

LEGISLATIVE COUNCIL

WEDNESDAY, 25TH MARCH, 1953.

The Council met at 2 p.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-Essequibo).

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

The Hon. T. Lee (Essequibo River).

The Hon. W. J. Raatgever, C.B.E. (Nominated).

The Hon. V. Roth, 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. 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. L. A. Luckhoo (Nominated).

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

The Clerk read prayers.

DEATH OF QUEEN MARY

The President: Honourable Members, I know that, like me, you have learned with profound sorrow of the death of Her Majesty Queen Mary who, by her human sympathies and gracious dignity, has earned over the years our deep affection and respect. I have anticipated your wishes in sending the following telegram to the Secretary of State for the Colonies:—

"The sad news of the death of Her Majesty Queen Mary has been received with profound sorrow by myself and the people of British Guiana and we humbly offer to the Queen and to the Royal Family our deep and heartfelt sympathy."

I understand that the hon. Member for Demerara-Essequibo (Dr. Singh) will move a motion expressing the feelings of the Council on this sad occasion, the text of which, if it is your wish, I shall also transmit by telegram.

Dr. Singh: In this hour of bereavement on the passing of Her

[Dr. Singh]

Majesty the Dowager Queen, we desire to express our sympathy through the following motion:

"That, the Members of this Council record their profound grief at the passing of Her Majesty the Dowager Queen Mary, and submit their humble duty to Her Majesty the Queen.

"On behalf of the peoples of this Colony the Members of the Legislative Council offer to Her Majesty and all the members of the Royal Family heartfelt sympathy in their great loss, at the same time respectfully tendering assurances of their constant allegiance and loyal devotion to Her Majesty's Throne and Person."

Mr. Lee: Sir, I desire to second that motion which expresses our deep regret at the passing of Her Majesty Queen Mary whose graceful and dignified character and her devotion to duty endeared her to all the people in the British world.

The Colonial Secretary (Mr. J. L. Fletcher, acting): Sir, on behalf of the Official Members I join in the Council's expression of profound sorrow and sympathy at the passing of Her Majesty Queen Mary who has long been a gracious presence in the life of our Commonwealth. We recall with pride the support and inspiration given by our revered Queen Mary to His late Majesty King George V during his reign. Her Majesty, greatly beloved and admired throughout the world, gave unsparingly to the service of the peoples of the Commonwealth. She shared with courage and fortitude the hardships and privations of our days of peril, and was an unfailing support and comfort to all her people. With queenly dignity Her Majesty maintained the highest traditions of the Constitutional Monarchy; by her virtues of uprightness, piety and personal goodness she endeared herself to peoples throughout the world. We are proud of her and deeply mourn her passing. We can revere her memory

in no better way than by trying to emulate her example of placing always duty and honour before self-interest.

The President: I will now ask hon. Members to stand silently for a few moments for the acceptance of the resolution before the Council. (After two minutes' silence). We will now adjourn for half an hour in token of our respect and bereavement.

Council adjourned and resumed at 2.35 p.m.

MINUTES

The Minutes of the meeting of the Council held on Tuesday, the 3rd of March, 1953, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS

LOAN AGREEMENT FOR RICE DEVELOPMENT

The Financial Secretary and Treasurer: I beg to communicate the following Messages from the Officer Administering the Government:

MESSAGE No. 15

"Honourable Members of the Legislative Council,

"At the end of my Message to Council, No. 12 of 8th January, 1953, announcing the formation of the British Guiana Rice Development Company, Limited, it was stated that a further announcement with respect to the Loan Agreement to be entered into between the Government, the Company and the Colonial Development Corporation would be made as soon as possible.

"2. I am pleased to inform the Council that following on negotiations in London between Honourable E. F. McDavid, C.M.G., C.B.E., Financial Secretary, acting on behalf of the Government and the Company (of which he is the Chairman), and representatives of the Corporation the terms and provisions of the Loan Agreement have been agreed and en-

grossed copies sealed by the Corporation have been received for execution in the Colony.

"3. The principal provisions which have been agreed and incorporated in the Loan Agreement are as follows:—

"(a) the capital debenture loan of \$5 million (£1,042,000) to be made by the Corporation to the Company to be taken in an initial instalment of £250,000 followed by four further instalments of £198,000 each on the application of the Company at intervals of twelve calendar months;

"(b) the Company to have the right, on giving thirty days' notice, to anticipate or to postpone any application for an instalment as the Company may consider necessary in accord with the actual requirements of its capital programme;

"(c) the Company to be under no obligation to apply for any instalment of the loan;

"(d) if any instalment or instalments remain not applied for by 31st December, 1957 or if prior to that date the Company gives six months' notice that any instalment or instalments not applied for are not required the Corporation to be released from the obligation to lend the same.

"(N.B. By virtue of these provisions the Company has freedom to take (or not to take) up the loan monies in accord with its capital requirements during a period of five years from 1953).

"(e) each instalment of the capital debenture loan to be redeemable five years from the date on which such instalment was paid by the Corporation to the Company;

"(f) the Company to have the right, on giving thirty days' notice, to pay off prior to the redemption date under (e) above on a day stated in such notice any instalment of the capital debenture loan;

"(g) working capital advances to a maximum or such greater amount as may be mutually agreed to be made by the Corporation to the Company;

"(h) each working capital advance to be repaid by the Company within six months unless the Corporation agrees to an application by the Company for postponement made not later than thirty days before the repayment is due;

"(i) interest on the capital debenture loans and working capital advances to be at a rate equal to three-quarters of one per cent. per annum higher than the rate at which the requisite funds are in each case obtained by the Corporation from the British Treasury.

"(N.B. Provided there is no change in the current U.K. Bank rate the interest payable by the Company will be at the rate of 4½% per annum on the capital debenture loans and 3¼% per annum on the working capital advances).

"(j) the capital debenture loan not to carry a mortgage on the Company's assets but the Company to agree that it will not without the consent of the Corporation create any mortgage or charge on its property which on a liquidation would rank in priority to or *pari passu* with any of the debenture bonds to be issued in respect of the capital debenture loan;

"(k) the Government to guarantee in terms of Resolution No. LII of 19th December, 1952 to the Corporation payment of the principal and interest in respect of the capital debenture loan and the working capital advances.

"3. The terms and provisions outlined above are considered to be reasonable and satisfactory to the Government and the Company.

"4. Execution of the Loan Agreement by the Company and the Govern-

ment will shortly be completed. Copies of the document are being circulated to Honourable Members of Council together with this Message.

JOHN GUTCH

Officer Administering the Government."

GOVERNMENT HOUSE,
British Guiana.
24th March, 1953.

CAPTAIN WALCOTT'S PENSION

MESSAGE No. 16

"Honourable Members of the
Legislative Council,

"I have the honour to address you regarding a proposal to extend the period on which Captain C. H. Walcott, Harbour Master, Transport and Harbours Department, may have his pension and gratuity computed when he retires from the Public Service on the 30th of September, 1953, at the age of 60 years.

