

LEGISLATIVE COUNCIL

(Constituted under the British Guiana)
(Constitution) (Temporary Provisions)
Order in Council, 1953).

WEDNESDAY, 9TH JANUARY, 1957

The Council met at 2 p.m.

PRESENT:

His Honour the Speaker

Sir Eustace Gordon Woolford,
O.B.E., Q.C.

Ex-Officio Members :

The Hon. the Chief Secretary,
Mr. F. D. Jakeway, C.M.G., O.B.E.

The Hon. the Attorney General,
Mr. G. M. Farnum (Ag.)

The Hon. the Financial Secretary,
Mr. F. W. Essex,

Nominated Members of Executive Council :

The Hon. Sir Frank McDavid,
C.M.G., C.B.E. (Member for Agriculture,
Forests, Lands and Mines).

The Hon. P. A. Cummings (Member
for Labour, Health and Housing)

The Hon. W. O. R. Kendall (Member
for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E.
(Member for Local Government, Social
Welfare and Co-operative Development).

The Hon. R. B. Gajraj

The Hon. R. C. Tello

Nominated Unofficials :

Mr. T. Lee

Mr. E. F. Correia

Rev. D. C. J. Bobb

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. B. M. Viapree (Ag.)

Absent :

Mr. J. I. Ramphal—on leave.

Mr. W. A. Phang—on leave.

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

Mr. C. A. Carter—on leave.

Dr. H. A. Fraser—on leave.

Mr. R. B. Jailal—on leave.

Mr. Sugrim Singh

Mr. W. T. Lord, I.S.O.—on leave.

The Speaker read prayers.

The Minutes of the meeting of the Council held on Friday, 21st December, 1956, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS

LEAVE TO MEMBERS

Mr. Speaker: I regret to have to announce the absence of so many Mem-

[Mr. Speaker]

bers. Mr. Ramphal has asked for and has been given leave from 4th to 15th January. Mr. Phang unfortunately is ill in hospital and has applied for leave from 1st January to 31st March. Dr. Fraser and Mr. Jailal have asked to be excused from today's meeting; and Mr. Lord from 8th to 16th January. Mr. Carter who usually does not get ill is indisposed and wants a week to recover.

Mr. Lee: May I say therefore that vacancies should be filled by His Excellency?

Mr. Speaker: Please, that is not a proper intervention at this stage.

Mr. Lee: I beg your pardon.

Mr. Speaker: It is not a question of begging my pardon, it is most irrelevant.

Mr. Cummings (Member for Labour, Health and Housing): I did not hear the words that fell from your lips just now, but I take it you were speaking of the absence of Members, and I merely want to say, Sir—

Mr. Speaker: I mentioned six absent Members, not including you.

Mr. Cummings: We had a very lengthy Executive Council meeting today.

GREETINGS

Mr. Speaker: I have received from abroad and from Mr. Macnie Christmas and New Year greetings and good wishes to this Council.

PAPERS LAID

The Financial Secretary (Mr. Essex): I beg to lay on the table:

Schedules of Supplementary Estimates for the months of November and Decem-

ber, 1956. Schedules of Supplementary Estimates (Development) for the months of November and December, 1956.

Mr. Kendall (Member for Communications and Works): I beg to lay on the table:

The Official Inland Correspondence (Amendment) Regulations, 1956.

Report on the Georgetown-Rosignol Road by Messrs. Scott & Wilson, Kirkpatrick and Partners, Consulting Engineers—Sessional Paper No. 11/1956.

British Guiana Airways (Government)—Proposed Two-Year Management Agreement with British West Indian Airways Limited—Sessional Paper No. 13/1956.

GOVERNMENT NOTICES

INCREASED FEES FOR RURAL CONSTABLES

The Chief Secretary (Mr. Jake-way): I beg to give notice of the motion standing in my name on the Order Paper; as follows:

"Whereas the fees and allowances payable to rural constables laid down in the third schedule to the Police Ordinance (Chapter 77) were fixed in accordance with the provisions of section 122 of the aforesaid Ordinance by Resolution No. XXI dated the 11th of November, 1949; and

Whereas items 6 and 8 (a) of the schedule aforesaid were amended by Resolution No. IX dated the 1st of April, 1954; and

Whereas it is considered that rural constables, who perform police duties in accordance with item 6 of the schedule, should receive remuneration not less than that which is paid to government watchmen; and

Whereas it is also considered that the restriction contained in item 8 (d) of the schedule in relation to the fees payable to rural constables where two or more services are performed on the same day should be removed in order to provide incentive for their performance of more services particularly in connexion with the execution of commitment warrants; and

Whereas it is further considered desirable that a separate fee for attendance at court and for other services mentioned

in items 1, 2 and 3 of the schedule should be prescribed, and that items 5 and 7 of the schedule should be abolished as they are no longer required; and

Whereas it is provided by section 122 of the aforesaid Ordinance that the rates specified in the abovementioned schedule may be varied by resolution of the Governor and Legislative Council from time to time:

