they met the Commissioner of the district who was sometimes 100 miles away.

The ATTORNEY-GENERAL: I think that if the hon. Member looks at the definition of "Amerindian" in clause 2 of the Bill he would find that it says:

"Amerindian" means—

- (a) any Indian of a tribe indigenous to the Colony or to neighbouring countries;
- (b) any descendant of an Amerindian within the meaning of

paragraph (a) of this definition to whom, in the opinion of the Commissioner, the provisions of this Ordinance should apply;"

Therefore, that would cover any Amerindian crossing into this country from Brazil. Then, in clause 8 it is stated that:—

"8. (1) Every Amerindian who has attained the age of twelve years shall be registered by the assistant registration officer appointed for that part of the Colony in which he resides."

Therefore, the legislation is there and the only practical point is whether the Amerindian who crosses into this country from Brazil needs to inform the registration officer. The hon. Member is raising a practical point rather than a point not dealt with in the legislation. The term "Amerindian" embraces those who come in from neighbouring countries also.

Dr. JAGAN: It seems to me that the definition of "Amerindian" in this Bill really refers to the person from a racial point of view. I believe the point the hon. Member for Essequibo River is making is one as regards nationality. He wants to know whether an Amerindian from Brazil, for instance, who comes into this Colony would get the same protection under clause 7 or 8 as an Amerindian born in this colony. I also would like to know whether it is the purpose of this Bill to permit nationals of other countries who may be Amerindians to be given the same protection as that which would be given to Amerindians of this Colony.

The ATTORNEY GENERAL: I think the hon. Member would appreciate the fact that the whole idea of the Amerindian Protection Ordinance is that they should have protection. If they are within the Colony they are within the King's peace and are bound to be given our protection. We cannot say that the law which protects our own Amerindians—the British Guiana Amerindian Ordinance—should be

ignored or forgotten when it comes to Amerindians who come in from a neighbouring territory. The idea is that after they have ceased to live the life of Amerindians or moved into more civilized conditions these conditions and circumstances and protective actions should not apply. It is hoped that they would not continue in these conditions for a long time.

Mr. LEE : I beg to differ from the learned Attorney General. If an Amerindian boy is registered by his parents when he is 12 years of age and he comes to Georgetown afterwards he would still remain an Amerindian. The fact remains that he has been declared and in every way it would be a registration.

The ATTORNEY GENERAL : If the hon. Member looks at the new clause 41 he would see that the Commissioner has power to exempt Amerindians from the Ordinance. It says:—

“41. (1) The Commissioner may, where he thinks it desirable to do so, grant a certificate to any Amerindian exempting such Amerindian from the provisions of this Ordinance, and thereupon such Amerindian shall, while such certificate remains in force, for the purposes of any of the provisions of any Ordinance or Regulations relating to Amerindians, be deemed not to be an Amerindian.

“(2) Any such certificate as aforesaid may, with the consent of the Amerindian, be revoked by the Commissioner where he considers it desirable so to do.”

In other words, I suggest that if an Amerindian gets married to a non-Amerindian and lives outside an Amerindian reserve and under conditions totally different from those of Amerindians, the Commissioner would be in power to give a certificate stating that the provisions of this Ordinance no longer apply. There may be separation or death of the non-Amerindian and therefore, with the concurrence of the Commissioner, the situation would go back to what it was before and the Amerindian

would go back to his status as an Amerindian.

Mr. PETERS : I am still speaking under clause 8. In view of the definition we have for “Amerindian” in clause 2 the position seems difficult to understand. This clause says :

“...Amerindi-an means—

(a) any Indian of a tribe indigenous to the Colony or to neighbouring countries;...”

Mr. ROTH : To a point of correction: The hon. Member has not continued the definition; he should read (b) also.

Mr. PETERS : This (a) is the vital part. Clause 8 (1) speaks of Amerindians who have attained the age of 12 years; is it that we are going to insist upon children who attain the age of 12 years being registered with the Registration Officer in the district, or are we leaving it to their own volition? I do not think we should enact any legislation which would make it compulsory.

The ATTORNEY GENERAL : Does the hon. Member say that it would be sufficient if these people are registered with a Registration Officer of births and deaths?

Mr. PETERS : For the purposes of vital statistics.

The ATTORNEY-GENERAL: But there is still a certain amount of compulsion, however you look at it.

Mr. PETERS : This clause, 8, is one of compulsion; it affects every Amerindian who has attained the age of 12 years. Are we making it compulsory for them to be registered because they happen to be Amerindians? Would every one of them who call themselves Amerindians be compelled to register?

The ATTORNEY GENERAL: If they wish to be considered as Amerin-

dians. This Legislative Council is giving substantial benefits to Amerindians as such; and therefore if they wish to be considered as Amerindians they must be registered as such. They cannot have it both ways.

The CHAIRMAN: I think there is some confusion in the hon. Member's mind. If these people are to enjoy the benefits of being Amerindians, such as obtaining gun licences and that sort of thing, in respect of which I believe they have special privileges, they will have to produce their certificates of registration. In conversation with the Commissioner of the Interior I did enquire whether it was necessary to have clause 10 and clause 11 (a), the latter of which imposes a penalty for failure to produce a certificate of registration, and I propose to suggest that both clause 10 and clause 11 (a) be deleted. Because it is so much in the interest of the Amerindian people that they should produce their certificates, it should be quite easy to impress upon them the desirability of having a certificate of registration, and quite unnecessary to impose a penalty for not producing it. An Amerindian would soon realize that it is in his own interest to produce it, if without it he might not be able to get a gun licence or a dog licence.

Mr. PETERS: May I not suggest that clause 8 (1) be amended to include the words "when they desire to enjoy the benefits and privileges of an Amerindian." This clause is too obligatory on persons to consider themselves Amerindians. It is so categorical that it does not leave out a single person who comes within the ambit of an Amerindian.

The ATTORNEY-GENERAL: I think it is better to leave the clause as it is. It must be borne in mind that clause 7 states:

"7. The Governor shall appoint a fit and proper person to be the Registration Officer of Amerindians, and may appoint such assistant registration officers for such parts of the Colony as he may think fit."

