

LEGISLATIVE COUNCIL

THUR DAY, 2ND APRIL, 1953.

The Council met at 10 a.m.

PRESENT

The President, His Excellency the Officer Administering the Government, **Mr. John Gutch, C.M.G., O.B.E.**

The Hon. the Colonial Secretary, **Mr. J. L. Fletcher, O.B.E., T.D. (Acting)**

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

The Hon. the Financial Secretary and Treasurer, **Mr. E. F. McDavid, C.M.G., C.B.E.**

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

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

The Hon. **W. J. Raatgever** (Nominated).

The Hon. **V. Roth, O.B.E.** (Nominated).

The Hon. **G. A. C. Farnum, O.B.E.**, (Nominated)

The Hon. **Capt. J. P. Coghlan** (Demerara River).

The Hon. **D. P. Debidin** (Eastern Demerara),

The Hon. **J. Fernandes** (Georgetown Central).

The Hon. **Dr. G. M. Gonsalves**, (Eastern Berbice).

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

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

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

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

The Hon. **J. Carter** (Georgetown South).

The Hon. **W. A. Macnie, C.M.G., O.B.E.** (Nominated).

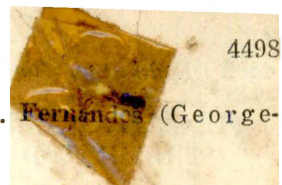
The Clerk read prayers.

The Minutes of the meeting of the Council held on Monday, the 30th of March, 1953, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS

B.G. (CONSTITUTION) ORDER IN COUNCIL.

The President : Honourable Members, I have to announce that the British Guiana (Constitution) Order in Council, 1953, was made by the Queen's Most Excellent Majesty in Council at the Court at Windsor Castle on the 1st of April. On the same day new Letters Patent were made at Westminster, and new Royal Instructions were issued by Her Majesty at the Court at St. James's,



FEDERATION CONFERENCE IN
THE UNITED KINGDOM

The Acting Colonial Secretary
communicated the following Message :

MESSAGE No. 17

"Honourable Members of the Legislative
Council,

"In pursuance of Resolution No. LVI
passed by the Council on the 11th Feb-
ruary, 1953, recommending that the Sec-
retary of State's invitation to send an
observer to the forthcoming Conference
On Federation should be accepted, I have
invited the Honourable G. H. Smellie, the
Fifth Nominated Member, to attend the
Conference in that capacity. He has ac-
cepted this invitation and arrangements
are being made for him to proceed to
London for this purpose."

JOHN GUTCH,
Officer Administering
the Government.

GOVERNMENT HOUSE,
British Guiana,
2nd April, 1953.

GOVERNMENT NOTICES

REPRESENTATION OF THE PEOPLE BILL

The Attorney General : I beg to
give notice of the introduction and
first reading of a Bill intituled :

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

I also give notice of my inten-
tion to move the suspension of the
Standing Rules and Orders at a later
stage to enable me to take the Bill
through all its stages.

PRESENTATION OF PETITION

Mr. Fernandes laid on the table
a petition from certain Registrars of
Births and Deaths in the Georgetown

Registration District praying for the
grant of a monthly stipend of \$30 each
in lieu of fees now paid.

ORDER OF THE DAY

REPRESENTATION OF THE
PEOPLE BILL

The Attorney General : I beg to
move the suspension of the Standing
Rules and Orders to enable me to
take through all its stages today a
Bill intituled :

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

I need hardly tell hon. Members
the reasons for this motion for the
suspension of the Standing Rules and
Orders, as I indicated to the Council
on Monday that that course would be
adopted when the Council met today
after the British Guiana (Constitu-
tion) Order in Council was made.

The Colonial Secretary : I beg to
second the motion.

Question put, and agreed to.

The Attorney General : I beg to
move that the Representation of the
People Bill be read the first time.

The Colonial Secretary : I beg to
second the motion.

Question put, and agreed to.

Bill read a first time.

The Attorney General : I am
grateful to hon. Members for agreeing
to the suspension of the relevant
Standing Rules and Orders to enable
me to proceed with this Bill today.
Hon. Members have just heard from
you, Sir, that the British Guiana
(Constitution) Order in Council, 1953,
was made by Her Majesty in Council

yesterday, the 1st of April; that Letters Patent have been made under the Court Seal of the Realm, constituting the office of Governor and Commander-in-Chief of the Colony, and that Royal Instructions were also issued yesterday by Her Majesty at the Court at St. James's. That being so, I think I should say that this Council and the Colony are deeply appreciative of the fact that despite Her Majesty's bereavement in the death of the Dowager Queen Mary, it was still found possible for Her Majesty in Council to make the Order in Council and to pass under the Court Seal the Letters Patent and the Royal Instructions.

We are now in a position to proceed with the Bill without any possible difficulty arising in connection with the arrangements for the elections. As hon. Members will recollect, during the course of the discussion on the the Legislative Council (Elections) (Amendment) Bill it was pointed out that until the Order in Council was made it was not possible to deal finally with this legislation. Accordingly, it was considered desirable that the Bill which hon. Members had before them should be withdrawn after it had been fully discussed by this Council and an opportunity given to them to deal fully with the various clauses contained in that Bill. I am very grateful to hon. Members for their comments in the course of the discussion of that Bill. As a result, the Bill which is now before the Council embraces largely the provisions of the House of Assembly (Elections) Bill, as it was then called, and there are certain other provisions which it has been found necessary to include in this Bill, for the same reasons that I had withdrawn the House of Assembly (Elections) Bill.

Examination of the Bill will show that it is substantially in terms

of its short title—the Representation of the People Ordinance. It includes the provisions of the House of Assembly (Elections) Bill, but there have been certain changes consequent upon the comments made by hon. Member during the course of the debate on the House of Assembly (Elections) Bill. The main points are that provision has been made for employees of the Transport and Harbours Department to vote by proxy in cases where they are engaged on duty in connection with the running of the trains, and in manning the ships, and by being engaged in those duties, they will be away from the districts in which they are qualified to vote. Provision is also made for candidates who are engaged in their constituencies, away from the districts in which they are qualified to vote, to exercise their votes in the same manner, by proxy.

There is also a provision in the Bill relating to the allocation of symbols and colours. Hon. Members will appreciate the fact that now that the Order in Council has been made, it is desirable that this matter should be put beyond any question whatever; therefore it has been thought fit that these provisions should be included in the Bill and put in such a way as to preserve what has already taken place in regard to the applications for symbols and colours. Clauses 43 to 49 and clauses 53 & 54 set-out the procedure by which the arrangements which have been already made, may be preserved. It is provided in the Bill that those applications which have been made for symbols and colours shall be deemed to have been made under this Ordinance, and also that the Governor shall allocate a symbol and colour without prejudice to any person who, even at this stage, may wish to apply for a symbol and a colour. I think the hon. Member for Central Demerara (Dr. Jagan) has on

[The Attorney General]

more than one occasion emphasized the fact that there was one candidate who was excluded because of the fact that he arrived late. The provisions which are made in this Bill will enable that candidate, if he so wishes even at this stage, to withdraw his candidature and his deposit. The date for the receipt of applications for symbols and colours is up to the 10th of April, and the last day for the allocation is April 11. I will go into the reasons for that in further detail if it is required.

There is one other point to which I would like to refer, and that is the question of making provision for a return to the electorate in the event of two or more candidates tying for first place. I have examined the question very fully and carefully, and while I appreciate the points which have been made in respect of the suggestion that the ultimate decision should be made by the electorate with respect to the leading candidates, there are two points to which I would like to refer. Reference to the electorate only with respect to the leading candidates would pin the electorate down to acceptance of either one or the other of those two candidates, and although it may seem at first blush that the electorate would be speaking ultimately on the election of the candidates, it would mean that their choice would be limited as between two candidates only.

Let me put it this way. It is quite possible that the third candidate may have obtained just a few votes less than the two leading candidates, and the result of going back to the electorate with the limited choice between the two leading candidates may be that the electorate might have preferred to have voted for the third candidate, and might

have transferred their votes which had been distributed amongst three or four candidates who trailed at the bottom, to the third candidate. There is that aspect of it and, constitutionally, we may be limiting the choice of those who had cast their votes in the minority to one or other of the two leading candidates. That is one point which I am sure hon. Members will see, and the other point is that I have not been able at any time during the whole course of my research into this particular point, to find any case where the two leading candidates had been sent back to the electorate for election in the event of a tie.

It may be suggested that if that cannot be done why then should it be left for selection by way of a lot. The answer to that seems to me to be fairly cogent. Here, the electorate is no longer called upon to make a decision, and they cannot argue in any way that they are being compelled to make their selection with regard to two candidates only. As I said before, the provision was enacted in the United Kingdom in 1948 and I think that unless and until we can show from a constitutional point of view that it would be right to limit the selection by the electorate to a limited number of candidates then, I think we would be advised to accept what experience has shown in the United Kingdom to be a satisfactory way of deciding the matter.

In addition to that, we are moving towards the first election under the new Constitution and I do not feel Government would be justified in putting forward provisions which are a complete departure from anything which has been done, so far as I have been able to ascertain, anywhere else. It is perfectly true that we need not

necessarily be guided by legislation anywhere else but, at the same time, in a matter of this sort we should hasten slowly and adopt what has been found by experience in the United Kingdom to be satisfactory.

Although I appreciate the point which has been made in regard to the suggestion that the two or three leading candidates who have obtained an equality of votes for first place should go back to the electorate yet, for the reasons I have given, I have come to the conclusion that it would not be prudent at this stage to make a law and create a precedent which might involve the question of its constitutionality. Further, there is this point, we are providing against litigation—that is quite possible although I think the chances of its happening are remote—and I would suggest to Council that in view of all the circumstance we should accept the decision which has been arrived at by way of leaving the law as it stands and as originally proposed.

This is the time when we must move towards our objectives with all time when we must move towards our objectives with all care, caution and certainty, and I would hesitate myself to make any weeping departure without being fully satisfied that it is proper from the constitutional point of view. I hesitate to act although I see something in the argument which has been adduced by the hon. Members. Those are the salient points of the Bill, and I hope hon. Members would see their way to agree to the provisions which have been enacted in it. I hope they will appreciate the reason for the inclusion in this final Bill of certain provisions which appear to be necessary in view of the desire of candidates to obtain their symbols and colours and

get on with the arrangements for the elections. So far as that part of it is concerned, if there is any suggestion that this Bill should not have been brought before the Council, I wish to say that I accept complete responsibility for it. I hope hon. Members will appreciate that aspect of the matter. I do not desire at any time to shelter behind mere words.

The fact is that there was a manifest desire on the part of candidates that this matter should be expedited. This expedition calls for certain other factors, and one is that the Order in Council which is the source of legislative power should be complied with. Therefore, in this Bill there are some provisions which seek to preserve all that had been done and, at the same time, provide further opportunity for others who may wish to take it. The Bill has to speak—as the Members of the legal profession would know—for now, but it must also include and deal with certain actions which have already begun. I cannot add anything further to what I have said and I beg to move that this Bill be now read a second time.

Mr. Kendall: I am very much disappointed in the remarks made by the hon. the Attorney General in presenting this Bill for its second reading. I was made to believe that because the Order in Council was going to be passed a new Bill would have been presented and passed by a majority vote and that the observations made by Members would have been considered by the Attorney General and embodied in this new Bill. Clause 43 of the Bill, has however, placed a new light on the whole political situation. It is unfair to the 134 persons who took colours and symbols and have

[Mr. Kendall]

had their constituencies altered, to be told at this late stage that the time has been extended to April 11, by which time any other person or persons can take a symbol or colour for any constituency. If all these persons who took symbols—and rushed here to do so—knew that they could have remained until April 11, the complexion of the whole political set up would have been changed. I think it is unfair and very wrong for Government, at this stage, to extend the time because one man came late.

The Attorney General: I wish to point out to the hon. Member that this has nothing to do with the one man who came late. I also wish to point out to hon. Members that I, personally, take complete responsibility for every aspect of this matter. If it is suggested that Government has brought political candidates, then as I have said, we are proposing in the Bill—and I have submitted it for the consideration of hon. Members—that the position of candidates who have paid their deposits and selected their symbols should be preserved.

Mr. Kendall: It is left open, however, for any person to select any symbol for any constituency up to the new date—April 11.

The Attorney General: Not the stamped symbols.

Mr. Kendall: The symbols must be different, but that is all. There is nothing to prevent additional persons from coming forward to represent any constituency and from selecting new symbols. I say that is unfair. If the Attorney General says the responsibility is his, I still say it is wrong. We have all lined up and selected our symbols already, and

we were given a deadline to do so. I strongly protest against Government extending the time in order to allow other persons to come in and fight in the elections.

Mr. Fernandes: I would like to support the hon. Member for New Amsterdam in his remarks. I used a very strong term some time ago about the chopping and changing of the various areas and the various districts, and I would like to use an even stronger term today. This change is tantamount to scrapping everything that has taken place in the past and to saying "Come boys, start all over again." Any candidate is in a position to withdraw his money in respect of any constituency if he feels he has not a good chance of success and I can assure you, sir, that there are quite a few who would not bother, if Government cannot make up their minds as to what they are doing. I am absolutely fed up. Each candidate was told about getting his photograph, making his deposit, naming his constituency and so on. After we have done all of these things and because it has been found that in certain constituencies the opposition is not what certain people expected it to be, we find an absolute and complete "about face". I suppose that if some surprise changes are made at the last minute we might have to face further changes in order to suit those who want certain things done.

I feel very strongly in this matter and, as a matter of fact, I have never felt stronger over anything that has happened in this Council. If it suits Government, let us call the elections off and start all over again. It is obvious that all that happened in March—up to the closing day on March 18—has gone to the wind, and that we should start all over again. To say at this stage that the elections should

be fixed for April 27 is, to my mind, one of the most crazy things one can think of. There are many things to be dealt with still—more than I thought—and sometimes I dread to think of what might happen, because I am told that April 27 is still being fixed as the date for the elections. If that is the attitude Government is going to adopt in a serious matter like this, then the Lord help British Guiana.

Mr. Debidin: I do not know whether some more light can be thrown on this situation, but I want to say that it has come as a bolt from the blue and that I am trying to analyse the intention of Government and the purpose of this clause. So far as I can see there is nothing in any previous Ordinance, except the Symbols Ordinance, prescribing the time at which deposits should be made and when people should be queueing up for the general elections. In other words, it is the option of Government, providing everything is done seventeen days before the elections, to say what time they would give the people of this country the right to present themselves for election. While this is something to comment upon very strongly as the two previous speakers have done, it is giving a further opportunity to other persons to come in and contest the general elections.

I think all the people — those connected with parties and otherwise — would find themselves taken by surprise, more or less, and there would be some dislocation of the present situation if more candidates come in. We have to look at this matter from both sides and realize that there was something wrong in the first instance and that it will prevent people from being elected. Since the whole thing has become a hotchpotch, we would

like to know whether the deposit will be refunded if any candidate wants to withdraw

It is possible that this extension of time might be regarded as a useful measure because there is no doubt that many people on the political horizon came into the picture at first blush but, who knows, some of them probably feel that it is not worth while. A man must make up his mind on nomination day as to whether he would come forward as a candidate, and it seems to me that any provision in this Bill which gives him the right to withdraw would be quite in order. A man might also say "You have passed an Ordinance which would cause me to lose my deposit if I am nominated; there should be something which would provide a let-off." Only those who have accepted symbols can present themselves for nomination. One or more persons might very well say: "I have accepted a symbol, but now that I have concluded my campaign I find that I have no chance and I want to pull out." If this is the remedy that is being sought for such a case, it might be a very useful remedy indeed. We have to beware of the various consequences, and I think that if more candidates are allowed to present themselves it would cloud the political horizon more.

No one is more responsible than Government itself for the proper running of the elections. We should consider whether it would be advantageous to us to accept these provisions and, if not, to whose advantage would it be? We must also consider whether all those candidates who were tied hands and feet by the Ordinance would now be in a position to get a let-off. Those are my views after having heard other Members.

Dr. Jagan : I feel, like the first two Members who have spoken, that it would be very dangerous at this time to shift around and allow the whole procedure relating to the elections to be opened again. I was the one who mentioned a case of hardship suffered by someone in the North West District, and I am warning Government that right now the people are campaigning in that district for our candidate who has been put up there. It would create a good deal of confusion if at this time we are able to withdraw one candidate and put forward another one in any particular constituency.