Be it resolved: That this Council in terms of section 122 of the Police Ordinance, Chapter 77, approves of the following being substituted for the third schedule in the said Ordinance:—

Tables of Fees and Allowances Payable to Rural Constables

	\$	c.
1. For execution of a warrant of commitment	1.50	
2. For making any arrest where a warrant of apprehension has been issued, or for making any arrest where a warrant has not been issued if the Magistrate considers the arrest was properly made.....	2.00	
3. For preparing a summons if the summons has been initialled by an Officer of Rural Constabulary or the County Sergeant-Major of Rural Constabulary	1.50	
4. For attendance at Court.....	2.50	
5. For executing in the prescribed manner any warrant of distress or levy or warrant of ejection, or other process issued by a magistrate.....	2.00	
6. For performance of police duties when required to assist the police for the first eight hours or part thereof and 56c per hour for each hour over eight	3.00	
7. Travelling allowance to a constable when engaged in the execution of his duty, on the scale for the time being sanctioned for the police force.		
8. (a) The allowance specified in item 7 shall be in the discretion of the magistrate, and shall be paid by the magistrate at the conclusion		

of the case or the completion of the service. The account shall be made out by the police.

(b) In any case under item 2 the Commissioner of Police may, on the recommendation of the Magistrate, award special remuneration not exceeding \$5.

(c) Where any constable receives any monthly pay or salary from public revenues, he shall not be entitled to any fees or allowances under this Ordinance, unless the Chief Secretary expressly authorises the payment."

Supplementary Estimates.

The Financial Secretary: I beg to give notice of the following motions:

"Be it resolved: That this Council approves of the Supplementary Estimates for the months of November and December, 1956, totalling \$1,377,931.67, which have been laid on the table."

"Be it resolved: That this Council approves of the Supplementary Estimates (Development) for the months of November and December, 1956, totalling \$956,178.96, which have been laid on the table."

Agreement with B.W.I.A.

Mr. Kendall: I beg to give notice of the following motion:

"Be it resolved: That with reference to Sessional Paper No 13/1956 this Council approves of the conclusion of the proposed Two-Year Management Agreement with British West Indian Airways, Ltd."

ORDER OF THE DAY

Audit Department (Amendment No. 2) Bill

The Financial Secretary: I beg to move the second reading of the Bill intituled:

"An Ordinance further to amend the Audit Department Ordinance."

This is a very simple Bill. Under the existing Ordinance this Colony

[Financial Secretary]
is authorized to contribute £500 a year towards the cost of the Office of the Director General of the Oversea Audit Department, and this is said to be our share of the cost in the ratio of the Revenue and Expenditure of British Guiana to the total Revenue and Expenditure of all the territories whose accounts are audited by the Director General. The Secretary of State has now pointed out that the Revenue of some territories has outstripped that of certain others, and as a result the cost worked out on the old basis is unfair, for in the case of many territories, the work which has to be done for them costs much more than their share based only on relative Revenues and Expenditures.

A formula has therefore been worked out for all the territories under which the comparative Revenue is only one factor taken into account to determine share of cost. Other factors such as the amount of work involved have been considered. Under this new formula, British Guiana's share is £1,000, and the Bill seeks to authorize this, and to remove the former gloss that this was a proportionate figure based on British Guiana's Revenue and Expenditure.

The Attorney General (Mr. Farnum, acting): I beg to second the motion.

Mr. Speaker: Would any Member like to speak on the second reading?

Question put, and agreed to.

COUNCIL IN COMMITTEE

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

Clause 1.—*Short title.*

The Financial Secretary: I beg to move that this clause be amended by

- (a) the deletion of the abbreviation and the numeral "No. 2" in the bracket in the second line, and

- (b) the substitution of the numerals "1957" for the numerals "1956", also in the second line.

The Chairman: Does anyone wish to speak on the amendments?

Question put, and agreed to.

Clause 1 passed as amended.

Clause 2 and title and enacting clause passed as printed.

Council resumed.

The Financial Secretary: The Bill having been passed in Committee with two small amendments, I beg to move that it be now read a third time and passed.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

VOLUNTEER (AMENDMENT) BILL

The Chief Secretary: I beg to move the second reading of the Bill intituled:

"An Ordinance to amend the Volunteer Ordinance."

This is just a formal Bill arising from the fact that a new Army Act has been passed by the United Kingdom Parliament and it comes into operation from 1st January, this year. Our Volunteer Ordinance refers to several provisions in the Army Act and the object of this Bill is to readjust the numbering so that this Ordinance will refer to the new Army Act and not the old one.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

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

Clause 1.—*Short title.*

The Chief Secretary : I beg to move that this clause be amended by the substitution of the numerals "1957" for the numerals "1956" in the second line.

Question put, and agreed to.

Clause 1 passed as amended.

Clauses 2 and 3 and the title and enacting clause passed as printed.

Council resumed.

The Chief Secretary : I beg to report from Committee a Bill intituled, an Ordinance to amend the Volunteer Ordinance, with one amendment, and to move that it be now read a third time and passed.