Hon. Members must realize and accept the position that the person who will be selected for appointment as Registration Officer is not going to do anything prejudicial to the interests of Amerindians. Then there is clause 8 which provides:

"8. (1) Every Amerindian who has attained the age of twelve years shall be registered by the assistant registration officer appointed for that part of the Colony in which he resides.

(2) Any person whose application for registration as an Amerindian is refused or who is aggrieved by the registration of any other person as an Amerindian, may appeal to the Commissioner, and any person as aforesaid who is dissatisfied with the decision of the Commissioner may appeal to the Governor in Council whose decision shall be final."

There are many things involved in registration apart from the question of benefits. There are reservations, of which it is proposed to have three, and there are large numbers of Amerindians who may not reside within those reservations. Therefore it is desirable to have registration which would enable records to be kept of vital statistics, to know who they are and where they are. Those who wish to have benefits conferred on them would have those benefits conferred *ipso facto* through registration. Eventually those people could move away from the nomadic life of an Amerindian and go into the general life, conditions and circumstances of British Guiana. I think there is nothing wrong about it. It is not a question of compulsion but the benefits which are derivable from having this provision.

Mr. PETERS: I would accept the word "may" in the place of the word "shall" in sub-clause (1) of clause 8.

Mr. LEE: With all due respect to the views of the hon. the Attorney-General I agree with the hon. Member's point. This Ordinance will be interpreted by the Commissioner, and I am sure that as soon as an Amerindian is 12 years old he will be told that he

has to be registered. I agree that the word "may" should be substituted for the word "shall."

Mr. ROTH: If registration is made compulsory under sub-clause (1) how does that fit in with sub-clause (2) under which an application for registration may be refused and a certificate to the effect issued?

The ATTORNEY-GENERAL: Discretion is being given to the Commissioner to exempt an Amerindian from registration where it is established to his satisfaction that it is no longer necessary or desirable that he should be registered, and he issues a certificate of exemption from such registration. What the hon. Member is seeking to do is to leave the choice to the Amerindian. There is a considerable difference between the Commissioner, who is appointed with due regard to his knowledge, experience and background, exercising that discretion and an Amerindian of 12 years exercising a discretion whether he should or should not be registered. This registration is only being provided for to enable those who have to administer the Ordinance to decide whether a person is entitled to the rights and privileges claimed by him as an Amerindian.

Hon. Members should appreciate that the idea behind this legislation is to enable the Amerindian population to move forward, but at the same time it is a recognition of the fact that they are not sufficiently capable, as a whole, of looking after themselves in the same way as other sections of the population of the Colony. At the same time some hon. Members are seeking to leave it to the Amerindian to decide whether he should or should not be registered. This registration is not for the purpose of vital statistics only, but to safeguard their rights and privileges by preventing other people claiming those rights and privileges which, strictly speaking, only belong to the Amerindian.

Mr. PETERS: There are some Amerindians who have been under

Mission influence for years, but they are Amerindians just the same. We are being asked to enact a law to hold registration over their heads. If an Amerindian wants to exercise his right to perfect freedom—

Mr. ROTH: Under the proposed new clause 41 he would be exempted from registration and given a certificate to that effect.

The ATTORNEY-GENERAL: If the hon. Member looks at clause 8 (2) he will see the position more clearly. Registration carries with it certain rights and privileges, and clause 8 (2) gives an Amerindian the right of appeal to the Commissioner if his application for registration is refused, or if he is aggrieved by the registration of any other person. The hon. Member is approaching the matter from a wrong angle. He is suggesting that compulsory registration would be hanging over their heads, but the matter is being approached from the point of view of the benefits they would derive from registration. There may be many who will object to exclusion from registration, therefore sub-clause (2) has been provided to enable them to justify their claim to be Amerindians. If, as the hon. Member has suggested, we substitute "may" for "shall" we would not be giving the discretion to the Commissioner or the Registration Officer but to the Amerindian himself, and there is a great difference between the discretion exercised by an Amerindian and that to be exercised by the Commissioner or the Registration Officer.

Mr. PETERS: That is exactly what I am saying. I am saying that it is not fair to people who have for generations enjoyed perfect freedom as other citizens have enjoyed, to make it obligatory for them to register on attaining the age of 12 years. If they wish to exercise perfect freedom and to live as their fathers have lived we should leave them alone.

Mr. PHANG: I agree with the hon. Member. I do not think it should

be obligatory on those Amerindians to be registered at all. There are quite a good many Amerindians who would not want to be registered. It is true that some may, but quite a good many would not want to be registered, and this provision for registration carries a penalty.

The ATTORNEY-GENERAL: I think the Chairman has pointed out that that sub-clause will be deleted.

Dr. JAGAN: I agree with the arguments which have been put forward by the hon. the Attorney-General, especially in view of the proposal to delete the penalty provisions in clauses 10 and 11. Those who wish to enjoy certain rights and privileges must also accept a certain amount of responsibility. Here we are trying to give Amerindians protection in the sense that they will be treated, not like other citizens, but like protected people, inasmuch as they will be allotted certain areas where other people will not be permitted to go and have the same freedom to exploit the resources of the country. It seems to me that as long as there is no penalty attached to registration it merely becomes an instrument by which an Amerindian can claim protection and his rights and privileges under the law. Consequently, I can see no valid objection to registration. Hon. Members have made the point that the word "shall" makes registration obligatory. While that may be so we must realize that unless there is some obligation on the part of the Amerindian to register, the whole machinery we are trying to set up would crumble.

Hon. Members have referred to certain individuals who they say may not want to register, but I think that point is covered by the proposed new clause 41 which gives such persons exemption from registration. There may be Amerindians who will not want to be associated with schemes such as timber grants and that sort of thing, but as provision is made in the Bill for District Councils and Village Councils, there will be elections to those Councils later on, and in view of that

I think it is necessary to have the machinery set up now. I see no objection to the registration so long as no penalty is associated with the registration certificate. We know that we have to assume certain duties and responsibilities in order to claim our rights as citizens in this or any other country. I do not regard this registration as imposing an unnecessary burden on the individual, and I heartily agree with the hon. the Attorney-General.

