

**LEGISLATIVE COUNCIL.***Tuesday, 9th July, 1935.*

The Council met pursuant to adjournment, His Excellency the Governor, SIR GEOFFREY 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.F. (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. 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 5th July, as printed and circulated, were confirmed.

**ANNOUNCEMENTS.****ADVANCES TO TEACHERS.**

THE COLONIAL SECRETARY (Major Bain Gray): I am the bearer of the following Message to the Council:—

**MESSAGE No. 25.**

Honourable Members of the Legislative Council,

I have the honour to inform the Council that the British Guiana Teachers' Association is organising a tour of teachers to Trinidad to enable teachers from British Guiana to attend the Conference of West Indian teachers which is being held in that Colony in August, and on application by the President of the Association that teachers may be granted advances of salary to assist them to meet the expenses of tour, has been submitted to Government for approval.

2. The number of teachers contemplating the tour is estimated at 100, and the estimated expenses of each teacher travelling 2nd class (the class by which most will travel) have been given as \$51.

3. There is no doubt that those teachers who will attend the Conference will benefit by a tour out of the Colony and, with the advice of my Executive Council, I invite this Council to approve of an advance of salary up to a limit of \$50 being granted to each certificated teacher, not exceeding 100 in number, proceeding on the tour provided that:—

- (a) in the case of teachers in receipt of salaries under \$50, the total amount advanced shall not exceed one month's pay;
- (b) the advances will be recoverable from each teacher's salary in such monthly instalments as permit of the total advance being refunded not later than 31st July, 1936;
- (c) a promissory note is given by each teacher together with a guarantee for repayment signed by the manager of the school in which he is employed, or some other approved person.

G. A. S. NORTHCOTE,  
Governor.

6th July, 1935.

#### PURCHASE OF BREEDING STOCK.

Professor DASH (Director of Agriculture): I am the bearer of the following Message to the Council:—

#### MESSAGE No. 24.

Honourable Members of the Legislative Council,

I have the honour to invite the Council to approve of the acceptance of a loan of £1 500 (\$7,200) from the Colonial Development Advisory Committee free of interest, repayable in five years, to provide for the establishment of a revolving fund for the purchase of breeding stock in the United Kingdom for distribution in this Colony.

2. The development of the cattle industry in this Colony has been under consideration for some time and it is proposed to assist by importing suitable breeding animals for sale to approved ranch owners on easy terms of payment as generally stock owners have not the facilities for such importations. The proceeds of the sales will be credited to a special fund which will be kept available for the continuous purchase of stock for distribution. By this introduction of pure bred animals into the local herds an improvement in breed will take place and it is hoped that as a result the cattle trade with the neighbouring West Indian Islands will be given a desired stimulus.

3. The annual requirements for financing the scheme will be shown in the Estimates as is done in the case of other expenditure from loans made from the Colonial Development Fund.

4. I recommend to Council the acceptance of the loan on the terms indicated. It is regretted that owing to oversight this question did not come before the Legislative Council at an earlier date.

G. A. S. NORTHCOTE,  
Governor.

6th July, 1935.

#### PAPERS LAID.

The following documents were laid on the table:—

Schedule of Additional Provision required to meet expenditure in excess of the Estimate for

the year 1935; for the period 1st April to 30th June, 1935.

The Consolidated Half-yearly Return of Immigrants residing on plantations and in public institutions in the Colony for the half-year ended 30th June, 1934.

Report of the Postmaster General for the year 1934.

Report on the Post Office Savings Bank for the year 1934.

Report on the Forest Department for the year 1934.

Supplementary Statement prepared by the Forest Department for presentation to the Fourth British Empire Forestry Conference (South Africa), 1935. (*The Colonial Secretary*).

THE COLONIAL SECRETARY gave notice of the following motions:—

#### ADVANCES TO TEACHERS.

THAT, with reference to Message No. 25 of the 6th of July, 1935, this Council approves of advances of salary up to a limit of \$50 in each case being granted to certificated teachers, not exceeding 100 in number, to enable them to attend the Conference of West Indian teachers to be held in Trinidad in August, 1935, on the conditions stated in the Message referred to.

#### SUPPLEMENTARY EXPENDITURE.

THAT, this Council approves additional provision being made to meet expenditure in excess of the provision already made for the year 1935, as set forth in the schedule for the period 1st April to 30th June, 1935, which has been laid upon the table.

Professor DASH gave notice of the following motion:—

#### PURCHASE OF BREEDING STOCK.

THAT, with reference to Message No. 24 of the 6th of July, 1935, this Council approves of the acceptance of a loan of £1,500 (\$7,200) from the Colonial Development Advisory Committee, free of interest, repayable in five years, to provide for the establishment of a revolving fund for the purchase of breeding stock in the United Kingdom for distribution in this Colony.

#### UNOFFICIAL NOTICES.

Mr. DE AGUIAR, on behalf of Mr. BRASSINGTON, gave notice of the following questions:—

#### TEACHERS' CERTIFICATE EXAMINATION.

1. How many Assistant Teachers who have passed the Third Class Certificate Examination, and at present employed, are in receipt of less than \$20 per month?

2. What is the salary payable to a teacher who holds—

- (a) Group "A" of the Third Class.  
(b) Group "B" of the Third Class?

3. Is the Teachers' Certificate Examination for Third Class Certificates discontinued? If so, why?

4. When will the report of Dr. Arthur Wright be laid on the table of this Council?

## SEA WALL AND UNEMPLOYMENT.

1. What is the total amount spent to 30th June on the construction of the reinforced concrete sea wall between Golden Fleece and Zorg? Labour and materials separate.

2. In view of the deplorable economic depression prevailing on the Essequibo Coast, has every possible opportunity been given to the employment of resident labour of all description?

## THE ORDER OF THE DAY.

## CUSTOMS DUTIES BILL.

Mr. D'ANDRADE (Comptroller of Customs): I beg to move that "A Bill to amend the Customs Duties Ordinance, Chapter 34, with respect to the rates of duty on forest products and worn apparel" be read the third time.

Mr. LAING seconded.

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

Bill read the third time.

## LOCAL GOVERNMENT (VILLAGE COUNCILS) BILL.

The Council resolved itself into Committee to consider clause by clause "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."