"2. Captain Walcott joined the Public Service on the 1st of January, 1925, and will have completed 28 years and 9 months service on the 30th of September, 1953. His pension and gratuity fall to be computed in accordance with the provisions of the Pensions Ordinance, Chapter 204, section 4 of which prescribes that the maximum period of service which may count for pension is thirty years. Captain Walcott's pensionable service will therefore fall short of the maximum period by fifteen months and as a result his pension and gratuity will be less than the maximum pension and gratuity payable by \$83 per annum and \$352 respectively.

"3. Captain Walcott was a member of the B.G. Police Force from October, 1913, to August, 1920 but by virtue of section 6 of the abovementioned Ordinance, this service cannot be reckoned for pension because he resigned from the Force voluntarily.

"4. Under section 25 of the Ordinance, the Governor-in-Council may, in his discretion, and subject to the approval of the Legislative Council, direct that a period of not more than six years may be added to an officer's service. Captain Walcott has given exceptionally meritor-

ious service in the Transport and Harbours Department and after consideration of his case the Executive Council have advised that fifteen months should be added to his service to enable him to qualify for the maximum award, I invite Honourable Members to approve the grant of this concession to Captain Walcott.

JOHN GUTCH,
Officer Administering the
Government."

GOVERNMENT HOUSE,
British Guiana.
25th March, 1953.

PRESENTATION OF REPORTS AND
DOCUMENTS

The Colonial Secretary: I beg to lay on the table the following documents:—

The Decision of the Governor-in-Council on the petition laid in the Legislative Council on the 15th of August last by the Honourable Dr. J. B. Singh on behalf of Clifford Glenville Marblestein, formerly employed as an Overseer in the Public Works Department praying that he be permitted to obtain employment with that Department.

The Administration Report of the Director of Agriculture for the year 1951.

The Sixty-second Annual Report of the Chamber of Commerce of the City of Georgetown for the year ended 31st December, 1952.

The Report on the Accounts of the Patoir Fund for the year 1952.

The Report of the Director-General of Colonial Audit on the Accounts of British Guiana for the year ended the 31st of December, 1950, together with the Governor's comments thereon.

The Annual Report and Financial Statement of the Board of Commissioners of the East Demerara Water Conservancy for the year ended 31st December, 1952.

The Air Mail (Rates of Postage) (Parcels) Order, 1953.

The Report of the Building Trade Committee.

GOVERNMENT NOTICES

INTRODUCTION OF BILLS

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

"An Ordinance further to amend the Teachers' Pensions Ordinance with respect to the payment of pensions to teachers in nursery schools and with respect to the time within which certain teachers may exercise the option to take a reduced pension with a gratuity".

The Financial Secretary and Treasurer: I beg to give notice of the introduction and first reading of the undermentioned Bills, and of my intention to move the suspension of the relevant Standing Rules and Orders at the next meeting of the Council so as to take the Bills through all their stages:—

"A Bill intituled "An Ordinance to allow and confirm certain additional expenditure incurred in the year ended the thirty-first day of December, 1952."

"A Bill intituled "An Ordinance to make provision for raising in the Colony a loan not exceeding seven million two hundred thousand dollars."

**House of Assembly (Elections)
Bill**

The Attorney General: I beg to give notice of my intention to move the suspension of the relevant Standing Rules and Orders at a later stage to enable me to proceed with the second reading and also to take through its remaining stages the Bill intituled:—

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

CAPT. WALCOTT'S PENSION

The Financial Secretary and Treasurer: I beg to give notice of the following motion:—

"That, with reference to Message No. 16 of the 25th of March, 1953, from His Excellency the Officer Administering the Government, this Council approves of the addition of fifteen months to the period of service on which Captain C. H. Walcott, Harbour Master, Transport and Harbours Department is entitled to have his retiring benefits computed on retirement from the Public Service on the 30th of September, 1953."

UNOFFICIAL NOTICES

INCORPORATION OF MORAVIAN CHURCH

Mr. Fernandes: I beg to give notice of the introduction and first reading of the following private Bill intituled:—

"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.

T.B. PATIENTS AT THE PUBLIC HOSPITAL.

Mr. Carter: Before we proceed with the Order of the Day, I desire to bring to your attention, Sir, and to the attention of the Administration, a matter of great public importance and urgency. I refer to a letter which appears in today's issue of the *Daily Chronicle*—on page 4, column 3 — purporting to have come from T.B. patients at the

[Mr. Carter]
Public Hospital, Georgetown, and signed "Sufferers". The letter reads:—

"Sir,

Kindly permit us space in your valuable column to state that we have been patients in the tuberculosis ward of the P.H.G. for the past 8 to 12 months, during which time it was under the supervision of Dr. T. R. Jones and Sister Cummings both of whom were at all times approachable in regard to food, tablets, medicines and all things in general. About two months ago Sister Cummings was transferred to another ward and it is now five weeks since Dr. Jones has left the ward. From the time of the departure of these two top-ranking humanitarian Guianese, we have been left at the mercy of the Lord. A complete cut off of vitamins, multivite, fersolate, tablets and other medicines has been meted out to us and the decline in quality of food is most appalling.

"There is one old dilapidated receiver for the use of an average of 20 patients per day. This very "receiver" is being used for washing all filthy sheets and bloody clothing. Spitoons, urine receptacles and waste matter basins are all washed in this "receiver." All of us have to wash our faces and our eating wares in this same receiver. So boring is the situation that one can only be convinced by a secret inspection. This has led five patients to walk out of the institution within the past two weeks.

"We know for sure that the treatment meted out to us is far below that of animals. Like the past two monarchs and the Chancellor of the Exchequer of London, we are all human beings. We pray that this letter will catch the eyes of the proper authority, and let them give this matter the consideration it deserves.

Yours etc.,
"SUFFERERS"

Ward 7,
Public Hospital,
Georgetown.

Sir, this letter, if true, discloses a most regrettable state of affairs in

that particular Ward, and I would ask that you direct the Director of Medical Services to make an immediate inquiry into the conditions existing in that Ward and to report to you within the shortest possible time.

The President: Very well, but it would have been so much better if the persons had written to the proper authorities instead of to the Press.

Loan Agreement For Rice Development

Mr. Debidin: Before the Order of the Day is proceeded with, I desire to draw attention to the fact that we have had placed before us what I would call the Draft Agreement between the Colony of British Guiana and the B.G. Rice Development Company on the one hand, and the Colonial Development Corporation on the other hand. Reference has been made to this Agreement in Your Excellency's Message, No. 15, but since this matter relates to something of vital importance, namely, the rice industry and the new Rice Development Company, may I ask whether it is the intention of Government to move a motion for the purpose of having this Agreement ratified by the Members of this Council?