The Committee divided on clause 8 and voted:

For—Messrs. Morrish, Smellie, Roth, Raatgever, Wight, Dr. Jagan, Dr. Nicholson, the Attorney-General and the Colonial Secretary—8.

Against—Messrs. Phang, Peters, Kendall, Fernandes and Lee—5.

Clause 8 passed as printed.

Clause 10—*Production of Certificate.*

The ATTORNEY-GENERAL: I think it is well that this clause provides that an Amerindian shall produce his certificate of registration within a reasonable time when requested to do so by any officer. I think it gives him time to decide whether he is an Amerindian or not. He cannot get benefits if he does not produce his certificate. The production of the certificate will save a lot of time and difficulty.

Mr. LEE: I take it that if an Amerindian is registered in the North West District and travels to the Rupunui, where he is called upon to produce his certificate of registration which he has left in the North West, he would be given reasonable time to produce it.

The CHAIRMAN: There is no penalty attached to clause 10. The penalty clause is clause 11. If an Amerindian fails to produce his certificate he simply would not get the benefits he is asking for.

Dr. JAGAN: It seems to me that it should not be left to the Commissioner, or any officer, to ask an Amerindian to produce his registration card. The obligation should be placed on an Amerindian to produce his card when he seeks to get certain benefits. If he loses his card he should ask for another.

The CHAIRMAN: If the Commissioner asks an Amerindian "Where is your card", he is in effect asking him to produce it.

The ATTORNEY-GENERAL: It is not followed up by any penalty. Clause 10 merely provides for the production of a certificate of registration when an Amerindian is seeking certain benefits. One has to bear in mind that this legislation seeks to improve the conditions of Amerindians. The hon. Member's point is that where an Amerindian seeks to obtain certain rights or privileges he should produce his certificate of registration before he could get those rights. That is not necessarily so, because the officer might know that he is a registered Amerindian who is living within the reservation, but there may be some people claiming the rights of Amerindians when in actual fact they are not Amerindians.

Dr. JAGAN: I can see that there may be certain individuals who may pose as Amerindians without having registration certificates. In such cases the officer concerned would have to satisfy himself as to their *bona fides*, and if they are not Amerindians he would have all legal right to put them off the reservation.

Mr. LEE: Clause 38 provides that the mere averment in a complaint that a person is an Amerindian is sufficient evidence of that fact, unless the contrary is proved.

Dr. JAGAN: I think a better provision would be that if an Amerindian wishes to get certain protection and does not have a certificate of registration, the officer should satisfy himself that

he is either registerable or already registered, and, if necessary, he should issue a new certificate on payment of a small fee. As it stands now I can see that clause 10 is really tied up with clause 11 which provides a penalty.

Mr. ROTH: In the case of an Amerindian who has mislaid his certificate and goes to a police station, how would the police know whether he is an Amerindian or not if he does not produce his certificate? We have policemen who have not much experience of Amerindians.

Clause 10 put, the Committee dividing and voting as follows:—

For: Messrs. Morrish, Smellie, Roth, Raatgever, Dr. Nicholson, Mr. Wight, the Attorney-General and the Acting Colonial Secretary—8.

Against: Messrs. Phang, Peters, Dr. Jagan, Fernandes and Lee—5.

Clause 10 passed.

Clause 11—*Offences*.

The ATTORNEY-GENERAL: I beg leave to move the following amendment:

(1) That paragraph (a) be deleted and paragraphs (b) and (c) be re-lettered (a) and (b) respectively.

Mr. LEE: With respect to (a), let us assume that an Amerindian loses his certificate and another Amerindian walking behind him picks it up; should the one who picks it up be fined for having it in his possession? It does seem so.

The ATTORNEY-GENERAL: The hon. Member is quite wrong. The clause says "without reasonable excuse", and those words are to be found in the very first line.

Mr. LEE: "Lawful excuse" is a matter for the Magistrate.

The ATTORNEY-GENERAL: Not necessarily so

Mr. PHANG: In paragraph (c) there are the words "penalty of twenty-five dollars"; I think they should read "penalty not exceeding twenty-five dollars".

The ATTORNEY-GENERAL: That is what was intended; I accept the amendment.

Amendments put and agreed to.

Clause 11, as amended, passed.

Clause 12—*Protection of property.*

The ATTORNEY-GENERAL: I beg to move the following amendment:—

- (i) That the word "Commissioner" be substituted for the words "District Commissioner" wherever they occur in the clause.
- (ii) That the words "in any District, Area or Village within his district" in sub-clause 12 (1) be deleted.

By amending the clause in that way it would empower the Commissioner to take charge of and deal with the property of any Amerindian who may be outside a particular reservation or area or district. I understand that there may be cases of Amerindians living outside these places whose property would require a certain amount of advice or assistance, and it is to enable that to be given by the Commissioner that this amendment has been brought.

Mr. LEE: I would like to know whether the term "Amerindian" here means anyone born as an Amerindian or whether it means an Amerindian registered in accordance with this Bill. I want to know whether you are giving the Amerindians freedom under this Bill and on the other hand you are saying that when they are sick the Commissioner may deal with their property.

Mr. FERNANDES: So far as I can see this is to give an Amerindian the right to call upon the Commissioner to deal with his property, and I think it is

only fair and just that he should be allowed to do so if and when he thinks it fit.

The ATTORNEY-GENERAL: As the hon. Member has just stated, it is to enable the Commissioner to give assistance to Amerindians with respect to their property.

Clause 12, as amended, passed.

Clause 13—*Information and complaints.*

Mr. LEE: May I make the point that it is necessary that the Magistrate of a district should be someone other than the Commissioner of that district. I do hope Government would take that into consideration.

The ATTORNEY-GENERAL: Oh yes; Government would.

Clause 13 passed.