Clause 2—Establishment and constitution of Village Councils.

Mr. LAING (District Commissioner): In sub-clause (9) I move the following amendment:—

(f) if he has not paid the village rate or any instalment thereof for more than three months after the same shall have become due.

That disqualifies a nominated Councillor in the same way as an elected Councillor for non-payment of dues.

Mr. ELEAZAR: I move that sub-clause (5) be amended by the substitution of the word "two" for the word "five" in the second line. Experience has not shown that residence within two miles of

the boundaries of any village has acted adversely. It seems to me that the extension of the limit to five miles is to give some people an opportunity to meddle in village affairs.

Mr. LAING: At the present time, as will be seen on reference to section 34 (5) of the Local Government Ordinance, the limit is five miles and it has worked satisfactorily.

Mr. ELEAZAR: When the Ordinance was first formulated there were no appointed Councillors and that section was only introduced when it was decided to have nominated in addition to elected Councillors. Why should a Councillor elected by the village live within two miles and a man who is nominated live within five miles? A limit of two miles is quite sufficient, while a limit of five miles lends itself to getting on the Council people who would give trouble.

Mr. HUMPHRYS: I think there is a lot in what the hon. Member says, and unless good reasons are shown to the contrary I shall support the amendment.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I think the hon. Member is looking at the question in the reverse order. The position should be that unless good reason is shown to the contrary the law should stand as it has been for many years. The hon. Member for Berbice River has based his argument on his experience that the two miles limit has worked exceedingly well and he regards the five miles as an innovation. The five miles limit has been the law for many years and therefore the hon. Member's experience of the limit can only refer to the five miles limit. When a principle of law has been carried out and there has been no complaint against it for so many years, the onus is not on the person who moves that the law should stand as it has always been but on those persons who say it is irksome and works badly. The presumption is against them and in favour of the present law because experience has shown that it has worked satisfactorily. The limit of five miles merely gives a wider range of selection. That is why there has been no complaint all these years from the bodies which represent the villages or the villages themselves. The suggested amend-

ment is merely based on the mistaken memory of the hon. Member.

Mr. SEAFORD: I am not in favour of the amendment. I feel that even five miles is too narrow a limit and I suggest 65 miles. In that case when things are not too happy at Buxton with a wider scope for selection Government can do nothing better than appoint the hon. Member for Berbice River.

Amendment put, and negatived.

Mr. LAING: I move that in sub-clause (9) (b) the word "three" be substituted for the word "six." That would make the period of absence three months instead of six months.

Mr. ELEAZAR: What seems to me a blessing others seem to think is a calamity. Six months look a long period but in my experience it has been most useful. It has often enabled an ardent Councillor to go into the gold or diamond fields, and it would not do any harm and is really an advantage rather than a disadvantage.

Mr. HUMPHRYS: May I suggest the addition of the words "unless the failure was due to some reason approved by the Council" as contained in clause 5 (a). That would be a solution of the point.

Mr. LAING: I think that would be a useful provision.

THE CHAIRMAN: Does that meet with the view of the hon. Member?

Mr. ELEAZAR: I am grateful for small mercies, sir. Anything that would prevent a man from losing his seat would meet my objection.

Amendment put, and agreed to.

Mr. LUCKHOO: I move that subclause 9 (c) be deleted. Nominated members of the New Amsterdam Town Council are appointed for three years and there is no such provision that their appointment may be revoked. A nominated member should not be fettered in exercising his independence in dealing with questions in which Government might be interested, and if power is given to the Board to revoke the appointment of a nominated Councillor it might be a means of preventing him from exercising

his independence in such matters. The sub-clause contains sufficient grounds on which a nominated Councillor may be disqualified, and if those conditions are fulfilled why should the power of revocation be exercised, perhaps arbitrarily, before the expiration of three years. I take it that before any person is nominated his character, financial standing, knowledge and experience are enquired into. For this qualification I suggest the substitution of another, namely, "if he shall be adjudged a bankrupt," as if a person is unable to look after his own affairs he is not a desirable individual to look after the affairs of a village. That is already a disqualification of an elected Councillor and it should also be applied to a nominated Councillor.

Mr. ELEAZAR: This sub-clause is a two-edged sword. I wish it was possible to put it into the New Amsterdam Town Council Ordinance. There the nominated members are a part of Government. This sub-clause would make nominated members feel that they are not free.

Mr. LAING: I think the paragraph of the sub-clause might well be deleted; it does not appear in Chapter 84. I would like to point out, however, that nominated members vote according to their conscience, and nothing is done to influence them.

Mr. HUMPHRYS: A nominated member of this Council holds office during His Majesty's pleasure and I do not see why a nominated member of a Village Council should be in any better position. After his appointment the Board may find a nominated Councillor totally unfitted, and I am not in favour of striking out the paragraph. A nominated Councillor might not become a bankrupt but he might become unfit to continue in office and there should be the power to revoke his appointment.

Mr. DE AGUIAR: I am in agreement with the last speaker. I think the provision is a very necessary one. Nominated members feel that their work is not subject to revision by the Board and their appointment will not be interfered with until the time expires. What would be the position if a nominated member flouts the wishes of the people in a district and

representations are made to the Board to remove him? This provision would make such a member realise that he has to perform his duties properly, otherwise the people would have the right to make representations and the Board the power to revoke his appointment.

Mr. LAING: Under section 47 of the Local Government Ordinance, on a representation of twelve voters of a village that the further continuance in office of any Village Councillor is prejudicial to the welfare of the inhabitants of the village, the Board may after enquiry disqualify him for a term not exceeding three years, which is very salutary.

THE ATTORNEY-GENERAL: - It seems to me that what really is going to take place is that a Village Council is going to be constituted of Councillors chosen in two different ways, one by election and the other by nomination by the Board. I take it that the object is that, however a Councillor is chosen, he has to do his best for the good government of the village and ought to regulate his conduct according to his conscience and not according to the views of any particular body. The position would be met if paragraph (c) is struck out and there is inserted in its place similar paragraphs to (c) and (d) of clause 5. That would meet the situation and all the Councillors would be on the same footing except as to the mode of election. I therefore move the deletion of paragraph (c) and the addition of paragraphs (c) and (d) of clause 5.