Even if I were to agree with this procedure, a new person who wants to come forward would have to make application and pay his deposit and so on, but that cannot be done in time. I think we are only making more confusion than what exists already, and that Government should make up its mind as regards the elections. From day to day we see the same thing happening—confusion—as regards the voters list, and I do not think it is fair and right. I do not know what is Government's intention in introducing this change at this time. They probably have something at the back of their heads, but I think it must lead to repercussions all over the Colony. Many candidates who have already sounded out the opinions of the people are likely to shift from one constituency to another, and things of that sort.

I am thoroughly against changing at this moment what we have already accepted by law, and if we do that I think it would be very disgraceful on the part of Government and this Council. I have not seen anything mentioned in this Bill about the freedom of candidates to address public meet-

ings on sugar estates and so on. I feel strongly that such a provision should have been made. Although it is said that these elections are free, we know that candidates cannot go into sugar estates and address public meetings as they are able to do in other parts of the country. The whole Constitution was written in such a way as to encourage the development of political parties, but from the **communiqué** issued by the Sugar Producer's Association and countersigned by the Colonial Secretary, there would be no such development because persons who belong to one party and who are contesting other seats would not be allowed to go on sugar estates to support other members belonging to the same party.

I think that is a great violation of the right to assemble and speak to persons who may be living on these estates. I think Government should insert some clause in the Ordinance which would permit persons to visit such places freely.

On a matter of principle, like the first hon. Member who has spoken, I maintain it will be a very dangerous precedent at this time — this late stage — to try to change what we have already done and cause very much inconvenience to the public generally.

The Attorney General: I am sorry that some hon. Members have, to some extent, misinterpreted the reason for incorporating in this Bill the provisions relating to the allocation of symbols and colours. I have pointed out, perhaps without the degree of clarity required, the reason for such an insertion, and said that the constitutionality of the Bill itself dealing with the allocating of symbols and colours was open to question, for the same reason that the Bill which I had introduced in regard to the House

of Assembly Elections, was withdrawn and has been re-introduced in the form in which I have introduced it today. The point is this—as I have indicated—the source of legislative power is derived from an Order-in-Council. Hon. Members are aware of the fact that the first Ordinance in the Statute Book — the British Guiana (Constitution) Order-in-Council under the British Guiana Act of 1928 — provides that

"It shall be lawful for His Majesty in Council to create and constitute, in substitution for the existing legislature, a Legislature for the Colony of British Guiana in such form and with such powers as His Majesty in Council might determine, and from time to time alter and amend the constitution of the Legislature and any powers thereof;

Arising out of all that, in 1928 the Order-in-Council under which this Legislative Council acts and performs its functions and duties and has its powers, was made the Order-in-Council which existed until yesterday dealt with the question of 14 Elected Members, 7 Nominated Members and 3 Official Members as the constitution of the Legislative Council. But the proposal is that there should be two Houses—an elected House called the House of Assembly and an upper House called a State Council. In the lower House, styled the House of Assembly, provision is being made for 24 members and 3 *ex-officio* members. These 24 members have to be elected for 24 electoral districts. All that has been noted and that is the reason operating in our minds for the purpose of the Symbols and Colours Ordinance. This Ordinance provides for the allocation of symbols and colours in respect of the various electoral districts for the purpose of election to the House of Assembly. It will be appreciated that the House of Assembly is not, in itself, in being. There is no authority for the House of Assembly as such until the Order-in-Council is signed and, so I

have mentioned, those aspects of the matter, indicate to hon. Members the position in which we find ourselves.

Hon. Members can see immediately the implications of the application for those House of Assembly districts when, in fact, although we all knew there are House of Assembly districts to be brought into existence, there is, from the constitutional practice point of view, the Order in Council which, although it has been laid, is in effect no law. That being so, I wish hon. Members to take their minds back to two aspects which were dominant aspects at the time, and that is, there was pressure to get symbols and colours in order that those who are preparing for their election campaign can be in a position to go on with their campaign. That being so, a symbol or a colour was desired in respect of a particular district, and some provision had to be made so that it should have some value. Consequently, a Symbols and Colours Bill was introduced and, after a great deal of discussion, was accepted apart from one or two points of detail with regard to photographs and the days when those things should be submitted, the application, photographs, etc.

The point arises that what was done in pursuance of that Symbols and Colours Ordinance is considered to be not in keeping with the provisions of the new Order in Council until that new Order in Council is made. That being so, it becomes necessary — not from the point of view of any candidate or any possible candidate—to put beyond question from a constitutional point of view the provisions in this Ordinance, which deals with the representation of the people and which, consequently, flows today from the actual making of the Order in Council. I hope I have made myself clear so far. It is perfectly true that some Members of this Council and, in fact, candidates, who have made their application and paid

[The Attorney General]

their deposit, have been going before the electorate and representing their platform and point of view, but on examination I would suggest to hon. Members that the candidates themselves cannot be considered as being prejudiced, because they have gone ahead of the actual constitutional provision to make their representations to their various districts and to the electorate.

The point which has been raised is that they may be prejudiced by the fact that there is the possibility for a candidate to come in at this late stage, but the same thing would be even moreso if, at the beginning, a notice had been given requesting applications for symbols and colours and they had been allocated. Until the day of nomination they cannot be officially used. What we are endeavouring to do in this Bill is to preserve all that has happened so far as the applications go with regard to the obtaining of the symbols and colours, and to empower the Governor to allocate symbols and colours which, I would suggest to hon. Members, will in no way prejudice the distribution of all those symbols and colours which have been already allocated. The point, really, is whether having got your provisions before you, should this Council then say that you can exclude now in the law anybody who may wish to obtain a symbol and colour. I suggest to hon. Members that it is not a question solely from the point of view of a particular constituency or a particular candidate at the moment. This has nothing to do, as I tried to point out to hon. Members and as I wish to assure hon. Members now, with any candidate or party or group whatever.

It is only from the facts which I have told hon. Members that it has become necessary to make provisions in this Bill and, as I have already said, the

responsibility is mine and I accept whatever blame there is. Hon. Members who have spoken in criticism of the Bill have suggested that difficulties will arise in connection with the proposed changes so far as the arrangement is concerned. So far as the local provisions are concerned, I am the person who is responsible for the advice, and I am the person responsible for presenting the legislation in this Council, and I will assure hon. Members again that it was never my intention — and never will be — to be in any way partisan so far as legislation is concerned, but to deal impersonally and completely objectively with it.

There are two points I wish to make. It is not a matter of benefiting any individual or party — and I accept whatever blame may be attributed in this connection — in regard to the necessity for taking at this stage steps to incorporate in this Bill provisions relating to symbols and colours. It has a two-fold purpose — (a) to preserve what has been already done, so far as one can humanly do within the framework of constitutional law and practice and, at the same time, to give — because the law that will speak from now on is being enacted — an opportunity to anyone who wishes to take advantage of it. On reflection, hon. Members will see this: the moment we open the provisions giving symbols and colours we have to open it, however short the time may be, to any person who may wish to do so. That is completely impersonal and objective. If it was possible just to say that everything which has been done under the Symbols and Colours Ordinance shall be deemed to be valid, then I would have done it that way. It would have been quite an easy matter. But, I will point out to hon. Members that to say that, we may very well try to validate something which may be regarded as a complete nullify when it is done.

I have put all the points before hon. Members, and I again say it also provides, as the hon. Member for Eastern Demerara has said, persons who may, on reflection, feel that they should withdraw from the field, with the opportunity to do so. Although at first blush this may seem to appear hard on some, yet on analysis in a cold and sober light it will be seen that it does not do any such thing, but really preserves the *status quo* as far as that can be done and just opens the door to those who feel they may have some sort of chance.

As regards the hon. Member for Georgetown Central saying that this is confusion added to more confusion, I would like to say this: I think in 1952 this Council debated at considerable length the various aspects of the Report of the Waddington Commission. Resulting from that debate, certain legislation was passed and consequent upon the enactment of that legislation the Registration Officer was appointed and various information was obtained as the result of which preliminary voters' lists were prepared. I think hon. Members will appreciate that this has not been a simple task and, I think also, certain hon. Members have already expressed their appreciation of the work that has been done in the preparation of the voters' lists, etc.

One hon. Member said there must be an amendment to the law in order to give persons, who were excluded and who were registrable, an opportunity to register. I would emphasize that we are moving on to something which is completely new in our history, and we are doing our best in every possible way to see that we do not make mistakes, and that the election will be conducted in a fair and orderly manner. But in so doing there is always the possibility, from a human point of view, of errors being made. None of us are free from making some error at some time, and the Registration Officer and his staff have been

under considerable pressure in the preparation of these lists which will include over 200,000 people in this Colony. I think that may be regarded as a feat both from the point of view of the preparation of those lists, and the fact that the errors which may have crept in are not, comparatively speaking, very many.

We are now on the last act of these arrangements, and I will tell hon. Members that the reason for the early submission of the Bill to this Council, dealing with symbols and colours, was to enable candidates, one and all, to have an opportunity to familiarize both themselves and the electorate with what has been provided, in view of the large number of persons who may be voting for the first time and of that substantial number who, regrettably, may be illiterate. Had it not been for those particular facts, it would not have been necessary for us to have the Symbols and Colours Ordinance at all. In having such a provision we have, more or less shall I say, endeavoured to "beat the pistol." In that endeavour I myself have made a mistake. That being so, I can only tell hon. Members that it was not with any intention of causing confusion or adding confusion to more confusion.

I can tell hon. Members that the principles of the Bill have all been agreed upon in a very definite way, and I can also tell hon. Members and emphasize to them what Your Excellency has pointed out—that the House of Assembly Ordinance cannot be passed until the Order in Council itself has been made. But it was finally considered that it would be better, so as to put it beyond any question whatever, that that Bill be withdrawn, as was done, and a new Bill introduced. That is what I have done and have also done in regard to the Symbols and Colours Ordinance. I hope the Council will accept both the general explanation and

[The Attorney General]

the personal explanation which I have endeavoured to give. I suggest that there can be nothing against the principles underlying this Bill, and I ask hon. Members to approve of the second reading. I beg to move that the Bill be now read a second time.

Mr. Kendall: To a point of information! Can the hon. the Attorney General say whether in respect of the selection of symbols and colours there cannot be some validating clause inserted without extending the time limit, Council today? In my experience I know there have been validating clauses passed. I would like to know if that cannot be done, so that what was done before the Order in Council became law can be validated without extending the time limit.

Dr. Jagan: I saw in the Press to day, I do not know if it is correct, that after Orders in Council are made by Her Majesty they have to be laid in the Houses of Parliament for forty days.

The President: They have been already laid. They are laid forty days before the signing.

The Attorney General: I will just say to the hon. Member what was the reason. The Order in Council had to be laid in the Houses of Parliament for forty days, and it was in the course of that period that this Bill for Symbols and Colours was introduced. The forty days expired on the 30th March, and Her Majesty in Council made the Order very shortly after that—that was yesterday. So far as that part of it is concerned, we have the power to proceed because there is a provision, to which I will refer, in the Order in Council which enables certain things to be done—certain provisions to come into operation forthwith which enable us to proceed with this legislation.

Mr. Dehiden: If nothing which had taken place under the Symbols and Colours Ordinance of 1953 is to be regarded as valid, then it follows that every candidate or prospective candidate who had drawn his symbol and colour would have to do so afresh. In answer to the hon. Member for New Amsterdam (Mr. Kendall) it is clear that nothing in this particular Bill can be passed to validate what has taken place, and from that I am drawing the conclusion that nothing which had taken place under that Ordinance will be regarded as valid. Will it not mean that every person who has already drawn a symbol and colour will have to do so *de novo*?

The Attorney General: It is provided in the Bill, that the Governor shall allocate symbols and colours. In other words, I assume that the symbols and colours which candidates have will be considered at the time when they are being allocated. There is no difficulty about that. In other words, steps will be taken which will be largely affirmative of what has been already done for practical purposes.

Mr. Fernandes: I would like to ask the hon. the Attorney-General a similar question. If it was found that the Symbols and Colours Bill was invalid or may be questioned, wouldn't it have been better to tell this Council definitely that all that was done on the 18th of March was irregular, and fix a new date for fresh deposits and new applications for symbols and colours, than to come here and put it up in this way? It was because of the manner in which it was put up that I made the comment I did. If what has been done is illegal let us say so and start all over again.

The Attorney General: I suggest that what is being submitted to the Council now is for the purpose of pre-

serving, as far as possible, the action already taken. In other words, from a practical point of view, those candidates who have already drawn symbols and colours have indicated to the electorate their various symbols and colours, so that in order to maintain those symbols and colours as far as we possibly can, provisions have been inserted in this Bill in this manner. But as I told hon. Members in my opening remarks, in view of the fact that the Order in Council had not been made, the House of Assembly (Elections) Bill could not be finally disposed of by this Council, and would have to be withdrawn, and that I proposed to withdraw it. We were then considering clause 18, and hon. Members suggested that they should make their comments on the whole measure.

The President: I do not want hon. Members to think that I and my advisers have not viewed this matter with the very greatest anxiety, both from the point of view of what has happened, and from the point of view of the means of putting it right with the least possible inconvenience to candidates. The position is, as hon. Members know, that there was general anxiety in the Colony that the elections should be held without undue delay, and the matter of allocating symbols was brought up by certain hon. Members, in particular the hon. Member for the North West District (Mr. Phang), who was anxious to get away to his constituency as early as possible with his symbol. In order to facilitate candidates, those provisions in the Symbols and Colours Ordinance were introduced, so that they could get on with their campaigns under the banners of their symbols. The hon. the Attorney General, who is my adviser in legal matters, and has very generously taken full responsibility, advised me that that Ordinance was in order, and

I assented to it. I think his advice arose out of a misunderstanding of a particular clause in the Order in Council itself. I was subsequently advised from London that there were serious doubts as to whether the Ordinance which had been passed was valid. It follows quite plainly from that, that steps have to be taken to put matters right, but that is not to say that it should not be possible to take advantage of the administrative steps which, so to speak, have been taken to allocate symbols and colours. There are clauses in the Representation of the People Bill designed to effect that — to provide means by which those candidates who have already been electioneering with symbols and colours, may have the same symbols and colours allocated to them by the Governor with all legal effect.

But as the hon. the Attorney General has pointed out, the Order in Council having been made yesterday, and these provisions being introduced today to provide means by which candidates who have already drawn their symbols and colours may have their symbols and colours legally allocated to them, I think it would also be open to legal objection to prevent other candidates from applying for symbols and colours now. That is the position. The hon. the Attorney General has pointed out that the provisions which have been included in this Bill are not related to any particular individual or Party. They are merely intended, so to speak, to try to pull the chestnuts out of the fire, and to make everything properly legal and in order for the elections, so that after the elections there should be no possibility of their validity being questioned. That is, of course, of extreme importance. I would therefore ask hon. Members to consider the clauses which have been put before them in that light. As I have said, I

[The President]

certainly do not regard this matter lightly. It has been a very great anxiety to me personally to try to ensure that everything should be put in orders for the elections.

Mr. Carter: May I ask first of all whether the registration of voters is in order, because under the British Guiana (Constitution) Order in Council, 1928, Article 41 has reference to the provision for holding elections, for the registration of voters, etc., to be made by local laws, while Article 25 deals with the qualifications of voters. My point is that unless the new Order in Council provides the authority for the qualification of voters — that anybody over 21 years is eligible to vote — we will have to validate the registration of voters which has been made on the basis of universal adult suffrage.

The Attorney General: The Article to which the hon. Member refers has been repealed. Reference to the Second Schedule to the Legislative Council (Elections) Ordinance, 1945, will show that Articles 24 to 40 inclusive, of the British Guiana (Constitution) Order in Council, 1928, have been revoked. The hon. Member will recollect that for the purpose of the preliminary list of voters there was a discussion in this Council, and authority was given for the preparation of the list on the basis of the new franchise qualification.

Mr. Carter: What about the constitutionality of that authority?

The Attorney General: If the hon. Member would look at the Legislative Council (Elections) Ordinance, 1945, he would see that the particular Articles to which he refers were repealed in the Second Schedule.

Mr. Carter: What I am worried about is whether this Council had power to do that.

The President: That is provided for in the 1928 Order in Council.

Mr. Carter: Article 41 of that Order in Council gives the Council power to make changes in respect of Articles 27 to 40.

The Attorney General: That does not apply now.

Mr. Fernandes: I would like to support the hon. Member. I do not see how we could have a list of voters compiled under a Constitution that did not exist.

