

## LEGISLATIVE COUNCIL.

*Friday, 5th July, 1935.*

The Council met pursuant to adjournment, His Excellency the Governor, SIR GEOFFRY A. S. NORTHCOTE, K.C.M.G., President, in the Chair.

## PRESENT.

The Hon. the Colonial Secretary, Major W. Bain Gray, C.B.E. (Acting).

The Hon. the Attorney-General, Mr. Hector Josephs, K.C.

The Hon. T. T. Smellie, O.B.E. (Nominated Unofficial Member).

The Hon. J. S. Dash, Director of Agriculture.

The Hon. E. A. Luckhoo (Eastern Berbice).

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

Major the Hon. J. C. Craig, D.S.O., Director of Public Works.

The Hon. E. F. McDavid, M.B.E., Colonial Treasurer.

The Hon. G. J. De Freitas, K.C. (Nominated Unofficial Member).

The Hon. J. Mullin, O.B.E., Commissioner of Lands and Mines.

The Hon. W. A. D'Andrade, Comptroller of Customs.

The Hon. G. I. Goring, General Manager, Transport and Harbours Department (Acting).

The Hon. M. B. Laing, District Commissioner, East Coast Demerara District.

The Hon. Q. B. De Freitas, Surgeon-General (Acting).

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

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

The Hon. Jung Bahadur Singh (Demerara-Essequibo).

The Hon. M. B. G. Austin (Nominated Unofficial Member).

The Hon. Peer Bacchus (Western Berbice).

The Hon. J. L. Wills (Demerara River).

The Hon. E. M. Walcott (Nominated Unofficial Member).

The Hon. R. V. Evan Wong (Essequibo River).

The Hon. F. J. Seaford (Georgetown North).

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

The Hon. W. S. Jones (Nominated Unofficial Member).

## MINUTES.

The minutes of the meeting of the Council held on the 4th July, as printed and circulated, were confirmed.

## UNOFFICIAL NOTICE.

## DEMERARA FERRY SERVICE.

Mr. WILLS gave notice of the following motion:—

WHEREAS as from the 1st July, 1934, the Transport and Harbours Department increased the fares of the Demerara Ferry Service in the early mornings and late afternoons by 50% in the case of single fares and 33½% in the case of return fares;

And whereas such increases are appreciably felt by a number of persons of the poorest classes whose occupations necessitate their use of the said ferry;

And whereas an increase in revenue, if even considerable, is not of itself an adequate reason to induce Government to increase to the labouring classes the cost of travelling to prosecute their employment;

And whereas besides numbers of small suppliers of produce to the city are similarly adversely affected:

*Be it therefore Resolved*,—That this Council advocates to Government the advisability of maintaining cheap travel and transportation, especially to the labouring and small industrial classes, by rail and steamers run by Government and to this end respectfully requests Government to revert to the scale of fares in respect of the said ferry service existing prior to the 1st of July, 1934.

## ORDER OF THE DAY.

## THE SPIRITS BILL.

THE COLONIAL SECRETARY (Major W. Bain Gray): I beg to move that "A Bill to amend the Spirits Ordinance, Chapter 110, by making provision for a temporary cessation of distilling operations for a period not exceeding four weeks" be read the third time.

Mr. SMELLIE seconded.

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

Bill read the third time.

## GEORGETOWN TOWN COUNCIL BILL.

THE COLONIAL SECRETARY: I beg to move that "A Bill to amend the Georgetown Town Council Ordinance, Chapter 86, with respect to the borrowing powers of the Council" be read the third time.

Mr. SMELLIE seconded.

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

Bill read the third time.

## PENSIONS (RE-EMPLOYED PENSIONERS) BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I move that "A Bill to amend the law relating to pensions by repealing the provision for the abatement of pensions of re-employed pensioners" be read the third time.

Professor DASH seconded.

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

Bill read the third time.

## CIVIL LIST BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Civil List Ordinance, Chapter 52, with respect to the salaries which may be paid to officers" be read the third time.

Professor DASH seconded.

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

Bill read the third time.

## SHOPS REGULATION BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Shops Regulation Ordinance, Chapter 77, to authorise the restriction of the sale of malt liquor and wine and the time of opening of hotels, retail spirit shops and taverns on any day appointed for the holding of the election of a member of the Legislative Council" be read the third time.

Professor DASH seconded.

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

Bill read the third time.

## STAMP DUTIES (MANAGEMENT) BILL.

Mr. McDAVID (Colonial Treasurer): I beg to move that "A Bill to amend the Stamp Duties (Management) Ordinance, Chapter 43, by making provision with respect to the discontinuance of the use of dies and stamps" be read the third time.

Mr. MULLIN seconded.

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

Bill read the third time.

## SUPPLEMENTARY APPROPRIATION BILL.

Mr. McDAVID: I beg to move that "A Bill to allow and confirm certain additional expenditure incurred in the year ended thirty-first day of December, 1934" be read the third time.

Mr. MULLIN seconded.

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

Bill read the third time.

## APPROPRIATION BILL.

Mr. McDAVID: I beg to move that "A Bill to appropriate the supplies granted in the last session of the Legislative Council" be read the third time.

Mr. MULLIN seconded.

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

Bill read the third time.

## APPROPRIATION ORDINANCES VALIDATION BILL.

Mr. McDAVID: I beg to move that "A Bill to allow and confirm the expenditure incurred in the years 1929, 1930, 1931 and 1932" be read the third time.

Mr. MULLIN seconded.

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

Bill read the third time.

## INCOME TAX BILL.

Mr. McDAVID: I beg to move that "A Bill to amend the law relating to Income Tax with respect to shipping profits and the admission of claims for relief in cases of double taxation" be read the third time.

Mr. MULLIN seconded.

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

Bill read the third time.

## CUSTOMS DUTIES BILL.

The Council resolved itself into Committee and resumed consideration of "A Bill to amend the Customs Duties Ordinance, Chapter 34, with respect to the rates of duty on forest products."

Mr. DEAGUIAR: I ask permission to make some observations in reply to the remarks of the hon. Member for Georgetown North when the Bill was previously in Committee.

THE CHAIRMAN: If the the hon.

Member wishes to speak first I have no objection, but it might save time if the Comptroller of Customs states the amendment that Government is prepared to accept.

Mr. DEAGUIAR: If Your Excellency will permit me to make some remarks after the Comptroller has spoken.

THE CHAIRMAN: Certainly.

Mr. D'ANDRADE (Comptroller of Customs): The amendment moved by the hon. Member for Central Demerara has been considered by Government and Government is prepared to accept it with certain modifications on the following lines:—

4. The Second Schedule to the Principal Ordinance is amended by inserting the following item after item 8:

## RATE OF DUTY.

British Perfer- ential	General Tariff

8a. All articles of apparel whatsoever which have been previously worn, not exceeding at one importation twenty-five dollars in value and which the Comptroller of Customs is satisfied are solely for the personal use of the importer or his family

...	15%	30%
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There is not much to add to the amendment. I agree that some very hard cases have arisen where goods coming to very poor people were not cleared on account of the excessive duty. With this amendment I think that difficulty will be overcome. It is intended to apply to clothing which has been already worn and not to new clothing, which would pay the higher rate of duty. Previous to 1934 we had importations of goods of this kind which paid the rates of duty now proposed, and it is certainly reasonable that they should be allowed to be imported at these rates.

Mr. DE AGUIAR: I should like to express my thanks to Government for having endeavoured to meet the situation I referred to yesterday afternoon, but I am not satisfied in my own mind that the

proposed amendment would meet the case entirely. I agree that the value of the articles should be restricted and I notice it is proposed that it should be limited to \$25. Where I foresee some little difficulty is as to how the Comptroller of Customs will be able to determine what is apparel which has been previously worn. I am not sure whether in exercising his discretion he would be faced with this difficulty and genuine cases will have to be turned down by him. If he is prepared to go into each case and satisfy himself that the articles are intended for the personal use of the importer and as such would allow them to come in as apparel previously worn that would meet the case.

