

LEGISLATIVE COUNCIL.

Friday, 12th October, 1945.

The Council met at 3 p.m., His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the Chair.

PRESENT:

The President, His Excellency the Governor, Sir Gordon James Lethem, K.C.M.G.

The Hon. the Colonial Secretary, Mr. W. L. Heape, C.M.G.

The Hon. the Attorney-General (Acting) Mr. F. W. Holder.

The Hon. the Colonial Treasurer, Mr. E. F. McDavid, C.B.E.

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

The Hon. F. J. Seaford, C.B.E. (Georgetown North).

The Hon. C. V. Wight (Western Essequibo).

The Hon. H. N. Critchlow (Nominated).

The Hon. C. P. Ferreira (Berbice River).

The Hon. E. A. Luckhoo, O.B.E. (Eastern Berbice).

The Hon. M. B. G. Austin, O.B.E. (Nominated).

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

The Hon. Peer Bacchus (Western Berbice).

The Hon. C. R. Jacob (North Western District).

The Hon. A. G. King (Demerara River).

The Hon. J. W. Jackson, O.B.E. (Nominated).

The Hon. T. Lee (Essequibo River).

The Hon. A. M. Edun (Nominated)

The Hon. V. Roth (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on Friday, 21st September, 1945, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS.

DELAYED OPENING OF COUNCIL.

The PRESIDENT: I should say in the first instance to Members who may feel they have wasted an hour by not beginning to-day at 2 o'clock, that I was approached by the Deputy President a few minutes before two. In view of the information from the Deputy President I gave way and I hope hon. Members are agreeable to that.

CHINA'S APPRECIATION OF V-J DAY RESOLUTION.

I have received a communication from the Consul for China concerning the resolution passed by this Council

on V-J Day, congratulating the armed forces of the Allied Nations on victory. The communication reads:—

Consulate of the Republic of China,
Georgetown, British Guiana,
11th October, 1945.

Sir,

With reference to your letter to me dated the 18th August, 1945, and numbered 140/242 II, informing me that the Legislative Council had passed a resolution congratulating the armed forces of the Allied Nations for their efforts in the war that has so happily been successfully concluded, and enclosing copies of the resolutions with a request that they be forwarded to my Government, I have the honour to inform you that I have duly forwarded them and am happy to state that I received yesterday a cablegram from my Government expressing their appreciation of the resolutions and asking you to be good enough to convey this to the Members of the Legislative Council as early as possible.

I have the honour to be,

Sir,

Your obedient servant,
(Sgd.) Shau-Wen Liang,
Consul for China.

We will put this letter on the record of the Council

INCREASED SALARIES FOR SUBORDINATE MEDICAL EMPLOYEES.

I have also a paper here which is the subject of a decision by the Executive Council on Tuesday last. It deals with a rather delayed matter and makes recommendations for increased salaries for certain subordinate employees of the Medical Department. The matter has only just come forward and the Executive Council has approved of the decision with retrospective effect from January 1, 1944. That, of course, requires a resolution of this Council and it would also require the formal consent of the Secretary of State. I feel that I can anticipate the approval of the Legislative Council and when I receive the necessary

concurrence of the Secretary of State I shall proceed as soon as possible to pay these better salaries to the employees concerned. I hope Members would agree to this procedure.

PAPERS LAID.

The COLONIAL SECRETARY (Mr. Heape) laid on the table the following documents:—

The Air Mail Rates of Postage
Order No. 35/1945.

The Post Office Savings Bank
Report for 1944.

The Co-operative Credit Banks
Report for 1944.

West India Royal Commission
Report on Agriculture, Fisheries, Forestry
and Veterinary Matters.

West India Royal Commission
1938—1939 Statement of Action taken on
the Recommendations.

UNOFFICIAL NOTICES.

WEST INDIAN PREFERENCE ON RICE.

Mr. LEE gave notice of the following motion:—

WHEREAS the rice industry is the second largest agricultural industry in this Colony, and a large number of people are dependent on it for sustenance;

AND WHEREAS the rice industry is capable of expansion to supply the entire needs of the Caribbean area within the next five years;

AND WHEREAS the protection and expansion of this industry is essential for the prosperity and well-being of all those who are dependent on it;

BE IT RESOLVED that this Council request His Excellency Sir Gordon Lefhem, K.C.M.G., to transmit a request to His Majesty's Secretary of State for the Colonies, Mr. George Hall, so that immediate steps may be taken to arrange a preferential tariff between British Guiana and all the West Indian Islands that are purchasing rice in order to foster and strengthen trading relations within the Caribbean area with the aim to ultimate Federation.

APPOINTMENT OF FIRST PUISNE JUDGE

Mr. EDUN gave notice of a motion in connection with Mr. J. A. Luckhoo's appointment as First Puisne Judge.

ORDER OF THE DAY

GEORGETOWN PURE WATER
SUPPLY SCHEME.

The PRESIDENT: It has been suggested to me by the Attorney General that we should take the motion touching the water purification plant for the Municipality of Georgetown. We could take that first and get it right out of the way. If Members are agreeable, I would ask the Colonial Treasurer to move it. I do not think it would take long. I call upon the Colonial Treasurer to move the motion.

The COLONIAL TREASURER: (Mr. McDavid) Sir, I beg to move the following motion which is item 2 on the Order Paper:—

That, with reference to Governor's Message No. 7 dated 20th September, 1945, this Council approves of an advance of \$263,702 from loan funds to the Municipality of Georgetown to enable the construction of a purification plant and ancillaries to provide the City with a piped potable water supply.