I consider it extremely important that hon. Members should know and also have an opportunity of expressing their approval or disapproval, as the case may be. I say that, because there is every indication that this Agreement has not yet been signed and I take it that the object of its being laid over is to get the necessary approval by the Legislature so that the Government of British Guiana might be a party to it. I trust that we would not only get an answer to my question, but that something would be done whereby Members would have an

opportunity—since I see the need for it—to express their views on such questions as the transfer of debenture bonds, which certainly require a great deal of examination.

IMPORTATION OF LAUNDRY SOAP

Mr. Fernandes: I hate to have to take up any time with this matter at this stage but I crave your indulgence once again, Sir, to bring to your attention and that of this Council a matter which I consider to be of grave importance in view of the large number of unemployed that we have in British Guiana. You will remember, Sir, that some time ago I brought to the attention of this Council the unfortunate position of laundry soap in British Guiana. Local manufacturers could not dispose of their products owing to the heavy importation of this class of soap. The matter was taken up and I was given the assurance that no further import licences would be issued. Since then, however, I think some 2,000 cartons were received and I was told that no more would come. At the moment I understand that some 3,000 more cartons have arrived, and I think Government should decide once and for all whether they intend to support local industries or industries from abroad. My information is that the local manufacturers have ceased production and that their hopes and everything have gone. That is so because of excessive imports of laundry soap being brought into the Colony to the detriment of the local article.

It is very unfortunate that in the adjustment of our Customs tariff we have only put a small increase on the duty of soap, as in a small Colony like this we can quite see that such an increase would not stop it. I feel very strongly in this matter because it is one of the matters in which I was given an assurance, but still the evil continues.

I hope, however, that Government will take immediate action, but it is really too late because this additional 3,000 cartons are on the market. If investigations are made, however, they might prevent the continuation of this evil. I feel that the Colonial Secretary knows nothing about it, but the fact remains that the wrong is there whether it is being done with his knowledge or not. In addition, it shows how efficiently the Control Supplies Department is operating. It is operating at all times contrary to the interests of the people in British Guiana. I am very grieved about this case because I took the trouble to make representations in this Council, but I find that the evil still continues.

The President: We will now proceed with the Order of the Day.

ORDER OF THE DAY

OLD AGE PENSIONS (AMENDMENT) BILL

The Attorney General: I beg to move the first reading of the Bill intituled—

“An Ordinance further to amend the Old Age Pensions Ordinance, 1944, by empowering the Governor in Council to fix the monthly income which an applicant may receive without being disqualified from receiving an old age pension.”

Dr. Nicholson: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

LAW REVISION (AMENDMENT) BILL

The Attorney General: I beg to move the first reading of the Bill intituled—

“An Ordinance to amend the Law Revision Ordinance, 1949.”

Dr. Nicholson: I beg to second the motion.

Question put, and agreed to.

Bill read the first time.

HOUSE OF ASSEMBLY
(ELECTIONS) BILL

The Attorney General: I beg to move that the relevant Standing Rules and Orders be suspended in order to enable me to proceed with the second reading of the Bill intituled —

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

The reason for my moving the second reading is that the Bill itself was published in the *Gazette* on March 21, but hon. Members are fully aware of the fact that it was proposed to proceed with the Bill today.

Dr. Nicholson: I beg to second the motion.

Question put, and agreed to.

Standing Rules and Orders suspended.

The Attorney General: In moving the second reading of this Bill, I need hardly emphasize the fact that this legislation is necessary and is preparatory to the forthcoming elections. I hope that all hon. Members have copies of the Legislative Council (Elections) Ordinance, 1945, because this Bill is to be read with that Ordinance and I hope hon. Members will be able to refer to it in order to appreciate the reasons for writing this particular Bill. As may be gathered from the Objects and Reasons, the Bill seeks to adopt the provisions of the Ordinance to which I have referred — the Legislative Council (Elections) Ordinance, 1945 — for the purpose of the election of Members of the House of Assembly, as proposed in the recom-

mendations of the Waddington Commission. Clause 3 of the Bill provides that the provisions of the Legislative Council (Elections) Ordinance, 1945, as amended from time to time shall not apply to the election of Members of the House of Assembly.

Clauses 4 and 5 seek to provide that no register of voters shall be prepared in the manner provided by the Legislative Council (Elections) Ordinance, 1945, or Regulations thereunder for the year 1953, and compliance with certain other requirements of that Ordinance shall be dispensed with. Hon. Members will appreciate the fact that these provisions are necessary, because under the Legislative Council (Elections) Ordinance an election was conducted on a low income franchise and other qualifications, but having accepted the principal of universal adult suffrage, it follows that the provisions must be completely different.

Clause 6 seeks to make provision for polling divisions to be constituted in each electoral district, and that every registration area constituted under the provisions of the Special Revisal Ordinance, 1953, shall be deemed to be a polling division. Hon. Members will recollect that during the course of the debate which took place on the Special Revisal Bill provision was made for revision to take place during this month. In fact, Revising Courts sat yesterday investigating claims which were made during the course of this month, and perhaps earlier.

Clause 8 seeks to prescribe the powers and duties of the Registration Officer. It will be appreciated that it is essential for the smooth and efficient conduct of the election that there should be not only a returning officer but presiding officers and assistant presiding officers in the several sub-districts, and also a number of poll

clerks who will render assistance to the presiding officers.

Clause 12 seeks to provide that oaths required to be taken under the provisions of this Bill may be taken before a Justice of the Peace, returning officer, presiding officer, assistant presiding officer or poll clerk.

Clause 16 seeks to make provision for the attendance of the returning officer between the hours of 9 a.m. and 11 a.m. on the day and at the place appointed for the receiving of nominations. Hitherto the hours were 9 a.m. to 10 a.m., but on account of the changed procedure and the large number of candidates that may be involved at the nominations it has been considered necessary to extend the time from one to two hours. Therefore the time will be from 9 a.m. to 11 a.m.

Clause 18 provides that at the time of nomination, or within 48 hours after the hour of 11 a.m. on the day nominations are received, every candidate nominated shall deliver or cause to be delivered a statutory declaration in the prescribed form. That provision also is not new, but the type of declaration is new and pays regard to the changed circumstances in connection with the qualifications of candidates.

Clause 24 seeks to provide for the division of the list for a polling division into so many separate lists as there are polling-places in the polling division, and that, except in certain cases, every voter shall vote, if he votes at all, at the polling-place to which is allotted the division of the list upon which his name appears. That provision is necessary, having regard to the fact that in a particular electoral district there will be sub-divisions and polling-places, and the list which relates to the particular electoral district may be

subdivided, and the presiding officer at the particular polling-place will have before him the list dealing with that particular polling-place relating to the district with which he is particularly concerned.