The Attorney General: Hon. Members are raising at a very late stage a point which affects their own existence as Members of this Council. The last general elections were conducted under the 1945 Ordinance which provided for the repeal of the British Guiana (Constitution) Order in Council, 1928, and the particular Articles. Lists of voters were prepared from time to time in accordance with those changes. If the hon. Member would go into the whole matter he would see that there was authority to compile the list, such as we did.

Mr. Carter: I agree that we had power to make a list but not power to make a list based on the present qualification for voters, or lack of qualification.

The Attorney General: I think we had the power, and if the hon. Member so desires, later in the discussion of the Bill I would satisfy him fully in that regard. The only outstanding point was the question of the symbols and colours.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE.

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

Clause 2.—*Interpretation.*

The Attorney General: I would like to point out that the definition of the expression "public office" is in the terms of the Order in Council. The point was raised by the hon. Member for Central Demerara (Dr. Jagan) with reference to the statutory declaration to be made by a candidate.

Dr. Jagan: Does it mean that this definition supersedes the one provided in the 1945 Ordinance?

The Attorney General: Yes, sir.

Clause 2 put, and agreed to.

Clauses 3, 4 and 5 passed as printed.

Clause 6.—*Registration areas under the Special Revisal Ordinance, 1953, constituted polling divisions.*

Mr. Debidin: I desire once again to draw attention to a petition which was presented to the Governor by the residents in the Mahaica area, in a district known as Census District No. 42, asking for the removal of an anomaly which will create tremendous hardship and disability as far as election purposes are concerned. It is something to which I drew the attention of this Council about two years ago when the Franchise Bill was being debated and we were permitted to discuss the entire Constitution. Since then Government has had ample opportunity to secure the necessary machinery to put the matter right.

The position is that an entire constituency separates Census District No. 42 from the area in which it has

been included in error. Those people who are living on the mainland territory east of the Mahaica river, and between the Mahaica and Mahaicony rivers, follow the same occupations as those in the Mahaicony-Abary area to which they are attached. They are engaged in rice cultivation and cattle rearing, and it would be a distinct hardship to them to be included in a constituency concerned with local administration, village life and sugar plantation activities. That is what constituency No. 16 is. It follows that whoever is elected to constituency No. 18, which is between Mahaica and Abary, will also have to represent those people's cause. I feel that Government should take this opportunity to make the necessary adjustment and relieve the anxiety of the people in District No. 42.

Mr. Fernandes: If the explanation of the hon. the Attorney General is accepted as to the reason for the change, which will permit new candidates to come in and existing candidates to change their constituencies, I daresay that if the request of the hon. Member for Eastern Demerara (Mr. Debidin) is granted we should also make provision for a refund of the expenses incurred by those candidates. I think the only decent thing Rural Constabulary, it was felt that it would be inequitable to require the Government should do would be to refund those expenses, because it permitted those candidates to issue manifestos and things of that kind on the understanding that those were their constituencies. If we are going to chop and change constituencies now, I am sure that would be a lot worse.

Mr. Debidin: It is not chopping a constituency. That constituency has been chopped, and I am trying to prevent it from remaining as a chopped constituency.

Clause 6 put, and agreed to.

Clause 23—*Establishment of polling-places.*

Capt. Coghlan : I have written to the Registration Officer and the hon. the Attorney General pointing out that many places have been selected as polling-places in Area No. 93 which I do not consider desirable, while the Magistrate's Court-room at Vreed-en-Hoop, which has been used in the past as a polling-place, has been completely by-passed. I think it is inadvisable to resort to private houses where there are schools, cinemas, and other public buildings available.

Another point is that St. Mary's Anglican School at Versailles has been mentioned as a polling-place in Registration Area No. 56, but that school is really at Goed Fortuin and has always been used as a polling-place. On the other hand the Malgre Tout school has been completely by-passed in the village of Pouderoyen where there are 983 voters. There is no polling-place between the Anglican school at Vreed-en-Hoop and Goed Fortuin where there is a population of about 1,200 who will have to travel a considerable distance to vote. La Grange police station has always been a polling station also, but we find that no such arrangement has been made this time. The same thing can be said of La Retraite Scots school. As regards Area 59, we find an officer's house listed as a polling place, but it is considered very inadvisable to have such a house as a polling place. I have already submitted suggestions to the Registration Officer on this question and I think they are being gone into; therefore I do not think I should waste any of the time of the Council on it. I understand that the Attorney General is going into the matter and will have it adjusted.

The Attorney General : The whole question of polling places is being gone into at the moment, and I may add that a District Commissioner has been detailed to travel around and go into the question of suitable siting of these places, having regard to the convenience of the voters and the question of maintaining proper order and control. We have to make a detailed examination of all these places—those which are out of town and those to which objection has been taken—and also the question of increase in number. The suggestions which the hon. Member wishes to make will be considered. Consideration will be given to them by the Registration Officer and the District Commissioner who has been detailed to examine the question of polling places throughout the Colony. The District Commissioner is away today going through some of these places.

Dr. Jagan : I quite agree with the suggestion that someone associated with the Registration Officer should look into this question of polling places. There is, however, one other matter I would like to refer to. I notice that under clause 26(3) persons whose names appear on the official list of voters for any polling division in either of the two electoral districts set out in Part I of the Third Schedule to this Bill would be permitted to vote at any polling station in the electoral district in which that polling division is situate. A suggestion was made at the last meeting of this Council that there should be a polling station in each registration area, but there may be several districts in one registration area and it may be necessary to set up two polling stations in it.

I do not know what is the view of the Attorney General on this matter because this clause is very elastic and, if necessary,

more than one polling place should be set up in a registration area. In discussing the matter yesterday with Mr. Mapp (District Commissioner) he told me that, so far as instructions were concerned, he was told that not more than one polling place would be set up in a registration area and that no registration area would be sub-divided. I hope, however, that this point would be taken care of when the matter is being further considered.

Clause 23, as printed, passed.

Council resumed.

The President : Council will now adjourn until 2 p.m., today.

2 p.m.—Council resumed and resolved itself into Committee to continue consideration of the Bill.

Clause 25—*Voters to vote only in division upon list for which their names appear.*

Dr. Jagan : This is the clause I was referring to on the last occasion when I spoke — as regards persons moving about from one place to another—and also on clause 28. I do not see that any provision has been made to permit the transfer of voters from one district to another, and I would like the Attorney General to tell us whether that would be included in clause 26 (4). As I see it, I can refer to the matter again, under clause 26.

Clause 25, as printed, passed.

Clause 26—*Place and manner of voting as voter.*

Dr. Jagan : I see that this clause has been revised to include new candidates, but no mention has been made

here of anything to include agents of candidates. Sub-clause (4) reads :-

“(4) Any person whose name appears upon the official list of voters for the polling division which, by virtue of section six of this Ordinance, was deemed to be the registration area constituted under the Special Revisal Ordinance, 1953, set out in Part II of the Third Schedule to this Ordinance may vote at any polling-place within that polling division.”

Am I to understand from that a person can vote in any part of a large registration area? There may be an area with about 3,000 voters, and does it follow that a person can vote in any part of such an area? I notice also that provision has been made here for people to vote by proxy. It is obvious that these would include persons who are ill or in hospital, and also people working in areas far away from their particular places of abode. The original intention of the Constitution Commission was to permit people working outside of their respective districts the opportunity of returning to their homes, and if they were granted the facility of voting until 8 p.m., that might have been good enough. As it stands now, however, people might not be able to return home in time to exercise their votes. I see that employees of the Transport and Harbours Department who are in this category would be permitted to vote by proxy, but I think we should also include those persons who may be working for some time outside their constituencies.

I have in mind people working in the interior, for instance. Some people living in Georgetown are employed on timber grants, gold-mining companies, balata companies and so on, and if they cannot vote by proxy they would lose the right to vote at the elections. I think provision should be made in this clause by the insertion of two subparagraphs—(f) and (g) in sub-clause (1)—to provide for those people and

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also for those who may be working outside the districts in which they are registered. Further, I would like the Attorney General to give me the correct interpretation of sub-clause (4).

Mr. Fernandes : If we are going part of the way, I think we should go the whole way and make provision for all the people who would not be in their constituencies on polling day, to vote. There are many other services besides the T. & H.D. with employees who would be away from their homes, and I think we should endeavour to satisfy everybody who would like to vote by proxy.

Mr. Roth : I agree with the last two hon. speakers.

The Attorney General : The provisions made in this clause, as I have already explained, are for the purpose of facilitating persons engaged positively with the elections—persons who, through the nature of their duties, would be engaged with the elections. The Council, in the course of the discussion of this matter, suggested that since employees of the T. & H.D. are engaged in a service which has to be kept running, they should be added to this list. To extend the provisions beyond this point would mean that the machinery for the purpose of registering these votes by proxy would be put completely out of gear and there would be tremendous difficulties, as suggested by the hon. Member for Georgetown Central.

I would point out that where there is any provision for proxy voting in the United Kingdom it is done when the registration takes place or at a considerable time before the actual election, simply because, obviously, arrangements have to be made long ahead of the time for the

purpose of providing such a facility. In this case, because of the necessity of providing for the use of the Police, the members of the Volunteer Force and the Special Reserve Police, the members of these forces have to be away from the electoral districts where they were registered, for purposes of supervision and control, and for seeing that everything in relation to the elections is conducted in an orderly fashion. That is totally different from people who, for their own purposes, are engaged in some undertaking away from their electoral districts.

The hope is that polling day will be fixed for a Monday and, consequently, to some extent that may take care of people who are in other districts and have to come to Georgetown to register their vote or vice versa. One hon. Member has referred to people in the balata and mining districts or engaged in the various other undertakings in the interior. I feel, and every hon. Member will share that view, that it will be extremely difficult at this stage to seek to provide against all possible contingencies. The hon. Member for Central Demerara has even suggested the sick people in hospitals should be allowed to vote by proxy. It is extremely difficult to decide who will be sick in hospital on polling day. It is difficult to decide at what point the line should be drawn. It has to be borne in mind that the election will be on the basis of universal adult suffrage, and we cannot make arrangements for every possible voter who may be registered. There are circumstances which inevitably will arise where the arrangements for voting cannot cover those cases referred to by hon. Members.

This provision for voting by proxy is a departure at first designed for the purpose of assisting those em-

ployed particularly in the Forces and those engaged as presiding officers and poll clerks for the purpose of the election, but because of the nature of the duties of persons connected with the Transport and Harbours Department the provision was extended to them. To continue the extension will, I suggest, create difficulties which will inevitably lead to some considerable delay in making the arrangements, which we hope to be able to make for the purpose of the election. I will remind hon. Members that for some time now the date we have been aiming at is the 27th April, and at this stage to enlarge upon the provisions so as to enable all those who come under the category to which the hon. Member referred, I venture to suggest, it would mean a considerable disarrangement of the programme and it might lead to some postponement of the whole election which, I submit, would be unwise. I think that in the circumstances I should invite hon. Members not to seek to include this other category to which they have referred.

With regard to the question of subclause (4) of clause 26, that was intended to provide for three Islands in the Essequibo District — Hog Island, Fort Island and Troolie Island — because they are separate islands and it is felt that an opportunity should be given the people there to vote so long as it is within the electoral area in the manner which has been provided for in that clause, Hon. Members referred to clause 28 which enables a person, whose name is transferred in accordance with clause 27, to vote at the polling place on the list at which his name appears after the transfer is made, but it has to be borne in mind that those who wish to have their votes so registered must give some previous notice of that desire to register their vote at the place to which they are transferred.

Those are the arrangements which we can best make in the circumstances and, I think that the experience, which may be gained by the method and procedure which is being adopted, will be of some considerable value in the future, but to make provision for all contingencies and factors at this stage, I claim, it will be very difficult to carry them out within the limited time at our disposal.

Dr. Jagan : I do not see how the argument of limitation of time can apply here. When we go further on, we see that the hon. the Attorney General is seeking to start the whole machinery of symbols, etc., all over again. If individuals are to be allowed, according to the clause we were discussing this morning, to start the whole process again and candidates can switch around to other constituencies or withdraw their deposits or apply for symbols and colours, which will take a long time, I do not see the matter of including workers will cause so much delay. All that will have to be done is that a prescribed form will be sent by the employer to the Registration Officer who will check up to see that the facts given are correct and, if he is satisfied, would agree to the person having a proxy.

So far as persons in hospitals are concerned, I do not see that that will create any difficulty. When we total the persons in the hospitals it is not such a large number who are there at a given time. It will not be an insurmountable difficulty. I see that subclause (4) of clause 26 deals specifically with the Essequibo Islands. As I have said before, the point I raised has not been embraced here, and that is in respect of the transfer of voters in special cases. There are new settlements at Plns. Schoon Ord and Versailles and at Pln. Albion, where the people have been

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removed from far aback to the frontlands. As I have mentioned, wherever there are sugar estates we have this difficulty in respect of transfer of voters. I have not had time to write out the amendment to be inserted here, but I certainly would like to put through this amendment.

The Chairman : Take the patients in the hospitals, what date is the hon. Member going to put in his amendment? It seems to me to be completely impracticable.

Dr. Jagan: The point is, the person will be appointing someone else. Let us say the date of nomination.

The Chairman : The whole thing is completely impracticable, I am afraid, both in regard to the people in the hospitals and the people working away from their electoral district. The volume of business involved in allowing proxies all over the Colony will make it completely impossible to hold the election at this date or at any time. I know of no country in the world where this business of proxy is allowed generally. Proxy is allowed in particular cases. Has the hon. Member in mind any place where there is this universal application of proxy, where anyone out of his electoral district at a particular time is allowed a proxy?

Mr. Macnie : There is a further point in respect of the sick. If you deem that because a man is sick in hospital at a certain time he should be allowed to vote by proxy, what about the man who is more seriously ill at home? That is so in a great many cases. We know that our hospitals are unfortunately unable to handle all the sick and a great number incapacitated by virtue of illness of some sort do not go to the hospital. Are we going to

ask for medical certificates from those persons? As you said, sir, the machinery will be enormous. Consequently as regards workers who are employed away from the area in which they are registered, I suggest there can be very few of that kind who will fall into that category where their employment is such that they cannot get time to go and vote. In the case of the Transport and Harbours Services, as the hon. the Attorney General explained on the last occasion, that we have met.

There are certain employees engaged in social services and their employment occupy practically the whole of the voting time and at least necessitates their absence from their homes throughout their working time. Similarly the employees in other social services, for example the Electric Company. There the employees work on a shift basis, as Members of the Council know, and those shifts are of eight hours by law. Surely that will give such employees time to go and register their votes, either before they go on shift or after they come off. I feel that once you start to extend it beyond what the clause now provides, there is no limit to the extensions you will have to make. I therefore propose to support the clause as it stands.

Mr. Smellie : I agree with what the last speaker has said, but I am afraid while he was speaking something crept into my head. If a man is working in the interior, say in the region of the mountains, I would like to know how clause 39 would operate in his case. If he goes to his employer and says "I want to vote in my electoral district", what is going to happen then? He will have to be given time off and, I suppose, a midday meal.

Dr. Jagan : I was not speaking of the workers particularly in Georgetown. I was referring to workers recruited in Georgetown, many of whom

are working on the wood grants and at saw-mills in the interior. Those people will be disenfranchised so far as this clause is concerned.

Mr. Macnie : Can he not be transferred under clause 27 ?

Dr. Jagan : Clause 27 only gives the right to transfer if name is listed.

Mr. Fernandes : I would like the hon. the Attorney General to tell me why the official agents of candidates are not included along with the candidates. They are engaged in actual election work. I know there are going to be a number of cases in which agents will have to leave their constituency to go to other constituencies where they will be engaged officially to work on election day. As they are permitted by law to be there, I think they should be included too. The point was taken when we discussed this on the last occasion, and I am surprised that they have not been included while persons who are not engaged on electoral duties are put in.

Dr. Jagan : I can see no difficulty except administrative difficulty. The person will not be actually voting twice. It is only giving someone else the right to exercise the vote for him. I can see no difficulty involved there.

The Attorney General : Hon. Members do appreciate the fact that the machinery, which is required to get all these things done, will impose a very considerable amount of detailed work not only on the Registration Officer's department but also in connection with the actual election itself, because it means that the list of names of agents will have to be known, then the persons who are authorized to register the votes on behalf of those agents, the proxies, will have to be

given a written authority. The number involved will be fairly substantial, and that correspondingly means there must be an adequate check in regard to such persons. It has to be further appreciated that there will be about 700 polling places, and if there is to be one agent to each polling station for each candidate, in some cases there are ten candidates. I think hon. Members will realize the extent of the administrative difficulties which will be involved.