As regards the criticism which was levelled by the hon. Member for Georgetown North to the amendment I suggested, as I understood him, he expressed undue fear as to the result of the amendment. The hon. Member made two points, one that the amendment would affect the colonial revenue and the other that it would jeopardise the interests of merchants. To deal with the last point first, I wish to assure the hon. Member that, like himself, I am jealous of the interests of the merchants and would be the last person to jeopardise those interests. I have given the matter very careful consideration and only decided to move the amendment after satisfying myself that it would not interfere with the interests of the merchants. If the position in 1933, the year prior to the increase of the duty, did not interfere with the interests of the merchants, I can hardly visualise that when we revert to the position in 1933 the interests of merchants would be jeopardised. The Report of the Postmaster-General for 1933 is not very clear on the point, but it is sufficiently clear that the interests of the merchants would not be affected. In paragraph 20 of that Report it is stated: "Parcel post activities generally maintained a higher level than in the preceding year. In particular, overseas parcels from Great Britain showed a welcome increase in numbers. This increase reflects in some measure the steady progress the Colony is making towards economic recovery." The tariff does not in any way affect parcels from Great Britain as it does parcels from foreign countries. In Statement XV. of the same Report, where more details are given, we

find that in 1929 parcels from the United Kingdom totalled 20,207, and from the United States 9,403, while in 1933 there came from the United Kingdom 11,245 and from the United States only 3,571. The point made by the hon. Member for Georgetown North, therefore, was very doubtful and was not a just criticism of the amendment.

I think I have said enough to remove any doubt on the first point: that the amendment would affect the revenue. The position would be exactly the same as it was in 1932. I again wish to express my thanks to Government for having met the situation because my earnest desire was to meet the needs of people who can ill afford to buy themselves clothing, and who I know are dependent on their relatives to relieve their wants.

Mr. SEAFORD: I do not think the amendment now proposed is one to which exception can be taken by anyone as it is quite different from the amendment of the hon. Member. Apparel as described by him was very different to used clothing. I cannot accept his prognostication either that the reduction of the duty will not affect the Parcels Post revenue. Most of the articles coming in under this head would not have been British but foreign goods, and lots of goods were of foreign origin though shipped from Great Britain. I do not think the hon. Member has much to do with dry goods, and merchants who deal in dry goods were emphatic that his amendment would affect them. As I remarked at the outset, no one can have any objection to the amendment now proposed, and it will meet the point of those who have need of it. I was hoping to hear how it would affect the revenue, but perhaps it is difficult to get the information at the moment. To impose on the Comptroller of Customs the duty of ascertaining whether articles are intended for an importer's personal use would be very hard to overcome.

Mr. ELEAZAR: I am not as optimistic as the hon. Member that Government will get over a point of this nature. The clause might be further amended by specifying that the articles are not for the purpose of sale or barter. If the goods are for the use of the importer or his family, what is to pre-

vent John from sending some old clothes to Mary, a friend or relative, with instructions to give them to a neighbour? Or what is to prevent a relative from sending certain articles for another relative and other articles for another person who is a friend? So long as you are satisfied that a garment has been worn and is not for sale or barter, why say "for the personal use of the importer or his family." We should save the Comptroller the trouble of finding out what is practically impossible and people from making statements which are not correct.

THE CHAIRMAN: Would the hon. Member move a definite amendment.

Mr. ELEAZAR: I move that for the words "solely for the personal use of the importer or his family" the words "not for the purpose of sale or barter" be substituted.

Mr. GONSALVES: I suggest to the hon. Member for Berbice River that it would perhaps be wise to accept the amendment of Government as the insertion of the words "not for the purpose of sale or barter" might defeat the object intended.

Mr. WOOLFORD: I am inclined to think that the hon. Member's amendment should be added. It certainly is not inconsistent and it amplifies the scope of the Comptroller's enquiry.

THE ATTORNEY-GENERAL: I think that in considering the amendment we ought to have regard to what its object is. The object of it is to permit of worn or second-hand clothing being admitted at a reasonable rate of duty as goods from people abroad to help their relatives here. The object is not to provide for a general distribution of second-hand clothing by gift or otherwise to anybody. When it comes to sending articles for general distribution, that is going outside the scope of what is intended. If these goods are solely for the personal use of the individual it is clear that they are not "for sale or barter," and those words are not needed because the personal use excludes the right or the purpose of sale or barter. I think the amendment of the hon. Member for Berbice River should not be accepted as it would be carrying the measure be-

yond the scope intended, and I do not know how you would stop general distribution. I appreciate that there is a limitation on the value, but the object is to give people something that is useful for them and not an ornamental second-hand necktie.

Mr. WILLS: I wonder whether it is the intention to allow charitable organisations, such as the organisation carried on by Pundit Ramsaroop, to receive clothing from abroad for the purpose of distribution to members of those organisations. I ask Government to consider that aspect of the question.

Mr. D'ANDRADE: I appreciate the point that there are such importations, but the value of the goods in almost every case would exceed \$25 and would not therefore come within the limits of the amendment.

Mr. DEAGUIAR: I ask the hon. Member for Berbice River not to press his amendment. I know a little more about this question than I perhaps have been able to express. I certainly have no desire to encourage the importation of second-hand or worn clothing for distribution, sale or barter. I wish to confine it to garments to relatives. The amendment of the hon. Member would probably be opening the door to permitting second-hand clothing to come into the country to people other than those whom I have in mind.

Mr. ELEAZAR: An ounce of experience is worth more than a pound of theory. I know as a matter of fact a case of a young man who sends things to his relatives in New Amsterdam for distribution to others than members of his family. I am asking Government to re-open the door which was closed inadvertently when the Ordinance was passed to keep foreign textiles out of the country. It affects people who were never intended to be affected and I am only asking Government to let these people have what they enjoyed before. If Government want to put an obligation on people to make a statement which is not true it is a matter for them, but I am asking Government to relieve them of making a false representation that the articles are for their own personal use.

Mr. G. J. DEFREITAS: This is a

measure that must be taken as an experiment, and one does trust to the honesty of an importer. It does not matter what amendment is made there would always be some difficulty. The declaration made in the first instance might be perfectly true, but the importer might afterwards take the article to the pawn-shop. What is to happen in such a case? The amendment is a concession to the hon. Member for Central Demerara and it must be tried. If the privilege is abused, or it is found that people are acting dishonestly, it will be changed. I do not think there can be many people importing goods in a large quantity for sale. Hon. Members ought to be satisfied to try the amendment as it stands and see how it works out.

Question "That the words of the question stand as in the original motion" put, and negatived.

Mr. ELEAZAR: I withdraw my amendment.

THE CHAIRMAN: The question now is that the amendment of the Comptroller of Customs stands part of the Bill.

Question put, and agreed to.

THE ATTORNEY-GENERAL: An amendment is now necessary to the title of the Bill. I move the addition of the words "and worn apparel" at the end thereof.

Question put, and agreed to.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read a third time. (*Mr. D'Andrade*).

#### LOCAL GOVERNMENT (VILLAGE COUNCILS) BILL.

Mr. LAING (District Commissioner): I beg to move that "A Bill to amend the Local Government Ordinance, Chapter 84, with respect to the constitution of Village Councils, the election of Village Councillors and matters connected therewith, and to make provision for regulating the proceedings at elections" be read the second time. The principles and purpose

of this Bill are concisely and precisely set out in the Memorandum attached to the Bill and I do not propose to attempt to enlarge on that Memorandum, but I would like to refer to the heads under which the present law will be amended. The Bill refers to the constitution of Village Councils; the qualifications and disqualifications for election as Councillors; the qualifications and registration of voters and the making of a register of voters; the election of Councillors and the Chairman of the Council; election petitions; offences; and rules for regulating proceedings at village elections.