The Attorney General : I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

REPRESENTATION OF THE PEOPLE BILL

Item 3 — Motion by the Chief Secretary for the second reading of the Bill intituled :

"An Ordinance to make provision for the election of Members of the Legislative Council and for purposes connected therewith."

Mr. Speaker : I do not know whether it is possible to conclude the debate on this Bill today. I should like to know whether it is their wish that after the Chief Secretary moves this Bill the debate on it should be allowed to proceed or whether it should be adjourned.

Mr. Lee : I have always felt that we should have a fuller Council at all times when matters such as this are being debated. It is unfortunate that several Members are absent today, as this is a very important Bill which requires careful consideration. I have drawn the attention of the Chief Secretary to two clauses of which I propose to move amendments and I will do so at the appropriate time. I do not know if other Members have studied the Bill but I have done so and can only speak on behalf of myself. I feel certain, however, that other Members would like to make some points on the amendments, but I think it would be wiser for us to have a fuller representation in the Council when they do so.

The Chief Secretary : I am not sure how long these Members are going to be absent, Sir. This is a Bill, it seems to me, on which the most of the discussion will be in the Committee stage rather than on the second reading. If there is any discussion it would be on individual clauses, I think we might have the second reading today and if the Council wishes to move into Committee tomorrow we can do so. It is the principle of the Bill that we will deal with today, not the individual clauses.

Mr. Speaker : Does the hon. Member (Mr. Correia) who had risen wish to say something?

Mr. Correia : Yes, Sir. I wanted to reply to the Chief Secretary. This is a very important Bill and I would like to speak on it. It was my intention to ask the Chief Secretary to defer the motion until more Members are able to attend and speak on it. I repeat that this is a very important Bill and I ask that it be deferred for the reason given.

Mr. Speaker: Mr. Lee will be absent for six weeks, but Mr. Carter for only a week.

The Chief Secretary: I really think that would be carrying deference to hon. Members too far. I thought we would have deferred the motion until tomorrow, but I had no idea of deferring it until next week. I shall be absent for a week as from Friday next, so any deferment beyond tomorrow would have to be for a fortnight.

Rev. Mr. Bobb: There is no doubt that, as Mr. Correia has said, this Bill is causing a lot of public discussion. While I consider that the Chief Secretary would be anxious to go ahead with it, I agree that it would be in the interest of the Council to hear what the Unofficial Members think about it. At the present moment we are just too few on this side of the Council and I shall be sorry if we could not defer it for even a week when there will be a better attendance. I do not think it would be wise for us to proceed, with the Council as it is today.

Mr. Speaker: I should like to hear what the hon. Member, Mr. Tello, thinks.

Mr. Tello: I think that the principle of the Bill will be supported, but nearly all the Members of the Council are absent. I think the Chief Secretary has gone as far as he can go by offering to leave the Bill in Committee in order to ensure the attendance of certain Members who seem to have the interest of the Bill at heart.

Mr. Lee: With all due respect to the last speaker. I understood that we would have been allowed to comment on the Bill and not that it would be left in the Committee stage.

Mr. Speaker: I think myself that there is some reason in what the Chief Secretary has said. I do not say that if we go into Committee the Bill should be left there.

The Chief Secretary: Perhaps we can start the second reading and then adjourn, Sir.

Mr. Speaker: Yes; the hon. Member can speak on the Bill.

The Chief Secretary: I would certainly like to commence the debate, Sir.

Mr. Speaker: Personally, I can see no harm in your doing so. I think Members are aware of what the amendments would be; some of them, I think, call for substantial alterations. For instance, they do not know what would be the date of the elections. This does not say whether they will be held in January or later. It looks as if there will be no elections this year. The date has to be made public and the electorate is entitled to know what is happening—when the elections will take place. The elections should be held as early as possible.

The Chief Secretary: I rise, Sir, to move the second reading of the Bill intituled:

“An Ordinance to make provision for the election of Members of the Legislative Council and for purposes connected therewith.”

This is another essential step in our progress towards a return to a representative form of Government. First came the revision of the electoral roll which has now been completed. Secondly came the amendments to the Constitutional Order in Council which are now law. The constituencies have also been proclaimed by the Governor.

and now the Representation of the People Bill is the next — and indeed the last stage before the fixing of the date for elections. This Bill makes provision for the holding of the elections and prescribes how these elections should be conducted.

It is a long Bill — a detailed one, — but the greater part of it is recapitulation of existing legislation enshrined in the Representation of the People Ordinance of 1953, and the Legislative Council Elections Ordinance of 1945. For convenience, all the provisions for holding elections are now consolidated into one Ordinance. There have, however, been some changes and I think I should, at this stage, point out the principal ones. First of all, to conduct the elections, there is, in addition to the Chief Electoral Officer, a Commissioner of Elections provided by clause 3. The Commissioner of Elections has to exercise general direction and supervision over the conduct of elections and to enforce on the part of election officers impartiality in enforcing of the provisions of this Ordinance, and he would issue such instructions to election officers for the conduct of election as would be necessary. The detailed management of the election would remain with the Chief Electoral Officer but the Commissioner would have over-all supervision and responsibility, and be a sort of referee to whom the Chief Electoral Officer might refer in case of any difficulty or dispute.