I again wish to emphasize that this election for us is a movement forward to our Constitution. Arrangements have to be made and are being made in connection with this election on the basis such as this provision envisages. I pointed out this morning that it was a task of no little magnitude to prepare the preliminary lists, and in addition to that there is the question of printing those lists and providing for the revision of those lists. There have been comments in this Council in connection with the lists, even when we were considering the Revisal Bill, as the result of which the Revising Officers went back to the districts and revised the lists a second time. So the official lists comprise the preliminary lists as the result of the first revisal courts and again as the result of the second revisal courts which had been held. Those factors alone provide certain difficulties, and hon. Members will also recollect that on Monday last I pointed out that the lists were not yet completed because some of the revising officers had not returned the lists to the Registration Officer.

To extend the facility of voting by proxy to a large number might sound easy so far as pronouncement goes, but administrative difficulties are matters of great magnitude to be faced by the Registration Officer and the staff which has to deal with these matters. May I say to hon. Members that

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during the whole of this week-end a good deal of the necessary work will have to be performed by the Registration Officer and his staff in preparing the lists as they are revised, the ballot boxes, the screens and all the incidentals to be used for the purpose of voting. Yet it is being suggested that their attention must be directed to extending the procedure of voting by proxy to people who are ill and to agents.

It has to be borne in mind that this category put here are people whose names can be found in a short time Members of the Police Force, the Special Reserve Police Force, the Volunteer Force, by means of orders and matters of that sort their whereabouts are ascertainable easily, because they come under some officer who controls them and who is in a position to know ahead of time where they will be posted and matters of that sort. Therefore they can make arrangement ahead of time for the question of their proxy voting. I will also point out, as the hon. Member for Central Demerara said, we are opening the whole question again. It may be so up to a point, but it is not quite the fact that the whole question is being opened, for the simple reason that those who have already obtained symbols and colours will continue to use them.

As I said this morning and I repeat now, what we are trying to achieve is that there should not be any inconvenience caused to any of those candidates who have held those particular symbols and colours and no inconvenience to the electorate who have been made to understand that the particular symbol represents a particular candidate or members of a particular party. So it is not quite the same thing as going over the whole thing. The arrangements which are being made in regard to the actual voting have been

the subject of consideration for some time, and hon. Members now have represented that this question of polling places is a question of very great importance. I have already informed the Council that the matter of the siting of polling places is still being investigated, and the District Commissioner who has been assigned this duty is investigating the matter further, so that the representation and comments made by hon. Members of this Council, can be gone into and some arrangement made which will be satisfactory to all concerned. Obviously the whole point with regard to the arrangement for the voting has been centred as far as possible on a local basis but, as was pointed out by certain hon. Members, there are occasions and places where such a general principle cannot be adhered to, because it is to the general advantage that you may have one polling place which may be conveniently sited for two or three of the surrounding districts.

I come back to the point I tried to make that the administrative difficulties are insurmountable for, as is the case, every endeavour is being made to keep to the time-table with regard to the holding of the elections. I take it that during the course of the debate on Monday the point which was being stressed was an adequate number of polling-places, so as to ensure a minimum amount of inconvenience to voters, if any at all. The point now being made is that provision should be made for the sick and injured, and people who are in hospitals, to be able to vote by proxy, but if they cannot be provided for, at least the agents of candidates should be allowed to vote by proxy. I suggest that a candidate might select as his agent a person resident in the particular district, who would be able to cast his vote at some time during the polling period from 7

a.m. to 6 p.m. Hitherto no provision was made for proxy voting by candidates themselves. Candidates are now being given that opportunity, because they may be contesting an election away from the electoral districts in which they are qualified to vote.

The principle which is being established in the Bill is that those on whom will rest the responsibility for preserving order at the elections in all districts should be permitted to vote by proxy in their respective districts in which they are registered as voters. It has been introduced in view of the concern expressed by hon. Members for the preservation of order and the prevention of improper conduct in the course of the elections. I submit that hon. Members cannot have it both ways. They have emphasized more than once in this Council the lack of adequate forces to ensure the orderly conduct of the elections. These provisions have been included in the Bill to provide for the use of such forces in the manner in which the officer in charge can best use them, having regard to the circumstances.

Mr. Debidin: Where the principle of voting by proxy is accepted by Government for any class of persons it should be made to apply as much as possible to other classes of people not envisaged by this clause, who will suffer the same amount of hardship. The idea is not to disfranchise any person. That is the main point. That being so I suggest that inasmuch as Government has ruled out the idea of having polling stations in each of the original polling areas within the registration areas, many persons will have to travel long distances to exercise their votes. The principle of voting by proxy should be extended to all classes of people who would otherwise be disfranchised. I suggest that some provision should also

be made for expectant mothers, and mothers with young babies who have to travel more than two miles to reach a polling place. Certificates can be issued by midwives in such cases to enable women in those circumstances to vote by proxy. There may also be extremely infirm persons who may be unable to go to a polling-place. They should also be allowed to vote by proxy on the certificate of a schoolmaster or a J.P. in their district. The principle of proxy voting once accepted, should be applied as widely as possible. I therefore suggest the addition of a clause to extend its application.

The Chairman: I have not yet had an amendment put in proper form, but I will say that if any of the suggested amendments were adopted we should not be able to hold the election at all. That is the position quite frankly. I may tell the Council that I am afraid that all this talk is really to no purpose. The election cannot be held if such provisions are to be introduced into this Bill. I am extremely doubtful whether it could be held at any time even if we had six months' notice. Hon. Members must be practical in their suggestions.

Mr. Debidin: If an amendment is accepted, surely Government can act on it.

The Chairman: Government cannot act on it if it is not practicable. You cannot ask Government to do things which are impracticable. That is the position.

Mr. Macnie: I move that the question be now put.

Dr. Jagan: The question of practicability has been raised, but I cannot see anything impracticable about the matter. It is simply a question of employing people, and if a number of

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persons were employed they could do the job in a short time. As far as the elections are concerned, I would like them to be held tomorrow, but if it would mean a postponement of the election I would not mind.

The Chairman : I say that even if the elections were postponed for six months it would not be possible to voting.

The Colonial Secretary (Mr. J. L. Fletcher, acting): I wonder if I could be of any help to hon. Members on this question of voting by proxy. I have had some experience of it over a number of years in England. England has had many years of practical experience of General Elections, and every possible help has been given for many years in England to ensure that the maximum number of people were entitled to vote and were able to exercise their votes. I imagine — and I do not think any hon. Member would disagree with me — that in the conduct of General Elections England has for many years led the world, but even there the question of voting by proxy is quite a recent innovation. It started at the end of the first world war, and even today, with all that experience behind them, it is still very restricted in its application. It applies to the men serving in the armed forces, and to certain categories, such as those the hon. the Attorney General has included in this Bill, but it is not of general application, and the reason is two-fold. One is that voting by proxy is wrong in principle. The whole essence of voting is that the voter, when he goes into the polling booth, should know that he is voting for the candidate of his choice. No voting by proxy can give that complete certainty.

Then, as the hon. the Attorney General has explained very fully, there are practical difficulties. It is quite impossible to finalise the list of voters if

we adopt the general principle of voting by proxy. They found that out in England years ago. There are commercial travellers and casual labourers going from one part of the country to another, and the unfortunate people in hospital. As we are approaching our first General Election under adult suffrage we are faced with even greater difficulties, because we have not the experience and the machinery which they are fortunate in having in England.

I do not think I can give a better example than the City of London. There are some two or three million workers who are entitled to vote, travelling to London to work every day. They live at places anything up to within 50 miles of their work-place, but there has never been any question of their being entitled to vote by proxy. When I was a young man living in London I got up half an hour earlier on election day and went and recorded my vote before I caught my train to go to work, and so did two or three million other people like me. I assure hon. Members that at that time, and even today, there is no such generous provision in England as there is in clause 39 of this Bill which says that every employer shall give time off for his employees to exercise their votes. I had to get up half an hour earlier, and so did a few other million people, and we did not find it a great hardship.

Dr. Jagan : I observe in this sub-clause that in the case of Leguan, Wakenaam and the Essequebo islands provision will be made for several people within the area to vote at any one polling point. Couldn't the same thing be done for people who move from one place to another?

The Attorney General : The places mentioned are Troolie Island and Hog Island.

Dr. Jagan : I think the idea is to take them to one voting point. Why can't the same thing be done in other districts? If a person has removed from one point in a district to another and wants to be transferred from one polling-place to another, I do not see any great difficulty would be caused. It would not involve the question of proxy voting. I suggest the addition of a new paragraph (f) to provide for persons who have changed their residence within a constituency. People should be allowed to transfer their votes to a more convenient polling-place within their constituency.

The Financial Secretary and Treasurer : If the hon. Member puts in paragraph (f) under clause 26 he would give that class of persons the right to vote by proxy.

Dr. Jagan : I realize that, but I am asking the hon. the Attorney General to see how it can be done.

The Attorney General : What we have to do is to approach this matter not only from the point of view of ourselves but of the electorate, the machinery which would be required, and what is involved. What we have to avoid is plural voting and the opportunity for a voter to vote at one place and say he is transferred from another district in which he is registered. In order to avoid impersonation it is essential that voters should be restricted in some way to the districts, so that when they come along and request their voting ticket there would be no opportunity for impersonation, so far as it is humanly possible to prevent it. If provision is made for voters to transfer their votes from one part of a district to another there would obviously be an opportunity for considerable abuse.

So far as those three islands are concerned, the number of voters is not large. Everyone knows the other on those three islands — Troolie Island,

Hog Island and Fort Island — and special provision is made for them as an exceptional case. The hon. Member raised the point some time ago and it has been considered. It would be extremely difficult to have his proposal incorporated in the Bill as a principle to be extended throughout all the areas of the Colony. The exception which has been made in the case of those three islands cannot be made a rule of general application, for the reasons which I have stated.

Mr. Debidin : May I ask whether there will be any polling-place at Fort Island?

The Attorney General : That is the intention.

Clause 26 put, and agreed to.

Clause 27.—*Transfer of voters in special cases.*

Dr. Jagan : The hon. Member for Eastern Demerara (Mr. Debidin) has asked a good question. Here we are making an exception in the case of three islands. So far as I am concerned I think there should be a polling station in each of those islands, so that there would be no necessity for the people to move around. Most of the population is centred in Troolie Island and Fort Island. They are very remote points, and a polling station should be set up on each island. The hon. Member is correct when he says that the principle being established in the case of those three islands should be applied generally throughout the Colony. I suggest the insertion of the words "or because he has changed his residence within the constituency". All that such a provision would involve is that a person would ask the Returning Officer to give him permission to vote in one place instead of in another.

In any case, sir, I feel that in this instance it would not involve very much administrative difficulty, as stated by

you and the Attorney General. This would not be a question of wholesale movement and, therefore, I ask hon. Members to support this amendment.

The Attorney General: Hon. Members will appreciate that in the clause involved—clause 30—this much is stated:—

“(2) No person shall be permitted to vote as proxy for any other reason unless he first surrenders to the presiding officer his instrument of appointment as proxy to vote on behalf of that person.”

In other words, every safeguard has been provided in connection with this voting by proxy, so far as these people are concerned. Before these particular categories of voters can exercise their votes all these safeguards have to be attended to and compiled with. So far as the transfer of voters is concerned, I have already indicated that that is an extremely difficult matter, because even in the case of proxy voting we have to take every possible precaution to see that the permission for the proxy is signed by the Commissioner of Police or by the Officer on duty in connection with the elections. This is an indication of the necessity for providing adequate safeguards, and these must also be provided in connection with the transfer of voters. We know that the members of the Police and the Volunteer Forces who do much voting by proxy have certain safeguards provided under clause 27 (2), and similar safeguards would have to be provided against people exercising their votes in an improper way. We have to be realists and look at matters from the practical point of view. We do not want to open the door and leave it open, and allow people to exploit the situation.

If hon. Members wish to reduce to a minimum any possibility of im-

personation or improper use of the vote, they should leave the clause as it is. Hon. Members took the view that it would not be advisable to use indelible markings with the voters. I pointed out that that was undesirable, but we must see that adequate safeguards are provided. In some cases a certain amount of hardship is involved but that is to be expected. Government has done all the initial work to provide machinery to prevent people from leaving their own homes and did everything to effect registration. That is because there has been a complete change in the method of registration. We would have over 200,000 voters on the register who would have the privilege of using and exercising their votes, but it is not possible, having regard to conditions in this Colony, to provide for every type of contingency so that every voter would vote. The Colonial Secretary pointed out the difficulties in England which is the home of democratic Government and where everything has been done for years to see that people exercise their votes, but they have not yet reached the point of providing for the transfer of voters.

Mr. Carter: The hon. Member for Central Demerara is not the only Member here who is anxious to have as many people as possible exercise their franchise but, apparently, he is not aware of the difficulties under which the Registration Officer is working. Not only has he been working overtime, but to introduce all these innovations would cause a setback. The people who would benefit are a small number but, for some reason or reasons, they would be out of their districts on polling day. The vast majority of the electorate will be going to the polls. The only other point I would like to mention is that in clause 26 we have made special provision for employees

of the Transport and Harbours Department, and in clause 27 we have made provision to the effect that in the case of a member of the Police Force, Special Reserve Police Force or Volunteer Force the notice should not only be signed by the voter but should be countersigned by the Commissioner of Police. I wonder whether we are going to have the notices from employees of the T.H.D. countersigned by the General Manager of that Department?

The Attorney General : We did not go into this; we are providing for (a) and (c) in clause 26. That provision cannot be applied to the T.H.D. It will apply to the small number of voters I referred to on Monday, and who might possibly be out of their electoral districts. It would not apply also to the transfer of voters because it never refers to voters who are in one sub-district of their electoral district. Those to whom it refers may be out of their electoral districts as a whole.

The Chairman: I will put the amendment by the hon. Member for Central Demerara. He does not state, however, anything as regards the date up to which a voter may change his residence from one district to another. He may have changed it for the last 50 years and still desire a transfer.

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

For: Dr. Jagan and Mr. Debidin—

Against: Messrs. Macnie, Carter, Smellie, Peters, Fernandes, Farnum, Roth, Dr. Singh, the Financial Secretary and Treasurer, the Attorney General and the Colonial Secretary—
11.

Amendment lost.

Clause 27, as printed, passed.

Clause 31—*Hours of voting.*

Mr. Debidin: May I move an amendment, sir? From what I have been able to gather, it does seem that it is proposed to assign about 250 votes to each polling booth. I think I have done sufficient to explain to Government the great wrong that would be perpetrated in such a case, but apparently Government does not care. It has been provided here that—

“31. The poll shall be taken between the hours of seven of the clock in the morning and six of the clock in the afternoon.”

I have already argued that the polling hours should be longer.

The Chairman: I do not think the hon. Member is fair in treating me as a single individual. The clause is before the Committee.

Mr. Debidin: I think this is a directive.

The Chairman: It is not a directive; the clause is before the Committee.

Mr. Debidin: I was thinking about the directive which was issued to a number of voters in a particular place. I am placing this responsibility squarely on the shoulders of those on whom it should be placed. If people are going to be disenfranchised in this way then it is our duty to try and remedy the situation. I think the Attorney General would do well to accept some advice in this matter before things go wrong.

The Attorney General: I wish to tell the hon. Member that I do not desire to be sheltered. If anything goes wrong at any time I am quite prepared to take the blame, and I am quite man enough to say so at any time and anywhere.

Mr. Debidin: I realize that it is not very easy to get these things done as one would like. After all, the power behind the Bill is the Government.

The Attorney General: As I have indicated already, the Government seeks advice in connection with all these matters and obtains that advice. If in any matter in which I am concerned the advice is not correct, I will be prepared to tell the Council so.

Mr. Debidin: I am protesting that people are going to be disenfranchised by that directive and if certain people take the blame that would not help the situation. We would only be getting wise after the event, but the cries of the people will go up to high Heaven against the Government of British Guiana, and we know what that means. I am not going to waste any more time as to the merits of this clause, but if this is going to go on may I move an amendment? We do not want any extensive knowledge of methods to understand that if we increase the number of polling hours we might be able to help the situation. I am asking that the polling hours be increased from 6 a.m. to 6 p.m. We do not want to come back to guess the limits of districts and so on. I am just back from the country districts and can say that at 6 p.m. it is necessary to have a light in the house and that it would be necessary to provide light for the presiding officers so that they could secure the ballot boxes.