Before dealing with those matters I would like to refresh the memories of hon. Members on the present system for the election of Councillors and the constitution of Village Councils under the existing law. Hon. Members are familiar with the Local Government Ordinance, Chapter 84, and I would like as briefly as possible to refer to the various sections which will be amended by this Bill. Under the present system the constitution of Village Councils is in the discretion of the Local Government Board. The Board decides how many Councillors shall form a Village Council, how many of these Councillors should be elected and how many appointed, and it also appoints the Village Chairman. The Commission which sat in 1925 under the Chairmanship of His Honour Mr. Justice Douglass recommended that the composition of a Village Council should be two-thirds elected members and one-third appointed. That recommendation was supported by the Committee on Local Government, of which the Attorney-General was the Chairman, and as a matter of fact the Local Government Board has always, or nearly always, in appointing a Village Council decided that the number of elected members should be two-thirds and the appointed members one-third. That is provided for in this Bill and it gives effect to what is the present practice.

As regards the appointment of a Chairman the Local Government Board, as I said, appoints the Chairman of all Village Councils; but the late Governor gave to Village Councils the privilege of nominating one of their own number and the Board, unless there were very strong reasons to the contrary, always followed the recom-

mentation of the Village Council and appointed that member as their Chairman. The election of the Chairman by the Councillors themselves was also a recommendation of the Douglass Commission and of the Committee on Local Government, and effect has been given to that recommendation in the Bill.

In regard to the election of Village Councillors under the existing law it is very different to what we are generally accustomed. There is no separate register of voters and the assessment book is taken as the register of voters. Under the Local Government Ordinance, Chapter 84, the qualifications of a Councillor are :

- (a) that he has attained the age of twenty-one years;
- (b) is under no legal incapacity;
- (c) is the proprietor of land, or of a house, or of a house and land, in the village district, of the value of not less than fifty dollars as recorded in the assessment book of the district;
- (d) has had his ordinary residence in the village during the twelve months immediately preceding the day of election;
- (e) is not in arrear for any village rates or taxes;
- (f) has his name appearing in the register of voters for the village; and
- (g) can read and write the English language

It will be seen from those qualifications that only a male person may be elected a Village Councillor, although the Local Government Board may appoint a woman to be a Councillor, and as a matter of fact in a Country District there are now serving two ladies who have given eminent and useful service to the administration of that country area. The Bill does not, however, deal with country areas but deals entirely with village districts. For the purpose of an election the Village Chairman is by law the Returning Officer, but he may delegate his duties to another Councillor or refuse to act as Returning Officer, in which case the Board appoints somebody in his stead. The Village Chairman may, and to my knowledge has, find himself in a unique position. If he is an elected member of the Council and his term is expiring by effluxion of time, and he is a candidate for re-election for the ensuing year, he will find himself his own Returning Officer. I must say in fairness to the Village Chairman that on that occasion he decided not to act and the Board replaced him by one of my own officers.

As regards the holding of these elections, I must say that the Village Chairman always carried out those duties—and difficult duties they are—in a perfectly fair manner; but it does open the door to very grave criticism, and the villagers have criticised the system very severely indeed. The mode of election is that voters must appear before the Returning Officer and declare the name of the person for whom they desire to vote, and the Returning Officer marks the vote on a document which is afterwards sent to

the Local Government Board announcing the result. Under that system there is no secrecy, or practically no secrecy, and that is a condition of affairs, as far as I am aware, to which villagers object most strongly. The affairs of the villages have become more important in recent years, and with the progress which is being maintained in rural areas it is not surprising that all the villagers should clamour for reform. The reform they ask for is the only possible system for any election, and that is election by secret ballot.

There is another disturbing element in village life. In the larger villages which consist of two or more sections it is possible for voters in the larger section to outvote those in the smaller section and therefore capture the Village Council. It has happened quite recently and has caused a good deal of dissatisfaction in the village area. The Bill provides for the division of the larger villages into sections and also for the making of a separate voters' register for each of those divisions. The matter is one of great importance, because it must be decided how many divisions you are going to have in these larger villages and how many Councillors are to be elected for each division. I think that important duty is rightly placed in the hands of the Governor in Council. That, shortly, is the system under which elections are carried on in villages at the present time.

Clause 2 of the Bill is a reproduction of the existing law. In sub-clause (3) there will be found the provision "In each village two-thirds of the number of Councillors shall be elected and one-third shall be appointed by the Board." That is a recommendation both of the Commission of 1925 and of the Committee of 1930,

and it provides for what is actually the practice. Sub-clause (5) provides that "the Board may appoint any fit and proper person who resides in or within five miles of the boundaries of any village to be a Councillor." It is similar to the provision in the existing law, and I think it is a wise one because it increases the scope of selection. The Local Government Board will no doubt be able to find a greater number of gentlemen to serve on Councils if the area is at least five miles on either side of a village district. Any person living within that area might be selected, and at present we have Councillors living at least five miles from the village. To reduce that distance will be to take from the Board the choice of persons who may be of great help to the administration of a village. Sub-clause (7) provides for the declaration of a Village District and does not debar any Country District from being raised to the status of a Village District; it also provides for the making of registers of voters and for the carrying out of elections. Sub-clause (8) deals with appointed and elected Councillors and the time they shall serve. Sub-clause (9) sets out the conditions under which an appointed Councillor shall vacate his office, and it may be vacated if he fails for a period of six months to attend a meeting of the Council, if the Board for good reason revokes his appointment, or if he ceases to reside within the five miles area. There has been some criticism of the period of six months, for the reason that a Councillor might attend only two meetings in the course of the year and retain his seat unless the Board decides to revoke his appointment, and later I intend to move an amendment that the period be reduced. Sub-clause (11) is important because it deals with the division of districts, which is very welcome to villagers and particularly those residing in large areas.

Clause 3 deals with qualifications for election as a Village Councillor. Under the existing law only a male person may be elected a Village Councillor, but it will be noticed that this clause provides that a person shall be qualified:—

- (a) if he has during the twelve months immediately preceding the election resided in the village; and
- (b) if he can read and write a language; and
- (c) if he is a registered voter for the village; and
- (d) if he is under no legal incapacity.

There is a further change in the present law inasmuch as the Local Government Ordinance, Chapter 84, provides that a person shall be qualified if he "can read and write the *English* language." This clause provides that he shall be qualified "if he can read and write a language," and that follows the Constitution Order in Council, 1928, Article 26, which states that a voter shall be able to read and write *some* language. There are cases in which East Indians of ability have been able to render great service, and I do not think anything should be done to debar these men, who are usually large proprietors in their village, from becoming members of the Council. The disqualifications for election as a Councillor are:—

- (a) if he has not paid the village rate or any instalment thereof for more than six months after the same shall have become due; or
- (b) if he is either directly or indirectly pecuniarily or otherwise interested in any contract with the council: provided that a person shall not be deemed to be so interested in any contract within the meaning of this paragraph by reason only of his having any share or interest in
  - (i) any agreement for the loan of money only; or
  - (ii) any newspaper in which any advertisement relating to the affairs of the council is inserted; or
  - (iii) any incorporated company or society in which he does not hold more than one-fifth of the shares.

Those are necessary provisions because under the existing law a man may not be elected a Councillor, nor may he vote, if he is in arrears of village rates and taxes. The time, perhaps, is rather long. That is at any rate the opinion of the villages I have consulted, and, with Your Excellency's permission, I shall introduce an amendment to reduce the period of six months. Under the existing Ordinance the Local Government Board does not approve of the Estimate before March, so if the Estimates are published in March and a Councillor is allowed six months it means that he cannot be disqualified until the month of September, and this disqualification may become practically inoperative. As regards disqualification for interest in any contract, the present requirement of the law is that a Councillor may engage in a village contract, provided he has obtained the consent and approval of the Local Government Board. That, however, has caused a good deal of dissatisfaction, as the Councillor has to



work under the direct supervision of the Chairman and the Overseer of the village. This creates a most difficult position for both parties, and I think it is very necessary that Councillors should not be permitted to engage in any contract. It is argued on the other side that this provision may debar a Councillor from doing useful work, but I cannot conceive that there would be only one possible man, and he a Councillor, who can engage in that work. I think all the arguments are against that rather than in favour of it.