The object of the motion, sir, is to secure the approval of this Council of the arrangement for financing the construction of the Georgetown Pure Water Supply Scheme. The Message sets out at some length the history of this scheme and I would not touch on that at the moment. The total cost of the scheme is now estimated at \$503,702. That is being met by a free grant of \$240,000 under the Development and Welfare Act, while it is proposed to meet the balance of \$263,702 by a loan to the Municipality to be charged under the loan of \$5,000,000 which has been raised by Ordinance. The Municipality will be allowed five years free of interest on the loan, but they will be expected to pay Government interest out of

a grant—another grant of £10,000 which is being made under the Development and Welfare Act for that particular purpose—after the expiration of five years. The loan is to be repaid in 20 years at equated annuities of both interest and capital.

The Georgetown Town Council have, of course, undertaken to provide for the maintenance and the operation of this scheme after it has been constructed and put into use. I said just now that I would not touch on the history of the matter. The form which the motion takes is a summary of that history which has been put in the Message so that this matter should be on the record of this Council. I would only remind hon. Members that the present development plan was the work of a former Chief Engineer to the Georgetown Sewerage and Water Commissioners—Mr. Aitken. I think some Members here would remember that he put his heart and soul into this scheme and it is not his fault that in those early days—some-where around 1930—that he did not succeed in finishing the scheme he started. I remember very well that one Member of this Council who is now dead expressed himself very strongly against the scheme, stating that he was a believer in rain water. He did not see that Lamaha water, purified, would be of the slightest use to the inhabitants of Georgetown. Since then, a good many people have succeeded Mr. Aitken, and under Mr. Roddam—the present Chief Engineer—the scheme is taking shape. I think this Council would record its gratitude that the time has come when this scheme could be introduced with the blessings of the Development and Welfare organisation. We are asking the Council to approve of this sum from our loan funds for that purpose.

The COLONIAL SECRETARY seconded.

The PRESIDENT: I understand certain Members desire to address the

Council on the motion. If no Member desires to address the Council I will put the motion.

Motion put and agreed to.

LOCAL GOVERNMENT BILL.

The PRESIDENT: We will now proceed to the first item on the Order of the Day—the Local Government Bill. That involves procedure in Committee.

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

A Bill intituled “An Ordinance to consolidate and amend the enactments relating to Local Government.”

Clause 82 recommitted.

The ATTORNEY-GENERAL: As hon. Members would recollect, clause 82 was postponed for the purpose of enabling an amendment to be submitted to this Council. The amendment which it is proposed to submit reads as follows:—

82. “(1) The Chairman of a Village Council shall preside at all meetings of the Village Council or any committee thereof which he attends. In the absence of the Chairman from any such meeting the Deputy Chairman shall preside and in the absence of the Chairman and the Deputy Chairman from any such meeting the members present may elect one of their number to preside.

(2) The Chairman of a Country Authority shall preside at all meetings of the Country Authority or any committee thereof which he attends. In the absence of the Chairman from any such meeting the members present may elect one of their number to preside.

That, I suggest, carries out the intention of hon. Members as expressed at the last meeting. As a result of this amendment there would have to be a re-numbering, so that sub-clauses 2 and 3 would become sub-clauses 3 and 4, respectively.

Amendment put and agreed to.

Clause 79 recommitted.

The ATTORNEY-GENERAL: In view of the amendment made to clause 82 it becomes necessary to amend clause 79 and it is proposed to do so by deleting from clause 79 (1) the last sentence which reads:— “The Chairman of the local authority shall be *ex officio* a member of every such committee and when present shall preside,” and substituting the following therefor:—

“The Chairman and the Deputy Chairman of a Village Council and the Chairman of a Country Authority shall be *ex officio* members of every such Committee.”

Amendment put and agreed to.

The CHAIRMAN: I have also to put the question that clause 82, as amended, be passed.

Mr. JACOB: This is a most peculiar state of affairs. A country district is to have no Deputy Chairman, but a village district must have a Chairman and a Deputy Chairman. I was looking through the list of country districts and I find that there is no village district in the entire Essequibo Coast. At Queenstown there was a village district but the administration has been suspended by the Local Government Board. Then again, there are other parts like Berbice where there are just a few village districts, the Berbice Administrative District having only four village districts but 32 country districts. The East Demerara Administrative District has eight village districts and four country districts, and this seems to me to be in the best position. The East Bank Demerara District, including Georgetown, has four village districts and five country districts. The West Demerara Administrative District has four village districts and, I think, 21 country districts. We have it that

the concessions being granted were recommended by the Commissioner of Local Government more than a year ago, but they mean nothing at all to Essequibo. The Commissioner is however, the big boss in these matters.

Mr. SEAFORD: I do not want to interrupt, but I object to any honour being conferred upon the Commissioner of Local Government by the hon. Member. I think he should ask for the clause to be amended and leave it at that.

Mr. JACOB: If it had not received the blessing of the Commissioner of Local Government it would not have been done. I must protest against this oppressive Bill. It is retrospective and I do hope that if this Government intends to give the people in the villages some opportunity to manage their own affairs, that active steps will be taken to convert country districts into village districts immediately. I merely say that at this stage because it seems proper to mention it now that we are having chairmen and deputy chairmen, but when another clause is to be amended I will say one or two more things about it.

Clause 82 passed as amended.

Clause 79 passed as amended.

Clause 163—*Application for leave to make drain in land of another.*

The CHAIRMAN: There is a very long amendment to sub-clause (1).