Mr. LUCKHOO: That meets my point.

Amendment put, and agreed to.

Mr. LAING: Paragraph (d) will now become (e) and I move the insertion of the new paragraph “(f) if he has not paid the village rate or any instalment thereof for more than three months after the same shall have become due.”

Mr. ELEAZAR: This is an outrageous piece of legislation which has been brought into play within the last three or four years. The original idea of the Legislature was that a person who is indebted to the Council for rates or taxes should not be appointed a Councillor. If by accident he was appointed he would not be per-

mitted to sit and vote because he was not qualified in the first instance. Some overwise gentleman discovered that if a Councillor did not pay his taxes for a year or six months he should vacate his seat, and it is now sought to make that the law. A man is elected a Councillor not because he pays so much taxes but on account of his property qualification. A renter of premises who is a voter on a rental qualification might be in arrears of rent for a year, but an owner of the same property would be disqualified if he has not paid for only three months. It is tantamount to penalising the owner of property because he likes to serve the community, as against a person who occupies a seat only because he pays so much rent and may owe as much as he likes. It is class legislation and should not be made law.

THE ATTORNEY-GENERAL: The hon. Member for Berbice River has failed to draw a distinction between the obligation to pay rates and the duty to pay rent. One is a contractual duty and arises out of a contract. If an owner of property does not choose to enforce his rights against his tenant it is a matter between both of them, but the payment of rates is a public duty which every ratepayer owes to every other ratepayer. It is a contribution demanded of the ratepayer for the purpose of carrying on the business of the Council, maintaining sanitation, keeping roads and streets in order, and multifarious other duties. One knows how vigorously ratepayers and others complain if the sanitation in the township or village is neglected. There is a patent fallacy in the hon. Member's argument. Apart from that the hon. Member is so full of experience, from which this Council has at times derived great benefit, that I was waiting for him to tell us what great hardship has been imposed on the elected members of the Town Council of New Amsterdam by reason of the existence of a similar disability. Vacation of the seat of a Councillor for non-payment of rates has been the law in New Amsterdam for quite a long time. One would have thought that in his vigorous opposition to this provision the hon. Member would have detailed the incapacities of the Municipality of New Amsterdam, which we know is a most efficient body and carries out its duties exceedingly well. Following on that

example recently a similar provision was applied to the Georgetown Town Council. The precedent came from the East and the most ancient town in the Colony. Here we are endeavouring to follow in her footsteps, and I hope the constituents of my hon. friend will not belittle the ancient privileges and rights and ceremonies of which they are so proud in New Amsterdam.

MR. ELEAZAR: I mentioned the two Councillors, one the owner of property and the other a tenant, for the purpose of analogy. A man might own ten properties and be in arrears of rates in respect of only one and he would be disfranchised. If Government were to inquire into the matter it will be found that this provision would work a tremendous hardship.

MR. G. J. DE FREITAS: I find myself in the happy position of being in agreement with the hon. Member. I do not like this disqualification and never liked it. It has been introduced in other directions. I imagine the origin of it was to encourage members of the Town Council or Village Councillors to pay their rates at an early date, but I cannot see the necessity for it. The Councils have the remedy in their own hands. A Councillor may have extraordinary expenses and find it difficult to meet his rates in three months and he may be given some indulgence. By this provision he becomes disqualified. The Council can levy on the property and by so doing the Councillor would become disqualified. I never have been able to understand why there should have been such legislation introduced in this Colony. As the hon. Member pointed out, a Councillor may own four or five properties and he becomes disqualified if he does not pay the rates on one. The whole remedy is in the hands of the Council and this is a back-handed and wholly unnecessary way of enforcing the collection of rates. It also seems to me undignified to have on the Statute Book that a Councillor loses his seat because he is three months in arrears of his rates. I agree that it is an unnecessary piece of legislation, and to my way of thinking it is not fair to a Councillor.

MR. LUCKHOO: Unfortunately, we have in the New Amsterdam Town Council Ordinance a similar provision. We have borne with it, but that does not justify our

carrying it on when the essence of it is to disqualify a person who is otherwise qualified. This disqualification goes even further by disqualifying a voter who is in arrears of his taxes from taking part in an election. I agree that when a Councillor is in arrears of his rates or taxes the obvious remedy is to put the matter in suit, and I am inclined to support the amendment.

MR. DE AGUIAR: I would like to support the previous speakers, but a similar disqualification appears in clause 4, which deals with elected members. If the amendment of the hon. Member for Berbice River is intended to remove the disqualification in both cases I am with him.

MR. ELEAZAR: My amendment is with respect to both.

MR. G. J. DE FREITAS: The amendment before the House is the insertion, as paragraph (f) of sub-clause (9), that an appointed Councillor shall vacate his office "if he has not paid the village rate or any instalment thereof for more than three months after the same shall have become due." My objection applies to both elected and appointed Councillors. I do not understand the reason for the difference in the language used: an appointed member vacates his office and an elected member shall cease to be a member. I do not like statutes with a change of language if they mean the same thing. It seems to me that it would be better if the two things go together.

THE ATTORNEY-GENERAL: There is a considerable distinction between Councillors who are appointed and Councillors who are elected, and it is right that the disqualification should be different. If I err I err in company with the most modern legislation on the subject in England, and if the hon. Member looks further he would observe that different expressions are used in clause 3. If the hon. Member would read clause 6 he would still more see the difference of expressions as regards an elected member being no longer a member of a Council. These expressions are not put there with the object of confusion or with any specific design, but it is more convenient to separate appointed Councillors from elected Councillors. There is no indignity in putting

this provision in the law. I do not know that any indignity has been done to New Amsterdam by such a provision remaining in their Ordinance. One's dignity does not come in in making provision for the non-payment of rates, and the position is no worse because a man has a number of properties. Why should he be excused from carrying out his obligations because he has ten properties? He ought not to have them if he cannot afford to pay his rates on them.

Mr. SEAFORD: I am in favour of any measure for the collection of rates. It is well known in this Colony that some people say "He is a Councillor and does not pay. Why should I pay?". Some villages are lucky if they collect 40 per cent of their rates. This seems a very mild course in assisting in the collection of rates. I think Councillors should set a good example to the voters.