Clause 5 provides that if an elected Councillor fails to attend meetings for six consecutive months, or if he resigns his seat or is adjudged a bankrupt, or is sentenced to death or penal servitude or imprisonment with hard labour exceeding three months, he shall cease to be a member of the Council. These are usual provisions to which we are accustomed and are necessary. Clause 6 (2) provides for a by-election; and clause 7 a penalty for an unqualified person sitting and voting.

Part III. of the Bill provides for the qualification and registration of voters. It will be noted that the Bill is slightly different to the existing Ordinance, which says a voter may not be allowed to vote if he is in arrear of village rates. The Bill also provides that an illiterate person shall be permitted to vote. This is a necessary provision for the reason that in village areas we have very large settlements which are occupied almost exclusively by East Indians. There are three at least in my district where if this provision is not made practically all the residents and proprietors in those areas would be disfranchised. I do not think that would be the correct thing to do having regard to the fact that East Indian immigrants came to the Colony as recently as 1917, and as we know all those persons introduced into the Colony were illiterate. It may be that as their children take advantage of the Colony's educational facilities provision may not be necessary, but at the present time I cannot conceive that any Member of the Council would want to disfranchise so large a number of the Indian population.

Clause 9 deals with the registration of voters and follows the Registration of voters

Regulations of 1929, but with a slight improvement; the Overseer, who is the Registering Officer, is required to publish a notice requiring every person who desires to be registered to send in their claims for registration. The Overseer is well acquainted with all the people in the district and there should be no difficulty in his being able to compile a register, or two registers where a village is divided, in a proper manner. The Revising Officer is the District Commissioner or some person deputed by him. That is rather different to the Town Councils Ordinance, which provides that the Councils themselves shall revise the list of voters by holding an open Court. This Bill provides that the District Commissioner may hold the Court in various areas or depute someone to perform those duties. In this connection I have consulted the Village Authorities and they would prefer that the deputy of the Commissioner should be a Public Officer and not some person connected with the Village Council. I do not think there can be any objection to that.

Clause 16 deals with the powers and duties of the Revising Officer. Clause 20 provides for a single vote whereas under the existing Ordinance each voter is permitted to vote for each property qualification of \$50 up to but not exceeding five. That has never worked satisfactorily, nor do I think villagers themselves agree with it, and there has always been a general desire that plural voting should not be allowed but that each proprietor should have a single vote as is provided for in this clause.

Part IV. deals with the election of Councillors and Chairman of the Council. The Returning Officers are to be appointed by the Board and their appointment will be gazetted in the ordinary way. These officers will hold the election in the manner to which we are accustomed, but clause 23 (4) says the election shall be held between the hours of 10 a.m. and 4 p.m. In some of the larger villages it is extremely difficult to get an election through in that time. At the present time it is most difficult to complete an election within that time, and it is felt by those who know a great deal about these matters that the closing of the poll should be extended until at least 5 o'clock.

Clause 26 deals with the election of

Chairman and I think it will be received with general satisfaction by all the villagers and others. As I stated, at present the Chairman is nominated by the Council, and this provision merely gives sanction to what is already the practice and is very acceptable to all Village Councils.

I omitted to mention that the Returning Officer, if he is a ratepayer, will have a casting vote, and if he decides not to cast his vote in a case of equality of votes the Board may choose one of the candidates to be a Village Councillor. That, I think, will be generally accepted. Under the Constitution Order in Council a similar provision occurs, and if the Returning Officer does not cast his vote one way or the other this Council has an opportunity of choosing one of the candidates. If there is an equality of votes in regard to the election of a Chairman, then the ratepayers are given an opportunity to elect their Chairman in the same way as the ratepayers of Georgetown have an opportunity of electing a Mayor.

Part V. deals with election petitions. It provides that a Magistrate shall in the first instance hear an election petition, and any person who is dissatisfied with the decision of the Magistrate may appeal to the Supreme Court. That is I think, too, a wise decision. Offences are provided for in Part VI. and it will be found that these provisions coincide with provisions in the Georgetown and New Amsterdam Town Council Ordinances.

Under Part VII. there is a provision that before entering in the assessment book the name of any person claiming to be the owner of any lot or portion of a lot or house, the Village Council shall satisfy itself that the claimant is legally entitled thereto by transport, letters of decree, will or otherwise, and may ask for proof. That is a provision which appears in the existing Ordinance, and it merely omits Country Districts which are not provided for in this Bill. Rules for holding elections are provided for in clause 39 (2).

Part VIII. provides for certain acts in connection with the registration of voters this year. These dates have been very

carefully worked out and provision has been made for printing ballot papers and registers, but I fear there has been a little mistake in including as one of the dates the 11th November in clause 41 (viii). The 11th of November this year will be a Public Holiday, and this date will have to be changed at the proper time. Schedule A provides for the usual forms which are in general use. Schedule B. provide rules to regulate the proceedings at elections of Village Councillors. These rules are similar to those which affect the election of Members of this Council and of the Georgetown and New Amsterdam Town Councils. Provision is made for a secret ballot and the printing of ballot papers in English, Urdu and Nagri ; and the Returning Officer, at his request, may give assistance to an illiterate or other voter who is incapacitated by blindness or some physical cause.

It may seem that the provisions for the registration of voters, the compilation of a register of voters, and for holding elections are somewhat elaborate, but I can conceive of no difficulty in these requirements being carried out by the persons concerned, who are familiar with the Registration of Voters Regulations of 1929, which operate at the present time. Although they are a little elaborate I should like to emphasise the fact that the villages have changed considerably. Their affairs have become more important and I do not consider that these provisions are at all in advance of current thought, and I can see no reason why this system should not be introduced in connection with village elections, although perhaps it is a little more elaborate than in elections in urban districts. I would like to add that this Bill is looked forward to with great pleasure by all the Local Authorities and their representatives whom I have consulted. Their views have been freely expressed and I think it will come to them as a pleasant piece of legislation if election by secret ballot can be introduced before the election of Village Councillors at the end of this year. Your Excellency's remark at the opening of this session that the principal measure is the Local Government Bill is very highly appreciated by the villages, and on their behalf I desire to express to you, sir, their gratitude for

all you have done and are doing for progress in the rural areas. (Applause).

Mr. D'ANDRADE seconded.

Mr. ELEAZAR: I would have seconded this Bill with pleasure. Before I go further in what I intend to say I am going to ask Government not to force the Bill through the House to-day. I regret to say I cannot be here this afternoon, a pressing public duty taking me away from Georgetown. This Bill is long overdue. I wish to ask the Attorney-General to accept my grateful thanks for the labour he has expended in bringing the Bill to the point he has done, but I hope he will forgive me for saying that the Bill is energy wasted. I said a little while ago that an ounce of experience is worth a pound of theory. I have had the fortune or misfortune of being a Village Councillor, a Village Chairman, a Town Councillor, a Mayor, and I am one of the humblest Members of this august Body, so I have had experience by going through the mill from the beginning of the humble village voter to a voter of this Body as well.