The ATTORNEY GENERAL: In consequence of a suggestion made by the hon. Member for Georgetown North I am putting forward an amendment. The hon. Member for Western Berbice wanted time to consider it in order that he might make observations thereon. The suggested amendment introduces a new sub-clause (1) and reads as follows:—

“(1) Where the lands of a village or country district previously formed part of an adjoining plantation the drainage of which was connected with the drainage system of the adjoining plantation, and where the village council or country authority, (hereinafter referred to as “the applicants”) consider it necessary to drain the lands of the village or country district, or any part of portion of them, through lands belonging to the proprietor of the adjoining plantation (hereinafter referred to as “the adjoining proprietor”) and deem it necessary that new drains should be made through lands belonging to the adjoining proprietor or that existing drains through lands belonging to the adjoining proprietor should be cleaned, widened, or otherwise improved, the applicants may, with the approval of the Board, apply to the adjoining proprietor for leave to make the drains or improvement in drains through or on his land.”

I beg to move that sub-clause (1) be deleted and that this be inserted in its place.

Amendment put and agreed to.

Clause 163 passed as amended.

Clause 164—*Proceedings in case of dissent by proprietor to application.*

The CHAIRMAN: I have in my notes that an amendment was suggested for a right of appeal.

The ATTORNEY GENERAL: It was only a suggestion and I do not think it is being pressed.

The CHAIRMAN: Mr. Commissioner of Local Government, is Government pressing for the amendment?

Mr. LAING: Certain Members were pressing for it, sir.

Mr. SEAFORD: Do I understand that there is always an appeal to the Governor in Council, or is the decision of a Magistrate absolutely final?

The CHAIRMAN: The decision of a Magistrate is final, but there is an appeal to the Supreme Court.

The ATTORNEY GENERAL: Sub-clause (1) provides that a matter may either be taken to arbitration or threshed out before a Magistrate. I should imagine that there would not be very many cases.

Mr. SEAFORD: Why arbitration or a Magistrate?

The ATTORNEY GENERAL: Arbitration is only provided for in the latter part of sub-clause (1) which reads:

“.....unless the adjoining proprietor requires them within the aforesaid period of one month to be decided by arbitration—”

Mr. SEAFORD: Then the Magistrate only comes in if a proprietor does not give notice that he wishes to go to arbitration?

The ATTORNEY - GENERAL : Yes, within the specified time, of course.

Mr. E. A. LUCKHOO: I think it should be definitely stated whether an appeal should go before a Magistrate or arbitration. Magistrates are so hard pressed that it would be inconvenient for questions of this kind to engage their attention. A better procedure would be to have arbitration proceedings so that evidence might be taken from persons competent to judge and express an opinion, instead of putting a Magistrate to the inconvenience of having to visit the *locus in quo* and make all sorts of inquiries to ascertain the position.

The ATTORNEY - GENERAL. While I appreciate the observations of the hon. Member, it must be realized that some people would prefer a

disinterested (if I may use the term) consideration of a matter of this sort by a Magistrate. It may entail some work on his part, but at the same time there may be some question of law involved which he would be more capable of deciding. I am sure the hon. Member appreciates that aspect. Where two persons are determined on their rights it is desirable that someone with legal training should settle the question.

Mr. PEER BACCHUS: I take it that the proposed amendment is to give a right of appeal from a Magistrate's decision. I have not the amendment before me, but I presume it seeks to give such a right of appeal.

The ATTORNEY - GENERAL : One hon. Member suggested that where a matter had gone before a Magistrate provision should be made for an appeal to a higher tribunal.

Mr. PEER BACCHUS: I share that view.

The ATTORNEY - GENERAL : That is the point on which hon. Members' view are asked.

Mr. SEAFORD: In the case of arbitration one is bound by the decision of the arbitrators, but if a proprietor does not ask for arbitration within a month the matter goes before a Magistrate, and if anyone is dissatisfied with the decision of the Magistrate he could ask for arbitration. I think that is as provided in the Statute, and in view of the explanation given by the hon. the Attorney-General I do not think there is really anything to worry about.

Mr. PEER BACCHUS: I appreciate the point made by the hon. Member, but I do not think there should be any exception to the recognized rule of law in this country, which is that every decision of a Magistrate is subject to

appeal to the Supreme Court. It is quite true that in the first instance one could ask that the matter be settled by arbitration, but if that is not done and the matter goes before a Magistrate instead why should a person who is dissatisfied with the decision of the Magistrate be debarred from appealing to the Supreme Court?

Mr. E. A. LUCKHOO: It is merely a question of procedure. Arbitration would require the appointment of two persons, and in the event of disagreement between them an umpire would have to be appointed. Is it considered necessary that the umpire's decision should be final? I do not think there should be any alternative procedure. If it is to be arbitration let it be arbitration.

Mr. LEE: If it is compulsory to go before a Magistrate after the expiration of a certain period, then there should be a right of appeal from the decision of the Magistrate. There is that right in all summary cases.

The ATTORNEY-GENERAL: Hon. Members will realize that this clause is only a reproduction of section 105 of the present Local Government Ordinance. It is nothing new.

The CHAIRMAN: Mr. Commissioner, you are not asking for this amendment?

Mr. LAING: No, sir. I feel that if advantage is taken of arbitration there should be no appeal. Both sides should agree to accept the result of the arbitration. If there is to be an appeal from the decision of a Magistrate there should be no arbitration at all.

The CHAIRMAN: So you do not ask for it?

Mr. LAING: No, sir.

The CHAIRMAN: Government will not pursue it?

Clause 32 recommitted.

Mr. LAING: The Bill provides in clause 32 that a person is qualified to be elected a member of a village council

“(a) if he has during the twelve months immediately preceding the election resided in the village;”

That qualification was amended by this Committee on a previous occasion by the addition of the word “or within five miles of the boundaries thereof.” The Village Chairmen's Conference then made representations and asked that the clause be recommitted for reconsideration, because they considered five miles too large a radius. They contend that a councillor should reside in the village or within one mile of its boundaries. It is a matter for the decision of the Council, first of all whether the clause should be recommitted, and if so, whether the word “one” should be substituted for “five.”