Another change — and perhaps the one which is likely to attract the greatest interest — is that the 1953 method of voting has not been followed. The 1953 method, as Members no doubt remember, consisted of putting the voting paper into a box on which there was a symbol. There was one box to each candidate and it was done behind a screen. That method was designed to

facilitate voting by illiterates. It was severely criticised by the Robertson Commission who said they had heard grave doubts expressed before them about the secrecy of the ballot by this method of voting. The Robertson Commission thought that the arrangements were unnecessarily elaborate to facilitate voting by illiterates and they had this to say in paragraph 81 of their report which, with your permission, I will quote:

“We are of the opinion, however, that the elaborate arrangements which were made to facilitate voting by illiterates are unnecessary; certainly we see no reason why the secrecy and reliability of the entire ballot should be jeopardised on their account. In British Guiana it would be wrong to assume that illiteracy is generally associated with less than average intelligence. It does not seem to us unreasonable, therefore, to expect an illiterate voter to be able with a little effort and perhaps coaching, to recognise the printed name of the candidate for whom he wishes to vote and to mark a cross against it.”

Government has taken heed of that recommendation, and in this Bill which is fair enough, and it has brothers and sisters amongst the other British territories in the Caribbean. In fact we are adopting the method generally in use in the Caribbean, including British Honduras which has a very similar element of illiteracy in its population to ours—indeed rather a higher one. We considered very carefully whether this method of voting would operate to the disadvantage of illiterates. We think not, particularly if certain provisions in the Bill are remembered.

First of all there is clause 42 (3) which provides that a ballot paper, even if it is marked in a way which does not conform strictly with the requirements of the law, will be accepted by the presiding officer, provided it clearly shows the intention of the voter. In other words, the voter may put a cross

[The Chief Secretary]

not in the open space but perhaps over the name of a candidate, or elsewhere, or he may not put a cross but put a tick, or some other form of identification; that would not be a reason for refusing to accept the vote, provided it is quite clear what the voter's intention was. That is an important provision in the absence of any particular arrangements for illiterates. I will read clause 42 (3) :

- "42. (3) A ballot paper on which the vote is marked —
- (a) elsewhere than in the proper place; or
 - (b) otherwise than by means of a cross; or
 - (c) by more than one mark,

shall not by reason thereof be rejected if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not of itself identify the elector and it is not shown that he can be identified thereby."

That, I may say, is not our own invention; it follows the United Kingdom Rules for Elections. Indeed, there is nothing new in this Bill. It is all taken from respectable sources.

Clause 34 (2), to which I also wish to refer, permits a presiding officer to instruct an elector — in fact requires him to instruct an elector how to mark his ballot paper, not where, of course, but how. He is required to show the voter the way in which the law requires him to cast his vote. I think this follows the British Honduras provision.

Thirdly, as an aid to illiterates, provision has been retained for the allocation of symbols to candidates, and the symbol as well as the candidate's name and his number in alphabetical order will appear on the ballot paper. I should say here, however, that the method of allocating the symbols will be prescribed in Regulations to be made under the Ordinance, but it is the in-

attention that the symbols will not be allocated to parties but to individual candidates. This, I have no doubt, will be criticized in some quarters as an attempt to weaken the party system. It is nothing of the sort. It is the procedure in force in Jamaica and in Trinidad. I do not think anyone would say that the party system was not healthy and vigorous in Jamaica, and I do not think anybody would say that of Trinidad either. It has certainly not operated against the development of a healthy and vigorous party system to have symbols allocated to candidates rather than to parties. In fact the purpose of symbols is to assist the illiterate voter to identify the candidate for whom he wishes to vote. Symbols are not intended to be attached to party labels. So it is clear that the proper way to use symbols is to allot them to candidates, and the procedure will be that at the time of nomination they will each have a symbol allotted to them by means of ballot.

No symbols are used in the United Kingdom, and generally they are discarded when there is no appreciable degree of illiteracy in the population. The Robertson Commission recommended that they should be discarded here as soon as possible, and it did refer in paragraph 81 of its Report to what it called

"the tendency, noticeable in the last election, for voters to pay more heed to party symbol than to the merits of the individual candidates."

The allotment of symbols to candidates rather than to parties will, it is considered, guard against that danger.

The method of voting adopted, as I have said, is the one in force in the United Kingdom, and it is the one recommended by the Robertson Commis-

sion. In order that Members may understand just how it will operate I will read the last sentence of paragraph 81 of the Report, because it shows very clearly just what this method of voting is: It says:

"We have therefore no hesitation in suggesting that the system used in the last election should be discarded, and that instead voting should be carried out on broadly the same lines as in the United Kingdom. That is to say, a voter, having received his ballot paper printed with the names of the candidates for the constituency, should retire to a screened booth, there mark a cross in pencil on the paper against the name of the candidate of his choice and then, in the presence of the presiding officer, deposit it in a single ballot box."