The District Commissioner has referred to several clauses of this Bill and he has lavished his praise on them. Unfortunately, some of them are the worst imaginable from the point of view of village life and villagers. The worse one, for which the villagers have been clamouring with too much politics, is the taking away from the Local Government Board of the power of nominating the Chairman, and Your Excellency's experience will be that it will constitute one of the greatest sources of dissatisfaction and trouble to Government when it is put into operation. Of that I say no more. It is unfortunate that there should be an attempt at differentiation in the qualification of voters. It is not fair to say that the East Indian should be permitted to go on a Council although illiterate when it is expected of nobody else. There can be no excuse for East Indians on the ground of illiteracy or for any differentiation being made in their favour. East Indians have become colonists like everybody else. A man who has not learnt to read or write has himself to thank and nothing should be done to

set a premium on illiteracy. A change in the law to make it possible for an illiterate person to become a member of a Village Council because he is the owner of property will cause a division in the villages which we have always been trying to prevent. As soon as you begin to differentiate you will put Councillors of Buxton against those of Beterverwagting. But there, as in the case of Sparendam and Plaisance, nobody has ever complained. A Councillor is expected to represent the interests of the combined villages and the voters from both vote for him.

Within recent years, since 1907, villages have grown up alongside existing villages; for instance, Triumph by the side of Beterverwagting. These people now seek to divide so that they will have the advantage of putting one of their own on the Village Council. That should not be encouraged. Take the village of Mahaica. The neighbouring district, Helena, up to 1891 was a howling wilderness. With these two villages combined Helena was a majority vote and the people of Mahaica are complaining that they are not properly represented. Why make this division and create disunion? The law was changed to read "the English language," now it is proposed that it should read "a language." All village books are written in English. Can a person who cannot read English read a pay sheet, or minute book or regulations governing the Council? The change to "a language" was introduced in 1926 when certain people wanted to catch votes. Some of these prospective voters can only write their names, and it was discovered not long ago that a wily East Indian had given to some of his fellow East Indian voters a ballot paper upside down so that they would vote against the person really wanted. That is what is possible when the literary qualification is eliminated; but it is not fair to the man himself to put him on a Council where all the business is transacted in English and he cannot read or write English. To alter the law you make that possible, and it is an innovation of no advantage.

I cannot congratulate the mover of the Bill upon the proposal that an ordinary village labourer should be debarred from

becoming a Councillor because he has amassed some property. Why should a man who has amassed some property and has the other qualifications be penalised only because he has to do some work for the Village Council? I cannot conceive why it must be supposed that the whole Council would be so weak as to allow a single Councillor to upset the work of the Council because he happens to be dissatisfied with the Overseer. The bringing in of a single vote instead of a multiple vote is safer and does not do any harm. I am glad to see that reform because I know a certain district in which one lot is entitled to one vote and by means of the subdivision of the land there are five or six votes. This method of voting will remedy that and is an improvement.

When it comes to the registration of voters, can any sound and proper reason be shown why these villages should be lifted over and above the Municipality in any respect at all? The elaborate preparations contemplated for registration are unknown in New Amsterdam and are practically unknown in Georgetown. This is making the villages get swell-headed. These provisions are too elaborate and can be very well simplified. I think the proposed division into wards requires looking into further. I would rather have two Village Councils than attempt to divide them as is proposed. Your Excellency will see the reason why I plead for time to assist in formulating this very necessary change. The Bill, as I said, is long overdue, and I think I can assist and should like to assist in improving it. We cannot expect perfection but we can go as near perfection as possible. There is a good deal in the Bill that can be criticised, and amendments can be made to make it better and not cumbered as it is in some respects.

Mr. HUMPHRYS: I wish to congratulate Government on this Bill, taken as a whole, and I feel, as the District Commissioner has said, that it will meet with popular favour throughout the Colony. There are one or two clauses which I think need slight amendment, but subject to those amendments I don't think much alteration is required. I am not going to deal with the clauses now because I think a good deal of time can be saved if they are dealt

with in the Committee stage. I think the Bill will have the support of every Member of the Council, and although the hon. Member for Berbice River might differ in some respects I think on the whole he will support it.

THE PRESIDENT: I think hon. Members will agree with me if I decide to carry on with the second reading of the Bill this afternoon, and, in view of the long experience of the hon. Member for Berbice River and his evident wish to move certain amendments, to defer the Committee stage until next week. But I may add that it is my intention, as Governor of the Colony, to see this Bill made into law before the Council expires.

The Council adjourned for the luncheon recess.

THE ATTORNEY-GENERAL: Sir, before I address myself to the subject matter of the Bill, I think it would not be out of place if, as the oldest Official Member of the Legislature of this Colony, I congratulate one of our youngest Members on the showing which he has made here to-day (Hear, hear). It is quite true that he has sat in this House for some years, but he has been like the congregation and we have been like the minister. He listened to everything we have said and has never been able to express an opinion or even to wink at any remark we made. Having profited from the good influence he has had, he has now come into his own and has done us credit; we are proud of our pupil.

The subject matter of this Bill is a very interesting one, and, personally, I am very glad that it has aroused so much interest and such general approval. I am particularly interested in it because I happened to have been Chairman of a Committee that dealt with Local Government in 1930. We had a lot of hard work and we came to some conclusions which I think bid fair for the development of Local Government in this Colony. Some of our recommendations have been acted upon. Commissioners have been appointed and there is general agreement that the scheme has been a success, and I think we can take credit to ourselves for having started it out on its career of success towards the

good government of the Colony. There is no doubt that our village communities are of very old creation, going back many years and developing at times by fits and starts and leaps and bounds, then after a long pause going forward again. There has been a good deal, as the hon. Nominated Member remarked and exemplified, to condemn in the present existence of village communities, and they should not be allowed to remain in that condition. The conservative people might say there is no necessity for change, but there is always an opportunity for change because there is always an opportunity for progress, and progress stands a change and forward movement.

It may be that some of the matters which have been included in this Bill, as has been said by the hon. Member for Berbice River, are too complicated and too elaborate. It is true that they are more elaborate than some similar measures which are in vogue in the Georgetown and the New Amsterdam Town Councils. All I have to say about them is that the villages, in some respects, are getting a long start of Georgetown and New Amsterdam. They are setting them a very good example indeed, and it is to be hoped that these older and more important communities will realise from the example of the villages the respects in which it is necessary for them to put their houses in order and to modernise their proceedings and follow in the footsteps of the village communities. I will give an instance. The hon. Member for Berbice River said we should not have an elaborate system of reforming the register. Why not? There is only one system after all that is worth having, and that is the best system. That system is good for the Legislature of this Colony. Why, therefore, should we go down to a peculiar domestic tribunal where the revision is done in what is called an "Open Court," whatever that may be, of the particular Town Council?

That is a remnant of ancient times, perhaps times when the House of Commons itself tried election petitions, but it has been very properly decided that it should be done by Judges of the High Court and it has ever so been done since, and the sooner the two Councils of the Municipalities follow suit the better for them. They cannot do better than adopt what is done in respect of the Legislature.

I only take that as one particular instance of what some people might say is not appropriate to village life. We want our Village Councils to be sound administrative bodies, to be schools really for the training of men in public administration and in local government, schools from which they will gradually become, some of them, ornaments of the Legislature of this Colony. If that is going to be so, and no doubt it has been so in the past as the hon. Member for Berbice River instanced in his own personality to-day, it is necessary then that every act or proceeding in connection with a village should be regulated according to the highest principles. That is why, in order to ensure the purity of village life, it has become essential to banish the right or privilege of a Village Councillor having a contract with a Village Council. The thing is incongruous, it is indecent and a relic of very ancient times, perhaps a peculiar relic because we all know that for the preservation of the purity of elective government it is invariably required that no member of the body should be in receipt of any emolument whatever or have any contractual relations with the body with which he himself belongs. That is a principle which stands out everywhere in the British Empire. It is too late now for us to remain as an exception to that rule, and even though some little inconvenience may be caused it is far better that we should adapt ourselves to those higher principles than carry on in that way.