Mr. SEAFORD: When the Council adjourned on the last occasion Your Excellency indicated that you desired the Commissioner to find out what were the wishes of the village councillors themselves. I am advised by them that they desire that it should be one mile and not five miles.

The CHAIRMAN: We have a telegram from the Executive of the Village Chairmen's Conference asking for that amendment. I am quite prepared to have that considered. I know that there is great conflict of opinion on the point. I will recommit the clause and allow Members to speak on it.

Mr. PEER BACCHUS: I am thinking whether I should not exercise the privilege of opposing the recommitment of the clause.

The CHAIRMAN: It is within my power to recommit it and re-open dis

cussion of the particular portion of it which is paragraph (a). Do you move that five miles be retained?

Mr. PEER BACCHUS: Yes, sir;

The CHAIRMAN: Have you any desire to comment upon it?

Mr. PEER BACCHUS: Yes, sir, but before I do so I would like to inquire whether Government has received any intimation from the ratepayers of any district with respect to a five or one mile limit?

The CHAIRMAN: I think there is one here. I think another has been received, but it is not in my hands. I will ask the Colonial Secretary or the Commissioner to say.

Mr. LAING: A telegram was received from Rosehall signed by three or four individuals and asking that the five-mile limit be retained.

The CHAIRMAN: The one I have just read is from the Executive of the Village Chairmen's Conference.

Mr. PEER BACCHUS: The recommittal of this clause has been caused by the request of the Village Chairmen's Conference. Now we have just got it from the Commissioner that there were other requests from ratepayers that five miles be adhered to. I am sorry to say it, but I think that information has had to be forced out of the Commissioner for the information of this Council. I am still thinking whether there are any more requests that five miles should be retained. No new matter has arisen to justify the recommittal of this clause. The representation made by the Village Chairmen's Conference was previously made by the hon. Member for Georgetown North (Mr. Seaford), and received the consideration of this Council which voted against the one mile limit. There is no further information before this Council, yet we find this clause being recommitted in a depleted Council. I

feel certain that some of the Members who voted for the five-mile limit in the first instance are not here today. That is one of the handicaps of recommittal.

I made representation and moved an amendment at the request of the ratepayers. The majority of the villages are Country Districts in which all the members of the local authority are nominated by Government, and they are the people who are making representations for the curtailment of the privileges of the ratepayers of the districts. To limit the scope of selection of a councillor to within one mile of the boundaries of a village is a curtailment of privilege. I am thinking whether there should be any limitation at all. Why shouldn't the ratepayers of a district select someone from any part of the Colony who they believe could best represent their interests? Government has taken to itself the right to nominate any person residing within five miles of a district, but denies the ratepayers the same privilege of selection.

I feel certain that such a clause would not have been passed in the Franchise Bill—providing that a Member of this Council should be resident in the electoral district he wishes to represent. I maintain that the ratepayers should have the same right as Government has to elect as a councillor any person who resides within five miles of the boundaries of the district.

Mr. JACKSON: In my opinion it is ridiculous to ask this Council to accept representations made by three or four ratepayers of a village in preference to those made by the Executive of the Village Chairmen's Conference which represents all the Village and Country Districts in the Colony. The Village Chairmen's Conference is an organisation which is recognised by Government as the mouthpiece of the ratepayers in the various villages. The hon. Member for Western Berbice (Mr. Peer Bacchus) is making a mis-

take when he thinks that this Council should respect a petition or request from four persons in one village district in preference to the representations of a recognised organisation representing the villages throughout the Colony, whether they are Country Authorities or Village Districts. Country Districts as well as Village Districts support and make representations to the Village Chairmen's Conference. They have free access to the meetings and are all entitled to take part in the discussions. An isolated number of proprietors in an isolated district should not cause this Council to accept what they want in preference to what is the considered opinion of the Village Chairmen's Conference.

My views on this matter are well known. My personal opinion is that all elected councillors should reside in their districts, but I am open to compromise by agreeing to a one-mile limit instead of a five-mile limit.

Mr. EDUN: While I listened to the hon. Member for Western Berbice I felt somewhat convinced that he had made out a very good case for the five-mile limit. If it is good enough for Government to select a nominee from within five miles of a village the ratepayers of a village should have the same privilege. Immediately after the hon. Member spoke I heard an altogether different view expressed by the hon. Nominated Member who has just taken his seat. Both hon. Members happen to be "high priests" within the functions of the Local Government Board, and I am confused; I do not know where I am. Both are experienced members of the Board, but if I am to choose I think that as an Elected Member of this Council the hon. Member for Western Berbice has perhaps more right than the Village Chairmen's Conference to say what is best for the people whom he represents. To accept the telegram from the Village Chairmen's Conference and agree to a recommittal of this

clause is not very good policy. Government ought to have examined the matter more fully and said whether the ratepayers were more disposed towards a five-mile limit or a one-mile limit. Viewing the matter from the standpoint of democracy I think it would be in the interests of the ratepayers to have a five-mile limit, and that the clause should not be recommitted at the bidding of the Village Chairmen's Conference.

I am beginning to feel that hon. Members of this Council would have more confidence in Government, if Government would only listen to its advisers and not to heads of its Departments all the time. I see a tendency on the part of Government to ignore the Members of this Council altogether in a matter of this kind. If we take the matter at face value, I think the argument put forward by the hon. Member for Western Berbice would be found to be full of good sense. With his experience as a member of the Local Government Board he knows more than I do, perhaps, with regard to the shortcomings on the part of ratepayers and with regard to the selection of a chairman within a one-mile limit. In the past, it was the duty of members of the District Administration to lead a village chairman in the performance of his duties, but now I see a different turn altogether. Even an hon. Member of this Council has no right at all to interfere with village administration. All he should do is to come here and say something touching upon the matter. What wisdom would there be in making representations here, however, if his views would not be accepted.