Mr. LAING: I agree with the last speaker. Nobody likes to pay rates and their slack collection has been a great drawback to the villages. It is absolutely essential that Councillors should show a good example in paying their rates. It places a collector in an awkward position because the process for the collection of rates is at the instance of the Local Authority, and if all the Councillors are in arrears it is very difficult to get such process put in force. It is essential that they should show a good example in payment of their rates and I consider three months is by no means a short period.

The Committee divided on the amendment and voted:—

*Ayes.*—Messrs. Jones, Humphrys, Seaford, Walcott, Peer Bacchus, Austin, DeAguiar, Gonsalves, Dr. De Freitas, Laing, Goring, D'Andrade, Mullin, McDavid, Major Craig, Professor Dash, Smellie, the Attorney-General and the Colonial Secretary—19.

*Noes.*—Dr. Singh and Messrs. Eleazar, De Freitas and Luckhoo—4.

Mr. LAING: I move the insertion as paragraph (g) of the following:—

"(g) 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."

Mr. ELEAZAR: Paragraph 11 is an innovation so far as villages are concerned. I cannot conceive of any village that will be benefited by its being divided into divisions, and I think I know every village as intimately as I know Buxton, for the purpose of electing Councillors. In villages there are no residential areas. The people are living all over the place and they never think of any division but of the community as a whole. This provision is not only going to bring a division in the area but a division among the people in the villages, which we have been trying to eradicate since the villages came into existence.

Mr. LAING: The division of the larger villages is very necessary. I know that the hon. Member has a very wide experience of village matters, but the villages have grown in extent and it is necessary that they should now be divided into divisions. In some villages there is a larger number of voters in one section than in another, and if there is not a division by a little combination the larger number can capture the Council and dictate to the others. In other words they would leave the smaller section of the village unrepresented. The hon. Member is unaware that the first village to apply to be divided in anticipation of the passing of this Bill is Buxton and Friendship. The provision must therefore have some merit when such a large and important a village seeks to take advantage of it before it becomes law. In the amalgamated villages in the Mahaica district, where we have three sections, it is imperative that those three sections should be represented. One section is at the present time unrepresented on the Council except by the appointment by the Board of a member who actually resides in that section of the village. I do not think that position of affairs is one that should be allowed to continue; in fact, it is a provision which the villages are very anxious should be passed before the elections take place at the end of the year.

In my experience of village matters I consider the division of large areas most desirable.

Mr. ELEAZAR: Government has forced amalgamation on these people and now wants to divide them. If Government is going to insist on this paragraph I move the insertion of the words "on application" between the words "may" and "by," so that the people will apply to the Governor in Council before an order is made to divide a village into divisions.

Mr. LAING: The Board does not force amalgamation of villages on the people. Amalgamations have been made at the request of the people themselves. I see no necessity for the insertion of the words suggested.

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

The Committee divided and voted:—

*Ayes*—Messrs. Jones, Humphrys, Seaford, Walcott, Peer Bacchus, Austin, Dr. Singh, Gonsalves, Dr. DeFreitas, Laing, Goring, D'Andrade, Mullin, G. J. DeFreitas, McDavid, Major Craig, Mr. Luckhoo, Professor Dash, Smellie, the Attorney-General and the Colonial Secretary—21.

*Noes*—Messrs. De Aguiar and Eleazar—2.

Clause 3—Qualifications for election as a Village Councillor.

Mr. ELEAZAR: As I indicated on the second reading of the Bill, sir, I am opposed to paragraph (b), by which a person may be elected a member of a Council "if he can read and write a language." The first Village Ordinance, which was passed in 1892, permitted an illiterate person to be elected a Councillor. In 1907 that was changed to a person who can read and write the English language. I cannot conceive of a man who cannot read and write the English language sitting on a Council where everything is done in English. It is thought necessary to go back to what obtained in 1892 because some people in villages have amassed property. It is pandering to the man who spent his time acquiring property instead of learning to read and write so that an illiterate person may get on a Village Council. It is a retrograde move. The idea is to improve the status of Village

Councils. It might not be a man's fault but his misfortune if he cannot read and write English, but this is putting a premium on his ignorance and lowering the status of the Village Councils. I cannot see how the proposal can be justified.

Mr. LUCKHOO: It is not often I differ with my hon. friend, but on this question I have to join issue with him. There is nothing in the Constitution Order in Council to prevent a person who cannot read and write the English language from sitting in this Legislative Council and it would be asking too much of a Village Councillor to improve on that. I do not think it is a retrograde step but an enlightened one. It is to allow a person who has accumulated property to take part in the conduct of the affairs of his village. We are moving with the times and should not deprive people from taking part in the administration of their own affairs. My authority for asking that it be retained is what is called for by the Constitution Order in Council, and I do not think we can have any better test than that.

Mr. G. J. DEFREITAS: I do not wish to oppose this proposal. A man may not be able to read and write any language at all but he may be useful on any Council. Supposing there is a man who speaks and reads Hindi but does not understand a word of English and there are three others who are elected. How are they going to carry on their discussions? Are they going to have an interpreter? It seems to me a tremendous drawback. I can quite conceive that a man can be a very useful member in advising, but I do not know how he is going to enter into discussion of the business of the Council.

Mr. LAING: It will have to operate in just the same way as in this Council. (Laughter).

Mr. SEAFORD: On estates we find men who cannot speak English at all, but it seems to be a common language when they are dealing with dollars and cents. (Laughter).

THE CHAIRMAN: There is no amendment before the Committee.

Mr. ELEAZAR: The amendment is to substitute "the English language" for "a language." Members must have a very



poor conception of a Council when everything is done in English. I seriously urge that this is a retrograde step.

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

The Committee divided and voted :—

*Ayes*—Messrs. Jones, Humphrys, Seaford, Walcott, Peer Bacchus, Austin, Dr. Singh, Gonsalves, Dr. De Freitas, Laing, Goring, D'Andrade, Mullin, De Freitas, McDavid, Major Craig, Luckhoo, Professor Dash, Smellie, the Attorney-General and the Colonial Secretary—21.