One point to which I wish to refer is the opinion I have always expressed since I have been in the Colony, and a view I hold very strongly. That view is that everybody who has his home in this Colony is a Guianese. His rights, privileges and everything else will be measured by the fact that he is a British subject and not that he has originated from a particular race or mixture of races. It seems to me that the guiding principle which is going to help to build up a sound community, intellectually, morally and economically, in this Colony is the recognition of the fact of a common community, subjects of the same King, subject to the same laws, and living together as members of that community irrespective of the race from which they may have

descended. The sooner that is borne in mind the better, and I think, sir, that where in particular circumstances it becomes necessary to recognise the intellectual capacity of people who are educated perhaps in one language and not in another no unfairness is being done to anyone. After all a man is an educated man who is educated in a single language, and you cannot treat him as being illiterate because he is not educated in our particular language. We should not like to be looked upon by people belonging to another race or community as ignorant because we do not know their language. It is nearly as bad as the farmer who went to France and was surprised at how clever the people were because even the little children spoke French.

The fundamental document of our Constitution recognises this, because provision is made for an illiterate voter. His ballot paper is printed in one of three languages, so in recognising the educated man who knows one or other of them it is right and proper. Perhaps the time will come when the general trend will be that English will be the only surviving language in the Colony, but in the meantime we have to recognise existing facts and deal with them accordingly, and it is right that in our small community the illiterate voter should have the right to vote. He may not be able to write his name in any language but might show a high degree of intelligence, by reason of which with his thrift and industry he has been able to acquire more than sufficient property to get on the register of voters. Such a man must have intelligence and is a credit to the community, and he should have some voice in selecting somebody to administer the affairs of the community for him. The single vote stands out because the days of plural voting in the British Empire have passed, and it is right and proper that we should follow accordingly. There is nothing, therefore, to complain of in that respect.

There is one other point I wish to refer to. Under the Rules of this Bill there will be power to elect a woman to be a Councillor. If she has the necessary qualifications she is just as much qualified to be elected a Councillor as any man, and I hope this Council is not going to interfere with that in any degree whatever.

Similarly, the franchise under this Bill is conferred equally upon men and women who have the necessary property qualifications. I think, sir, we can look forward with pleasure to the administration under this Bill and look upon the Councils, and the Councils look upon themselves, as microcosms of this Legislative Council and feel that they have made a great step in Local Government—a position which is pretty much the same as that which exists in England under the Local Government Act, 1933, only varied by certain circumstances and conditions.

Mr. LUCKHOO: I should like just to add my quota to the congratulatory remarks of the mover of this Bill, and to say that I entirely agree with him in respect of certain parts of it. There are one or two points, however, which I shall bring to the notice of the Council when considering the Bill in Committee. Part III. of the Bill, which sets out the qualifications of voters, gives the right of registration to persons who are the owners of property. I should like that provision extended to include occupiers and tenants of premises within a district. In the Town Council Ordinances we have a provision giving a right of vote to occupiers of premises of a certain rental value. I regard that not as a wilful omission of the draftsman but as an omission which might be cured so that persons who are not the owners of property might still be entitled to exercise the right of the franchise by virtue of their occupation as tenants. We also have a similar right under the Constitution, and in village communities we should give those persons who have a substantial interest in them the opportunity to take an interest in their own affairs. I think the speech of the Attorney-General disposes of the argument of the hon. Member for Berbice River with reference to the literacy of voters. Under the Constitution Order in Council there is nothing to prevent a person who cannot read and write the English language from taking a seat in this Legislative Council. Why then should we impose on the village communities the impediment that a Councillor whose duty it is to deal with village matters must be able to read and write the English language?

I deprecate anything that does not conduce to harmony between the two races

who constitute the village communities. As pointed out by the Attorney-General we are all Guianese, and all the races are working together for the common good. That is what we desire and what we are aiming at. An attack has been made on the East Indians that some of them have neglected to take advantage of the educational system of the Colony. That might be so, but they have made themselves men of worth and substance in the community. By their energy, hard work and thrift they have been able to amass wealth and acquire proprietary rights in the villages. That I think is the qualification required, and not so much the qualification of a literary test. I take it that the real object of this Bill is to enable those who have certain qualifications and are of a certain educational standard, whether in the English or any other language, to be eligible to take a seat on the Council and to deliberate on matters affecting the interests of that community. I take it also to be the object to give all races an equal opportunity to enjoy the privileges of the franchise. The Bill therefore seems to carry out, from a commonsense point of view, what we think is necessary for the proper administration of these village communities.

I take the opportunity of congratulating the mover of the Bill on the manner he presented his arguments to the Council. He has a very wide knowledge of the affairs of the villages, and I have always regarded him as a capable and zealous worker. I am one of those who supported the District Administration Scheme, and I have nothing now to withdraw when I said on that occasion I thought the scheme would work for the benefit of the village communities as a whole. We have seen that amply demonstrated in many ways, and when the Commissioner speaks on these matters he is speaking with some authority and with an intimate knowledge of the men with whom he comes into contact.

With respect to the registration of voters, the Attorney-General has practically relegated the Municipalities of Georgetown and New Amsterdam into the background. I share the view that our Ordinance requires amendment in many respects, but I cannot subscribe to the view that we have not ample machinery for the regis-

tration of voters or for carrying out elections. As far as those duties are concerned we have sufficient machinery to carry out the requirements. This Bill is a tremendous improvement on the present law, and the sooner it comes into operation the better for the villages. I disagree with the hon. Member for Berbice River when he says that the Village Council is not the proper body to be entrusted with the appointment of the Chairman. What do we do in the case of the Municipalities? The Councils elect the Mayor. Why should the Village Councils then not be trusted, too, in the selection of the person to preside over their meetings? It has been agitated for by several of the villages, and it is right that they should be placed in that position. Government should be complimented on introducing this Bill, and I hope that at no distant date it will see its way to bring into operation District and County Councils, as outlined by Your Excellency's predecessor, so that Village Councillors may have the means of studying and qualifying themselves for the higher position of Representative Government.

Dr. SINGH: The lack of co-operation in the administration of some of the villages in recent years has caused some anxiety. The Bill before the Council aims at the re-organisation and improvement of conditions generally in the villages. This Colony is made up of a cosmopolitan community. Every race came to the Colony with its own language. After sojourning here for a number of years they have learnt to speak the English language. Some of them have acquired vested rights and have become interested in the economic life of the villages, and, rightly, they are anxious to become voters or Councillors and I think every facility should be afforded them to do so. I had some doubt on some points of the Bill, but after hearing the mover those doubts are dispelled. I am therefore going to give the Bill my support.

Mr. DE AGUIAR: I wish to add my meed of praise to the Commissioner for the excellent manner in which he has presented the Bill to the Council. As Clerk of the Council he had opportunities of listening to debates from time to time. In addition to that I think he will admit that his experience as District Commis-

sioner and his association with the Village Councils on the East Coast have also assisted to a certain extent in equipping him to come here to-day and present such an important Bill affecting the village communities. I welcome the Bill because it seems to me to be a stepping-stone to Self Government so far as the villages are concerned. This Bill is in the nature of an experiment and I hope later on that the entire District Administration Scheme, as originally suggested, will be introduced, as it is only in that way we can hope for full and proper administration in the various villages. I take it to be the duty of Members of this Council to assist Government by suggestions that will improve and bring the Bill into line with the requirements of the people. The suggestions I have to make in Committee might not be considered serious but rather to smoothen the administration of Village Councils.

From the manner in which the mover presented the Bill to the House it was evident that he anticipated very little or no opposition to it. But he himself stated that since the Bill was published certain alterations had been suggested and that he proposes when the Bill is in Committee to move amendments. I agree with the majority of the amendments he outlined and when the time comes I propose to give them my support. But, speaking generally, it seems to me that a few recommendations would not be out of place. I observe that there is a disqualification of a Councillor who is in arrears of rates, but I have not observed a similar disqualification of Councillors appointed by the Local Government Board. I make reference to that fact because if a similar position should arise there will be a great deal of dissatisfaction. An elected Councillor would be disqualified if he does not pay his rates when they become due, but a nominated Councillor would continue to be a member of the Council unless he suffers under a similar disqualification. I urge that when we meet the Committee stage an amendment should be made to that effect.