Mr. JACOB: Like the hon. Member on my right (Mr. Edun), my views in this matter are very well known. I supported the hon. Member for Western Berbice when he moved an amendment to enable ratepayers to select a person residing within five miles of the boundaries of a village to be the chairman of that village. In fact, I went further

and stated that there should be no limit at all, but this Council in its wisdom voted in favour of the amendment as it stands now. Today we find that the clause is being recommitted and that a vote is to be taken as to whether there should be a five-mile limit. We are told that the people of the Colony are heading towards self-Government—it may take us another century but it is so—and we are out to give more privileges to the people, but what is this Government actually doing—wanting to give less privilege to ratepayers than they would have in the nomination of members to local authorities. This Council is attempting to go backwards and on the other hand I am being told that we are going forward—marching forward. That is the position I have found myself in and so I sometimes feel that it is too late for us to achieve our aims in matters of this kind. How can I accept the sincerity of Government in matters of this kind? Now we are being told that representations have been made by the Village Chairmen's Conference—that a telegram has been sent to Government requesting that the limit be one mile and not five miles. I am all in favour of receiving representations from representative bodies and I am inclined to believe that the Village Chairmen's Conference is a representative body, but I desire to ask whether this matter has been referred to a duly constituted meeting or whether the representation being made today is the wish of a few people who are being controlled by this Government? I am inclined to think that it is the latter case, because the Village Chairmen's Conference had an opportunity to consider the Bill before it came into this Council and so far as I know they made no representations in regard to this clause.

The CHAIRMAN: Are you referring to the original Bill?

Mr. JACOB: Yes, sir.

The CHAIRMAN: There was nothing about one mile or five miles in that clause before the amendment was moved. The Village Chairmen's Conference say they prefer to have a one-mile limit and that is what we are considering now.

Mr. JACOB: I am saying that certain people got together and made these representations and Government have accepted them. To my mind the situation is absurd, because a ratepayer in a village would be entitled to become a Member of this Council but would be precluded from being a village councillor if he does not reside within five miles of the boundaries of the village. The principle is to select the right people as representatives and ratepayers in a village should have the right to select a person residing in Georgetown or even ten miles outside the boundaries of the village to represent them, so long as that person is capable of doing the work to be done. Government wants to have the right to nominate hand-picked people from anywhere within five miles outside the boundaries of a village, but the actual ratepayer is to be denied that right. If Government intends to conduct things that way, then I can have no confidence in this Government and particularly in regard to local administration. That is the place where self-government must begin and instead of leading the people in that direction I find this Government hunting with the hounds and running with the hares. I do want to see progress on the part of the Administration in this country—this Colony is not making any progress at all.

Mr. ROTH: This Council, after due consideration, approved of a five-mile limit on the amendment moved by the hon. Member for Western Berbice. It seems perfectly clear that if Government has the right to nominate members to a village council from within five miles outside the boundaries of a village, the ratepayers should have the right to do the same thing. We have been told that representations have been received from

the Village Chairmen's Conference requesting that the limit be reduced to one mile, but not for one moment could I support that request. From what the Commissioner of Local Government has said, the principal reason for the request on the part of the Village Chairmen's Conference is that it would not be convenient for persons residing so far away to attend meetings of the local authority. If that is so, Government should change their position and reduce the limit which they desire to have from five miles to one mile.

The CHAIRMAN: Mr. Commissioner, what is the point in asking for the one-mile limit?

Mr. LAING: The present law provides that a councillor must live within the boundaries of the village district, and that he must be a voter. There has been a case in which an appeal against the election of a councillor to be chairman of the village council was upheld, because the councillor was living on lands just outside the boundaries of the village district. The object in altering the law was that if a person lived within one mile of the boundaries of the district he should be eligible for election as a councillor. The distance was extended to five miles on the recommendation of the hon. Member for Western Berbice. I think members of the Village Chairmen's Conference are in a better position to judge the value of the amendment. I think we should be practical in this matter and do what the villagers themselves desire should be done. The reason why it was suggested that there should be a limit of one mile from the boundaries of a village, is because of the appeal brought against the elected councillor to whom I have referred. Why it should be extended to five miles, nobody seems to know.

The CHAIRMAN: Apparently it is to increase the scope for selecting nominees.

Mr. LAING: Personally, I do not know of any person who would be willing to spend his time in travelling 10 miles in order to attend a meeting of a local authority, and I really do not see the wisdom in putting in something in the Bill which the villages themselves have no desire should be there. I think that if Members of this Council are desirous of changing the limit from one to five miles, they should advance sound and substantial reasons to show why the wishes of the village themselves should not be respected.

The CHAIRMAN: Why shouldn't the villagers have power to elect a person residing within five miles outside the boundaries of a village as a councillor?

Mr. LAING: A limit of five miles for Government nominees serves a useful purpose, because assistance in local administration can be obtained from such persons as Government Medical Officers who generally live outside the village areas. With the approval of the Director of Medical Services, the services of such Officers have been made available to the village council.

The CHAIRMAN: Are Government Medical Officers the only persons living beyond the one-mile area whom you would like to serve on village councils?

Mr. LAING: There is nobody else as far as I am aware.

The CHAIRMAN: Then why shouldn't the villagers have the right to elect someone living five miles outside the boundaries of the village.

Mr. LAING: If they have that right, it means that somebody might be elected who would fail to attend meetings and so cause a by-election and this would only result in unnecessary expenditure to the village council.