That is the method which in this Bill it is proposed to adopt, save that in addition to the name of the candidate on the ballot paper there will also be his symbol and his number.

In the Bill the normal time to be allowed between nomination day and polling day (where that is required) is 25 days. A period at least as long as that is required if the candidates, having been allotted their symbols, are to be given reasonable time to canvass their constituencies. It is thought that in some places that period may not even be long enough, particularly in some parts of the interior, and there is provision in the Bill for the time to be extended to a longer period, should that be necessary. But that will not mean that polling will take place on different days; polling will be so arranged to take place on the same day where polling is necessary, but in some cases nomination day may be brought forward a bit to suit the convenience of the particular area. We have in mind the Rupununi district.

There are two ways in which a blind or physically incapacitated voter may cast his vote. He may either take

with him a friend who, on taking a suitable oath, may mark the ballot paper on his behalf or, if he so wishes he may ask the presiding officer to mark the paper for him.

I do not think at this stage, on the second reading, it is necessary for me to go through this long Bill clause by clause. It is not a Bill in which the question of whether or not there should be such a law is a matter of controversy. It is simply what is within the Bill which may be a matter for discussion. It is a long Bill but most of it is merely recapitulation of existing law, and I think I have pointed out the particular places in which we have departed from the existing law. When the Committee stage is reached Members may well have points on individual clauses on which they would like enlightenment, and when that stage is reached I will do my best to explain the meaning and intention behind those clauses. I formally beg to move that the Bill be read a second time.

The Attorney General: I beg to second the motion.

Mr. Lee: If you are adjourning for absent Members to be enabled to speak on this Bill, it is best for you to adjourn now, if not I would have to give my quota now as I have studied the Bill. But I would like all of us to speak at the same time, so that if several Members cover the ground. I have in mind I need not reiterate them.

Mr. Speaker: The Hon. Member wishes to speak late in the debate. He is often late and I would suggest to him to make his contribution now.

Mr. Lee: I will proceed. There are a few things in this Bill which, in my opinion, do not comply with the general principle of the constitutional

right of the secrecy of the ballot. After all, if we accept the principle of adult suffrage, we must also accept the principle of the secret ballot. The method adopted in this bill, will not meet the case wholly. I will tell you what happened at the last General Elections so that you will see that if Government is amending the law it should be done in such a manner as to carry out these two principles—adult suffrage and secrecy of the ballot. On that occasion there was a ballot box for each candidate and on that ballot box was placed the name and symbol of the candidate. I know as a fact that certain political parties overcame any difficulties in that method by telling the illiterates supporting them that if they cannot find the ballot box of the party they must leave their ballot papers on the boxes and when the returning officer is changing the boxes he would put them in the box of the candidate. In that case the returning officer could put the ballot papers in the box of the candidate he is supporting. That did not give the desired secrecy of the ballot.

In this bill you are going to ask an illiterate to mark off the paragraph with the name which he cannot read and symbol which he is going to see. It is not a party symbol but an individual symbol, so that in each constituency candidates would have to get their supporters to teach the illiterates their respective symbols, whereas in the case of a party symbol the whole Colony will know it. Each voter will be voting for a candidate and not for a party, whereas we want to introduce and encourage the party system and to teach the illiterate how to vote in a party system. I therefore think that first of all Government should try to have party symbols in order that il-

literate voters would be able to say "This is my party symbol," and that symbol will be known as such throughout the country. At the same time I do not condemn Government in respect of a symbol for a particular candidate. There may be good reasons for that, but it does not carry in it the principle of party system. Is the Government going to bring Regulations into force whereby the names of candidates are going to be printed on the ballot papers according to the order of nomination? If that is so, candidates or their supporters would be able to tell the illiterates where to find their candidate's name. If the names are so enumerated, a thick line should be placed between them so that the illiterate can be assisted by that. If even the voters cannot see the symbols properly nor read the names, supporters will be able to indicate to them where the name of their candidate falls. I therefore advise or recommend to Government that if they are adopting this system as advocated in the Bill, they should take the nominations as they come and place the names of the candidates in that order on the ballot paper. Candidates would see to it that their proposers and seconders nominate them in the order they desire.

Mr. Speaker : There is a form and the first nomination goes in the first place.

Mr. Lee : I have a form here. The lines must be printed deeper and so indicate distinctly the nominations. The printing should be such that the illiterate can easily distinguish one candidate from the other.

Mr. Speaker : The hon. Member means "bolder lines." That can be attended to.

The Chief Secretary: May I interrupt to say that clause 33 of the bill provides that the names of the candidates on the ballot paper shall be in alphabetical order. After nomination day every candidate will know where his particular name will be on the ballot paper. The hon. Member's point will be met that way.

Mr. Lee : I am Lee and there may be another Lee as a candidate. Which one will be first?