Clause 26 seeks to make provision that all persons voting at an election shall do so in person, except in the case of members of the Police Force, Special Reserve Police, Volunteer Force and rural constables detailed for duty at a general election, and of the returning officer and of persons employed by the returning officer in connection with the election, who are unable or likely to be unable to go in person to the polling-place. Such persons may vote by proxy. It will be appreciated by hon. Members that members of the Police Force, the Special Reserve Police, the Volunteer Force and rural constables may be required for duty in connection with the election, and may be away from the particular district where they should normally cast their votes. It is therefore fair and proper that they should have an opportunity to vote, and provision is being made whereby they vote by proxy.

Clause 34 seeks to provide that in the event of a tie between two candidates at an election, the returning officer shall forthwith decide between those candidates by lot. That provision is taken from the United Kingdom Representation of the People Act 1948. As the law stands, in the case of a tie the returning officer, if he is a voter in that electoral district, may, if he wishes, exercise his vote. In case he does not exercise his vote, or does not have the right to vote in that particular district, the matter is left to the decision of the Legislative Council. I think hon. Members will agree that in view of the changed circumstances and the new proposals with regard

the Attorney General]

Legislature, some other method could be provided, and accordingly the Bill makes provision for the method which has been used in the United Kingdom Parliament since 1948 under the Representation of the People Act.

Clause 35 seeks to provide *inter alia* that no person shall annoy, molest or otherwise interfere with or attempt to annoy, molest or otherwise interfere with a voter when casting his vote, or otherwise attempt to obtain in the polling-place or within 10 yards thereof any information as to the candidate for whom any voter in each polling-place is about to vote or has voted, or as to the number of the ballot ticket given to any voter at such polling-place. I think hon. Members will agree that it is necessary that some provision of this nature should be included in the Bill. We hope that all those who are candidates or who are (and we all are) interested in the elections will see to it that there will not be any type of annoyance or interference with voters, but that they could be permitted to exercise that right in a democratic way, without let or hindrance or any interference whatever.

Clause 39 seeks to provide that employers shall allow employees a reasonable period for voting. I express the hope that all employers will give all opportunity to their employees to register their votes. I think I should also suggest to them the usual slogan "Vote early".

May I add that many of these provisions have been taken from existing legislation either in this Colony or in other places. I propose, if hon. Members would permit me, to refer briefly to the sources of the various clauses. Clause 4 is similar to section 27 of the Jamaica Ordinance, No. 27 of 1944, while clause 5 is similar to sec-

tion 3 of the same Ordinance. Clause 7 is also taken from the Jamaica Ordinance, section 94, and clause 8 from section 56. Clause 9 is similar to the provisions of section 57 of the Jamaica Ordinance, clause 10 similar to section 62, clause 11 similar to section 63, and clause 12 similar to section 64 of the Jamaica Ordinance. Clause 13, sub-clauses (1) to (4), is based on the provisions of our own Legislative Council (Elections) Ordinance 1945, section 15. Sub-clauses (5) and (6) are taken from the Legislative Council (Elections) Regulations, 1945, Regulation 24, while sub-clause (7) is similar to section 15(5) of the Legislative Council (Elections) Ordinance, 1945. Clause 14 is similar to section 16 of our Legislative Council (Elections), Ordinance 1945. Clause 15 is similar to section 16 of the Legislative Council (Elections), Ordinance. Clause 16 similar to section 18, and clause 17 similar to section 19 of that Ordinance.

Clause 17 (3) is taken from Regulation 25 of the Legislative Council (Elections) Regulations, 1945. Clause 18 is section 20 of the Legislative Council (Elections) Ordinance; clause 19 is taken from section 22, and clause 20 is section 23 of that Ordinance. Clause 21 is similar to section 24 of the Legislative Council (Elections) Ordinance, except that sub-section (2) of that section has been omitted in view of the new arrangements for voting, under which there will be no ballot box for a candidate who has withdrawn. Clause 22 is similar to section 25 of our Legislative Council (Elections) Ordinance, while clause 23 is similar to Regulation 30 of the Legislative Council (Elections) Regulations, 1945.

Clause 24 is new. It is taken from section 27 of the Jamaica Ordinance of 1944. Clause 25 is similar to section 96 of the Jamaica Ordinance. Clause 26,

which deals with the place and manner of voting, is similar to section 8 of the U.K. Representation of the People Act. Clause 27 is similar to section 19 of the Jamaica Ordinance, and clause 28 is similar to section 91 of that Ordinance. Clause 29 is taken from section 10 of the U.K. Representation of the People Act, 1948, while clause 30 is similar to section 11 of the same Act. Clause 31 is similar to Regulation 27 of our Legislative Council (Elections) Regulations while clause 32 is section 27 of our Legislative Council (Elections) Ordinance. Clause 33 is taken from section 28 of our Legislative Council (Elections) Ordinance. Clause 34 is similar to section 14 of the U.K. Representation of the People Act. Clause 35 is section 30 of our Legislative Council (Elections) Ordinance, while clause 36 is section 31 of the same Ordinance. Clause 37 is section 32 of the Legislative Council (Elections) Ordinance.

Clause 38, which deals with the prohibition of the sale of intoxicating liquor on polling day, is taken from section 4 of the Trinidad Ordinance, No. 10 of 1946. Clause 39 is also taken from the Trinidad Ordinance, section 55, while clause 40 is a re-wording of sections 50, 51 and 67 of our Legislative Council (Elections) Ordinance, in view of the provision which has been made for proxy voting.

I think I have covered all the salient points, except to add that the Forms in the Schedules are practically taken from the Jamaica Ordinance, No. 44 of 1944. Form No. 6 is, however, similar to that provided in the Trinidad Ordinance of 1946, and relates to the Statutory Declaration of a person nominated as a candidate for election as a Member of the House of Assembly. Form No. 7 is from the Statutory Rules of the United Kingdom, while Form No. 8 is taken from the U.K. Statutory Rules and Orders, 1949.

I may add one word more with regard to the amount of \$500 which hitherto has been allowed as expense by a candidate. That amount has been doubled, and is provided for in the Second Schedule in which appears an amendment of section 39 (1) of the Legislative Council (Elections) Ordinance 1945, for the substitution of the words "one thousand dollars" for the words "five hundred dollars". There is very little more I can add, therefore formally move that the Bill now read a second time.

Mr. Raatgever: I beg to second the motion.

Dr. Jagan: I would like to make a few observations with respect to this very important Bill. First of all I think it is regrettable that we have not before us one Bill dealing with the whole subject of the General Election, instead of dove-tailing this Bill with the original Legislative Council (Elections) Ordinance of 1945. Candidates for the coming Election would have been in a much happier position if they were able to have a composite Ordinance instead of having to refer to the Legislative Council (Elections) Ordinance from time to time.