The CHAIRMAN: Why would there be a by-election?

Mr. LAING: Because he might not attend meetings regularly and would therefore lose his seat.

The CHAIRMAN: Why wouldn't he attend meetings regularly?

Mr. LAING: Because he would have to ride a bicycle for five miles in order to attend the meeting and ride five miles again in order to get back home. It is felt that that is too much to ask anyone to do.

The CHAIRMAN:: If he desired to be elected he would agree to attend the meetings.

Mr. LAING: That is so, sir. In the heat of the election he might agree, but after the election is passed his interest might wane. What we want is to get someone who is willing and ready to serve the people. Experience has shown that if a person is living more than one mile from the village he finds it difficult to attend the meetings of the local authority. I cannot visualise anyone in that position—living five miles away and offering himself for election.

The CHAIRMAN: What is the village council's objection?

Mr. LAING: It is that the villagers themselves feel that they would not get proper service from such a person.

The CHAIRMAN: Then they should not elect him.

Mr. LAING: If a man put up for election lives, say four and a half miles away, and his opponent lives very much nearer to the village, it is always probable that the latter would be elected. It seems to me that the objection against the one-mile limit is very thin; if there were really strong reasons it would have been better. There is little use in allowing the villages to elect persons living five miles away when they have no desire to do so. The villages themselves have carefully considered this

clause and it is really their desire that persons elected should be residing within one mile of the boundaries of the village. It is true that a telegram has been received within the last 24 hours from Rose Hall Village requesting that there should be this five-mile limit

The CHAIRMAN: I think the judge of that should be this Council.

Mr. LAING: All I would say is that this Council should hesitate to put into the Bill something that is undesirable and unnecessary to the people whom the Bill is intended to help. The views of the villagers should be the views expressed by their representatives in this Council and if they feel that the villagers are wrong, then I think it is their duty to say why they are wrong

Mr. JACOB: I may say, sir, that the chairmen and several village councillors as well as several ratepayers from the Demerara River District have spoken to me in this matter. Some of them wanted me to do certain things, but I referred them to their representative. Personal representations have also been made to me by several responsible people in this matter, some suggesting a one-mile limit and others a five-mile limit, but the majority were in favour of having the same rights as nominated members of the village councils would have. We are not saying that the ratepayers should elect persons who live far out of the village, but we are saying that they should have the right to do so. The Commissioner of Local Government says they must not have that right, but I cannot imagine why they should not have it. I do not know if he follows the point we are getting after.

Mr. JACKSON: There is a vast difference between an elected councillor and a nominated councillor, and I am quite sure when that difference is explained Your Excellency would see the reason why it was decided that nominated councillors may live within a certain number of miles outside the bound-

daries of a village. With the inception of the Village Ordinance it was conceded that the villagers receiving the right to elect councillors from among themselves—persons resident in the village—might elect councillors who were not in a position to give all that is expected of them, on account of limited intelligence and other things. Therefore, it was thought fit that men from outside the district who were capable and willing to assist the villagers in carrying out the work they are expected to do, should be brought into service. I referred to this difference when I spoke originally on the motion and also mentioned the fact that nominated members from the sugar estates were often appointed to assist in the administration of the villages. I also mentioned that in a certain village the manager of an adjoining estate was appointed to be a member of the village council and became its first chairman.

It is all well and good to talk about giving advantages to villagers for the election of persons living outside the villages as councillors, but we should not get away from the original idea which is that elected councillors should be chosen from among those persons who reside in the villages and who own property therein. Elected councillors form the majority of the council and it is in order to provide that they should receive the assistance of nominated councillors from outside. Nominated councillors comprise only one third of the council and the Local Government Board should have a wider scope for selecting them—men from outside the villages who are capable of assisting the council in carrying out its work, and that is why the five-mile limit has been provided. I do not think it is right to hold that because a nominated councillor could reside within five miles outside the boundaries of a village, an elected councillor should be allowed to do the same thing.

Mr. PEER BACCHUS: I think it has slipped the hon. Member who has just taken his seat that I can use the

same argument he has put forward on behalf of the nominated members to support the case for the elected councillors. He suggests, in effect, that we should not give ratepayers the privilege of electing men of intelligence from outside a district, but should confine them to the election of unintelligent men and leave it to the discretion of the Local Government to select men from outside the village, men of intelligence who are willing to assist in carrying on the work of the council. Why shouldn't the ratepayers of a village also have the privilege of electing the manager of a sugar estate to represent them and let him have the honour of being an elected chairman, instead of being a chairman nominated by the Local Government Board. I know I will not get the vote of the hon. Member who has just taken his seat, but I repeat that his argument really supports my amendment. I am wondering, now that Government intends to improve the status of these villages from country to village districts, whether one of the handicaps would not be the difficulty in getting suitable persons for election as village councillors.

It is deplorable and I appeal to you, sir, to use your personal judgment in putting this clause to the Council. It has been said by other Members that it is regrettable that it has been recommitted, and I agree with them.

Mr. LUCKHOO: It seems to me somewhat unfortunate that this clause should be recommitted at this stage. It was rather unfortunate that the Village Chairmen's Conference did not make their representations at the proper time.

The CHAIRMAN: I recommitted this clause for a number of reasons. The first is that it closely affects Village Councils and Local Authorities generally. They were therefore entitled to be consulted and given the fullest opportunity to consider the Bill. That was done; they have had the Bill in front of them for a very long time, but this particular proposal was not in the

Bill as printed. My second reason is the bad habit of Members of this Council of bringing forward without notice an amendment which goes to the root of some clause. It is a very good practice if Members have amendments of importance to make—I do not mean verbal amendments or minor amendments—to give notice of them so that they can be circulated to other Members and not only considered by Government but referred to bodies outside this Council so as to give them a chance of considering them. If amendments of importance are brought into Council without notice I should perhaps refuse to put them to Council but defer them for circulation among Members and for consideration by the Law Officers and outside bodies concerned. If we do otherwise we run the risk of rushing things through. Those are my reasons for recommitting the clause, but I would like to have the advice of the Deputy President.