Clause 14—*Captains.*

Mr. ROTH: As regards the question of remuneration, I hope Government would see to it that this remuneration comes out of public funds voted by this Council and not out of what is known as the Amerindian Reservation Fund. There is also the question whether those Captains outside the reservations should continue without any remuneration whatever. I think it is only just that they be paid and that these payments should also be made out of funds voted by this Council.

Mr. SMELLIE: I should like to know why the inhabitants of the villages would not elect their own captains, and why has it been decided that the Commissioner should appoint the captains as a right?

Mr. ROTH: Cases may arise where it would not be advisable for the Amerindians to elect their own captains. Even among people alleged to be primitive, intimidation is not unknown and

such things as envy and jealousy may also be found. I know that some time ago there was an Amerindian captain in the Rupununi district but he was most unpopular with the people and Government had to take steps to supersede him. I certainly think the appointment of these captains should be in the hands of the Commissioner.

Mr. SMELLIE : I am quite prepared to accept what the hon. Member has said, but is it not a fact that at the present time the people do elect their own captains ?

The COLONIAL SECRETARY : I understand from the Commissioner of the Interior that in practice the majority of captains are elected, but the Commissioner is the instrument of appointment. Although he would, ordinarily, accept their choice it is desirable that the actual appointment should rest with him so that if there is any question of anything going wrong there would be some measure of control. It is desirable that they should be controlled. I desire also to refer to the point made by the Third Nominated Member (Mr. Smellie) and also the reply made by the First Nominated Member (Mr. Roth) by stating that where a captain has been appointed for any district, area or village the Commissioner would have that particular district, area or village declared as such under clause 3 of the Bill.

Mr. SMELLIE : I think it is important that no impression be conveyed under this particular piece of legislation that this Council is taking a retrograde step. If, as the Colonial Secretary has said, the District Commissioner is in a sense only an instrument for confirming the election of a captain that is all right, but if he is going to exercise entirely arbitrary powers I submit that we are going backwards instead of going forward.

The COLONIAL SECRETARY : It is not the intention that the Commissioner should act in an arbitrary manner.

It is considered advisable at the present stage of development that we should embody that in the Ordinance and I think it is better to leave it as it is at the moment. I understand that the Commissioner in making an appointment would consult the wishes of the people and I think it is better to leave the discretion with the Commissioner rather than embody the procedure in the Ordinance.

Dr. JAGAN : I do not agree with the statement made by the Colonial Secretary. It seems to me that we are now setting up a progressive venture to bring these people together in the districts and villages where schemes would be devised for their benefit. I feel that anything done for the benefit of these people should be done for the benefit of all concerned. While it may be true that they are illiterate in English we do know that they are capable of conducting their own simple affairs and I cannot foresee any difficulty in future so far as that is concerned. I do not see why provision should not be made here for these people to elect not only their own captains but "such other persons" as mentioned in clause 17 (2) (d). I think the time has come in the development of our country when we should permit people to have a direct say in the administration of their own affair. I cannot conceive that these Amerindians are so stupid as not to be able to decide for themselves and for their own benefit these matters in which they would be given expert advice by Government. Consequently, I do not agree that the Commissioner should appoint captains and other persons as set out in this Bill. If these people are to progress in accordance with the tendencies of the present time then they should be allowed to take a share in the affairs of the Central Government. If we are to embark on this experiment I think we should give these people an opportunity to decide who should lead them, and I am sure that in the long run we are going to find persons from among them who are quite capable of dealing

with the matters concerned. The hon. Member for Western Berbice told us not so long ago that the Amerindians trained by the Missions are quite capable of managing their own affairs in those areas. We had contact with some of these people when we went into the interior some time ago and I am sure that if they are given an opportunity to elect their captains and constables with the advice of the Commissioner they would do so in a satisfactory manner. Consequently, I cannot agree with the attempt to deprive them of that opportunity.

Mr. WIGHT: I think these provisions are more or less in line with the Local Government Ordinance, Chapter 84. The Chairmen of Country Districts are nominated by the Local Government Board, but here we have gone a little further and are allowing the captains to be appointed by the District Commissioner who will be more or less on the spot. We are not going backward because we are still in line with the country districts. We have not gone as far as a village district, but in local government one has to start from the lowest rung of the ladder and work towards the top — the village district. By analogy, therefore, we are working on the lines of a country district under the Local Government Board.

The ATTORNEY GENERAL: This clause, as hon. Members are aware, deals with the appointment of captains. These captains would have a sort of dual function to perform but that is nothing new. That has been provided for in section 7 of the Aboriginal Indians Protection Ordinance, Chapter 262, which reads as follows:—

“7.—(1) The Governor may appoint during pleasure any Indian to be captain and constable in and for any district for which he deems it advisable to make that appointment, but no Indian shall be compelled to accept the appointment or to serve as captain and constable for any longer period than he is willing to serve.

(2) Every Indian so appointed shall bear the title of captain and constable, he shall be provided out of any moneys provided by the Legislative Council for the purposes of the Ordinance with a staff of office and a uniform, and also receive a commission under the hand of the Governor in a form determined by the Governor.”

Consequently, the title of this Amerindian and this officer is preserved and as regards his functions it will be seen in sub-clause 14 (2) that he would “have all the powers and immunities of a rural constable....” Hon. Members would see that he is given certain powers for the maintenance of order and the observance of whatever rules and regulations may need to be observed in the Amerindian district, area or village, as the case may be. It is desirable that whatever power is given to him should flow by way of power given by the Governor. It is an entirely different thing from power given by the community. Although the community might be somewhat primitive to us it is possible that envy, malice and other undesirable things might spring up and it is more desirable that a captain should carry with him the authority or status of being appointed from outside. I think that it is a very important aspect especially when you are seeking to develop these people along certain lines. It is not a question that should be mixed up with the development of the area under Part V of the Bill. I do not think we should alter this provision in any way so as to remove the status or otherwise affecting the question of a captain.