I am following the argument of the Colonial Secretary who said that millions of people vote early in England—before they go to work. We know that in British Guiana many people go to work at 7 a.m., but those on the sugar estates go much earlier. If this

directive is going to be followed, I would ask that the hours of voting be extended and fixed to start at 6 a.m. and end at 6 p.m. I think that would enable thousands of people to exercise their votes who would otherwise be unable to do so, and I ask that the clause be amended accordingly.

Dr. Jagan: I desire to support this amendment. I think it is a brain wave on the part of the hon. Member and I am prepared to support it. If the balloting starts at 7 a.m., by the time things begin to move it would be 7.30. If it starts at 6 a.m., however, it would enable workers going aback of the estates and so on to vote before they go. I hope hon. Members would support this amendment because, as I see it, we have not given all the facilities which should be offered to voters on the ground of expediency and practicability. Government has been rushing the elections all along simply because it wants to make the deadline April 27. I have said already that if it is necessary to extend the date that should be done, and that we should give every facility to the people to exercise their votes. I see nothing wrong in accepting this amendment because all it would mean is that these election officers who are in the Civil Service would have to get to work a little earlier.

The Attorney General: The last note on which the hon. Member has ended is the real answer to the suggestion. If the balloting starts at 6 a.m. I do not think there would be any objection to it, but the polling clerks and the Presiding Officers—all those connected with the question of the arrangements for the actual balloting — would have to be on the spot before 6 a.m., so that on the stroke of 6 a.m. the polling would

be started. I do not know myself about the interior districts and other remote areas, but it is a question of their getting to these places in time to start the polling at 6 a.m. It is all very well for Georgetown and New Amsterdam and some of the neighbouring areas, but so far as the remote districts are concerned it would be necessary for those connected with the actual polling to be in the locality the night before. The matter, however, is one for the Registration Officer and, so far as I see, there should be no objection to it from the point of view of light because at 6 a.m. it would be fairly bright throughout the country. The question, I suggest, would have to be considered from the point of view of the persons who would be connected with the actual balloting and would have to be on the spot to have everything ready by 6 a.m. I do not know how far this suggestion would affect those persons.

Mr. Macnie: I wish to support the amendment for a start of the balloting at 6 a.m. I feel that it is a practicable proposition.

The Attorney General: That is the only point—whether it is practicable.

Mr. Macnie: I feel that it is practicable. It may inconvenience the agents of the candidates themselves and also the presiding officers, but I feel it is as practicable to start at 6 a.m. as it would be to start at 7 a.m.

Dr. Singh: In my opinion it would be practicable for people living on the coast, but the presiding officers who live away from the district—perhaps in the City—would have to sleep there overnight so as to be ready to start early the next morning.

Mr. Debidin: In the islands such accommodation is provided and even if the start is fixed for 7 a.m. the officers who are going to function always get there before the time. I think the same conveniences necessary for 7 a.m. would also be necessary for 6 a.m. Those officers living away from the areas in which they would have to function should be able to travel by car and get there in time. If my suggestion is adopted, it means that the people would get a period of 12 hours for voting.

Dr. Jagan: The Attorney General raised a point about the interior districts and I would like to know what the procedure would be there. Will the registering officer of each district go from point to point and attend the declaration also, or will the men in charge of the polling booths do so? It seems to me that the registering officers would have to sleep overnight in those places and, for that matter, they might not be able to do so very conveniently.

Amendment for the substitution of the word "six" for the word "seven" in the first line of the clause, put and agreed to.

Clause 31, as amended, passed.

Clause 34—Decision by lot in the event of a tie.

Dr. Jagan: I see it has been decided that there should be a decision by lot in the event of a tie. I am still not in favour of that view, as I think another election should be held within a specified time among the candidates who tie. We should not go through all the machinery of issuing writs and so on.

The Attorney General: I have already explained to hon. Members—in the course of the second reading—the grounds on which the decision has been based to retain the clause as it is. There is the question of its being constitutional to send back to the electorate only the candidates who have tied. The moment the electorate is brought into the matter again, it is just possible that from a constitutional point of view they should go back without any limitations. As I have illustrated—I understand the hon. Member to say that in case of a tie the candidates who have tied should go back to the electorate—and what I am trying to point out is that the electorate will thereby be limited to a choice of those two or three candidates. The moment you introduce the electorate into the voting you are presenting to them—arising out of the issuing of a writ and an election,—two or three candidates who have tied for first place. It can very well be imagined that there may be a next candidate who may have been but a few votes behind the leading candidates and those who have voted for the candidates who bring up the rear may feel very well disposed to give that third or fourth candidate their full support and so put him in the lead.

The difference between untying the tie in this form and going back to the electorate is, in the one case immediately it is done there is an equal chance for those who tie, but the moment you bring back the human element is it proper that you should limit the exercise of the vote to only those candidates who have been able to nose out the third or fourth candidate who, if there was a complete election, might probably get a substantial number of votes to put him

ahead of those who tried? That is why I said, in the United Kingdom as recently as 1948 this matter was gone into very carefully before this was introduced in the Act which was passed. We have been looking up the debate which took place on this particular aspect of the matter, and apparently there was no discussion with regard to it and it was accepted without demur. This is the first election and, I think, we should rather go slowly but surely rather than have an innovation of this kind, which I have not been able to find existing anywhere. It is quite true that we need not follow anyone, but we have to guard against any suggestion which is not within the limits of constitutional propriety.

Council resumed and adjourned for tea.

Resuming at 4.30 p.m. the Council resolved itself into Committee and resumed consideration of the Bill.

Mr. Debidin: In respect of this question of a tie I feel, sir, there is ample precedent for the whole of the election to be held over for the particular district, because we have the case of the Town Council where, if there is a tie for the election of Mayor by the Councillors, it is sent to the electorate to decide the issue. It is just as keen a contest as the contests for the election of the councillors by the various wards. Similarly, I feel a case can be made out for a re-election in the constituency where there is a tie. I have given this matter great consideration since I last spoke on it and said I would decide whether I would vote on it. On giving further consideration to it I have come to this conclusion:

(I) If there are only three candidates and there is a tie between the first two, then the re-election should involve

all three candidates. We know very well, it is one of the American customs to take a vote every half hour until there is a decision by two-thirds; after speeches are made they go back and call for the count on some particular motion until they get that two-thirds vote. I have been as a delegate at Colombia to a very strong conference of all the Latin-American peoples and that was the procedure adopted there. It was an interesting procedure. I feel sure that, if there are only three candidates and the election is gone over with all three candidates, there is hardly any likelihood of there being a tie again.

(2) If there are more than three candidates and there is a tie between the first two, those who have lost their deposit should not have the right to stand again for the run-over. There is a provision that, if a candidate does not get 15 per cent. of the total votes polled, he loses his deposit. I feel that in such a case those who lose their deposit should not contest the election the second time. I feel that every person qualified to be nominated for that particular constituency should be allowed the right to be again nominated to contest in the run-over. Anyone from any other constituency who has lost should not be allowed to go into that contest as in the case of a by-election. Take as a concrete example, if there are nine candidates in a constituency and four lose their deposit that leaves five, and if two of them have tied I am submitting that all five should be given the right to contest in the run-over, because those who lost their deposit are out of it and there may be a re-shuffling and the results may be different.

The Financial Secretary and Treasurer : I submit all that is ex-

tremely interesting, but is the hon. Member moving an amendment? If not, we are not making any progress.

Mr. Debidin : We are in Committee and I am discussing the question generally. If I find agreement on my point I certainly would move the amendment, if not I would not worry to do so.

Dr. Jagan : I think the whole question of deciding by lot is against the very principle of representation of the people by their election of candidates to sit in the House of Assembly. The whole idea of election is that the people must elect their representatives, but on this occasion in the case of a tie you are leaving it to two individuals to decide who must represent the people. In France, I think, the electoral practice is that in choosing candidates there must be representation for at least 50 per cent. of the people. In other words, the choice of the individual must be based on 50 per cent. of the electorate. Therefore the procedure there is, in the case of an election where there are four or five candidates contesting and none securing 50 per cent. of the votes, a new election is held whereby only those individuals who are on top at the last election are allowed to stand again.

That has its merits. The people who may have distributed their votes among the other candidates will in the second instance be able to make a choice between the two persons who did not secure 50 per cent. of the votes on the previous occasion but were leading, the idea being that the candidate elected finally must have at least 50 per cent. of the votes. Let us apply that to British Guiana. You have possibly 11 candidates running for one constituency, and in the case of a tie it may very well be that none secures 15 per cent. of the votes. The practice in France can certainly be applied here where more than two candidates are contesting and there is a tie, we can

[Dr. Jagan]

regard it as one individual not securing 50 per cent. of the votes and, therefore, a new election is held and only the two candidates who have tied can stand for election. That gives those persons, who had not voted for those individuals who have tied, an opportunity to redistribute their votes according to their choice which they want to express afterwards.

I see that there may be this difficulty. You may have two individuals who have tied with 30 per cent. each and another individual with 28 per cent. of the votes. In that case the individual with 28 per cent. can say it is very unfair that he is not allowed to stand again. Therefore my view is, either we allow only the candidates who have tied to stand for election or have a new election altogether, when the people will be given a free opportunity to have a new nomination and to vote for any person whom they desire to vote for. I disagree entirely with this question of deciding by lot. I think either of the two practices should be adopted — have new nominations and a new election, or have an election restricted to those candidates who have tied. I think that deciding it by lot is definitely not good, and I do not think we should accept it. I can see the difficulty in having a new by-election, especially if we accept new nominations, but so long as the machinery is there an election can be held within one or two weeks if the Government so desires, as we have all the polling areas and clerks, and the Returning Officer for the particular district already, and so it will not involve a great deal of difficulty. I am not in favour of either one but definitely not in favour of this one here.

Mr. Macnie : Like the last speaker and others I am not in favour of this

proposal of drawing lots, and also I am not in favour of leaving it to the unfortunate Returning Officer to give the casting vote. I feel the simplest procedure is to deal with the matter in the same way as is provided somewhat similarly in clause 22 of the Bill, where provision is made that if a candidate dies before polling day there should be a fresh election. The proceedings must start afresh. In so doing, I feel, the nomination of new candidates should not be confined either to those who have tied or those who lost their deposit, but it should be open to all and sundry to seek fresh nomination if they so desire. I think that the procedure in clause 22 can be adopted. Possibly if the hon. the Attorney General and his officers are given an opportunity, without much difficulty they can draft something using some of the words in that clause.

Mr. Debidin : I certainly cannot subscribe to the view of the last speaker, that after a tie the election should be open to any person in the Colony to contest for that particular constituency, because of the one principle that any one of the two who tied might have had an opportunity of succeeding in another constituency had he been nominated for that constituency. Why now expose him to what may be a worse position than before? Those defeated in other constituencies might be so good that they would have a better chance of winning than even those who had tied at the election. I do not think you should penalize a constituency for voting equally for two candidates at the election by throwing the new election open to all and sundry. I do not feel that can be cricket at all. Those who had actually entered for that constituency in the first instance should be made to go over the election—either those who tied or all except those who had lost their deposit.

Mr. Peters : When it comes to the question of drawing lots in order to decide who should be declared the winner, in the cases of a tie, personally I see no harm in that. If I hark back on the well known Scriptures we have that in the Acts of the Apostles. When it comes to the question of having another election I will suggest, perhaps, the two candidates who have tied and the runner-up should be the persons to be given the opportunity to try again for the seat. I think that may be a happy compromise. I have an open mind as to whether we should have another election.

Mr. Roth : As I said during the debate on Monday, I am entirely against the suggestion of deciding the matter by lot in the case of a tie. Therefore I beg to move that the present clause 34 be amended to provide for the holding of a fresh election instead of a decision by lot in the event of a tie.

Mr. Debidin : I heartily support that.

The Attorney General : That may appear all right. It is clearly drafted on the lines of clause 22. With regard to the death of a candidate, that is a natural happening with regard to which nothing can be done, but in this case the hon. Member is giving the Returning Officer the power to declare the election itself null and void. It is not null and void. It is that the result does not disclose something which is final so far as the election of one of the candidates for the purpose of taking his seat as a Member of the House of Assembly is concerned. Consequently, there are difficulties in connection with that, because it is seeking to establish or provide power to be entrusted to the Returning Officer to nullify the election, but, as I say, he cannot nullify the election.

There are questions of the deposits and various things of that sort in respect of candidates who have not got a certain percentage of the votes and all other matters connected with it—the forfeiture of the deposit. Unless the Court declares an election null and void, if everything is carried out in accordance with the law and there is no improper matter to be established in connection with such election, then the election stands. It is only a question of dissolving a difficulty which is a tie. We are seeking to solve that by a new election. Some Members are not in favour of it. In that case it means having a by-election.

As regards a by-election the Governor has to issue a writ for the purpose. Then there is the question of the expenditure involved in respect of the candidates so far as the new election is concerned. Although hon. Members seem to take the view that they dislike the solution of the matter by way of lot, yet it has much merit in that the matter is decided in a short time and all have an equal chance. It gets away from the fact that the Returning Officer has to record his vote, if he wishes, for a particular candidate. It also gets away from the existing law where the Legislative Council, if the Returning Officer declines to vote, has cast upon it the responsibility to make that selection. That is the law in Jamaica and in Trinidad and, I believe, in some of the Colonies in Africa. We cannot go back to that. I do not think it is desirable and, I think, all hon. Members share that view. Some hon. Members think that a decision by lot is also undesirable, but that has the advantage of what has been done in the United Kingdom and what is the law now.

As I have pointed out, it does not necessarily mean that we are following another country, but we are following

[The Attorney General]
the United Kingdom having regard to the wealth of experience built up there during the centuries in regard to the conduct of elections and dealing with matters of this kind. I will emphasize that the very fact of the argument going back and forth in connection with solving this difficulty of a tie is an indication of the appreciation of the Council as to finding a better way than the United Kingdom has found as recently as 1948.

As I have said, we are endeavouring to legislate for something which may be a very remote possibility, but I also have to think that it may be just our luck that some such thing should occur. To make a departure at this stage of our constitutional development by having something which is completely new so far as legislation is concerned in a British Colony is, I suggest, somewhat difficult. The hon. Member for Central Demerara has instanced France. I do not know as much about it and their method as, perhaps, the hon. Member, but we all know that is a country which changes its government every now and again and still manages to carry on at the end of the year. We are still managing to carry on in the way we are accustomed to in matters of this kind.

I see hon. Members' point of view fully and I see the desirability of having a decision made by the people themselves, but at the same time in view of the fact that we are legislating for something which is remote at a time like this, I suggest that we take as an example that which the United Kingdom has found it proper to follow and still adheres to, and has legislated for and, perhaps, followed by Courts of Law. Therefore, it is a very democratic country that we are having as an example in respect of this provision. I say, sir, I often find that is

the most cogent argument of all. Where you are walking a road which may have difficulties ahead, I think it is safe to have the experience of those who have travelled the path before and have experience as to how to traverse that path. No better example of the road in democratic government can be found than the United Kingdom.

The very fact that hon. Members are seeking to provide a clause which shows difficulties in substitution for something which would be completely satisfactory is, to my mind, proof of the necessity to leave very well alone. It is true that the remote may happen, but it is just possible that if the decision is referred back to the electorate the same thing may arise again. It is quite within the realm of possibility. I emphasize that if it could have been done with satisfaction to meet all possibilities I would have had a clause drafted to present to hon. Members.

I think hon. Members came to this Council with the idea that it was perfectly easy (in fact we were told so) to prepare a draft clause, but they have realized that in sending back to the electorate the first two or three candidates we would be limiting the choice of the electorate to those two or three candidates who have tied for the first place. There is the human factor of selection which may lead to considerable argument in the district where, perhaps a large majority of those who voted, and whose votes had been distributed amongst the candidates who came at the end of the poll, may feel that they are being required to vote as between two or three candidates, neither of whom they may wish to support.

If it is to be regarded as a sort of by-election, when the Governor issues his writ to the Returning

Officer, it is open to other candidates to be nominated, provided they comply with all of the necessary requirements. It is a very difficult point, and I wish I was able to agree with the suggestions which the hon. Member has put forward. A candidate may feel that he has had enough and may not want to be mixed up in another contest. He may not be able to afford the expenditure. I think the guiding principle is the remote possibility of its happening, and even if it was provided for by the method suggested by the hon. Member in his amendment, we have to consider the possibility of a tie resulting again. I do not wish to throw the hon. Member's amendment out, but I am trying to put the various points which would lead hon. Members to come to a decision as to these provisions. Hon. Members may think that these provisions are not ideal, but from a realistic point of view I think that they are the best to adopt in the circumstances.