Mr. WOOLFORD: It has been done in Legislative Council on more than one occasion in the past. The Attorney-General usually insists on being given notice of amendments in writing. I refer to the acting Attorney-General's predecessor.

The CHAIRMAN: Had the Attorney-General told me that we should have had notice I should not have gone forward with it but deferred it.

Mr. LUCKHOO: I am glad Your Excellency has made those observations because it puzzles one to consider amendments without previous notice. It is rather unfortunate that it has not been the practice in this Council to submit amendments with the view of giving other Members an opportunity to study them before coming into Council. Members are at considerable disadvantage when amendments are sprung on them in Council. The directions which Your Excellency has given are quite sound and should guide Members as to the procedure to be followed in future.

The CHAIRMAN: I have not made any comment on the merits of the point itself.

Mr. LUCKHOO: Your Excellency has had the Commissioner of Local Government under very rigid cross-examination as to his reasons for extending the limit from one mile to five miles. I am quite aware of the fact that there was a case before the Magistrate on the Corentyne Coast in which the question of residence arose. There was some opposition to the election of a Chairman and the matter went before the Magistrate for decision which turned on the question as to whether he was resident in the particular area or not. I can quite see the Commissioner's point of view in extending the limit so as to include persons who may be living on the border line, but logically I do not see why, if one mile is allowed, five miles should not be allowed also. Unless there is very good argument against it. I think, the amendment to five miles has my approval. It would allow a wider range of selection among persons whose advice would be of assistance to a Village Council.

The point made by the Commissioner was that doctors and others were very useful to Local Authorities who would be deprived of their advice if Government were not permitted to nominate them. Why then deprive the ratepayers of the right to select their representatives from persons living within five miles of the boundaries of their village? After mature consideration, and particularly in view of the fact that the question was fully debated by other Members who are now absent, I am inclined to the view that the five-mile limit should stand.

Mr. LEE: Perhaps the Commissioner has not taken into consideration the fact that for a person to be elected a councillor he must own property in the village, so that even if he resides five miles outside the village he still has interest in it. In my opinion there should

be no residential qualification at all, but as the Council has decided that there should be a five-mile limit I am prepared to stick to that decision. If Government wants to have the right to nominate persons who live within five miles of a village, why shouldn't the villagers have the same right to elect councillors on the same basis?

Mr SEAFORD: After listening to the remarks of the hon. Member for Eastern Berbice (Mr. Luckhoo) I began to wonder why there should be a limit of five miles—why not 10 or 15 miles? I do not understand the reason for making it five miles.

The CHAIRMAN: The reason is that nomination can be made within five miles.

Mr. SEAFORD: There is a difference between a nominated councillor and an elected councillor. The nominated councillor need not have a vote in the village but the elected councillor must have a vote. I think the real reason is that the villagers feel that a person resident in the village will take much more interest in its affairs than one living outside the village.

The CHAIRMAN: I have explained my reason for saying that we should not simply ride roughshod over those who are so much concerned, although the last word lies with this Council. That is quite definite, but if we had completely considered a matter of this kind and still preferred something on which there was a division of opinion we are still entitled to go on with it. What I would like to say is that we have had a number of Members speaking on it and, I think I am right in saying, six Members prefer that the clause should stand and only two prefer the one-mile limit, while two Members have not spoken and I do not know what their views are.

Mr. EDUN: If you will permit me to say so, sir, I think a very great prin-

ciple is involved. If the recommittal of this clause succeeds it would mean that a Head of a Department has been able to override the decision of this Council.

The CHAIRMAN: You must not say anything of that kind. That is entirely unjustified. I have explained very clearly my reasons for recommitting the clause—to give the Council a chance to consider it because a matter of this kind demands that an amendment of this nature should get the fullest consideration, and the mistake was mine in permitting it to go to the vote. Had I known the importance of it, or had the Attorney-General advised me, I should not have put it to the vote. The hon. Member must not make any kind of suggestion that the Head of a Department has succeeded in upsetting a decision of this Council. The only way that decision can be changed is by the free and voluntary vote of the Council.

Mr. EDUN: I think it will be read as such in the districts.

The CHAIRMAN: Then I can only say that Members of this Council do not understand procedure. It is my business to ensure that the fullest opportunity is given for consideration, and when I feel that it has not been given it is within my power to recommit and to ask the Council to reconsider it.

Mr. SEAFORD: The sooner we get out of our heads any idea of adult suffrage the better. The point is that I think the Chair did say at the last meeting that he proposed to ask the Head of the Department to get the views of the Village Chairmen's Conference on the matter, and that he would again bring it before the Council.

The CHAIRMAN: My view is that in view of the opinions expressed by what seems to be the majority of the Council I do not propose to make any change in the clause. In other words I do not think it necessary to take a vote

on it unless some Member wishes it. I think the five-mile limit should remain.

Mr. SEAFORD: I move the amendment that "one mile" be substituted for "five miles" in the amendment previously passed.

The CHAIRMAN: I will put the amendment in the usual parliamentary form—that the words proposed to be deleted stand part of the paragraph as previously amended. Those who desire "five miles" to stand will say "Aye" and those in favour of "one mile" will say "No."