Mr. SMELLIE: I was thinking of the effect which this power of appointment by the Commissioner would have on the humble Aboriginal himself. Could it not possibly arise that there may be an Amerindian of considerable substance and education who is entitled to vote for the election of a Member of this Honourable Council and yet you exclude him from voting for the appointment of a captain?

The ATTORNEY-GENERAL: It is desirable that the Commissioner should control the appointment of captains who would have to perform certain functions — not only as captains but as rural constables. I submit that the hon. Member's argument would be more reasonable with regard to other appointments.

Mr. SMELLIE: My point is that if these Amerindians are being permitted to elect their own captains at present and we suddenly change that practice, saying that the Commissioner is going to elect the captains, that is not going to engender the confidence they should have in this legislation.

Mr. LEE: I agree with the hon. Nominated Member. I think we are taking a retrograde step. The practice at present is that these people elect their own head-men, and now we are saying that we are going to elect the head-men for them by way of the Commissioner.

Mr. WIGHT: That is what is going on today, as we understand it, with regard to the local authorities and otherwise. The captain is to have the powers of a rural constable, and if he is to carry out his duties he is bound to become unpopular.

Mr. FERNANDES: Members seem to be going wrong in regarding the captain as a rural constable. He is really commander-in-chief of his particular area. He is more than a constable. His position as captain has nothing to do with any police or constable's duties. The idea of making him a rural constable really does not fit into the picture. When the Amerindians elect their captain they elect their governor, boss and everything. They are only subject to the laws of the Colony when they break them. They are subject to the rulings of their captain. I am supporting the hon. the Fifth Nominated Member in his appeal to Government not

to take this (I will not say retrograde) step, because the appointment of captains is provided for in the existing Ordinance. In practice the Amerindians are permitted to elect their captains. The democratic principle of allowing them to elect their own government should be given to them; they should be permitted to elect their captains.

Mr. ROTH: I am sorry to differ from the hon. Member, but to my knowledge the captains have always been rural constables. I do not understand the suggestion of a retrograde step because, from very ancient days, the captains were appointed by Government. They have been the chiefs of the village and were given long staffs. From the earliest British days the captains were appointed by the Governor of the Colony with the approval of the tribes, it is true, for naturally the Governor would not appoint a man who would not command the respect of the tribe.

Dr. NICHOLSON: The word "captain" in this clause might very well be deleted and the words "rural constable" substituted, because the entire duties set out in the clause are those of a rural constable. Sub-clause (2) says:

"Every captain shall have all the powers and immunities of a rural constable, and, subject to the provisions of this Ordinance, shall be subject to the control of the Commissioner."

In all respects he would be a rural constable, as far as I see it.

Dr. JAGAN: Clause 15 states:

"15. It shall be the duty of every captain to carry out such instructions as may be issued to him by the Commissioner or the District Commissioner, to maintain order within the District, Area or Village in respect of which he has been appointed, and to report to the District Commissioner any Amerindian who has not been registered under the provisions of section nine of this Ordinance."

This certainly is a very wide clause. It seems to indicate that the

captain would be assuming delegated powers from the Commissioner who, in turn, would be assuming delegated powers from the Governor. The hon. Member was right in saying that the captain would be a "little governor" in himself. He is not really a rural constable. The captains will be part of the Councils, so that there is no analogy with local government on the coastlands, because on the coastlands rural constables are not part of a Village or Local Authority. In this case a captain's powers will exceed those of a rural constable. He would be almost the Chairman of the Village Council.

The CHAIRMAN: I would suggest that the point made by the hon. the Fifth Nominated Member (Mr. Smellie) would be met if we borrowed from sub-clause (3) of clause 17 the phrase "shall pay due regard to the wishes of the inhabitants of the District or Area." I think that would be far enough to go in the present circumstances. It would be a form of election.

Mr. SMELLIE: That would meet my point, sir.

Mr. FERNANDES: I would accept that.

The ATTORNEY-GENERAL: There is one other point, and it is that there is some difference between clause 14 and clause 17 (3) because clause 14 provides that the Commissioner may, "with the approval of the Governor" appoint any Amerindian to be the captain of any District, Area or Village. It has to be assumed and accepted that the Governor would pay due regard to the wishes of the Amerindians of the District, Area or Village. I do not think it is necessary to add those words to clause 14.

Dr. NICHOLSON: It is assumed that a captain under Part IV will in all respects be a rural constable, and I agree with the hon. Member for

Central Demerara (Dr. Jagan) that if he is included under "Local Government" in Part V he is more than a rural constable. So we might leave Part IV as it is and delete paragraph (c) of clause 17 (2) in Part V.

Mr. WIGHT: I will support the amendment suggested by the hon. Nominated Member, Mr. Smellie. I think it would be a good thing if, in making any appointment, the wishes of the people of the particular area were taken into account.

Mr. SMELLIE: I think that amendment was suggested by the Chair.

Mr. WIGHT: Yes. I have suggested to the hon. the Attorney-General that when an appointment is made by the Governor one always assumes that it is made in consonance with the wishes of the particular community. I cannot imagine a Governor making appointments to any Council against the wishes of the community. Therefore, it seems to me that the suggested amendment would be redundant. But for other reasons I would like to see the amendments inserted here, because there are one or two other things that might hinge on it at a later stage. I would suggest that we leave Part IV as it stands, but in dealing with Part V I am inclined to the view that if we are bringing the constitution of the District and Area Councils into line with the Local Government Ordinance, it may not be desirable that a captain should have the powers of a rural constable as a member of the Council, because he might be tempted to use his staff at the table. That point might be considered when we reach Part V, because the appointment to the Councils of captains, with the powers of a rural constable, would certainly have its objections.

However much we might argue that a captain is a "little governor," as he has been described, we are proceeding

towards that constitutionally, because we are having the District Commissioner elected by the people and not by the Governor of the Colony.