*Noes*—Messrs. De Aguiar and Eleazar—2.

The Committee adjourned for the luncheon recess.

Clause 4—Disqualifications for election as a Councillor.

Mr. LAING: I beg to move that the word "three" be substituted for the word "six" in the second line of paragraph (a) consequent on the amendment in clause 2 (9) (b).

Mr. ELEAZAR: If a man is permitted to pay the village rates quarterly I do not suppose the first quarter is due until three months have actually expired. If the first quarter has elapsed does he at once become disqualified? Rates are now paid quarterly and I think six months was put in to meet that. Is there to be no more quarterly payment?

Mr. LAING: Under section 117 of the Local Government Ordinance rates may be paid in four instalments. The first instalment is due on publication of the Estimates, so that a ratepayer would still have the privilege of paying his rates in four instalments. On failure to pay the first instalment the whole of the rates becomes payable, and he is in arrears if he does not pay within 30 days after the rates become due.

Mr. ELEAZAR: I cannot understand this verbiage.

THE ATTORNEY-GENERAL: I do not know what the hon. Member calls verbiage. It is the law that the rates become due on publication of the Estimates, and if the first instalment is not paid within

30 days, according to the law, the ratepayer is in arrears. He may pay each instalment quarterly on a fixed date, and so long as he is paying the instalments in time he is paying his rates.

Question put, and agreed to.

Clause 5—Vacation of office by an elected Councillor.

Mr. LAING: I move that the word "three" be substituted for the word "six" in paragraph (a). If an elected member then fails to attend three consecutive meetings he would lose his seat. That corresponds with the amendment which has been already made at the instance of hon. Members and it has also been suggested to me by the villagers themselves.

Amendment put, and agreed to.

Clause 6—Declaration by Council of vacancy in office in certain cases.

Mr. ELEAZAR: It seems to me that I am carrying coals to Newcastle and I have to ask for favours now. I know it is a hardship where a Councillor is the owner of two or more properties and is disqualified on one of land alone or of a house alone.

THE CHAIRMAN: That really has no bearing on the clause.

Mr. ELEAZAR: It applies in this way.

THE CHAIRMAN: We have already dealt with that point.

Mr. ELEAZAR: Yes, sir, but you will observe that clause 4 does not say that the qualification must be so as to be able to be elected, and you are enacting a disqualification if he fails to pay his rates.

THE CHAIRMAN: The qualification was passed in clause 3 and the disqualification in clause 4. This is merely consequential.

Mr. ELEAZAR: Very well, sir.

THE CHAIRMAN: Is the Attorney-General satisfied with this clause?

THE ATTORNEY-GENERAL: Yes, sir. Clause 3 deals with the qualifications which entitle a man to be elected a member of a Village Council. Clause 4 states

the disqualifications which prevent a man, if he has any of those disqualifications, from being elected a member of a Village Council or if elected to sit and vote. In clause 5 there are certain causes from which, if they happen to an elected member, he shall cease to be a member of a Village Council. Clause 6 enumerates those things and, if he becomes disqualified to be elected under clause 4 and finally if he ceases to be a member under clause 5, then the Council shall declare his seat vacant. We have already passed all those things and clause 6 merely says that if any of those things happen the Council shall declare his seat vacant.

Mr. ELEAZAR : It seems to me that the qualification here is not complete, because he must possess property before he is qualified.

THE ATTORNEY-GENERAL : If the hon. Member looks at clause 3 he will find that in order that a person may be qualified he must be a registered voter for the village, but the qualifications of voters to be registered are set out and among them is that he is the proprietor of land, or of a house or of a house and land. He cannot be a registered voter unless all those things happen to him and then he is qualified to be elected.

Question put, and agreed to.

Mr. WOOLFORD : May I ask for the recommittal of clauses 3 and 4 for a special purpose which I think has been overlooked. By clause 3 (c) a man is qualified to be elected a member of a Village Council if he is a registered voter, but he may be a registered voter in respect of more than one qualification. By clause 4 (a) if he has not paid the village rate or any instalment thereof for more than three months he becomes disqualified. It may emerge that a man might have a double qualification by registration in respect of more than one property, but if in arrears of one property by clause 4 he becomes *ipso facto* disqualified but is entitled to sit as a Councillor by reason of the fact that he is a registered voter. The clause is inconsistent, and it is quite obvious that is so. I think the proper procedure is to recommit the two clauses and let the remarks be made one way or the other.

THE ATTORNEY-GENERAL : This question has been already discussed and argued at length, and I venture to submit that no useful purpose will be served by a rediscussion of a matter that has already been decided after considerable discussion.

Mr. WOOLFORD : I refrained from taking part in these deliberations for very good reasons, and I do not propose to say anything now but will have quite a lot to say when the third reading comes on. If Members had been in possession of the Committee's Report all of this discussion would have been unnecessary. I may point out that in December, 1932, I moved a very comprehensive motion on the subject and Government appointed a Committee to deal with it. That Committee sent in a Report which has never seen the light of day. The Report has never been laid on the table of this Council and up to this morning I cannot get a copy. I do not think that is a proper way to treat men who have had considerable experience. The point I have raised has been fully discussed and I am quite satisfied. One of the objects was to prevent disqualification for election of a man who owned several properties. If he is in arrears for some back lands we disqualify him, and that is one of the reasons why I moved the motion.

The CHAIRMAN : The point the honourable Member has now raised was fully discussed this morning and I cannot recommit the clauses on that.

Mr. WOOLFORD : We are in Committee and that is why I thought we could, but obviously the clauses are inconsistent.

THE CHAIRMAN : I am prepared to admit discussion if there is inconsistency, but I am not prepared to recommit the question whether there should be disqualification in the direction the hon. Member has indicated.

Mr. WOOLFORD : I am quite willing to abide by your ruling, sir, and if the Attorney-General tells me there is no inconsistency Government must be guided by his advice. I am pointing out that a registered voter by reason of the fact that he enjoys ownership of several properties, as I read clause 4, is *ipso facto* disqualified if he is in arrears in respect of one, but he remains a registered voter.