A good deal has been said by the hon. Member for Berbice River with which I am not in agreement. While it is true that the hon. Member might be termed the grandfather of Local Village Councils,

I am afraid he has not familiarised himself with present day conditions, even in his own village Buxton. Had he been acquainted with the facts I am afraid he would not have made some of the remarks he made. I refer specially to his remarks on the division of village districts. It is well known that there are certain villages, particularly on the East Coast, where dual voting is allowed. In the case of Beter-verwagting-Triumph, where there is one Village Council, the necessity does arise for a division of the district into wards. It is also desirable in respect of other villages which are amalgamated. While I am in favour of amalgamation of villages in order to improve their administration, I am, on the other hand, strongly of the opinion that in these amalgamated villages there should be a division, so as to ensure equal representation in respect of the villages comprised in the amalgamation. Not long ago I presented a petition to this Council in which one of the villages on the East Coast, among other things, prayed that the village should be divided into wards, therefore when I make these remarks I speak with a certain amount of authority. While the villagers are in general agreement with amalgamation of villages for better administration, they feel that there should be ample representation in respect of the villages that are amalgamated. I think it will be conceded that unless there is equal representation in the villages concerned there is bound to be opposition, and that if there is greater representation of one village than of another that representation will naturally be to the detriment of the village with less representation.

I have no recollection of hearing the mover of the motion suggesting an amendment in respect of clause 5 in relation to an elected member failing to attend throughout a period of six consecutive months any meeting of the Council. Most Councils hold monthly meetings and I think a period of six months is far too long. It will show a lack of interest and the Councillor should be made to give up his seat in favour of a person who is willing to render service. I am going to suggest that the period of six months should be reduced to two months. Clause 14 empowers the Commissioner to depute someone to revise the lists of voters. That should be more clearly defined. There is



a good deal of suspicion among villagers and the District Commissioner should be restricted in the delegation of his powers. That would remove any charge of favouritism. This clause should be so amended or an undertaking given that the Commissioner will at no time depute any person other than someone closely associated with him in his office. It would not make for good administration if the Commissioner were to depute either a Councillor or the Chairman to revise the list of his own district because in the event of any question arising there would be strong grounds of suspicion. Similarly with clause 22 (1), which provides that "the Board shall appoint Returning Officers for the purpose of holding elections for Village Councillors and may at any time cancel any appointment."

You have not been with us, sir, long enough to know the number of complaints made from time to time concerning decisions of the Board. The election of Village Councillors is undoubtedly a most important feature of the Bill. With all respect to the Local Government Board I think these duties should be confined to the District Commissioner. An aggrieved party to an election would in the ordinary course send a petition to the Local Government Board through the District Commissioner. In practice the reply to the petitioner will be along these lines: "The Board regrets that the petition cannot be entertained." Then you hear people enquiring "Who are the Board?". They do not know who are responsible for the rejection of their petition or complaint, as the case may be, and there is a feeling of distrust in their minds. For those reasons I am going to suggest that the Commissioner should be the Returning Officer and that a member of his staff should be his deputy if he cannot discharge the duties himself. People of the district will be able to go to the District Commissioner—and they will storm his office—and he will have to exercise very great care in the performance of the duties. I emphasise that the election of Village Councillors is regarded as a very important matter in the villages, and it is the duty of the District Commissioners to assist the people and to remove difficulties which at present exist. I observe that rules to regulate the proceedings of elections are to be made by the

Governor in Council. That is a very wise provision, but I think that rules when made should be published in the *Gazette* so that people in the villages would have knowledge of them.

Mr. WILLS: There can be no gainsaying the fact that the village communities have been waiting for a considerable time on Government to make a pronouncement clearing the air of anomalies in the Local Government Ordinance. Much time and care has been devoted to this Bill by the mover and he must be commended on the manner in which he stressed the points. In the Bill much precaution is taken to visit with pains and penalties an elected Councillor who commits a breach of any of its provisions. I can find nowhere in it, however, that an appointed Councillor will be subject to similar penalties. An appointed member should suffer the same disabilities or disqualifications as an elected member. One of the qualifications of a voter is (clause 8 (1) (c)) that he "is the proprietor of land, or of a house, or of a house and land in the village of the value of not less than fifty dollars as recorded in the assessment book of the village." On the West Bank, Demerara, the assessment book would not show any person as owning a house, therefore the owner of a house there would not be eligible to register although the value of that house may be \$1,000 or more. The whole of the assessment on the West Bank is based on land and not on a house and land. Sub-clause (2) provides that "joint proprietors shall be entitled to be registered as a voter in respect of land or house or house and land, if the value of the land or house or house and land is such as when divided by the number of proprietors, gives a qualification for each and every proprietor." If five persons are joint owners of land of the value of \$150 the share of each would be \$30. It follows that although three of those persons would be entitled to register not one of the five would be entitled to vote.

Under the existing Ordinance, Chapter 84, "where a lot in a village is jointly owned by more persons than one as proprietors, he whose name stands first in the transport or other instrument of title relating to that lot shall be eligible for election and be entitled to vote." There

the right is given to at least one of joint proprietors to vote, and I suggest that some amendment be made to meet that point. I should also like to see provision made for a tenancy qualification. A rental qualification is given to voters for the election of members of the Town Councils and even of this House, and I am asking that a villager who is a tenant of a house of a rental value of \$5 a month should also be eligible to become a voter. I am in agreement with the election of the Chairman by the Village Council; it works harmoniously in the Georgetown and New Amsterdam Town Councils and I can see no reason why it should not work harmoniously in the villages also. To revert to the question of appointed members, I notice that while an elected member would suffer a disability of entering into a contract there is no similar disability of an appointed member. I think the restriction should also be applied to an appointed member. Taking the Bill on the whole I think it will serve a very useful purpose, and with the amendments indicated Government might well be proud of the measure.

Mr. GONSALVES: I did not intend to take any part in this discussion because it affects Members of country districts, but as the Members of country districts assisted the Members of Georgetown in connection with the Town Council Bill I think I should give them what help I can. Before I proceed I should like to join in the remarks made and the boquets thrown at the District Commissioner for the able manner in which he introduced the Bill. Perhaps I should remind Members that the Committee which was appointed to deal with the question of Local Government and Administration had as its Secretary the hon. Member, and it was realised by every member of that Committee that he possessed the ability and skill to assist them in carrying out their duties. Even if he had not been a District Commissioner it would not have been out of place for Government to have drafted him as a temporary Member of this House, if not to introduce the Bill at any rate to give the House the benefit of his knowledge. Although it has taken four years to introduce the Bill, I think it is some satisfaction to the members of the Committee that it incorporates some of their recommendations. There are one or two points, however, to which I desire to call attention.

Comparisons have been made of this Bill and the Town Councils Ordinances. In clause 3 (a) of the Bill the qualification for election as a Village Councillor is residence in the village during the twelve months immediately preceding the election. In the Georgetown Town Council Ordinance the period of residence is six months, and I think the period might be the same for the villages. One of the disqualifications for election as a Town Councillor is if he is the holder of any place of profit in the gift of the Council, and that is a provision that might also be introduced into this Bill. I agree with the hon. Member for Central Demerara that absence for a period of six consecutive months for vacation of a seat of an elected Councillor is much too long. In the Town Council Ordinance leave can only be granted for four months and a Councillor may not be absent from more than four meetings. If Village Councillors are to give good service to a district they should not be encouraged to be absent from meetings for too long a period. In the Report of the Committee on Local Government and Administration we recommended that the qualifications of an elected member should be (a) ownership of premises of the value of not less than \$360; and (b) occupation or tenancy of premises the rental value whereof is not less than \$120 per annum. The qualifications of voters we recommend should be (i) ownership of premises of the value of not less than \$120; and (ii) occupation or tenancy, during the twelve months previous to registration, of premises the rental whereof is not less than \$48 per annum. The Committee went fully into the question of these qualifications, and we also had the views of deputations of Chairmen of Village Councils and Local Authorities on the subject.