Dr. JAGAN: The hon. Member has referred to the election of "little governors" of the districts. I see no objection to that at all. I think that democracy should start in the small areas so that eventually we may elect our Governor for the Central Government. I think that is only an indication as to what will happen in the future. I would like to move an amendment because I do not agree with the one which has been suggested. I remember that some time ago, when I was moving a motion in this Council, I made the remark that the Governor should select a representative Committee, and the hon. the Attorney-General chastised me for saying that, because he said that any Committee appointed by the Governor was a representative Committee. In the same way any appointment made under this legislation must be made with due regard to the wishes of the people concerned. I move that the following be substituted for clause 14 :—

"14. The Commissioner shall appoint in writing any Amerindian who has been elected as a captain of any District, Area or Village. Every such appointment shall be published in the Gazette."

Mr. WIGHT: It would be necessary to provide rules for the election of captains, and to state how long they are to hold office. Those things will have to be set out in Part IV of the Bill. If a captain is to function as a rural constable his duties are defined under the Constabulary Ordinance, and if he is to be a member of a Village Council there is the danger that he may not carry out his duties according to that Ordinance. If he carries out his duties as a rural constable as they ought to be carried out, he may lose votes.

Dr. JAGAN: I do not entirely agree with the hon. Member's argu-

ment which might also be used in the case of Judges who are elected.

Mr. WIGHT: We have no elected Judges in our judicial system.

Dr. JAGAN: I only gave that as an example. The hon. Member has referred to corrupt practices in the Courts because juries are bribed, and some Members feel that it would be better if our Judges were elected. It does not necessarily follow that because Judges are elected and have to depend on the votes of the people, their decisions would be biased. If a man is upright and is a good citizen I do not think he would fail to carry out his duties as a humble rural constable, for the sake of a few votes to become a member of a Village Council.

The COLONIAL SECRETARY: I cannot claim to have any personal knowledge of the people about whom we are talking at the moment, and I suspect that there are other Members of this Council who are in a similar position, but I would like to remind Members that they are, generally speaking, an extremely primitive people. They could hardly be more primitive. It may be that there are individuals who have attained a certain standard of education, but this legislation is to cover Amerindians wherever they may be in the Colony. We must not forget that, as the Deputy President has pointed out, the moment we start talking about elections we will have to have rules prescribing how they should be carried on, and I am sure it must be admitted that it would be entirely premature to introduce anything as elaborate as that. These people have their own methods of making their choice and indicating their wishes. It may not approximate to a system of ballot boxes, but they have their own methods, and I am sure it would be a great mistake to try to impose upon them something which may be entirely alien to their culture. I have worked with other very primitive people and I

know from experience that a system of ballot boxes is entirely alien and is not understood, and it would be a mistake to try to force something upon them from outside.

As I said earlier, it is not the intention to upset the present procedure, and I would like to emphasize that there is a more or less recognized procedure among these people to indicate their choice, which is usually accepted, unless there are good reasons for not doing so, and that is the procedure which it is proposed to continue. There is nothing in clause 14 to prevent that, because in fact the Commissioner will have due regard to the wishes of the people before he recommends an appointment for the approval of the Governor. I hardly think there is any need for an amendment of the clause. If we want to make it explicit that the Commissioner shall have due regard to the wishes of the people, that can be put in.

It does seem to me that the captain will have a dual function and a dual responsibility. He represents his own people on one hand and the authority of Government on the other. He will be responsible to the Governor. It seems to me that under the procedure proposed the people will have their say, but the Commissioner will have the final word, in view of the fact that the captain will exercise certain authority and function on behalf of the Government. I really do feel that in spite of what has been said, there is not much reason for amending the clause.

Dr. NICHOLSON: The duties of the captain, as defined, are essentially those of a policeman. Obviously he will be a policeman. In any community under our British system do we ever find the public electing the police? Order cannot be maintained under a system of that sort. I do not think the Amerindians are of a higher order than, for example, Members of this Council, and we know that Members of this Council sometimes make speeches to meet the wishes of their constituencies. I can-

not see how we can have the captains elected by the Amerindians themselves.

Mr. FER ANDES: To take the hon. Member's point a little further, I cannot see how a Police Officer can be appointed by the rank and file. He must be appointed by the Commissioner of Police.

Dr. JAGA: There is another point to be considered. I think there is a recommendation by the Hector Josephs Committee for the establishment of County councils in order to integrate the entire system of Local Government. That matter has been held for some time, but it will have to come before this Council very soon. Even though our system of local government is possibly a little more advanced than that in operation in West Indian territories, there are nevertheless many faults in it at the present time. If we are to set up a system of Local Government in the interior we should try to see that it conforms in some measure with the system on the coastlands, because I can foresee that in the very near future we must have a system of local government applicable to the whole Colony, and the interior must not be separated from the coastlands. It is true that we have a Department of the Interior, but at the same time it must be clear that, for the purposes of administration, the interior must be included in the whole system. When there is a general election the people of the interior do not have a different status.

This Bill certainly does not conform to our system of local government at the present time. It has been suggested that under Part V it is more or less in conformity with the Country Districts, but why should we model it on a system which is not very progressive on the coastlands at the present time? The captains will be in the position of village overseers who are not even rural constables. They do not take part in Village Council discussions and are not members of those Councils. If we are

to have some uniformity in our legislation I see no reason why we should not follow the set-up we have at present on the coastlands as regards local government.

The ATTORNEY-GENERAL: With the best will in the world or the greatest desire to see that the Amerindians are given every opportunity to be integrated in the general set-up, we must at the same time face the realities of the situation. I think all hon. Members desire to see the Amerindians move forward as quickly as possible, but there are practical considerations. Do hon. Members think that at the moment they should embark on the idea of giving the Amerindians the right to hold elections on the same basis as that of Municipal and other elections? That is the point which the hon. Member is raising. The first thing you have in clause 14 is the appointment of a captain and that follows from the provisions in the old Ordinance which is being incorporated in the new. The appointment of a captain carries with it certain responsibilities and certain duties and these responsibilities and duties, as the Colonial Secretary has said, fall into two categories. He is responsible for maintaining order and he has attaching to him all the powers and immunities of a rural constable. It is not known that the appointment of a rural constable is done by way of election. Certain hon. Members are suggesting that the Amerindians should meet together and then elect a captain, but the final decision rests with the Commissioner and the Government. It has been pointed out that the Commissioner would pay due regard to the wishes of the people and would submit to Government the name of the person he thinks fit for consideration and appointment. It must be assumed and accepted that Government would pay due regards to the wishes of the people, and the whole object of the legislation is to give effect to the wishes of the people in so far as that is practicable. There is no intention to stifle their

wishes, hopes or aspirations, but we must have due regard to the facts of the situation. With regard to clause 5--Restriction on entry into District, Area or Village—that is a subject which might be considered otherwise, but in so far as the appointment of a captain is concerned he would have to perform the duties of a rural constable and it is desirable that the final approval should rest with Government.