The Chairman : I should like to say to hon. Members that at first blush I myself feel quite in favour of sending the issue back to the electorate, but I must say that I very much hesitate to suggest that anything should be done which the hon. the Attorney General feels the slightest bit uncertain about. I prefer to be absolutely sure that everything put into this Bill is in accordance with constitutional principles and is absolutely water-tight. The amendment suggested by the hon. the First Nominated Member (Mr. Roth), as the hon. the Financial Secretary has said, is full of holes. It is very difficult to draft these amendments. We are not dealing with the case of a by-election. The House of Assembly has not yet been constituted, and will not be until its 24 Members have been elected to constitute it. The point is by no means easy. It is not at all the

same as where a candidate who has been nominated dies before the election takes place, in which case it would be quite easy, because there would not have been an election. Here the position is quite difficult, and all sorts of considerations enter into it. I feel myself that it would not be at all safe but highly dangerous to put in an amendment which would probably be unsatisfactory in operation, and would perhaps jeopardize the whole validity of the election. That is what I am afraid of—not that I do not see what is in hon. Members' minds, and appreciate it to the full.

Mr. Macnie : I was one of those who supported the idea of a fresh election, but I must say I have been much impressed, first by what the hon. the Attorney General has said, and secondly, by what Your Excellency has said against attempting to make an amendment at this stage. In those circumstances I propose to support the clause as printed.

Mr. Smellie : There is a great deal to be said for resolving the problem by casting lots. Apart from the question of expense, the new House of Assembly cannot be constituted until all the elections have been held, and for that reason, and on the ground of expense, I feel that the clause should be supported as it stands.

Mr. Roth : I beg to withdraw my amendment.

The Chairman : In that case I will put clause 34 as it stands.

Dr. Jagan : If I had known that the hon. Member was going to withdraw his amendment I would have introduced another in similar terms.

The Chairman : I am afraid the hon. Member is too late. We know he does not like the clause but I would assure him that it would be highly

dangerous, and might invalidate the whole election if we put in a clause hurriedly in this way in the sense that he wants. We have to base our procedure on the Constitutional Instruments; and surely, as the hon. the Attorney General has said, it is wise to follow the precedent in the United Kingdom. They have the procedure for a by-election if a sitting Member dies. Why didn't they decide to go back to the electorate? They could have done so if it had been considered practical to do it.

Clause 34, put, and agreed to.

Clause 39—*Employers to allow employees reasonable period for voting.*

Mr. Smellie: I made reference to this clause some time ago but I realize now that the operative word is "reasonable", and that an employer cannot be expected to give two or three days' leave to an employee in a remote district of the Colony in order to go to his electoral district to vote.

Dr. Jagan: The question is what is reasonable? An individual working in a remote district would be disfranchised if he is not given sufficient time to record his vote and return to his work-place. That is the reason why I asked that such people be allowed to vote by proxy. The question is, how long a period would be considered reasonable, taking into consideration normal travelling facilities? On the last occasion when I spoke on this clause I mentioned the fact of the staggering of hours, during which time should be granted to employees.

The Attorney General: First of all it will be recollected that the hon. Member suggested a fixed period which should be given to employees

by employers, and I pointed out that "reasonable time" for the purpose of interpretation, must have regard to the circumstances. That is a matter between employer and employee. By inserting a fixed time, which has to be general, say two hours, the hon. Member is just negating his own suggestion in the case of those who may be working in some of the remote areas of the Colony. I am sure the hon. Member must realize the necessity for including an expression such as we have in this particular clause — "reasonable time."

With regard to the question of the staggering of hours, I do not suppose the hon. Member is serious when he suggests that it should be included in the Ordinance. An Ordinance must be of general application, with a certain amount of regard for exceptions, but to provide in the Bill that there should be some arrangement for employers to stagger the hours so that their employees may exercise their vote would not be a very satisfactory provision. After all, as the hon. the Colonial Secretary pointed out earlier, there is a responsibility on those who wish to vote, just the same as we are putting a responsibility on employers to give their employees reasonable time to vote and if, as I believe some hon. Members have been pointing out at their meetings, what the position of employees is, I think one of the points that should be emphasized at those meetings is that there is a responsibility cast upon them to exercise their vote even if it may cause a certain amount of personal inconvenience for that one day. It is one day in the year, or perhaps in four years, when they would be exercising their vote, and I would suggest to the hon. Member that those who are minded to vote should regard it as a privilege and also as a responsibility.

Maybe there will be inconvenience, and a person has to get his meals and things of that sort, but he should do his best to register his vote during the period which the law is providing, and that is between 6 a.m. and 6 p.m.

Dr. Jagan: As I have said, there are some reasonable employers but there are others who are very unreasonable. I have had experience with some of them, and I know that they would take every opportunity to deny workers of their rights. I am afraid they would only let out the workers towards the end of the day—by closing up their businesses one hour or so before the usual time. We have not allowed proxy voting for these people also and, consequently, they should be given sufficient time to vote. The Attorney General has said he does not want anything to be specified here, but I think something should be said. At least, we can say that one half of the employees should be allowed to vote before the mid-day hour and the other half after the mid-day hour. In that way, half of the people who are employed would be able to vote in the morning and the other half in the afternoon. If all are allowed to go at one particular time some might be excluded.

Clause 39, passed as printed.

Clause 43—*Allocation of symbols.*

Dr. Jagan: This clause rather opens the whole question of making application for symbols all over again and it seems to me that while we were talking so much about holding the elections on April 27, if we do these things we would definitely have to extend the date of the elections because one may find that several candidates who have already been nominated may want to shift to other constituencies. At the moment several candidates who have already paid their deposits are going

around and finding out that they cannot succeed in certain areas, the temper of the population being what it is. Therefore, if this opportunity is given we might find certain individuals making switches again. There are two individuals who wanted to run for the East Bank, Demerara, district but one shifted at the last minute to East Demerara and the other to Central Demerara. From that time to now I am sure they have realised that their decision was not a very good one and if we allow this clause to go through they might want to shift again. I am sure that this is going to delay the elections for a longer period than we had anticipated.

When the Symbols Ordinance was put before the Council, the explanation given was that Government wanted to rush things through. I moved an amendment for the extension of the date to March 28 but the amendment was lost, the reason given being that we did not have enough time. How then in the name of everything are we going to have time now to carry out this elaborate machinery to permit the elections to be held on the date originally fixed. I do not see any necessity for having this clause in the Bill. As someone suggested this morning, if Government wants access to some legal technicality in order to validate what has been done under the Symbols Ordinance, they should say so. Government has done many illegal things — things to deprive people of rights — and they can validate the things done under that Ordinance.

The Attorney General: I do not wish to go over the grounds dealt with this morning. The hon. Member pointed out that he had asked for an extension to March 28, but the hon. Member cannot now complain because this provides the extension. March 28 was only a few days ago and this gives the

hon. Member an opportunity perhaps to carry out what he had in mind when he suggested that there should be an extension to March 28. The hon. Member, I suggest to this Council, cannot be heard in complaint against the extension. I have already explained to hon. Members the reasons for introducing these provisions in this Bill, and I would point out that they are to simplify the procedure in comparison with what has been already approved of by this Council and enacted under the symbols and Colours Ordinance. The procedure is that those who have already received symbols and colours received them on the applications which they made in relation to particular districts. Now these applications will be taken to have been made in relation to the electoral districts which will be set out as a result and in pursuance of the Order in Council which was made yesterday.

Therefore, anybody who has applied for a symbol and colour hitherto and has received the same by compliance with the other provisions such as the payment of deposit and the provision of his photograph, would be in no way prejudiced on that score. But, in view of the fact that this is operating from now — from the time the Order in Council was made — the Bill gives the opportunity to any person who so desires to come forward and make his deposit, submit his photograph and make an application for his symbol and colour. On that score, I do not think there is anything that can be suggested against the provision.

It would be clear to hon. Members that from the point of view of equity and of law, it is necessary to provide for persons who may think that they have a chance to come forward and be candidates. That cannot be helped and the date, so far as putting it in this Bill is concerned, cannot create any pre-

judice against anybody because the whole matter was publicised and dealt with it from a practical point of view. The whole matter received such publicity that the approved candidates, whose names appeared in the Press, were fully aware of the necessity for applying and getting symbols and colours allocated. All that has happened is that we are now seeking — not by validation but by making a positive enactment — effective from the present time and flowing from the Order in Council — to provide that those who have already made application and submitted photographs and have had symbols and colours allocated to them, would have the same symbols and colours. We have simplified the procedure and the Governor is given power to allocate symbols since it is left completely in his hands to do so. He is absolutely free to make the allocation as he considers best in the circumstances.

The Chairman: I wish to say to hon. Members — because I expect to be acting as Governor on that day — I intend to allocate to candidates the symbols — if they want them — that they were allocated previously. In other words, that would confirm the status quo, providing that is what they want.

Mr. Debidin: Will a fresh set of applications have to be put in?

The Attorney General: No. If the hon. Member waits until we get to the next clause he would see that it provides for cases in which applications have been already made. If it was possible to apply for symbols already allocated, I can assure hon. Members that we would have allowed that. I understand that the Symbols and Colours Ordinance which was purported to have been passed by the Legislative Council here was not valid. That is the position. Therefore, we could not merely

say that what has been done under the Colours and Symbols Ordinance is hereby validated. On the other hand, applications have been submitted and it is possible on these applications for the Governor to allocate symbols, and that is what is provided for here. There is no provision to invalidate the Ordinance, otherwise it would have rendered this invalid also. I do not see what could be wrong in providing that the symbols must be closed on March 21.

The Chairman: It must be clear that Her Majesty the Queen made the Order in Council yesterday to establish the House of Assembly and so on, and it would be obviously improper for us to say today that nobody, unless they had applied previous to March 21, can take part in the elections as a candidate. The Ordinance follows from the Order in Council which was made yesterday, so that from today it could be open to anybody to take part in the elections.

Dr. Jagan: I have not seen the Order in Council, and I do not know whether this Council can invalidate something that was done yesterday. Government has been doing that all along and I do not see why it cannot do so now.

The Attorney General: That is not so. This Bill was brought as a result of representations by Members of this Council that something should be done to enable them to start their campaign. Unfortunately, there were certain references in the Bill which made the Ordinance unconstitutional. It spoke about the "House of Assembly" and the "district."

Mr. Macnie: Personally, I am perfectly satisfied with what Your Excellency has said and with what the Attorney General has explained—that what was done in the Ordinance re-

ferred to was bad and could not be put right. I suggest that we accept that and be very grateful now that it was found out in time, unfortunate though it may be that it ever happened. We should be most grateful that the mistake was discovered otherwise, as I understand the position, the whole of the proceedings to be held on April 27 would have been void and irregular. We would have had another form of Legislature and one wonders what form it would have been. Therefore, I feel that the statement which the Attorney General has made should be accepted by the Council and that we should accept the clause now as it is before us.

Mr. Debidin: I, like the last speaker, feel that this is a situation that no one could have anticipated. May I ask, however, whether, in the same way as we have clause 47, a new subsection could not be inserted whereby we could legislate for candidates who have already been allocated symbols and stipulate that they would not be permitted to apply again for symbols with respect to any other electoral district.

The Chairman: The hon. Member himself drew attention to the fact that a candidate might now leave one constituency for another, and said that it was quite equitable. It is a question of equity, I think.

Mr. Debidin: The decks have been cleared by an act of this Council which we find now is more or less nugatory, and there is no question about it that the time between now and election is a very short period. There is no question that in an effort to get everything regularized and to attain the target of the 27th April, we may find such dislocation in certain electoral districts that the cry goes out that the election must be postponed for a further period because this and that have not

taken place. We who are passing this particular Bill may be severely accused for such mishaps. Where everyone has been discussing the relative merits of the candidates' policies, etc., there is going to be a very serious dislocation, if candidates are to be permitted to jump about and reshuffle and the election run on that reshuffle, as the time is too short to have matters put right. It is a very delicate position as far as I can see it. In trying to do one good in saving certain rights we should make no error.

That is all I stand up to ask. Can there not be added a clause to the effect that all those, who have before the date of the coming into operation of the Bill, will not be entitled to apply for symbols and colours for any other electoral district. It will be equity. You cannot legislate to protect or to save one situation, and then have an absence of legislation which will cause a hardship. That is what I am trying to put right. If I am to interpret the feelings of one hon. Member, the Member for Georgetown Central, and a few others, they were opposing this on account of this particular aspect—the reshuffling of candidates. I am not concerned with how many more may come in to fight the election, as the position cannot be more cloudy than it is. As the hon. Member for Central Demerara has intimated, those who find their chances in a constituency not as good as they desire will just jump off to some other constituency. The whole picture may be changed.

The Financial Secretary and Treasurer : The reshuffling can only take place between now and the 11th April. The hon. Member thinks all this reshuffling can go on right to election day.

Mr. Debidin : The reshuffling can take a day. It is what happens between the reshuffling and election day.

The Attorney General : I will remind the hon. Member that normally speaking reshuffling can take place until the day of nomination, but owing to the fact — if it were possible to allocate symbols and colours on the same day of nomination — that the symbols have to be put on the ballot boxes for the purpose of the election, these difficulties would not have arisen. All these measures were taken because of the administrative difficulties which presented themselves. It was necessary to get something done. While it is perfectly true that the various candidates themselves have been canvassing their possibilities and relating their campaign to the other candidates who held themselves out as patterns in the field, without this you would have had the same competition, the same candidates, in the districts preparing for nomination and election. It is only that the necessity arose because of the nature of our voting and the nature of the preparation for that voting that this Symbols and Colours Ordinance was passed in the form in which it was passed.

In normal times — the last election and the elections before then — the candidates had positioned themselves a long time before nomination and, therefore, their competitors were aware of their merits and demerits. It is only now we are attempting to reduce in legal form the candidates who suggest they are attached to a particular electoral district. That is the difference. That is due largely, in fact altogether, to the question of arrangements. As I

say, if it were possible on the same day of Nomination that candidates could apply and obtain symbols and colours and pay their deposit, as used to be, this would not have arisen. I am just reminding hon. Members of what took place before this arrangement.

The hon. the Seventh Nominated Member has really expressed what I had in mind, and he has put the position so far as these provisions are concerned in admirable perspective. We are not in any way suggesting we are right. We are trying to provide a simplified procedure so as to cause as little inconvenience as possible to those candidates who have already applied and obtained symbols and colours. At the same time the Order in Council which was made yesterday, has certain provisions in relation to the election, so that the right accrues to any person who wishes to apply for symbol to obtain such symbol if he complies with the requirements. The hon. Member, as a lawyer will appreciate the fact that if we have to relate what is proposed under these provisions to the Order in Council we cannot then continue the right to any person to take advantage of the procedure herein set out and adumbrated.

I hope the hon. Member sees that, but from a practical point of view I can very well imagine that those who have had their symbols, as Your Excellency said, will have them again. Some may have been using their symbol for the purpose of their candidature and electioneering, and they will not be creating in the minds of the electorate, and particularly that branch of the electorate for whom the symbols and colours have been particularly devised, any confusion. That is the important aspect.

The important point is, if I as a candidate had drawn a cart wheel as my symbol, and I have been going to the electorate and telling them to vote for the candidate with the cart wheel, it is undesirable that the electorate, who have got accustomed or have objections to the candidate with the cart wheel, should have any confusion in their minds in that regard, because there will be some confusion as at least the people will not have an opportunity to get accustomed to the particular symbols which the independent candidates or parties have drawn. The period of time which has elapsed after the symbols and colours have been drawn has been somewhat to the advantage of those candidates who already have them, as they have been educating their portion of the electorate to use their symbols as a guide in voting for the particular candidates or parties, as the case may be.

Mr. Debidin : I appreciate what the hon. the Attorney General has said. What he has pointed out is that there need not have been a Symbols Ordinance; everything can start now and all these operations may have taken place on Nomination Day. What I would like to point out is—and you have used a phrase this morning that practical difficulties must be taken into account—these practical difficulties are based on very important consideration. We are embarking for the first time on universal adult suffrage, involving the voting by a very large number of electors and, especially in the interior, the Amerindians who must have a reasonably long period to gain knowledge of the way of electoral voting, and one of the ways is they should be told what the candidates have drawn. If there is a reshuffling we would find some candidates drawing new symbols. New candidates will be coming in with new symbols where the people have been

told to look out for so-and-so. As I say, that is the point where you have one practical difficulty.