THE ATTORNEY-GENERAL: There is no inconsistency whatever. The point is that if a man has all the qualifications under clause 3 but incurs any of the disqualifications under clause 4 he becomes disqualified for election as a Councillor, and being disqualified for election as a Councillor he loses his seat under clause 4 (a); and similarly with regard to clause 5. There is no inconsistency.

MR. WOOLFORD: If it is not inconsistent then you are legislating against the whole intention of the appointment of the Committee and destroying village administration entirely. I am sure if that were appreciated the second reading of the Bill would not have been passed.

THE CHAIRMAN: I am not prepared to recommit the clauses after the Attorney-General's statement.

Clause 7—Penalty for unqualified persons sitting and voting.

MR. ELEAZAR: An ordinary village voter gets on the Council perhaps owing rates, which was not discovered at the time he was elected. Somebody discovers it later on and he is mulcted in a penalty of \$50 for every day on which he sits and votes. For sitting one day inadvertently he loses his property if it is of that value. This Bill is to help villagers to carry on their affairs and not to penalise them in this fashion. It is a monstrosity and I ask Government not to allow it to go through. Even \$5 would be too much.

MR. LAING: This is provided for under the Constitution Order in Council but for a very much larger penalty. I move that in sub-clause (1) the word "or" be substituted for the word "and" in the fourth, seventh and eighth lines.

MR. HUMPHRYS: I may point out that Magistrates' jurisdiction will have to be extended because if a man sits and votes for more than two days the penalty would be over \$100. I do not know that it is the intention of Government to extend Magistrates' jurisdiction, and if it is not an important question might be involved.

THE ATTORNEY-GENERAL: The object is that election petitions and all matters connected with them should be dealt with by a Magistrate and dealt with

quickly. It is possible that the penalty might exceed \$100, but that jurisdiction of a Magistrate relates to contracts and torts and any other statute can put the penalty at a higher amount.

MR. HUMPHRYS: I quite agree with the Attorney-General but just wished to call attention to the point.

MR. LUCKHOO: I think what the hon. Member for Berbice River wanted to point out is that a penalty of \$50 is an unconscionable amount. The sum appears to me to be grossly excessive. I would suggest that it be \$5 but, in order to get the support of the Official Section, I move that it be \$10.

MR. ELEAZAR: Even \$10 a day would be too high. There is the danger that the breach of the law would be committed inadvertently, and it may be a long time before it is discovered. Some unscrupulous villagers might say "He has a lot of money, let us get some of it." A man who defies everybody should be punished, but not a man who does it inadvertently.

MR. SEAFORD: There must be some penalty for sitting when one has not the right to do so. It is very difficult to prove that anyone does so wilfully or otherwise. At the same time, I think a penalty of \$50 is too high and I am prepared to support the amendment.

Amendments put, and agreed to.

MR. ELEAZAR: I move that the security for costs, which is provided for in sub-clause (2), be increased from \$20 to \$50.

MR. LAING: I think \$20 is sufficient to secure costs in actions of this sort.

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

Clause 8—Qualifications of voters.

MR. LAING: I beg to move the insertion of a new paragraph to sub-clause (1) viz, "(c) is a British subject by birth or naturalization." This appears in other Ordinances and in the Constitution Order in Council.

Mr. ELEAZAR: When I attacked clause 4 (a) I was told it was perfectly in order. I believe it is not in order because you disqualify a man on one of 50 properties and you qualify him here only on one. I was trying all along to show that a man should not be disqualified only on the one as it would be unfair and bad legislation. I know of instances of persons refusing to become Councillors. To say that if I owe rates on one of ten properties I am disqualified is wrong.

Mr. WOOLFORD: I again appeal to the Attorney-General. If section 49 of Chapter 84 is looked at by Members they will appreciate the position of both myself and the hon. Member who has just spoken. That section provides as qualifications "(e) 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" and "(e) is not in arrear for any village rates or taxes", so that a person would not be eligible for election as a Village Councillor if he were in arrears in respect of either a house or land or whatever the property was. That was one of the evils complained of. That is being altered by clause 3 (c) of this Bill, which says you shall be qualified if you are a registered voter. Those words are not in section 49, but a person is capable of being registered in several different ways.

THE ATTORNEY GENERAL: I call the hon. Member's attention to paragraph (f) of section 49: "has his name appearing in the register of voters for the village."

Mr. WOOLFORD: I am referring to (c) which is intended to be a reproduction of (f), but a person is qualified to be a voter in respect of land, or of a house, or of a house and land. The whole object was to prevent a man who was the joint owner of property, or who owned more than one property, from being disqualified because he was in arrears of rates in respect of one. To these people whom you are trying to teach representative government you are saying: "It does not matter how many properties you own, if you are in arrears in respect of any one you are disqualified." Their reply is "You are disqualifying us but you are not doing it with the Mother City." The whole thing is wrong. I again ask that this legislation be reconsidered.

Mr. GONSALVES: It is a great pity that the hon. Member did not help the Georgetown Town Council with that argument when our Bill was before this Council. We pointed out that a Councillor should not be disqualified in respect of all his properties but only in respect of property on which he sits.

Mr. WOOLFORD: I rise to a point of correction to ask the hon. Member to point to any reference in Hansard which supports his statement.

THE ATTORNEY-GENERAL: It seems to me that a good deal of the arguments we have just heard is out of order on the question as to whether paragraph (c) should stand part of clause 8 (1). The discussion is in relation to something else which has already been passed as part of the Bill, and I cannot see the relevancy of it. There is one point I should like to refer to. All these arguments were used in January this year when an amendment to the qualification for membership of the Town Council of Georgetown was being made to section 7 by the addition of paragraph (e), and all those arguments were then rejected by this Council, so there is nothing new about them.

THE CHAIRMAN: I have allowed the hon. Member a good deal of latitude in submitting his views because he was not here this morning when this matter was discussed and apparently he wished to recommit clauses 3 and 4 on a matter of principle, but I see no sound reason for recommitting those clauses and we will now continue to discuss clause 8 (1) (d).

Mr. ELEAZAR: I want the Attorney-General to convince me that I am wrong. What I am saying is that instead of putting a qualification and then a disqualification—

THE CHAIRMAN: The hon. Member must speak to the subject matter before the Council.