I observe that clause 3(1) provides that the provisions of this Bill and those of the Legislative Council (Elections) Ordinance, 1945, shall apply to the election of Members of the House of Assembly, but sub-clause (2) says that the provisions of the Legislative Council (Elections) Regulations, 1945, as amended from time to time, shall not apply to the election of Members of the House of Assembly. So that while one sub-clause refers to the Legislative Council (Elections) Ordinance, the other refers to the Legislative Council (Elections) Regulations.

There are a few matters included in the Legislative Council (Election

Ordinance which have not been included in this Bill. I shall make brief reference to those points as the debate proceeds. First of all the writs of election are to be issued at some time subsequent to the passing of this Bill, but I would like to suggest to Government that such things should be done long in advance, so that the public would know definitely what the position is. I recall that when we were dealing with the Symbols Bill I mentioned that the time allowed was very short. As a matter of fact the Bill was rushed through so quickly, and the time allowed was so short, that a prospective candidate was unable to apply for his symbol in time. In that case the Bill was published in the Official Gazette on March 7, and on the 18th applications for symbols were closed.

Transportation facilities are very slow in the remote areas of the Colony and, as happened in that case, when Government makes decisions from time to time and does not give the public sufficient notice of them, hardships are created. They did not give long periods to facilitate, as in this case, people living in the interior. Therefore, I would suggest that these writs be issued as early as possible so that persons desirous of going to the North West District, Bartica, Potaro or the Rupununi district would not be embarrassed and would know what time they should be at particular points to be duly nominated according to this Bill. The Bill does not say when Nomination Day is going to be, but I hope that in the course of this debate Government would be in a position to tell us exactly what time it would be. As I have already said, people suffer great hardships in the remote areas if they are not aware of the time and the places where nomination would take place. I have in mind the North West District where there is only a fortnightly steamer service and a once-

monthly air service, so that if candidates do not get sufficient notice, they would not be there in time.

Another point is that of employees being given reasonable time to register their votes. No specific time is stated in the Bill, but I think Government should state how long an employee should be given for this purpose—whether it should be half an hour, one hour or two hours. I see that provision has been made for proxy voting in the Bill, but I do not think it is right that voting should cease at 6 p.m. I have already said that some individuals would find themselves far from their districts and would not be able to register their votes before 6 o'clock. I have also pointed out that some individuals work in the field on the sugar estates and do not return from work until late in the evening, and when we take into consideration the number of people who would have to register their votes at one polling booth, it would be difficult for these estate workers to vote in time. I have had to point out that in one instance there were 275 persons at one polling booth and that is a very large number. I have therefore asked Government whether it is possible to extend the voting period until 8 o'clock in the evening, as recommended by the Constitution Commission.

Further, no mention has been made in this Bill as to whether election day will be declared a public holiday. I hope Government will consider this point and decide to declare that day—election day—a public holiday. I know that Government is providing provisional polling places, both in the City and in the rural areas. I have examined many of these places myself and have found that they are not very satisfactory, but I hope that further information would be given to the people in the various dis-

tricts as to the exact location of all the polling stations. Another point not covered in the Bill is the question of the number of agents to be allowed each candidate. I see that there are as many as five or six polling booths at each polling station, but no mention has been made as to whether each candidate would be allowed one agent for each booth. I think that is a very important matter and that a candidate should be allowed one polling agent for each booth, because there are election offences to be guarded against. There are such things as voters bringing out their ballot papers, and candidates should be able to check up very carefully to see that persons who go to register their votes do not bring out their ballot papers and be tempted to sell them for bribes, or commit any other offence.

Another matter of importance is the question of counting the votes after the polling. We would like to know whether all the boxes will be collected from the various points and brought to one central point for counting, or whether the returning officer would go from point to point and count the votes at each polling station. If the former practice is adopted — all the boxes being collected and taken to one point—then I think some arrangement should be made for the candidate or his polling agent to travel with the polling clerk in order to keep a very close eye on those boxes. Those points have not been clarified in this Bill and I would like Government to tell us exactly how these things would be done so that we would be in a position to tell the people exactly how they would be dealt with.

The Attorney General: I was just pointing out to the hon. Member that the point he is raising is provided for in clause 32 (7). It says:—

(7) After the close of the poll the ballot boxes shall be sealed by the presiding officer so as to prevent the introduction of additional ballot tickets and shall as

soon as is practicable thereafter be taken charge of by the returning officer, who shall, in the presence of such agents, if any, of the candidates as may be in attendance, open the ballot boxes and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidate to whom the majority of the votes has been given."

Dr. Jagan: What I was asking is whether the ballot papers would be counted at the station where the vote were polled, or whether the boxes would be collected from the various stations and taken to one central point. If they are to be collected and taken to one central point, I would like to know whether the polling agents of the candidate concerned would be allowed to go along with them. I think that point should be dealt with during the Committee stage of the Bill, and I have mentioned it so that the Attorney General might be in a position to inform us about it during that stage.

There is another point I would like to touch upon and that relates to the question of the declaration to be made by a candidate. In my opinion, each candidate has to sign a declaration as set out in Form No. 6. I am really speaking with respect to clause 32 (7), which I have just read. It will be recalled that the Constitution Commission recommended that in the case of Government employees they should be permitted to stand for election and if elected they should resign their posts. It is also stated that if they hold their seat for four years and run for election again, if they fail to get elected they should not hold their jobs again. In the case of Government employees in this Colony, however, a Circular has been issued stating that they would not be permitted to take part in political activities and so on. I am informed that an undertaking was given by you, sir, to the Federation of Government Employees that a certain category of

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orkers would be permitted to stand for election, but would only be given a certain amount of leave during the period of the elections.

The President: I think the hon. member has got it a little wrong. The Circular always permitted certain Government employees to take part in political activities, including standing for elections and so on. The only reason for my explanation to the Federation Government Employees was to clear up some misunderstanding as to what category was permitted to do that and what was not.

Dr. Jagan: I was referring to a clerk of the Transport and Harbours Department.

The President: It was a question of the interpretation of the Circular, that's all. I admit that all other categories were not permitted, but it was a question of whether or not clerks of the T. H. D. could take part in political activities. Certain of the employees themselves had assumed from the wording of the Circular that they were not permitted to take part, but we explained that they were and certain other employees were also told that they were not subject to the restrictions in the Circular.

Dr. Jagan: Under the first Circular no one who is excluded could take part in any political activity, but this refers to emoluments and so on. The question is that such a person as a clerk may be permitted by the original Circular to take part in political activities and to stand for election. If this clause is introduced, however, it means that such a person would not be permitted to stand.

The President: I see the hon. member's point.

The Attorney General: I have already indicated to the hon. Member that this point would be looked into. For the purposes of record, however, I will make a note of it.