I am going to pose one question. We have the Law Officers here. I gather from you that the Colonial Office has thought there may be illegality. I am just a humble lawyer, very junior in experience and in every respect to the hon. the Attorney General, and I will bow to him in his ruling provided there are reasons enough shown. While we are not relying on what has been done before even to the point of validating what has been done before, the particular legislation which is being passed today is only because we have now got the Letters Patent signed and the Order in Council made. What is the position under the 1928 Ordinance which guides us?

Any legislation which will provide for the new constitution and election must draw its power from its particular instrument which is giving life to the new constitution. That is the legal position up to that point, but what I am going to pose to the honourable the Attorney General now is this: What kind of legislation we need to have to draw its power entirely from the Order in Council giving a new constitution? In other words, I will ask the hon. the Attorney General to refer to the one under which the 1945 Ordinance had to be made, where it disposed of certain Nominated Members of this Council. That is an Ordinance which was introducing an Order in Council in the Colony or taking its power from it. In this particular instance of symbols and colours, they are only a set of procedural acts which will allow of the proper running of the election.

The Chairman: The hon. Member is merely prosecuting a mistake

that the hon. the Attorney General has made. Whether he did make a mistake is arguable, but we do not want to do anything that may not be right. That is the whole thing.

Mr. Debidin: Let me come to the last point. Let us assume there is an error, because that can be argued, in the legislation changing the number of seats in the Legislature, the Symbols Ordinance does not provide for that. That is a type of legislation which must be a subsequent event. I am respectfully submitting that you can pass legislation now, which will be quite in order after the Letters Patent have been signed validating anything which has been done before, and which is in the nature of a procedure. I respectfully submit that that should be the legal aspect of this whole question at this stage. If that is so, we can in one phrase in this Election Ordinance validate every provision which has been made as mere machinery for conducting the election. All other provisions which deal with the constitution and membership of the House of Assembly must be passed independently and cannot be said to have been passed before.

That is my humble opinion, with all due respect to the Colonial Office. I feel that those of us who have studied a bit of constitutional law and practice will be in a position to appreciate that that should be the position now. I am not really raising an academic argument. I am concerned with the practical difficulties which will be initiated. I am inclined to say that if there is to be any reshuffling of a great nature the election should be postponed.

The Attorney General: The hon. Member has been arguing the point which I have been arguing myself, but

I do not think it is desirable to continue with the argument that a matter of this sort should be put beyond all possibility of question. What we have to ensure is that there can be no suggestion that anything we have done by way of legislation contains matters which may be repugnant or inconsistent with the Order in Council, 1953, or the existing Orders in Council under the Legislative Council (Elections) Ordinance, 1945, or the amending Ordinance of 1946. The hon. the Seventh Nominated Member (Mr. Macaule) put the matter in its proper perspective. We cannot afford to take any possible chance even with an argument. We must put it beyond dispute, argument or question, and that is the reason why we have inserted these provisions in the form in which they are found in this Bill. I could elaborate grounds for contending that possibly we were right, but it is not worth while. What we have to do now is to ensure that these provisions which flow from the Order in Council, and whatever legislation we have made, are irreproachable and cannot be regarded in any way as invalid.

There is a right, and what we are trying to do is to see that whoever wishes to take advantage of that right under the Order in Council may do so. From the practical point of view it is a different matter, but from the legal point of view we have to ensure that the moment we allocate symbols and/or colours in the simplified manner which has been suggested, any person who has the qualification and who may apply to have a symbol and/or colour for the purpose of the election, may do so. I think I have made myself perfectly clear. From the practical point of view the hon. Member knows the country and the likely reaction by the people. We wish to do nothing which can in any way be questioned ultimately.

Dr. Jagan : The hon. the Attorney General has not answered one question which I posed to him. When the Symbols and Colours Bill was before the Council there was such a rush that it was said that the time could not be extended because there was not enough time to carry out the administrative arrangements in order to hold the elections on the 27th of April. I would like the hon. the Attorney General to tell us how we will now have enough time to do so.

The Colonial Secretary : My recollection is that the legislation to provide for the allocation of symbols and/or colours was brought in very quickly to meet the wishes of the candidates for the North-West District and the Bartica and Interior District, and that administrative procedure has all been put through. There should therefore be very few cases, I think, where it would be necessary to allocate additional symbols.

Dr. Jagan : That may be so, but we cannot assume that candidates are not going to change their constituencies. I will say that in the case of our Party, if we were given up to the 11th of April to assess our strength up to that date, it is possible that we may not have placed our candidates as we have done. We may have switched our candidates around in the various constituencies where they may be considered to have the best chance of winning, but the machinery having been laid down already, and all our printing having been done, our Party cannot now make any changes. But this provision will mean that those who have not yet come into the picture would be given an unfair advantage in the sense that they would have an opportunity to come forward in any district.

The Chairman : It may be looked at from the other point of view — that the present candidates have had the

opportunity of these few weeks to make themselves and their symbols known to the electorate.

Dr. Jagan : My point is that had we known that the closing date would be the 11th of April (and it applies to other Parties also) we would have been able to assess our position more correctly, because the heat is now on and we can assess the views of the electorate more accurately as election day approaches. I know that as election day approaches there is more interest generated, and one can more properly assess the feeling of the electorate.

The Chairman : The hon. Member is arguing against himself.

Dr. Jagan : What I am saying is that our Party having made its commitments, it is very difficult at this stage to switch from one place to another even if it wanted to do so. There is also the question of expense. We are printing joint manifestos, for instance. The introduction of this provision will certainly give an unfair advantage to other candidates, such as Independents, for instance, who could switch from one constituency to another as they did on the day prior to the day of the allocation of symbols.

I agree with the hon. Member that this is merely a matter of procedure. We cannot legislate to go against the provisions of the Order in Council, but I agree with him that as long as we are not acting contrary to anything expressed in the Order in Council this Council can make provision so far as procedural matters are concerned. Therefore I agree that instead of rushing this matter through and giving certain people an unfair advantage, Government should examine the point made by the hon. Member. I would like Government to decide as to who is right.

The Chairman : Does the hon. Member think that this matter has not been discussed for hours and hours during the last week by me and my advisers? Does he think that this legislation is being lightly introduced, or that we have not considered whether the points could not be met in some other way? The matter is perfectly simple. The hon. the Attorney General held a certain point of view. He may be right or he may be wrong. The hon. Member for Eastern Demerara (Mr. Debidin) and the hon. Member for Central Demerara (Dr. Jagan) seem to think he was right. On the other hand the Secretary of State's legal advisers think he was wrong. It is no good taking a view here that is contrary to that held by the Secretary of State's legal advisers, because, as hon. Members well know, Bills which have been passed here, and to which I have assented, have to go to the Secretary of State for the Colonies with a legal report, and the Secretary of State advises Her Majesty whether or not she should exercise her powers of disallowance.

The trouble is that it has been clearly indicated to me by the Colonial Office that that Ordinance to which I have assented, if forwarded to London, would be disallowed by Her Majesty. There is therefore no point in arguing the matter here any further. We may think we are right; the hon. the Attorney General may still think he is right, but there is no point in arguing the matter, because this Ordinance has to go to higher authority, and if it is disallowed it would upset the whole election. That is the position. The hon. Member must not think that this matter has been treated lightly in any way.

Dr. Jagan : From what you have said, sir, it seems that there is no point in discussing the matter any further. I will therefore refer to another point.

The hon. Member for Eastern Demerara (Mr. Debidin) on the last occasion referred to a point concerning his constituency, and at that time I joined with the hon. Member for Georgetown Central (Mr. Fernandes) in opposing the principle of changing the boundaries of any constituency, because at that time I felt that deposits had already been made by candidates for certain constituencies on the basis of the boundaries already defined. But since this matter is going to be re-opened all over again I feel that the point which the hon. Member made should be given consideration. The hon. the Attorney-General has told us of two instances. I see the necessity for a change in one case — the case of the Mahaica river constituency being tied on to a constituency which is very remote, whereas in the case of the 51-52 districts there was some dispute as to where the dividing line should be.

The Attorney General : No further consideration is being given to that question.

Dr. Jagan : I would recommend that since we are now re-opening the question, consideration should be given to that particular district in the Mahaica area, so that the boundaries may be re-defined to allow that remote district to come within its own geographical region, instead of amalgamating it with an area which is certainly very far remote.

Clause 43 put, and agreed to.

Clause 53. — *Forfeiture of deposit.*

Dr. Jagan : I observe that a candidate has to secure 15 per cent. of the total number of votes polled in order to save his deposit. I would like to know what would be the position in the event of there being several candidates and the winning candidate secures less than 15 per cent. of the total votes polled.

The Attorney General : He does not lose his deposit. The words "who is not elected" cover the point.

Clause 53 put, and agreed to.

Clause 54. — *Using symbol and colour.*

Mr. Debidin : I know the purpose of this clause which was explained fully by the hon. the Attorney General when he dealt with the question of attaching a symbol and colour to "any document, paper or writing". There is something which I have been doing myself, and in respect of which I think candidates should be protected. The position is that the Registration Officer has supplied each candidate with a replica of a ballot box, to which some candidates, including myself, have attached their photographs, replicas of their symbols, and their names, in order to demonstrate to voters what they have to look for on the ballot boxes. I would like to suggest that the words "replica ballot box" be included in this clause.

The Attorney General : This clause was included to put it beyond any doubt, in view of the comment made by the hon. Member and other candidates as to whether the use of a symbol would be regarded as an illegal practice in view of the law. I thought of inserting this provision to make it perfectly clear that the use of a symbol or colour would not be an illegal practice in these circumstances. It has been put in this way so that candidates would be in a position to explain to the electorate what symbol they have and what colour they have, otherwise they would not know what is the symbol of the particular candidate they favour. I do not like the idea of putting such a symbol on the ballot box as suggested. It could be put on a document or paper if the hon. Member wants to have a replica of somebody voting with a symbol on it.

Mr. Debidin: The Attorney General started off right by saying that these provisions were introduced to save any candidate from committing an offence under the 1945 Ordinance. A good many of them have put their respective symbols and photographs on the ballot boxes and the whole reason is to assist illiterate voters to identify the boxes without any difficulty. I would ask that the words "or photograph" be inserted between the word "colour" and the word "on" in the fourth line of sub-clause (1).

Mr. Fernandes: As I see the situation, the Attorney General means that a candidate can take his symbol and print it on his ballot paper and, after having done that, he can publish the paper anywhere. He can paste the paper anywhere he likes and that would be legal. It would be just as well to tell a candidate to hide his face as to say that he should not use it.

Mr. Debidin: The hon. Member has not read the extremely stringent provisions of the 1945 Ordinance. This might be considered illegal.

The Chairman: I do not think the hon. Member need have any fear.

Mr. Debidin: We should give the assurance here that a candidate would not suffer if he goes before the Supreme Court.

The Chairman: It might be as well to ask that he be allowed to put the symbol also on a tree or a lamp.

Mr. Fernandes: The hon. Member might as well say that if a photographer takes a candidate's picture and puts it in his window he (the candidate) would be committing an offence.

Mr. Debidin: I think the hon. Member is now talking through the hat which he has drawn (as his symbol). I am sure he has not studied the 1945 Elections Ordinance and the Regulations which contain a long list of provisions.

The Chairman: I think the hon. Member can accept the assurance given.

Mr. Debidin: Very well, sir.

Council resumed.

The Attorney General: Before I move the third reading of this Bill, I should like to take this opportunity—as this is, perhaps, one of the last Bills if not the last Bill that this hon. Council will have passed—to thank hon. Members for their services and assistance in this respect. I think that this Legislative Council has passed its 100th sitting and during the course of this session has had to deal with much legislation. Although the Members themselves have seen fit, individually, to deal very stringently with some of the legislation that has been introduced—offering severe criticism in some cases—I feel that those criticisms and comments were directed to seeing that the objects of the legislation were for the benefit and advancement of this Colony.

I would wish to express my appreciation of the assistance which each and every Member of this Council has seen fit to afford us during these years when they were discussing matters which were of such paramount importance to the Colony—its growth and development. We have just been engaged in considering legislation of far-reaching importance to the life and development of this Colony, and I am sure that it would mean and does mean much to the people of British Guiana. I do hope that it will also provide an opportunity for greater Constitutional development.

I would express the hope in connection with the preparations for the forthcoming elections, that those who are seeking the suffrage of the electors would do so in a way for which there would be no regrets—either by the candidates themselves or by the electors, or the people of this Colony as a whole. I hope that eventually, as we go our ways and this Legislative Council comes to an end and becomes a matter merely of history, that we would be able, honestly and sincerely, to record that we have striven for the best for this Colony, and hope that what we have done and what has been achieved would be to the lasting benefit of those who come after us. I beg to move, sir, that this Bill be now read a third time and passed.

Mr. Raatgever : I beg to second the motion.

Question put and agreed to.

Bill read a third time and passed.

**MORAVIAN CHURCH (INCORPORATION)
BILL, 1953.**

Mr. Fernandes : I beg to move the second reading of the Bill intitled —

“An Ordinance to incorporate the British Guiana Conference of the Moravian Church and to vest therein all property in the Colony of British Guiana now held and which may hereafter be acquired by any person or by any Association, Society or other body of persons on behalf of or for the use or benefit of the British Guiana Conference of the Moravian Church in the Colony and to make provision for the administration thereof.”

The reasons for the Bill are in the long title and in the whole Bill itself. In the Committee stage, I propose to

move an amendment to clause 10 — for the deletion of the full stop at the end and for the addition of the following words —

“and between other persons duly elected for the purpose of Conference or certified by the Chairman of the Conference.”

When I undertook to move this Bill, I did so because I felt that it was a Bill of a religious group — a denomination of the kind this Council has been accustomed to seeing before it often during my term of office. When I was asked to do so I very willingly agreed. I think it is understood that there is some controversy behind it but, nevertheless, having given my word that I will move it I formally move that this Bill be now read a second time

Mr. Macnie : I beg to second the motion.

Mr. Roth : This is a private Bill and it is almost a universal custom of this Council to pass such Bills without any debate at all. But, as you are possibly aware, sir, I believe that Government and hon. Members have been presented with a petition by a portion of the Moravian Body asking that this Bill be not passed. It is not for this Council to go into the rights or wrongs of a domestic matter, and I move that consideration of this Bill be deferred for six months. I think the Body concerned should settle its domestic differences.

Mr. Debidin : I desire to support the motion. I can say with a certain amount of pride and in the words of the late Rev. Dingwall, that I am a product of this particular denomination. I hold very closely and dearly to its traditions and exercises. I know that this particular denomination has

been doing quite a lot of good work and it has a large membership throughout the Colony. I feel that we would not be doing justice to these people if, in view of the opposition that has been laid—and for the reasons set out in the petition—allow this Bill to find a passage in this Council. For one thing, sir, we know that the members of the various Churches of this denomination have spent a great deal of their lives in building up and supporting it, so that every one of them would have the greatest amount of pride in that Body. Consequently, they would not want to see anything done that would go against its best interest.

That is the position with regard to this motion. I think there is fear that properties which have been acquired and held, and traditions which have been built around those properties might be destroyed or removed to the great pain and discontent of the very members I have referred to. I do not want to go into the merits of the opposition, and with these words I want to support the amendment. There are cogent reasons why this Council should accept the amendment for the deferment of this particular motion.

Mr. Peters : As one, who happens to be within the Church and who has had the privilege of piloting not less than three of such Bills through this Council, I regret that my own attitude in this matter must be one of supporting what the hon. the First Nominated Member (Mr. Roth) has said—that this matter be deferred. There is rather strong and strenuous opposition to this Bill, and we shall be doing a great injustice to the members of that Church, which has a great tradition in this Colony, if we pro-

ceed to take action on this Bill at this juncture. I have had myself the privilege of examining the pros and cons of the issues surrounding the presentation of this Bill, and I am satisfied that the passage of time will assist admirably in softening the tedium of the strong opposition which at present exists in respect of the proposed passing of this Bill. I say, I am prepared very heartily to support the amendment that the Bill be deferred.