The Chief Secretary: If the hon. Member reads the bill he would see—

Mr. Lee : I am saying you have but 25 days within which to run through your electoral districts—say the Vreed-en-Hoop West Demerara Area—where you have a large number of illiterates on the sugar estates, and to educate those illiterates as to where your name will be on the ballot paper. Would it not be more advantageous for the people to know that on nomination day Mr. So-and-So was nominated first or second or last and that his name would be first or second or last on the ballot paper? I do not think it is correct to print the names of candidates in alphabetical order. Mr. A. Lee will be printed first and Mr. T. Lee second. In my opinion the names on the ballot paper should be printed according to the order of nomination because the illiterates would be able to say I am voting for the candidate who was nominated first or second or last according to the number of candidates. That is my point in respect of the ballot paper as it stands.

I do want to say that Government should be careful that it is not said, as in many instances in the past, that some of the polling booths were not sufficiently lighted in order to facili-

tate those voters who could not see too well and had to go out of the booth in order to be able to see how to vote. Of course, by so doing the presiding officer and those assisting certain candidates would either whisper or by facial expression indicate to those voters where the votes must be cast. Unless a person is blind the presiding officer at a polling station or his substitute should not interfere with the voter after he has been given the ballot paper, as such interference is a violation of the secrecy of the ballot. Further, some of the pens provided at the polling booths had no nibs on them. The booths should be properly equipped so as to be easily available to the voter without his having to leave the booth to return to the presiding officer. What I want to prevent is any contact between the voter and anybody after he has received the ballot paper and has gone into the polling booth. Therefore, in the Regulations it should be provided that whether it be pens or pencils or otherwise it should be so supplied that a voter would have no cause to leave the polling booth before he has voted.

Mr. Speaker : The illiterate voter would need no pen.

Mr. Lee : Concerning the period of time allowed the candidate between his nomination and voting day, Government should accept the fact that there are areas which require a longer time: inaccessible places in Kambia, Barima or the Rupununi. If nominations are made on one day and a longer time is given for all the constituencies, then opposing parties or individuals cannot shuffle their candidates as the opportunities come.

I also want to draw attention to the fact that under the old elections

[Mr. Lee]

law a candidate after his nomination was given 48 hours to make his declaration and deposit. That is not provided for in this Bill, and Government should consider the wisdom of including it. Even 48 hours were considered too short a time, and I remember a candidate contending that he had to hire special transportation and travel many miles by launch before he could make his declaration before a Commissioner of Oaths. We are asking in this new provision that the candidate should make his deposit at the time of his nomination, but supposing a constituency desires to nominate "Mr. A" and proceeds to do so in his absence? There was one case of a candidate being nominated while he was on holiday. His attorney made the declaration and it was challenged in the Supreme Court that the law did not allow it. Therefore I would like it to be definitely stated that an attorney properly constituted can make a declaration on behalf of his principal and can make a deposit. This Bill does not state whether anybody else but the candidate can make the deposit.

There is another point which should be made. If a candidate must have an office in the constituency in which he is fighting the elections, then he must have another address somewhere else, because if his office is in the Rupununi he should not have to find himself telling election officials that his mail did not reach him on time. And how is the election officer to get mail to candidates in remote areas on time unless he retains a special plane? Perhaps he would not get a plane. The candidate must have an alternative address within a postal area so that the returning or presiding officer can post to him easily. I am not saying

that he must not have an address in his constituency, but this is a prerequisite: that he should also have another address. Because if a candidate does not get notices posted to him he can bring an election petition if he fails to gain the seat, and in hearing an election petition the court will consider knowledge of the candidate or the person bringing the petition as important. Therefore, I respectfully contend that provision should be made in the Bill for this.

I have in my hand a copy of the Jamaica Representation of the People law, 1944, and I cannot find anything in it about the election candidate being required to make a declaration, but it does require that nomination should be made by 10 voters and seconding accordingly. Let me see if a declaration is necessary. Nomination papers are handed in, nomination takes place and the candidate pays his deposit of \$240.00 (in my opinion the deposit should be more than that. It should be, say, \$500.00, and the nomination would go *null* and *void* if there are irresponsible candidates playing with fire in contesting seats, because they would not be able to pay that amount). To my mind, the clause requiring declaration should not be there. He is nominated, he pays his deposit within the given time; what is he to declare? That he is over 21 and he is a British subject?

When a candidate is elected he has to take the Oath and make a declaration afterwards to the effect that he is a British Subject.

Mr. Speaker: He has to take the Oath of Allegiance.

Mr. Lee: Why does he have to take it here if he has done so before? Is it because there are no contested

seats when a candidate is allowed to say that he is not a bankrupt and so on. The candidate would run the risk of being fined if he states, as a Member, that he is qualified. Now, the candidate only has to say that and would not have to satisfy any of the other qualifications at this stage. Let us assume that there was no such declaration; if a candidate says he has no qualification what is the Supreme Court there for? In my opinion, this question of disqualification is not necessary.

Mr. Speaker : I think the hon. Member should give some idea as to what his amendments would be in Committee.

Mr. Lee : I have given some idea of that. They will refer to the question of 48 hours for the nomination of a candidate and the making of his deposit—and they will also refer to the swearing in of a Member.

Mr. Speaker : Will the hon. Member submit these in writing before the end of the week?