Dr. Jagan: As regards election expenses, I notice that they have been increased from \$500 to \$1,000. The original Ordinance is not quite clear, however, as to when election expenses begin. Section 53 (2) of the 1945 Ordinance—No. 13 of 1945—states:—

"(2) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than five dollars, be vouched for by a bill stating the particulars and by a receipt."

I was trying to find out from this Ordinance when does an election really begin. Does it begin on nomination day and end on election day? The Ordinance is not quite clear on the point. I should like to know where we are as regards the intervening period. A candidate might incur expenses on a rainy day only to find a successful election petition brought against him. Therefore, we would like to know when does the period begin and end so far as expenses are concerned. There is another section—71—in the 1945 Ordinance which states:—

"71. (1) No candidate before, during or after an election shall, in regard to the election, by himself or agent, directly or indirectly, give or provide to or for any person having a vote at the election or to or for any inhabitant in the electoral district in which the election is held, any cockade, ribbon or other mark of distinction, or any banner."

This section deals with the candidate himself—that he should not give any of these things to anyone — but I wonder what would be the position with respect to a political party having its own symbol or sign—flags and so on. I would like to know whether their use

would be permitted. In England these things are quite legal; candidates are allowed to have flags and buttons and so on.

The Attorney General: No I do not think so.

Dr. Jagan: I would like the Attorney General to go into that matter very carefully because in England one finds individuals going around with flags, buttons and so on which might not have been given to them by the candidate but by the Party to which he belongs. One would like to know whether the use of such things in this Colony would be considered an election offence on the part of the candidate although he took no part in supplying or using them? I think that now that we have political parties taking part in elections a clause such as this should be deleted so that candidates who belong to parties would be allowed to use ribbons and other marks of distinction if they so desire. It is a common practice in other countries like the U.S.A. for parties to have their own symbols, badges, and so on, at election time.

I notice that in the section dealing with proxy voting nothing has been said about candidates. Provision has been made for parents, officers, persons who would be employed at the polling stations, and so on, and I think provision should also be made for those who are candidates because they might themselves be in districts outside the areas in which they were registered and might lose their votes if they are not allowed to vote by proxy. There is one other point I would like to make, and it is the question of deciding by way of lot in a case where there is a tie between two candidates. I do not think that is a satisfactory way of dealing with such a question. I think that in such a case the matter should

be sent back to the electorate so that the voters themselves could declare which of the two candidates should be the winner of that particular seat.

The Attorney General: May I interrupt to state that the question the hon. Member is referring to is still being considered? I should, however, like him to make a suggestion as to whether only the two candidates who received an equality of votes should be returned to the electorate, or whether all the other candidates who contested that particular seat should be sent back to them also.

Dr. Jagan: Only those who gained an equality of votes should be returned to the electorate.

The Attorney General: I mention that the hon. Member for Georgetown Central spoke to me about this question also.

Mr. Fernandes: I took the trouble to get in touch with the hon. the Attorney General on this issue. I maintain that where there are only two candidates and the electorate shows an equal choice for both of them thereby causing a tie, a lot should be drawn. But, where there is no straight fight and there are more than two candidates, I think that only the two candidates who got an equality of votes should be sent back to electorate, and I have asked the Attorney General to see whether an amendment to this effect could not be drafted. After all is said and done, I think Government would agree that a candidate sent to the House of Assembly should be the popular choice of the people. It is very regrettable that there are so many candidates in some constituencies because one can quite see that the winning candidate in some cases would not be the popular choice of the electorate.

It is quite possible in a democratic country. At any rate, I hope the Attorney General would see fit to recommend to Government the principle I have just mentioned, and that Government would accept it.

A point has been made by the hon. Member for Central Demerara and that whether Government will permit one polling agent for each polling booth. There are eleven candidates and there are three polling booths or five polling booths in any one polling station, one can quite see that Government will have to find accommodation for anything like 30 to 50 persons or more. I am quite sure that a lot of difficulty will be experienced to find suitable accommodation to prevent the candidates' agents getting into each other's way and in the way of the returning officer. It is a great pity that the hon. the Attorney General did not see fit to have one Ordinance instead of two. Nevertheless I daresay pressure of work and the necessity to get everything through have caused us to have two Ordinances, but the Registration Officer has promised to let candidates vote as early as possible a complete copy of both of these Ordinances considered, so that candidates can know what the offences are.

The hon. Member for Central Demerara made another point, and that the point of carrying flags and banners of that kind. He has said it would be quite easy for an opposing candidate or party to get someone to carry such things so as to get the other candidate or party disqualified. It is really easy for any party or candidate to carry flags and put the blame on the opponent in order to avoid disqualification. Quite a lot of that is being done now. Disturbances are being created at political meetings, and then one hears of the particular party or candidate

whose meeting is disturbed employed persons to disturb their own meeting so as to blame others. It is, however, very peculiar that a candidate would employ others to break up his own meetings and so prevent the public from hearing what he has to say, while his opponents' meetings are allowed to go through undisturbed. I think it would be dangerous to permit anything on polling day other than what is absolutely necessary for ensuring that every person who is on the Register of Voters votes without let or hindrance.

I gave notice of a motion a short while ago, a motion which Government has seen fit to put on the shelf. It is no use bringing it up in the next day or two, but I again take this opportunity to warn Government that the principle of that motion is that the election should be held on more than one day in view of the fact that we have not got sufficient personnel, whether it be Police and Rural Constables, Reserve Police or Volunteers, or anything else, in my humble opinion, to give adequate protection to persons who desire to exercise their votes throughout the Colony on one day. I am definite on that, and it is my duty to bring it to Government's attention. I can do no more. If anything should happen, at least the public would know that I did my duty in warning Government of the danger which exists. Feelings are running very high. It is the first time we are having an election under adult suffrage, and we have lots of disqualifications and things of that kind in this Bill. It is no use putting them there if on election day there is no one to see that the laws are respected. That is all I would like to bring to Government's attention at the moment.

I agree with the hon. Member for Central Demerara, that if the ballot boxes are to be collected and taken to a

central point, then each candidate should have the right, if he so desires, to have a representative of his accompany those boxes. It is a right that we have always had of making sure that nobody is able to tamper with the ballot boxes after they have been sealed and the voting has been completed. I am very glad to see that Government is making sure that as many voters as possible go to the poll by insisting that all employers permit their employees sufficient time to vote and that employees do not lose financially by having to take that time off from their work, because it should be the principle of Government to do everything possible to see that as many people exercise the franchise on the day or days of the general election. That part of this Bill I entirely endorse. As a matter of fact I entirely endorse the greater portion of this Bill. There are only one or two small matters which I will deal with in the Committee stage.

Before I take my seat, there is a rumour going through the country which I would like the hon. the Attorney General either to quash or to confirm, and that is, that Government contemplates chopping and shaping the constituencies to suit the fancies of certain candidates. As far as I know, the constituencies are definitely laid out, and it would be very difficult now if Government yields to any pressure from anywhere to change or chop the constituencies in any way whatever. I would like a statement from the hon. the Attorney General to the effect that the rumour is not true and it is not the intention of Government to change the constituencies in any way whatever, so that everyone will know that will not happen.