Question put, and the Committee divided and voted as follows:—

For—Messrs. Roth, Edun, Lee, Jacob, Peer Bacchus, E. A. Luckhoo, Critchlow and the Colonial Treasurer—9.

Against—Messrs. Jackson, Seaford, the Attorney-General, and the Colonial—4.

Amendment lost.

The CHAIRMAN: I am perfectly certain that it was desirable to have the clause recommitted, and that no suggestion can now be made that the matter has not received every possible consideration, or that the views expressed outside have not been heard in this Council. Had it gone forward without this recommitment it might very readily have been said that we had overridden the wishes of the people who are so much concerned.

Mr. LUCKHOO: I think you have given Members the fullest opportunity.

The CHAIRMAN: That is the object of recommitting a clause in certain circumstances.

Clause 32 passed as previously amended.

Mr. LEE: I see no clause in this Bill providing that there shall be an implied condition of tenancy that a landlord shall keep his house in a proper state of repair.

The CHAIRMAN: You are raising something entirely new. I think you should give notice of it. Does the hon. the Sixth Nominated Member wish to move his amendment now?

Mr. EDUN: Yes, sir. The amendment reads:—

"9 That there shall be established four (4) County Councils

1. Berbice —the area between the west bank of the Abary River and the Corentyne River, with the exception of the Town of New Amsterdam;
2. East Demerara—the area between the left bank of the Abary River and Hyde Park on the Demerara River, with the exception of the City of Georgetown;
3. West Demerara—the area between the left bank of the Demerara River and the right bank of the Essequibo River as well as the district around Bartica and the Penal Settlement at Mazaruni, the Island of Leguan and the district on the right bank of the Demerara River above Hyde Park;
4. Essequibo —the area west of the West Demerara Administrative County to the boundary of Venezuela.

That these four County Councils shall be comprised of the following members:—

1. Member of the Legislative Council as Chairman. Where there are more than one Member then they shall elect their Chairman among themselves.
2. District Commissioner.
3. District Engineer.
4. Government Medical Officer.
5. The County Sanitary Inspector.
6. One representative of each local

authority to be elected from the local Council.

7. Representative of each sugar plantation to be nominated by the Governor.
8. Not more than four other persons to be nominated from among private proprietors by the Governor.

The functions of the County Councils shall be inclusive of the local authorities and of all rural sanitary districts within the area. Any other functions which may be delegated to them from time to time by the Governor and or the Legislative Council."

The amendment is a comprehensive one and speaks for itself. I do not think I should take up much of the Council's time because Your Excellency has made a pronouncement in favour of the establishment of County Councils. County Councils are the eventual growth of democracy. The various Committees which were set up to consider the question of village administration found that County Councils were the eventual stage to be reached, and, in view of Your Excellency's pronouncement and the trend of thought as regards democratic progress in these parts of the world, I am surprised that provision for their establishment has not been embodied in this Bill. I am suspicious that Government is not so much concerned about democratic progress as it is with its own convenience. As the Bill stands now it will be very convenient for the Commissioner of Local Government to administer arbitrarily the Village and Country Districts and the rural communities. I see nothing in this Bill which gives me the idea that Government is contemplating democratic progress from the lowest stage to the highest. That is why I have brought this amendment—to test Government's sincerity and to see whether in view of Your Excellency's pronouncement we cannot at this stage dove-tail County Councils into the provisions in this Bill.

In the *B.P.I. Supplement* of July 28 there is a summary of Your Excel-

lency's pronouncement on the question of Advisory Committees in the districts, and when I examine the purpose of these Advisory Committees I find that it tallies with the idea of County Councils. In Your Excellency's view there is an urgent necessity to co-ordinate the various sections of the people in the districts into one common whole in order to examine their problems periodically. That was actuating Your Excellency's mind when you gave your blessing to the Advisory Committee in Essequibo. I do not know whether you have read the documents pertaining to village administration in this country, but you will find in those reports the very laudable suggestion that County Councils should be the next stage in the progress of village administration. That idea is taken from the pattern of village administration in England, but I see in this system of local administration a sort of hybrid democracy. Some people may say that we are introducing too much democracy in village administration, but the whole progress of British administration has been founded on democratic ideals. In this Bill I see nothing that will make me believe that in the course of years these Village and Country Districts will be able to manage their own affairs, because I see that the whole function of rural administration is being placed in the hands of an outside authority—the Local Government Board.

If you were to examine the ideals contained in the report of the Advisory Committee and compare them with those envisaged in the report of the Hector Josephs committee, you will find that the latter committee seemed to have been convinced that village administration should be dove-tailed with county councils, otherwise you would be depriving the majority of the people in the country districts of any kind of co-ordination in their village affairs. In this document it is suggested

that the Advisory Committee should deal with such broad questions as sea defences, health visitors, hospitals, ambulances, maintenance of public roads and trenches, and Credit Bank affairs. If I am to pay some attention to this document and to believe in it—not as election propaganda—then I would ask this Council to accept it as the ideal of the Advisory Committee with respect to village administration since it refers, among other things, to the West Demerara Chairmen's Union, village districts, country districts, sugar estates and private proprietors, as well as those points that are without any administration at all.

If you wish to adjourn at this stage, sir, I shall be happy.

The CHAIRMAN: We should sit a little longer; we began at 3 o'clock.

Mr. EDUN: I have to travel across the River by the 5.30 Ferry.

The CHAIRMAN: Would you be quite happy if we adjourned now?

Mr. EDUN: Yes, sir.

The CHAIRMAN: Very well, we will.

Council resumed.

The PRESIDENT: I think our next day would be Thursday next week. I shall be out of town from Monday to Wednesday, so we will resume today's debate on Thursday next week.

Council adjourned to Thursday, October 18, at 2 p.m.