Mr. Lee : I will do so, Sir. As regards clause 29, let us assume that a voter is registered in a village in Wakenaam or Leguan but has gone to work on a grant in the interior where communication could only be made by a direct method. Is Government allowing sufficient time for such a voter to cast his vote at another polling station? In my opinion, however, that should be permitted by the Presiding Officer. If a voter desires to transfer his vote from one polling station to another on account of inconvenience through his employment, he should be allowed to vote at a station other than the one at which he is registered. Provision should be made for the

Returning Officer to look at the names on the Voters' List in a case where a voter finds it necessary to vote in a district or polling station other than the one for which he was registered originally. I am not saying that a Presiding Officer should be allowed to give such an opportunity indiscriminately, but I am saying that every person should be allowed to exercise his constitutional right to earn his livelihood away from his home.

At the last elections many persons were unaware of some of the difficulties which arose in certain parts of the interior, and but for the care and discretion exercised by some of the Returning Officer many voters would not have had a chance to vote. I hope that Government is making the necessary provision to avoid these difficulties in future. They would have been greater on the last occasion if some of the rangers in the interior had not resorted to the use of horses to help things out. We do not want to hear of stones being thrown at Government in future by way of allegations to the effect that the elections did not permit of the secrecy of the ballot and other democratic rights being observed. I know of several instances where Presiding Officers committed breaches which could have led to serious consequences including imprisonment if election petitions had been brought. If we desire to overcome the communistic methods that we are likely to be up against we have to be very careful, because the persons practising those methods might do things to off-set what Government has arranged. I know the methods used by some of these persons, and therefore know that we should be careful to avoid them.

Mr. Bobb: I rise just to make a few observations before the Bill goes through to the Committee stage, at which time Members will have the privilege to speak in more detail. The first thing I would like to say, which follows on what the hon. Member has said with respect to the new method of voting, is that I did not expect that it would have been a matter of dispute that the method of voting used at the last general election favoured only the party system.

That is beyond dispute. The electors were simply told on that occasion to vote for the symbol which represented the party. It was very easy but not essential to adult suffrage. Adult suffrage gives every person an opportunity to vote, and the use of symbols is only for the convenience of illiterates. I think that convenience was very much abused on the last occasion, and if we are doing anything to prevent a recurrence of that abuse the proposal in this Bill appears to be a very fair attempt to prevent it being committed again. Each candidate should be allotted a symbol, and electors should be taught and helped to vote for the candidate of a party and not for a party irrespective of the candidates.

The other point I wish to make is more or less to issue a word of caution. A great deal of responsibility will rest on the presiding officers, and we can only hope that not only will great care be taken in the selection of presiding officers but that they will be very thoroughly briefed. Apart from the symbols appearing on the ballot paper, the method of voting proposed is practically the same as that used in village elections today, and one knows how easy it is for a returning officer at

a village election to suggest to an illiterate voter what he should do. I just mention that in passing. Those who will have the responsibility of choosing presiding officers should exercise great care and ensure that they are as thoroughly briefed as possible, because as a result of the method of voting which will be employed a great deal of responsibility will rest upon the presiding officers to instruct illiterate electors as to how they should proceed.

My last point is with respect to the period of time between nomination and polling. In clause 14 (4) it is provided that a period of 25 days shall elapse between nomination day and polling day. I am not happy about that. I rather think the period should be longer than 25 days so as to give the greatest possible ease and convenience for everybody to be alerted in any part of the country. I would have preferred a period of 40 days, in which time I think everybody should be alerted, and there should be no difficulty in overcoming irregularities.

Those are the points which I wish to make on the general principle of the Bill. I am thoroughly in agreement with the basis of this Bill which does show our appreciation of the growing intelligence of the electorate. I do not think there is much in the Bill that will baffle or confuse anybody, especially as there should be a certain measure of training and instruction by candidates. I fully endorse the new basis for the elections.

With those words of caution I have expressed with respect to village elections and presiding officers, I hope the Bill will go through, and there will be no difficulty in conducting the coming elections on a much

higher standard than on the last occasion.

Mr. Correia: I shall be very brief in what I have to say on this Bill. At the last general election the polling booths were very poorly lit even in Georgetown. Although at that time I could see fairly well I know that in some of the booths it was very difficult to distinguish even the symbols. I therefore hope that on this occasion Government will take every precaution and give instructions to the presiding officers to see that the booths are properly lit. It is very important especially in the case of illiterate people.

It is essential that the ballot should be secret. One could punch holes in his clause to show that the ballot paper is not secret. Form 17 indicates that the counterfoil will carry a number to correspond with that at the back of the ballot paper. Does that arrangement ensure secret voting? It does not. Presiding officers do favour certain candidates; that cannot be prevented. When a voter goes to the polling station a constable at the door announces "John Jones, No. 17." The presiding officer hands the voter a ballot paper and inserts on the counterfoil the voter's number on the list of voters—"No. 17." In the subsequent counting of the votes it is therefore quite possible for the presiding officer to discover for whom "John Jones" voted. The method of recording the voter's number on the counterfoil does not make for secrecy of the ballot. I suggest that instead of numbering, the ballot papers should be embossed. I do not know if the method employed in the United Kingdom is the same as that proposed in this Bill. If it is, then the ballot is

not secret there. A presiding officer need only to find out for whom half a dozen persons voted. If I were a presiding officer I could do it.