Mr. Debidin: With the introduction of this Bill we see the eve of the election which will usher in our new Constitution, and I am equally anxious as

I think the hon. the Attorney General has to see this Bill through as early as possible. I will therefore reserve most of what I have to say on the second reading for the Committee stage, but I must point out one or two omissions in this Bill, omissions which ought to have been properly anticipated as to what will take place at the next general election. But I am hoping, Sir, that what is omitted will be taken care of by discretionary action on the part of the Registration Officer. I want to point out, first of all, that there has been no mention of what will be the effect of the deposit of \$200.00 at the time of nomination of a candidate. In section 21 of the original Ordinance of 1945 it is clearly stated that the \$240.00 must be desposited on nomination day. As far as I see there is no repeal of that section, and I feel there ought to be some provision in this Bill before the Council so as to avoid any confusion in the minds of candidates as to what will be the position of any deposit which has been made long before nomination day.

The hon. Member for Central Demerara has referred to certain aspects of polling day. I myself would like to ask a very pertinent question so as to find out whether sufficient provision has been made as a safeguard against people going into the polling booths and remaining there for an unduly long period of time in order to prevent others from exercising the vote. With this point is interwoven the point made by the hon. Member for Central Demerara, a point which we had complained about when we debated the Constitution, and that is, that the time given by the Constitution Commissioners ought never to have been changed. The period for polling should never have been contracted. As a compromise it was suggested the closing time should be 7 p.m. It was contended that there was no light to be obtained at the polling stations. That, I feel, is a mere specious argument, as

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throughout the rural areas there are to be found gas lamps which give adequate lighting to permit of proper voting at night.

It seems to me then, that if two things do not happen — (1) that the time be extended to a later hour and (2) that polling day be not created a public holiday—we may be confronted with a situation in which a lot of labourers on the estates or people going from work and having to attend to other duties will all flock to the polling stations at a late hour of the afternoon, and I fear very much the consequence of that. These people flocking there, especially as there will be a number of polling booths in one polling place, may be kept standing outside by unscrupulous people remaining in the booths. It is an important aspect to be legislated for. Personally I do not know what may be the formula, but for the moment I can suggest one at least, and that is, some provision be made in the Regulations that no voter be allowed longer than a certain number of minutes to exercise his or her vote. Provision has to be made for the blind and disabled persons to vote in a different way, and so it has to be assumed that everyone going to a polling place to exercise the franchise is not a blind person and must be able to see the ballot box into which he throws his ticket. That is to my mind an important point.

That brings me to what I regard as the most important aspect to be discussed under this Bill. It is now a vexed question throughout the Colony, and that is the contraction of polling areas in the various electorates. I cannot conceive what has inspired Government to do so. I have made my own guess as to what has caused it, and that is lack of Police supervision. But I venture

to say that is no excuse. There can be no excuse for not carrying out the original intention of Government to have a polling place in every registration area. I invite the attention of the Council to the definition of a registration area. It will be found in the Special Revisal Ordinance, section 4 (3) which reads:

"Where the Governor in Council is satisfied that it is more convenient to do so, he may, notwithstanding anything to the contrary contained in subsection (2) of this section, constitute a portion of a census district to be a registration area, provided that every such portion shall consist of a whole number of census sub-districts."

We have had these registration areas clearly set out in preliminary lists of voters, which have been printed and put up in every part of the Colony, and in which it has been clearly stated that in every registration area there will be subdistricts which will be polling areas. In other words, as I read it here, polling area for registration district 39 is divided up. The Constitution Commissioners had based their definition upon the census districts and subdistricts, and the preliminary voters' list for each subdistrict had been distinctly designated as a polling area. As I have said in this Council, Government has afforded little or no publicity to the people of the Colony as to the way in which they are to exercise the vote or how to move about on polling day. But Members, like myself, have gone throughout their electorates with loud speakers and otherwise and told the people that they are registering for a particular subdistrict and their subdistrict is a polling area, which means they are going to have a polling booth right within their subdistrict, and as a result of that they will not have to travel far to vote; they cannot vote in any other polling area, but must do so in their particular subdistrict.

Those are the conditions told to the people. They have grasped the full meaning of those instructions and are going to be guided by that on polling day. But what has happened since then? We find that polling places have been selected, and in some cases about five original areas have been put in those polling places. Not only have five polling areas been put in one school-room or courthouse, but the number of the polling areas does not correspond with that of the polling place areas. Each polling area should have its own polling booth, but that is not going to be so. The polling areas have been contracted apparently on the ground of the number of voters on the lists. That, I respectfully submit, will tend to confuse the voters who are going to present themselves there to vote, because you are going to have so many polling areas grouped into one small polling place. A voter may go there from such and such district, it may be Canegrove which has six polling areas; he may be unable to read the list and so he says "I have come from such and such section," and an unusually long time will be taken up to find that person's name in order to have the necessary formality carried out.

I mention this aspect because one will see at once, and which I have mentioned before, the possibility of a number of voters not being able to exercise the vote at 6 p.m. occurring. This is one of the difficulties as a result of jumbling several polling areas into one polling place. On the other hand I venture to say that if Government carries out its original intention one would find a number of very useful consequences which this Government and everyone in this Colony would be happy to see. We would find — (1) every person would know

exactly where to go as each polling area would have its own polling booth. We know that it is a serious offence—an election offence—for people to carry, or provide conveyance for voters, and by jumbling the polling areas we are bringing people from long distances to one central place. Secondly, voters will be saved from having to travel far distances, and from any inducement to bribery and corruption in being taken to the polling station.

Continuing this last point and extending it a little further, is it right when we have adult suffrage and when a large number of persons, especially women, will be exercising the franchise to impose on them the necessity to travel mostly on foot when they may not have the ability to pay for conveyance in order to vote? Is it right to have these women travelling for miles in order to get to the polling station? I say it is cruelly wrong and almost criminally wrong, because it is a criminal offence to provide conveyance for them. In the constituency in which I am interested there is one polling station in a society hall at Pin. Perth. The people have to travel all the way from Wash Clothes, about 23 miles, and the roads in that area at high tide and as a result of recent flooding have been washed away entirely. Not even a donkey cart can go into Wash Clothes, so even if those people have the ability to pay for conveyance to the polling station they are unable to get it, since no vehicle would travel on that muddy and slushy road. One should not expect voters to travel long distances to the polling station and back, taking hours in the final analysis.