Mr. ELEAZAR: Yes, sir. I am trying to point out how paragraph (c) is going adversely to what has gone before and should be amended to what is fair and just.

THE CHAIRMAN: Would the hon. Member suggest his amendment.

Mr. ELEAZAR: I suggest "provided that any disqualification under this Ordinance relates only to the property for which the voter was registered."

THE CHAIRMAN: I do not think that amendment is relevant. It is out of order under Standing Rule 16 (*d*). Any amendment must be relevant to the question.

Mr. ELEAZAR: Very well, Your Excellency. You have ruled me out of order; I have nothing to do but to submit.

THE CHAIRMAN: The question has been fully discussed.

Paragraph (*c*) put, and agreed to.

Clause 10—Objection to persons being registered.

Mr. LAING: I move that in sub-clause (1) (*a*) the word "division" be substituted for the word "section" in the second line.

Question put, and agreed to.

Clause 14—Officer to revise lists.

Mr. ELEAZAR: I am going to make a last appeal to Government not to use a sledge hammer in killing a mosquito. Here the Commissioner is wanting to become the Revising Officer. Where is the necessity for it when the Overseer has the assessment book before him? It is the only means by which he can ascertain the qualification by which a person can be registered. The New Amsterdam Town Council Ordinance is very defective, but this is one thing that has given satisfaction to all and sundry. Why should not the Councillors, who know everybody in the village, perform these duties? I move an amendment that the lists shall be revised by the Village Council.

Mr. DE AGUIAR: I am going to move a further amendment that the words "other officer in the Public Service" be substituted for the word "person" in the second line. I would like to see some public officer revise the list, and if the Commissioner is too busy to do so himself let him depute some public officer and leave the Village Council out of it.

Mr. LAING: The amendment of the

hon. Member for Central Demerara will meet with the approval of the village communities which I have consulted. They all express a desire that in this clause the word "person" should be deleted and a public officer substituted, so that the Commissioner would not be able to depute any but a public officer to discharge the duties of revisor.

Amendment of the hon. Member for Central Demerara put, and agreed to.

THE CHAIRMAN: I am prevented by the vote from putting the amendment of the hon. Member for Berbice River.

Mr. ELEAZAR: Would Government recommit clause 14 and allow it to stand over in order to consider section 11 of the New Amsterdam Town Council Ordinance?

THE CHAIRMAN: I am afraid I must abide by the Standing Orders of this Council. According to the Standing Order the hon. Member's amendment has just been put out of order, and I shall be going against the Standing Order of the Council if I were to allow a recommittal on that point.

Clause 17—Practice and procedure of Revising Court.

Mr. ELEAZAR: I am doing my duty in drawing attention to these things because I know there is going to be trouble afterwards. By sub-clause (2) "the revisor may at the request of any party . . . require any person to attend at the revising court and give evidence, or produce documents, and any person who . . . fails without lawful excuse so to attend, or . . . fails or refuses without lawful excuse to answer any question put to him by the revisor, or to produce any documents . . . shall be liable to pay such fine not exceeding twenty-four dollars as the revisor may order." When the revisor has made his order the Magistrate of the district shall enforce payment of such fine as if it were a penalty imposed by him in the exercise of his summary jurisdiction. I want to know whether the Magistrate is going to imprison that person on the *ipse dixit* of the revisor or levy on his property, and who would be answerable if something is levied upon not belonging to the individual proceeded against.

**THE ATTORNEY-GENERAL:** Some lawyers may be grateful for the suggestions which have fallen from the lips of the hon. Member, and the arguments may be interesting if ever the question arises in Court. It happens that a similar provision, as the hon. Member well knows, has been part of the law of the Colony since 1929, and it is extraordinary that the point has never arisen in the yearly revision of voters.

**Mr. ELEAZAR:** I can see a lot of complications arising out of the revisor making an order and sending it to the Magistrate for enforcement. We also find in sub-clause (3) that if the revisor is of opinion that an objection or an opposition by any person is frivolous or vexatious, he may order such person to pay the cost occasioned by such objection or opposition. What would a revisor know of what the law regards as frivolous or vexatious? I say no more.

Clause 19—Custody of Register.

**Mr. DE AGUIAR:** May I ask what the price will be for copies of the register?

**Mr. LAING:** We do not know what it will cost to print these registers, but, speaking from memory, I do not think the Registration of Voters Regulation prescribes a price.

**THE ATTORNEY-GENERAL:** No, it does not. The Commissioner shall keep a number of copies for sale at such price as the Governor may direct.

**THE CHAIRMAN:** I can assure the hon. Member that the price will be kept as low as possible.

Clause 22—Returning Officers.

**Mr. DE AGUIAR:** I observe that in sub-clause (1) the posting of the notice of appointment and cancellation of Returning Officers is limited to the Village Council office. Clause 21 is very much wider. I suggest the addition of railway stations.

**THE CHAIRMAN:** Clause 22 (1) deals only with the Returning Officer, while the notice under clause 21 deals with other matters which everybody would have to read. It is important that the appointment of the Returning Officer should be

authenticated. That is done in the *Gazette*, and the notice posted on the Village Council office is in addition to the notice in the *Gazette*. That would be quite sufficient to enable him to perform the duties of Returning Officer.

**Mr. DE AGUIAR:** My point is that the person appointed as the Returning Officer for a particular election is an important announcement to a village. Quite a number of things occur at election time and voters want to know beforehand who is the Returning Officer, in order to make representations if necessary.

**THE CHAIRMAN:** If the hon. Member wants an amendment perhaps he will move it.

**Mr. DE AGUIAR:** I move the addition of the words "at the police and railway stations, if any."

**Mr. LAING:** It may be more convenient to add "and in such other conspicuous places in the village as he may deem necessary" as in clause 21.

**Mr. DE AGUIAR:** That is quite agreeable to me.

Question put, and agreed to.

Clause 23—Nomination of candidates.

**Mr. WOOLFORD:** May I ask why each candidate shall be proposed and seconded in writing? What about the illiterate voter? There may be some reason for it and I would like to know.

**THE ATTORNEY-GENERAL:** The fact that a candidate was proposed and seconded in writing would eliminate any doubt altogether. The proof will be in the handwriting of the proposer and seconder. I might mention that it is also a requirement for election as a Member of the Legislative Council.