The COLONIAL SECRETARY: In supporting the Attorney General I should just like to say this: It is surely important that the system of local government which you introduce should conform to the system existing in other parts of the Colony, rather than be one which conforms to entirely different conditions. I should like to say also that conditions in the interior are entirely different from those on the coastlands and you may do incalculable harm in trying to provide for conditions in the interior if you adopt measures that are not suited to those conditions.

Mr. SMELLIE: I think I am responsible for the discussion which has taken place on this point, but having listened to the Colonial Secretary and also to the Attorney-General and the Deputy President I do not intend to press the point any further.

Dr. JAGAN : In all the reports we have read on this Amerindian question—those by the Commissioner of the Interior, Mr. Gregory Smith, and others—it has been stated that these people have to organize themselves along co-operative lines for the working of timber and so on. It seems to be reasonable that if people are going to do things along co-operative lines there must be some measure of unanimity among them. These people have been satisfied from time immemorial to live as they like but the tendency today is that they must learn to adjust their own affairs and in these districts especially emphasis must be placed on co-operatives which would be to the ultimate

benefit of all concerned. It seems to me that if these people are allowed to elect their own officers it would tend to bring forward the areas in which they live. One of the difficulties on the coastlands is that while we have an elected system there at present certain individuals are permitted to carry on their affairs as they like. In this new tep which we are trying to take I feel that much greater benefit would be achieved if the people are given the opportunity to elect those who would be responsible for the administration of the whole area.

The CHAIRMAN: Does the hon. Member wish to have his amendment put?

Dr. JAGAN: Yes sir.

Amendment put, the Committee dividing and voting as follows:—

For: Messrs. Phang, Dr. Jagan and Lee—3.

Against: Messrs. Morrish, Smellie, Peters, Fernandes, Roth, Raatgever, Dr. Nicholson, Wight, the Attorney General and the Colonial Secretary—10.

Amendment lost.

Clause 14, as printed, passed.

Clause 15—*Duties of captain.*

Mr. LEE: I am going to move the deletion of the words "and to report to the District Commissioner any Amerindian who has not been registered under the provisions of section nine of this Ordinance." If it is not the intention of the clause to compel registration I do not think this captain should be given power to report any of these people who fail to register. He might report privately to the Commissioner, but it would be against the intention of the clause if it is made compulsory for him to do so.

The ATTORNEY-GENERAL: The object is, really, to know those who are

Amerindians and those who are not. No responsibility is cast on anyone except the captain. I do not know what is the idea of the hon. Member.

Mr LEE: My idea is that if you are giving these people freedom as regards registration and you also give the captain power in black and white to compel them to register, *that* freedom will be removed and you will be putting the captain in the position of a spy.

Mr. WIGHT: Whether it is in the Ordinance or not it seems to me that the Captain would be guilty of dereliction of duty if he does not report failure to register under the Ordinance. As long as it is to be done—and we have already passed clause 9—the captain would, automatically, have to see that this and other duties are carried out. The mere stating of it in the Bill would bring to the knowledge of everyone that this is a particular duty of a number of duties which the captain would have to perform, and there is no harm in leaving it in the Bill even if it is redundant.

Mr. LEE: If my hon. Friend says it is redundant then we should strike it out. I say it is redundant and that if you give the captain this power you are making him a spy.

The ATTORNEY GENERAL: I cannot say categorically that it should not be there. It is just as well to have a captain who would be acquainted with everything in the village or area to inform the Commissioner of any person who is not registered so that they should not claim a right to which they are not entitled.

Amendment put, the committee dividing and voting as follows:—

For: Messrs. Phang, Dr. Jagan and Lee—3.

Against: Messrs. Morrish, Smellie, Peters, Fernandes, Roth, Raatgever Dr. Nicholson Wight, the Attorney General and the Colonial Secretary—10.

Amendment lost.

Clause 1⁵ passed as printed.

Clause 16—*Surrender of equipment.*

The ATTORNEY GENERAL: I beg to move an amendment to the effect that the words "penalty not exceeding twenty-four dollars" be substituted for the words penalty of "twenty-four dollars." That is to make it quite clear as to what is really meant.

Amendment put and agreed to.

Clause 16, a amended, passed.

Clause 17—*District and Area Councils.*

The ATTORNEY GENERAL: I beg to move that sub-clause (1) be deleted and that the following be substituted therefor:—

"(1) The Governor in Council may in his discretion by Order published in the Gazette establish a District Council or an Area Council for any District or Area as the case may be."

That would leave it to the Governor in Council to establish whatever District or Area Council he considers it wise to establish.

Mr. ROTH: In sub-clause (2) (d) the word "Governor" alone is used; does that mean the same thing as "Governor in Council" ?

The ATTORNEY GENERAL: There is a distinction between the two. The Order would be made by the Governor in Council after due consideration of the Area or District to be established. Sub-clause (2) provides for the composition of a District or Area Council which would include the following:—

"(a) the District Commissioner;

(b) a District Officer;

(c) the captains of the District or Area;
and

(d) such other persons as the Commissioner, with the approval of the Governor, may appoint."