In paragraph 26 of the Report there is a recommendation which Government thought fit to introduce with regard to the Georgetown Town Council. I am not suggesting that it should be made applicable to Village Councils, but I suppose that the reason for Government introducing it in relation to the Town Council would also apply to villages. That recommendation was that the Governor in Council should have power if any Council in his judgment is not competent to perform its duties, or persistently makes default in the performance of its duties or exceeds or abuses its

power, to dissolve the Council and take further necessary action. If what the hon. Member for Berbice River said with regard to some of the Village Councils is correct—and he speaks with certain knowledge of Village Administration—perhaps Councillors themselves would welcome something of this kind with a view to curbing recalcitrant members. To permit joint owners to be qualified as voters would not be consistent with the Town Council Ordinance. With regard to clause 23, which deals with the nomination of candidates and the time for polling, I consider one hour for nomination is too short a time. A voter might have to go a back of the village to attend his farm and if the time is extended to from 8 o'clock to 10 o'clock that would be more reasonable. The time for polling is also too short and it would be in the interest of the villages to extend it from 9 to 5 o'clock or 8 to 4 o'clock. That would give voters an opportunity to go to their work and return to record their votes, and every facility should be afforded them to exercise the privileges we are according them.

There is one provision in the Town Council Ordinance which I do not see in this Bill. Under that Ordinance every Councillor elected has to file a statutory declaration of his qualification. I think we should make the Bill as complete as possible in order that it may not be said afterwards that it has not worked. It is very desirable that every power should be given and that everything for the proper conduct of Administration should be inserted in the Bill. I am not, however, pressing that anything which appears in the Town Council Ordinance should be inserted in the Bill but merely pointing out the differences so that consideration can be given to them.

Mr. LAING: There is not very much that I can add to what has been already said. I should like to say something particularly in regard to the division of the larger villages. The hon. Member for Berbice River said it was merely because the larger villages were occupied by different races. That is not entirely so. Another hon. Member stated that there is the question of houses being assessed and their not being assessed in different districts. That does occur on the East Coast, where there is one section with land and house assessed for the purpose of

taxation and another section assessed on land alone. That increases the voting power of one section, and for that alone it is very essential that these villages should be divided. It is true that in the Bill the qualification is ownership of land, or of a house or of a house and land, but it is competent for a Village Council to assess land and house separately for the purpose of taxation, therefore a voter can get his qualification on either house or land. The matter is one which is entirely in their own hands.

The hon. Member for Demerara River raised the question of joint proprietors who do not hold a qualification equal to \$50 being permitted to vote. I do not think that would be permitted for the reason that joint proprietors have equal rights in the property, and unless when it is divided there is a property qualification of \$50 I do not see how they can be expected to vote. The same provision appears in the Georgetown Town Council Ordinance, and I think it is one that is generally accepted. The hon. Member for Georgetown South referred to the disciplining of a Council mentioned in the Report of the Committee on Local Government and Administration. That is already provided for in the present Ordinance, which gives the Local Government Board power to declare that a Village or Country District shall cease to be a Village or Country District, as the case may be.

Several Members suggested that a tenant should be given the right to vote and I have no doubt Government will give the matter consideration. There is one point I missed in moving the second reading of the Bill. That was the service rendered by a Committee of which the Commissioner of Lands and Mines was the Chairman, and it was really on the recommendation of that Committee that this Bill was drafted. My reason for not referring to that Committee was that its Report does not form part of the record of this Council, it not having been laid, whereas the Reports of the Commission and the other Committee are documents of this Council. The Committee of which Mr. Mullin was Chairman did a tremendous amount of work and was very helpful in bringing forward the recommendations contained in the Bill.

Question put, and agreed to.

Bill read the second time.

## BARTICA-ISSANO ROAD.

Major CRAIG (Director of Public Works): I beg to move:—

THAT, with reference to Message No. 23 of the 1st July, 1935, this Council approves of the expenditure of \$25,500 already incurred and subject to a loan for the amount being forthcoming from the Colonial Development Advisory Committee of the further expenditure of \$112,500 in connection with the construction of the Bartica-Issano Road.

In the Message it is indicated that the extension of this road, which was started some 18 months ago, will be taken to a point of the Mazaruni River lower than the Tiboku Falls. The reasons for that are several. One particular reason is that the original estimate for the road, which was based on the cost of construction of the Bartica-Potaro Road, proved insufficient on account of the great difference of the country through which the road had to be constructed, and it has only been possible to reach a little over half the length the road was intended to go. On the original location there is practically  $34\frac{1}{2}$  miles yet to be completed; on the new location there is only 14 miles, which makes a considerable reduction in the cost of construction. Another reason is that from recent geological surveys there is a greater indication of both gold and diamonds in that district than was shown in the other location, and in addition to the shorter length of road for construction purposes there will be that much shorter for maintenance, which would mean a considerable saving once the road is opened. The work on the road has been stopped until the Colonial Development Advisory Committee gives authority to proceed with the expenditure of the sum which is now asked for. There is now considerable traffic going over that portion of the road which has been already constructed and it is a great boon indeed to the people in that area.

Professor DASH seconded.

Mr. SEAFORD: I do not like to rise against any sort of development, but when I see money is being spent on various works I wonder when we are going to get at the end of it, or when we come to repayment how it is going to be met. I note in Your Excellency's speech at the opening of this session that no money will be spent unless it would give a return, or words to

that effect. I sincerely hope this expenditure will give a return, and a very good return. It is not the expenditure on the road that worries me, but the upkeep which is very much heavier, and I am rather fearful of what is going to happen in the future. I suggest to Government that instead of the lorries used now, which do tremendous damage to the road, there should be tractors of the type used in Australia. These tractors are made specially for work in sand. If we have tractors towing trailers the expenditure on the road would be very much less owing to their being able to spread the load over a much longer area. It is more a question of the cost of upkeep on the roads than of actual construction. Any money that can be spent on development and will give a return I am more than anxious to support.

THE PRESIDENT—I spoke of this road in my address. When I arrived in this Colony the Secretary of State asked me to give him an assurance that the estimate for completion of the road would suffice to complete it. I was not able to give that assurance at the moment and I therefore suspended all construction until I was able to give it. I considered that that was in the best interest of the country. The estimate was given under the guarantee and assurance of the Director of Public Works, and is one on which I place a great deal of reliance; and the expenditure appeared to me to be worth while making in view of the fact that \$200,000 had been already spent on that road. It was the only way of getting a return on that money and I therefore recommended to the Secretary of State that it should be put through at this cost.

With regard to the question of using tractors instead of lorries on the road, some little time before Mr. MacDougall, General Manager of the Transport and Harbours Department, left the Colony on leave, I gave him instructions to enquire into the question of using tractors that I have seen working on the Gold Coast. A road train of that nature, devised and constructed by the Overseas Mechanical Transport Department, is, as the hon. Member for Georgetown North has said, giving good service in Australia. I recently telegraphed to the Secretary of State asking that Mr. MacDougall should

confer with the Crown Agents before he returns as to the best type of vehicle. That is the reason why, although I have indicated what may be the cost of the vehicles required for the road, I have not put before the Council any vote;

for I am not in a position to say what type of vehicle will be recommended.

Motion put, and agreed to.

The Council adjourned until Tuesday, 9th July, at 11 o'clock.