**Mr. WOOLFORD:** If it is part of the duty of a candidate to have his nomination proposed and seconded in writing the practice has never been observed.

**Mr. ELEAZAR:** I myself cannot understand why these provisions should be copied *en bloc* and opposition offered to everything.

THE CHAIRMAN: Does the hon. Member wish to move an amendment?

Mr. WOOLFORD: I hesitate to do that. A candidate himself may not be able to read and write, and yet you are imposing the condition on the mover and seconder. There may be something in it and I don't care to move an amendment.

Mr. ELEAZAR: Sub-clause (4) provides that if there are more candidates nominated than there are seats to be filled, the Returning Officer shall state that a poll will be held "on a day and at a place to be then fixed by him." Why not say on a day within so many days and let everybody know where they are.

Mr. LAING: I think there is a good deal in what the hon. Member suggests. Speaking from memory, I think ten days' notice has to be given before the election is held. Some difficulty might arise in regard to the elections for this year because a good deal of time is not permitted between August and December for revising the register and holding elections. Provision might be made for the time to be fixed by the Returning Officer before holding the election.

Mr. GONSALVES: Section 35 (1), Chapter 86, deals with this matter. That section requires that "if more candidates than one are nominated the returning officer shall thereupon appoint a day, not more than five days thereafter, for holding the election."

THE ATTORNEY-GENERAL: It is proposed to fix a date, but it cannot be done within five days. The question is whether ten days would be sufficient for villages.

Mr. GONSALVES: The time does not matter to me so long as some period is fixed.

THE ATTORNEY-GENERAL: I think the point would be met if after the word "day" in the fourth line the words "being not more than ten days thereafter" were inserted.

Mr. LAING: I move that amendment. I also move that the word "five" be substituted for the word "four" in the fourth line. It is found in village elections where there is a large number of voters that the

time for voting—between the hours of 10 a.m. and 4 p.m.—is not quite sufficient, and it has been suggested that it should be extended to 5 p.m. There will be a consequential amendment in clause 24 (1) by the substitution of the word "five" for the word "four" in the first line.

Questions put, and agreed to.

Clause 24—Conduct of election.

Mr. ELEAZAR: Sub-clause (4) makes provision for seniority. There is a possibility of two candidates being elected unopposed on the same day. How is seniority to be determined in that case?

THE ATTORNEY-GENERAL: The Board has power to determine any question arising as to seniority.

Mr. ELEAZAR: We cannot leave it to the Board; it has caused trouble before. It should be determined by alphabetical order of the names and should be inserted here.

The CHAIRMAN: I take it that the hon. Member wishes to move an amendment. I am powerless unless the hon. Member does move an amendment.

Mr. ELEAZAR: I do wish to move an amendment by adding "in the case of two members being elected on the same day without opposition, seniority shall be determined by the alphabetical order of their names."

Mr. G. J. DE FREITAS: The hon. Member had a lawsuit on the same question: that seniority should be decided in the way he proposes. It is a useful amendment.

THE CHAIRMAN: I put the question in terms of Standing Order No. 17: "That the words of the question stand as in the original motion."

The Committee divided on the question and voted:—

*Ayes*—Messrs. Jones, Walcott, Dr. De Freitas, Laing, Goring, D'Andrade, Mullin, G. J. De Freitas, McDavid, Major Craig, Professor Dash, the Attorney-General and the Colonial Secretary—13.

*Noes*—Messrs. Humphrys, Seaford, Peer

Bacchus, Austin, De Aguiar, Gonsalves, Eleazar, Wight, Woolford and Smellie—10.

Clause 29—Procedure.

Mr. ELEAZAR: I wish to ask Government not to use its cast-iron majority to impose the trial of election petitions on Magistrates. Election petitions are much more serious matters than some people think and far more serious to be dealt with by a Magistrate, who very often is handicapped by the absence of a reference library and his having to do the work of two or three men. Even in New Amsterdam there is no library beyond a few law books sent there by Mr. Justice Savary. This is a branch of the law by itself and it requires serious study. These petitions should be disposed of by a Judge of the Supreme Court, and I think it is an imposition on the Magistrates. Clause 30 provides for an appeal. The hearing of an election petition before a Judge is final. Here you are putting it on a Magistrate and making provision for an appeal to a Judge. Why not go to the Judge and finish with the matter? A Judge is immune from approach like a Magistrate who lives in the district, and petitions should go to a Judge and be decided by him finally. I am going to suggest that the clause be deferred for further consideration. It is too serious to be left to a Magistrate when you suggest that there should be an appeal.

THE ATTORNEY-GENERAL: I cannot see what bearing clause 29 has on the arguments the hon. Member has adduced. All that clause provides for is the procedure at the trial of an election petition before a Magistrate. This Committee passed clause 27(1) which gives jurisdiction to the Magistrate to try an election petition. I sat down with some anxiety to know on what

clause the hon. Member's arguments were based. It is well to point out that these petitions are very properly assigned to Magistrates to try, because it is not intended to make State trials of them or to make them so expensive as they would be in the Supreme Court as almost to amount to a denial of justice. It would mean that they could only be tried in Georgetown, New Amsterdam or Essequibo. Here we are dealing with small Village Councils, so much so that the penalty has been brought down from \$50 to \$10, and it is right and proper that all these matters should be dealt with before a Magistrate and costs kept down and justice done. The next clause provides for an appeal. If there had been no provision for an appeal it would have been interesting to know what argument the hon. Member would have adduced; but because there is provision for an appeal he says it should go direct to the Supreme Court. If anyone wishes the luxury of an appeal it is open to him under clause 30, but there is no reason why a Village Council should be magnified into a Town Council or the Legislative Council by going before a Judge.

Mr. ELEAZAR: It is true I did not observe clause 27, but my point is that these election petitions are too serious to be tried by a Magistrate. On a Magistrate it is an imposition. Magistrates have no time to study this branch of the law afresh. It is a serious matter to empower a Magistrate to send a person to prison for six months if he is found guilty of a corrupt practice. We want the Court of the highest jurisdiction to decide these questions because the decision is final.

The Council resumed and adjourned until the following day at 11 o'clock.