Mr. Fernandes: I want to make it perfectly clear that when I agreed to sponsor this Bill I was not taking any part in the difficulties in the matter, but was just doing it so as to make sure that religious bodies have someone to move in a matter of this kind without any charge or fee whatever. I have mentioned that there is some internal difference, and hon. Members have deemed it fit to move that the second reading be postponed. I would be the last one to attempt to force this Bill through and have it either passed by a slim majority or rejected, because in doing so I would hurt the very cause for which I am attempting to move the Bill. If it is postponed for the period mentioned, then it would be in order for it to come back here as soon as the differences have been completely settled in accordance with the hope of the hon. Member for Western Berbice (Mr. Peters). So I am going to accept whatever the Council decides. It would be quite all right to accept the amendment for the deferment of the second reading to a day six months hence.

Amendment put, and agreed to.

Bill deferred.

The President: I think the hon. the Financial Secretary and Treasurer wants me to leave the Council for a

few minutes so that he can take a few items in Finance Committee before taking his motions on the Order Paper.

At this stage Council adjourned and the Members sat in Finance Committee for some minutes.

Council resumed.

SUPPLEMENTARY ESTIMATES,
APRIL 1953.

The Financial Secretary and Treasurer: I beg to move—

"That this Council approves the Schedule of Additional Provision to meet expenditure in excess of the provision made in the Estimates for the quarter ending 31st March, 1953, which is to be met from Revenue, and which has been laid on the table, and a Schedule for April, 1953, totalling \$269,190.19 also to be met from Revenue".

This schedule has a number of items, some of which are re-votes and some are new items. Some represent items which have been included in regard to our Development Plan Services more specifically. These items were very carefully considered at the last meeting of Finance Committee, and I do not propose to invite the Council to consider them in detail. Since you left the Chamber, sir, Finance Committee very kindly agreed to go into a further schedule, a copy of which is laid over. An item on this additional schedule represents the additional expenditure which is involved in a proposal that has been accepted by Finance Committee with respect to improved emoluments for our Medical Specialists. It has been considered desirable that the additional financial position involved in these increased allowance should be provided before this Council is dissolved. Unless any Member desires to go into Committee I propose that the motion be put now.

The Colonial Secretary: I beg to second the motion.

Question put, and agreed to.

Schedules passed.

EX-GRATIA PAYMENTS TO ENMORE
SHOOTING VICTIMS

Mr. Debidin: May I be permitted on behalf of the recipients of the generosity and kindness of the Finance Committee, this Council and Government—those who had been injured, and the dependants of those who had met their death as a result of the shooting incident at Pln. Enmore in 1948—to express extreme gratitude to Government for its beneficence in granting to them an ex-gratia payment to help especially the dependants and relatives of those who had met their death. Sir, I regard this as being a very high token of the goodwill this Government desires to maintain. I know this is done completely as an ex-gratia payment, and it is without any prejudice whatever to anything which might have occurred and necessitated that particular incident. On behalf of the relatives and dependants I will be doing my duty, as one who had a particular part to play in the insistence of the steps to secure some compensation to them, to thank Government for being extremely generous to concede an ex-gratia payment without prejudice to them. Again I say thanks on behalf of those people.

The Attorney General: I am glad to see the hon. Member has stated that it is clearly understood that this grant is an ex-gratia payment to be made on humanitarian grounds without any reflection or imputation of any kind whatever against the Police Officer who had, because of the circumstances, to take the measures which

were taken. I hope that is perfectly clear, and I further hope it is understood that what has been done is, as the hon. Member has said, with the view of helping the dependents of the persons who unfortunately died and those who received injury. But I will emphasize that it should not be regarded in any way as casting any reflection on the Police who took part in this matter or on their conduct at that very difficult time.

Dr. Jagan: I do not agree that this is a matter of grace. In fact I think Government has got off very lightly on this whole issue. Surely the Boland Report clearly stated that the people were shot while going away. The Police who did the shooting instead of being prosecuted have been honoured by Her Majesty's Government. I think that was certainly disgraceful, when they should have been prosecuted and discharged from the Force. As to the question of making it appear as a mere gift, I do not consider it in that light.

DEVELOPMENT PLAN SERVICES
APRIL, 1953

The Financial Secretary and Treasurer: I beg to move—

"That, this Council approves the Schedule of Additional Provision required for the quarter ending 31st March, 1953, for Development Plan Services to be met from Surplus Balances, which has been laid on the table; and a Schedule for April, 1953, totalling \$238,051.28 also to be met from Surplus Balances."

Here again this schedule has been very carefully considered in Finance Committee and approved at its last meeting. Tonight hon. Members have been good enough to examine a supplement to this schedule and in particular to approve of one new item—

the provision of \$230,000 for a Milk Pasteurisation Project — which had been on the tapis for a long time and has now received the blessing of all the Authorities concerned, and which we would like to proceed with as soon as possible. I beg to move that the schedule and the additional one, which was approved tonight in Finance Committee, be now adopted.

The Colonial Secretary: I beg to second the motion.

Question put, and agreed to.

Schedules passed.

1953 GENERAL ELECTION

The Attorney General: Hon. Members have in the course of the discussion on the Representation of the People Bill or the Election Bill asked that as soon as possible they should be given some indication of the possible date of the Election. As hon. Members are aware, the proposal made was that the Election should be held on the 27th April as Polling Day. It is proposed that Nomination Day should be on the 16th April and that the writs be issued by the 8th April. Accordingly, the writs cannot be issued before this Council is dissolved. I thought I should give some indication of the dates. That gives hon. Members some form of notice before the actual issuing of the writs, which hon. Members have asked that they should be given.

Dr. Jagan: I do not know if the hon. the Attorney General knows, but I would like to find out, where the headquarters will be for the North West District, whether at Morawhanna or Mabaruma. The regular steamer will be leaving Georgetown on the 14th April and will get there around the

15th. If the headquarters are not at Morawhanna it would mean additional travelling to go to the point. I would like to know.

The Attorney General: I shall ask the Registration Officer but if the hon. Member gets into touch with the Registration Officer he would be in a position to let him know what is proposed so far as his question as to the headquarters of that District is concerned—whether at Morawhanna or Mabaruma.

LOYAL ADDRESS TO H.M. THE QUEEN

Dr. Singh: Sir, it is befitting for this Council in session, on behalf of the Colony, to pass a dutiful and Loyal Address in the form of a motion, to be presented to Her Gracious Majesty Queen Elizabeth II, on her Coronation Day. Coronation Day will be an historic occasion, and we would like to pass this Resolution now, so that there will be sufficient time to permit of its being presented in the form of a Loyal Address to Her Majesty the Queen on or before Coronation Day. The motion reads as follows:—

"Most Gracious and Sovereign Lady.

"On behalf of the inhabitants of this Colony, we, the Legislative Council of British Guiana now in session, beg leave to tender this Address, to be laid before Your Majesty on the occasion of Your Coronation, in expression of our humble duty and our abiding loyalty to the Throne.

"The diverse races who dwell in this Colony are united in their devotion to Your Majesty, and on the day of Your Coronation we shall join with Your Loyal subjects throughout the world in earnest prayer for Your Majesty as You dedicate Yourself anew to the service of us all.

"The recent visit to British Guiana of Her Royal Highness the Princess Royal

was the occasion of spontaneous and widespread demonstrations of loyalty and affection by our people who gladly welcomed this opportunity of showing their attachment to Your Royal House.

"During nearly a century and a half we have learnt to value the ties and traditions which bind us to the Mother Country, and we are conscious of the benefits of security, justice and liberty which we owe to that connection. We are about to undertake a measure of more responsible Government entrusted to us by Your Majesty in Council under a new Constitution. We are confident that our successors in this Legislature will exercise these wider powers with wisdom and discretion, and in continued loyalty to Your Majesty.

"We pray that Almighty God may give Your Majesty guidance and strength to carry the burden that rests upon You, and that the British Commonwealth of which Your Majesty is the gracious Head may lead the nations of the world along the path of peace and progress.

"May God's blessing rest upon Your Majesty and Your Consort, His Royal Highness the Duke of Edinburgh, and all the Royal Family!"

Dr. Nicholson: Sir, I esteem it a privilege to be associated with the motion which seeks to convey to Her Majesty the Queen an expression of the unswerving loyalty and devotion of the people of this Colony to the Throne and the Crowned Head of the Empire. I can only wish on behalf of the peoples of this country that Her Majesty may be blessed with a long and glorious reign, and that peace and plenty may prevail in the Motherland and the Dominions and Colonies over which Her Majesty reigns. Sir, I have very great pleasure in seconding the motion.

The Colonial Secretary: Sir, it is with very great pride that I am privileged to associate the Official Members of this Council in this Loyal Address. There could be no more

fitting close to the work of this Council than the Loyal Address which is now before us.

Motion carried unanimously.

APPRECIATION OF O.A.G. AND OFFICIALS

Mr. Raatgever: Sir, before you close this session of the Council I think it fitting that we should record our appreciation of the very satisfactory manner in which you have performed the duties of President of this Council and as the Officer Administering the Government of the Colony, at what may be termed a difficult period in the Colony's history. You have, sir, by your sincerity of purpose, your unflinching courtesy, and your integrity gained not only the respect of Members of this Council but of the general public.

I desire also that we should record our appreciation of the valuable service rendered by the acting Colonial Secretary (Mr. Fletcher) who has done a very good job indeed. I think the Colony is indeed fortunate in having the services of two gentlemen such as you, sir, and the acting Colonial Secretary. (Applause).

Mr. Roth : Sir, on behalf of those of us who are about to go out into the political wilderness (I refer to the Nominated Members) I desire to express our appreciation of your service, but the previous speaker has stolen much of my thunder. It is the second occasion on which you have presided over this Council. We have all admired your fairness and calmness, and although we very well recognized the steel hand beneath the silken glove, we have admired your imperturbability and, on some occasions, your almost super-human patience when you were compelled to listen to apparently redundant

verbosity. (Laughter). You are about, I think, to undertake rather difficult duties in the immediate future, and I would like to assure you that you have our best wishes for your success therein.

Dr. Singh: Sir, we are gradually moving towards the dawn of a general election under the new Constitution. Many of us may not be here in the new House of Assembly, but the fact remains that during our period of service in this Council we have co-operated, and in spite of the difficult days we have had here, in spite of the vicissitudes of the past five years we can say that we have brought prosperity to British Guiana. When this Council is dissolved we can boast that we have left a legacy for those to come, and it is now for the voters of this Colony to choose the men to represent them—men of experience, integrity and honesty—and I feel sure they will also further the prosperity of our Colony.

The hon. the Second Nominated Member and the First Nominated Member have already eulogized you, sir, for your service as the Officer Administering the Government and as President of this Council. We wish to congratulate you on the successful manner in which you have conducted the business of this Council. Your success has been due to your pleasant demeanour and the high standard of tolerance and patience which you have set. Sir, I sincerely hope that your service to this country during the past eight months will earn you the recognition which it merits. (Applause).

Mr. Debidin: Sir, the hon. Member for Demerara-Essequibo (Dr. Singh) has forestalled me. I wanted to say a word as an elected Member, but I take it that it is open to every elected Member to say a word on this particu-

lar occasion. It was a very proud day for me when I entered this Chamber as an elected representative of the people, and today I leave it with equal pride, and I am very happy to be able to say that it is built upon the fact that I have performed my duties and kept my pledge honestly and sincerely. I have done my part as conscientiously and as wisely as could be expected. A chapter in the history of this country has been closed, and what is written in that chapter is replete with acts of mixed glory, and with concern to some people as it is to others.

We, as Members of this Council, as we write the word *finis* to our service during the last five years, must take pride and satisfaction in the knowledge that each of us our own way participated in the government of this country during that period. We have kept the Colony going, and with the boast that British Guiana has great potentialities to be opened up becoming less and less a mere boast but more and more a reality, it is my hope that as we move on towards our general election, and as we begin to lay the foundation for a new future for British Guiana from a constitutional point of view, the people of this country, no less than those who are seeking their suffrage, are alive to the great need to keep British Guiana in a place of pride among the territories in this part of the world.

We can best do that if, first of all, the electorate chose wisely and well, so that they may be served wisely and well. And we can best do that if those who seek the suffrage of the people are sufficiently conscious of the grave responsibility which will be theirs in shaping the future of British Guiana. For certainly we are taking a glorious step, leading to new power under a

new Constitution, and we hope that in making that step we will put our best foot forward towards the goal of making British Guiana stronger, more virile and more prosperous in the future, and that it will lead on not only to self-government in the near future but ultimately to the achievement of Dominion status and a place among the nations of the world. That is the future which I visualize for British Guiana.

I wish to associate myself with the remarks made by the hon. the Second Nominated Member (Mr. Raatgever) in his expression of appreciation to you, sir, and the Official Members of this Council for the part you have played, and you particularly during the period you have held the helm of this Government in your capacity as the Officer Administering the Government. Time will tell of the useful part you and your Officers have played in the Government of this country. I think this Colony has been fortunate in having an officer as illustrious and hard-working as the hon. the Attorney-General has been. I would also like to add a meed of praise to the hon. the Financial Secretary and Treasurer who is endowed with great ability, and who has been praised for the great part he has played in very many ways in restoring the financial stability of our country.

The hon. the acting Colonial Secretary (Mr. Fletcher) has also played his part well. I also think that every Nominated Member and every elected Member can take pride as we go out, that he has played his part according to his conviction and contributed to the success this Government has achieved during the life of the Council.

We therefore at this closing moment take pride in the knowledge that we are closing a chapter of useful service. We are handing the helm over to the new Government, and we sincerely trust that it will not only carry on but will even do better than we have done. We trust that we are approaching the dawn of a new era of progress, prosperity and happiness for the people of our country, British Guiana.

Mr. Fernandes : I do not want to prolong the meeting, sir, but I would like to associate myself with the remarks made by the hon. Nominated Member as regards both yourself and the Acting Colonial Secretary. I would be lacking in my duty and be unfaithful, as a matter of fact, if I did not couple with both of you, sir, the hon. the Financial Secretary and Treasurer, Mr. McDavid. When I entered this Council as a Member I was not a proud man; I was a humble man. I have learnt a lot in five years, and a great deal of what I have learnt has been due to Mr. McDavid through the way in which he handled matters. I repeat that he has taught me quite a lot, and I am very grateful for it. I know that Mr. McDavid has been of tremendous assistance in helping me to achieve anything I may have achieved within the last five years.

Last but not least of all, I am grateful to God for having given me the health and strength that enabled me to be here during those five years. I may add that I have not missed a single sitting of this Council during the five years that I have been a Member, except when I happened to be out of the Colony. That is something I am grateful to God for, because if He had not given me the health and

strength I would not have been able to do it. I wish both you and Mr. Fletcher, sir, the best of luck under the new Constitution and, whether I am back in my seat or not, I know that both of you would do your best in the interest of British Guiana.

The President : Before we adjourn, I feel I must refer to the historic nature of this occasion. This may well be the last occasion on which we shall sit together as President and Members of the present Legislative Council, the last too on which a Governor or Acting Governor will preside over a Legislature in this Chamber. It has been for me a great privilege to preside over your deliberations. There have, of course, been occasions when strong feelings have been aroused, but I have throughout been greatly impressed by the sense of dignity which Members have shown in the proceedings of this Council and the respect which they have shown to the Chair. These qualities are pearls of great price, for without them the deliberations of a Parliamentary assembly would deteriorate into the rough and tumble of the street corners. It is my earnest hope that these traditions will not be lost with the dissolution of this Council but will live again when the new House of Assembly is born.

Yesterday Her Majesty the Queen made the Order in Council providing for British Guiana's new Constitution, and today this Council has passed an Ordinance to provide for the representation of the people under the powers which flow from that Order. But, these provide but the bare bones, as it were, and it will be for the electorate to clothe them with flesh and blood and for those whom they elect to make the Constitution work. These are heavy responsibilities which call for a wise exercise of the

powers which the new enactments give, and for qualities of judgment, integrity and human understanding.

And now, as President, I take my leave of you with a sense of sadness, because this parting brings to an end what for me has been a happy association, but with a feeling also of keen anticipation of the new Order which lies ahead and the prayer that those who follow in this Chamber will, as you have done, carry on its best traditions.

Mr. Fernandes : I must crave your indulgence for the last time, sir,

to correct an omission on my part. I desire to include the hon. the Attorney General as one of those to whom I am very grateful for help and advice during my term of office in this Council. As a matter of fact, he almost convinced me that I should take up law as a profession. I would like the Attorney General to know that I am very grateful for all his help and advice, particularly when we had technical conferences with him and when his knowledge and experience helped very much.

The President : Council will now adjourn *sine die*.