Dr. JAGAN: Under this clause, as drafted, I do not know how we would be able to remove these captains because they would be nominated members of the Council. What I would like to say is that the idea of having nominated members on this Council is wrong. This Ordinance seems to be putting the Amerindians on a similar footing to that which the Local Government Ordinance gives to the people in the rural districts and I do think that is satisfactory. We fear that in the very near future some difficulties are likely to arise, especially if we get adult suffrage for the next general elections. In that case these Amerindians would be entitled to vote and I see no reason why provision should not be made now for them to have the status of a village district instead of that of a country district—in which all the members of the council are nominated by Government. In view of present-day trends I think that should be done, and therefore I move that the following be substituted for paragraph (d) in this clause:—

"(d) such other persons to be elected by the registered Amerindians to the amount of twice the number of captains set out under paragraph (c)."

I have said "twice the number of captains set out under paragraph (c)" because I feel that in these Area and District Councils the Captains from each village should be removed and it is my view that we should take two representatives from each village to sit on them. In the same way as we have one captain from each village we should have two elected members from it.

Mr. WIGHT: While the idea is that every statutory democratic assembly should be deleted by the people, are we going to suggest that an elaborate system of election rules providing for election petitions and all sorts of things should be put into the Bill for

Amerindians in the Rupununi district and other places? We have the Local Government Board Ordinance still operating here and persons who have had experience in local government throughout the Commonwealth have praised it stating that our system is far ahead of those in other parts of the world. The hon. Member might favour a system by which 12 or 13 men would just sit around a table and hoot each other when they like, but I do not admire any such thing. The Local Government Ordinance caters for several types of rural districts and we have, by analogy, now brought the Amerindian districts into line with the country districts. I do admit that the clause under which a rural constable would be Chairman of the village has given me some concern, but here are we providing for the people in the village and the country districts under a system of local government that is far and above that of our neighbours and yet we are going to take people in the interior and place them far ahead of those in the rural districts. We cannot jump these people into a system which we ourselves have not yet reached. If we are going to achieve the ideal of universal adult suffrage let us do so, but do not let us jump ahead of the present system like this. If we are to have elections they must be free elections and not the election of people by force.

Dr. JAGAN: I did not mention anything about ideal conditions or I certainly would not have agreed to the inclusion of captains and rural constables in this clause. I am advocating a system which would do away with nominated members and which would entitle everyone to vote.

Mr. WIGHT: I do not know what the hon. Member means, but I am entitled to vote as much as an American citizen who comes down to this country and votes.

Dr. JAGAN: The hon. Member speaks of progress under the Local

Government Ordinance, but what progress have we made on the coastlands? When it comes to the Town Council he should remember that he said that people who pay a rental of \$3 a month should not vote, yet he is reporting progress all the time. Let us not make these comparisons at all because I realize that an ideal cannot be achieved overnight. As a matter of fact, the hon. Member should not paint a very rosy picture of the Local Government Ordinance because Mr. Hector Josephs, a former Attorney General, examined that Ordinance and wrote a very strong report criticising it. When the hon. Member says that there are people who are satisfied with their rural status that is not the true state of affairs at all. Those who administer their own affairs may be satisfied, but in those cases where Officers are nominated by Government to administer the people's affairs there is definite dissatisfaction. Even in the village districts today there is a hue and cry for the abolition of the nominated seats although they represent only one-third of the number on the Council. There is need for a revision of the Local Government Ordinance and I think that is recognized on all sides following the report by Mr. Hector Josephs.

Mr. WIGHT: I do not think the hon. Member is quite right. He may have read a report by Mr. Hector Josephs but he could not have been referring to the present Ordinance because he has been dead for some years — long before the present Ordinance was passed. I do not think the hon. Member followed my argument. I did not say we are still working under the 1907 Ordinance. Today we are working under the Local Government Ordinance which was passed in 1945, and whenever the Council thinks the people in the rural areas are ripe for promotion they are promoted from country to village districts. The last district so promoted is in my constituency, and the hon. Member was there recently. This Colony lost its Constitution in 1928 for a similar reason and if we go too

fast we might have another such experience. The hon. Member has referred to the question of voting for the election of members of the Town Council, but I am not the only one who voted there against a rental qualification of \$3 a month. There were others who thought that it should be restricted to \$6 per month, but we should not carry a different system to the Amerindians because we think the Town Council was wrong.

The CHAIRMAN: Does the hon. Member for Central Demerara still want his amendment to be put?

Dr. JAGAN: Yes, sir.

The ATTORNEY GENERAL: May I just say one word? While I think all hon. Members share the solicitude and the desire of the hon. Member for Central Demerara to see that these Amerindians move forward as quickly as possible so that they could exercise their rights with regard to elections and other matters of that sort, it is to be borne in mind that we are now establishing something — District Councils and Area Councils. Provision is made for the constitution of these Councils, but the hon. Member has moved an amendment as regards paragraph 17, (2), (d). In clause 21 provision is made whereby a District, Area or Village Council is given the power to make rules, and the hon. Member is suggesting that we should give them an opportunity to select twice the number of persons suggested in paragraph (c) — persons who would exercise the same discretion and judgment and so on. We

are just starting and I think we should not take the onus of guiding them too much right away. The hon. Member desires to see that these people are trained in voting and so on, as distinct from the people who have to share in the duty of making Regulations for the purpose of guiding the district, area, or village. However laudable and desirable the suggestion might be, we should be very careful at this stage to do nothing that might retard the efforts we are making. This is not like the laws of the Medes and Persians, that is only the beginning and I am sure it is hoped that further legislation will be introduced to advance the mass of these people. We should not put down here what we think would work in the Rupununi without any practical experience of it, since it might militate against the advantages to be derived by these people.

Amendment by Dr. Jagan put, the Committee dividing and voting as follows:—

For: Dr. Jagan and Mr. Lee — 2.

Against: Messrs. Morrish, Smellie, Phang, Peters, Fernandes, Roth, Raatgever, Wight, the Attorney General and the Colonial Secretary — 10.

Amendment lost.

Clause 17, as amended in sub-clauses (1) and (6), passed.

Council resumed.

The PRESIDENT: Council will now adjourn until 2 p.m. tomorrow.