With regard to the period between nomination and polling I think 25 days would be reasonable in the case of constituencies where there are good communications, but there are at least two constituencies where communications are very poor. In some cases communication with Georgetown is fortnightly, and in other cases monthly. In such cases a period of 25 days would be very inadequate. I think if there is to be any extension of the period, there should be one nomination day throughout the Colony. I do not agree that in some cases nominations should be made two or three weeks before the day fixed for nominations in other constituencies, but that a period of 40 or 50 days between nomination and polling should be allowed for all constituencies.

The hon. Member, Mr. Lee, referred to cases in which voters leave districts in which they live and are registered, to work in other districts. I do not think there is much difficulty in that respect. At the last election there were many voters in my constituency who were employed in other districts, but they were able to vote for me by proxy.

As regards election expenses I think there are a few constituencies in respect of which increased expenses should be allowed. Take the North West District and the Interior Electoral Districts a candidate may travel to and around those places by specially chartered plane, but if he is to depend on the regular flights he cannot do so in the 25 days allowed between nomination and election. He will have

[Mr. Correia]

to resort to the use of chartered planes to take him to and around those districts. I think a fair amount should be allowed for election expenses in respect of those districts.

Before I take my seat, there is another matter I would like to refer to, and that is the ballot paper. I am speaking with reference to illiterate voters. There should be no other printed matter above or below the names of the candidates because an illiterate person having been instructed to vote according to the lines on the ballot paper may take in the other printed matter as a name or names. There are a few other things I would like to speak on, but I will take my seat and raise them in the Committee stage.

Mr. Speaker: The Returning Officer has to put an official mark on the ballot paper before a person can vote. Does the hon. Member suggest that no number even should be put on the ballot paper? It assists in showing how many persons have voted.

Mr. Correia: The counterfoil will show that number.

Mr. Speaker: That is the number of the ballot paper but not the voter's number on the electoral roll. He marks on the ballot paper the number on the electoral roll when the person goes to vote. The hon. Member suggests that the Returning Officer has time to see that number on the ballot paper when the person has voted, if he wants to.

The Chief Secretary: The number is on the back of the ballot paper and the Returning Officers would have to turn every single ballot paper if

he wanted to find out how a person had voted. That would be an extraordinary thing for him to do.

Mr. Correia: I have had a copy of the ballot paper (Form No. 17) sent me, and it is possible for Government to decide to include something else at the top or bottom of Form 17. I am just warning Government that it will not be right to do so.

Mr. Speaker: It would be a good thing to have the names of the candidates printed on the ballot paper according to the order of nomination and not alphabetically. That should be considered.

Mr. Correia: Even in an election petition a person's vote is considered secret. I do not see that it should be exposed.

Mr. Lee: The law gives a Judge the right to see a person's voting paper. My hon. friend does not understand it.

Mr. Speaker: Are there any other points the hon. Member desires to make?

Mr. Correia: No, Your Honour.

Mr. Speaker: Have you any idea as to the amount that should be allowed for travelling?

Mr. Correia: I think it should be double what it is.

Mr. Speaker: Would any other Member like to speak?

The Chief Secretary: There are many points raised which need to be considered, but every point made here today can be dealt with in the Com-

mittee stage when we come to the particular clauses. There are, however, some points that I want to examine myself. I suggest that we pass the second reading and then take the Bill into the Committee stage and continue its consideration at a later date. In the interim those Members not present who have points to put forward can do so in writing, and I will be glad to consider them.

Mr. Lee: I take it that in the Committee stage Your Honour will allow other Members an opportunity to speak on the Bill.

Mr. Speaker: I shall ascertain from the other Members what suggestions they have to make on the Bill. Those who are absent will be given every opportunity to express their views.

Question put, and agreed to.

Bill read a second time.

LOCAL GOVERNMENT (AMENDMENT)
BILL

Mr. Farnum (Member for Local Government, Social Welfare and Co-

operative Development): I beg leave of the Council to defer the second reading of the Bill intituled:

"An Ordinance to amend the Local Government Ordinance"

in order to give an interested party some time to consider it.

Mr. Speaker: I have a note here that clause 3 limits the payment of compensation to an amount under the jurisdiction of the Magistrate's Court. You are making arrangement for payment where there is disagreement. If you limit the amount to the jurisdiction of the Magistrate's Court, it is up to \$250; but if you feel that the amount should be \$350, then it must go to the Supreme Court.

Question put, and agreed to.

Consideration of Bill deferred.

The Chief Secretary: I beg to move that Council adjourn to 2 p.m. tomorrow. It will not be a very long meeting.

Question put, and agreed to.

Council adjourned to 2 p.m. on Thursday, 10th January, 1957.