On the other side of the river you have the same problem. To the north of the polling station the people have to travel a long distance. At that polling station we will have well over

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500 voters crammed into it to exercise their vote. I say that it is most undesirable that any polling station should have to accommodate more than 300 voters on a polling day. It is wrong, for you will have confusion and jostling and the need for police protection. In the polling station the agents of candidates should be properly placed, and voters should be able to go in and get their ballot tickets in an orderly manner. There should be no opportunity for misapprehension, as one should be able to see each voter as he or she comes in and applies for his or her ticket to vote.

That is to my mind a most paramount desideratum for the forthcoming general election and, I venture to say, no amount of money is too much to be spent in order to ensure the proper running of this general election. I am prepared to vote it, and I feel that every Member of this Council would be prepared to vote the necessary funds in order to see that the election is carried out smoothly and that people are not disenfranchised. I respectfully suggest that if these polling areas are going to be bundled up together, over 1,000 persons are going to be crammed into one schoolroom with about five polling booths. At Cane Grove for instance, that is going to create a tremendous amount of confusion. Imagine 1,000 persons milling around to get into that schoolroom which has only two steps or stairways. I do trust that will be considered.

As regards the Mahaicony Creek. I find that Wash Clothes has been left out. On the opposite side of the creek is Esau and Jacob and the people of Wash Clothes either have to cross the creek in a corial to get to Esau and Jacob or walk along the road to Perth. The people on the other side of the creek have to go to Mora Point by what

conveyance they can get. I can give an example of my own place and I venture to say, as I have seen sufficient in the newspapers, that this complaint is the same in all other rural electorates in the Colony. I do not feel it is right for Government to depart from its original intention to create a polling station in each sub-census district. We have prepared the lists accordingly for voting. There are certain other points which I certainly would like to urge but, as I say, I prefer to discuss them in the Committee stage. But I would like to urge very strongly that Government consider, when the time comes, accepting any amendment to extend the time for polling if not to 8 p.m. to 7 p.m. I do trust we would work out a sufficiently good formula for getting back into the original way of selecting polling stations.

There is one point which has been referred to and which I must take this opportunity to discuss. That is in respect of a tie between two leading candidates polling the same number of votes. There are two aspects to be considered. One is the creating of another election in the particular district, something which I know will be costly, as we have had a writ issued for an election for a particular time and persons will have already exercised their right to contest. Following upon that and taking what the hon. Member for Georgetown Central says, supposing there are two undesirable persons who tied and who would never have got there but for the fact that there were 11 others dividing up the votes, the electorate may very well say "We would like to have another more popular candidate coming into it. Must we be forced to go to the polls to select one of two persons neither of whom we would like to have?" That is an aspect to be considered. The saving of time might be the consideration so far as the casting vote is concerned.

On the other hand, there is a great deal of merit in the suggestion that if two candidates poll an equal number of votes they should be the only candidates to go back to the electorate. But while that would be a highly democratic solution we have to bear in mind the question of the expenses of another election—whether the two candidates would be prepared to pay their election agents all over again. It seems to me that they might very well decide to toss for the seat. It is a very difficult problem to decide, but I think I know which way I would vote if any amendment is moved.

However, I would like to point out in answer to the hon. Member for Georgetown Central (Mr. Fernandes) that if there is any patent anomaly in the division of constituencies I think this Council or Government should remedy it in the interest of the people concerned. After all, persons are elected to represent other people and we must realize that the basis of all representation is to see that a representative is properly elected by the proper people in every constituency. I reserve whatever further remarks I may have to make for the Committee stage.

Mr. Fernandes : I would like to clear up a misunderstanding. I said nothing about changing around; I merely asked the hon. the Attorney-General to make a statement as to whether there would be any changes—either to scotch the rumour or confirm it. I did not offer any opposition to any changes.

The Attorney-General : I think all hon. Members are agreed as to the principles which generally underlie this Bill. I think they are also agreed that in the circumstances it is not possible—although I would have wished it could have been done—to have a completely new Ordinance, but it will be appreciated that the Order in Council has to

be made and that the days are running out. Therefore, Government is endeavouring to do the very best in the particular circumstances. I think hon. Members and all those who are concerned with the election will have the 1945 Ordinance and this Bill, when it is eventually enacted, as a complimentary to the Legislative Council (Elections) Ordinance. There may be one or two points which require further amendment for the purpose of clarification, such as the point raised by the hon. Member for Central Demerara (Dr. Jagan) in connection with public office, and also the point regarding the declaration which has to be made by a candidate preparatory to nomination. That point is appreciated, and as I indicated to hon. Members before I introduced the Bill, it will be gone into further.

The main comment seems to have centred around the allocation of the polling-places, and emphasis has been laid on the necessity to provide an adequate number of polling-places so as not to cause any inconvenience to the public, and at the same time have regard to the preservation of all that is necessary to ensure that voters exercise their votes without any molestation, and with that degree of order and orderly conduct which we all wish and hope will be the practice. I may say that that matter has been exercising the mind of Government, and there have been certain proposals. Of course, the polling booths for the various districts have been published in the Press from time to time, but they are not final. I can assure hon. Members that there is no desire or intention on the part of Government to cause any unnecessary inconvenience, or indeed of creating any confusion whatsoever, but it must be borne in mind that the other aspect of the situation has to be considered, and that is to ensure that voters will exercise their right to vote without let or hindrance, without molestation or annoy

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nce. It will be appreciated that that as the reason for pointing out the necessity to provide members of the Police Force, the Special Reserve Police, volunteers and rural constables, and all those who may be on duty in connection with the election, with the right to vote by proxy.

As the hon. Member for Eastern Demerara (Mr. Debidin) has said, the two things are somewhat related. I am sure hon. Members will see the reasonableness in the reduction of the number of polling-places which may have been originally published, provided that people do not suffer any inconvenience. It is to be borne in mind that the large mass of voters are in Georgetown which provides a substantial portion of the population of the Colony. But no one will gainsay the fact that the people in Georgetown do not live far from each other so far as distances go. I can assure hon. Members that the matter is being gone into very carefully, and everything will be done to ensure the convenience of those who vote, at the same time seeking to preserve order and orderly conduct.

The next point on which emphasis was placed was the question of deciding by lot in the case of a tie. As the hon. Member for Eastern Demerara pointed out, there are two sides of the picture, and that is what I also hinted at when the hon. Member for Central Demerara (Dr. Jagan) was speaking. It is obviously the desire of Government to see that, having regard to the democratic method of selecting representatives, the representative chosen should command a majority of the votes. But having regard further to the large number of candidates who may be contesting in any particular constituency, it is clear that some of them will not obtain a reasonable percentage of the votes cast, and in view of the fact

that the votes will be split up, possibly between 8 or 12 candidates, the two candidates who may secure an equality of votes would be far away from obtaining anything like a reasonable percentage of the votes cast so as to be considered, from a democratic point of view, as representing the majority of the electorate.

The other aspect is, of course, the question of expense. As a tie is well within the realm of possibility, a further question is whether the substantial portion of the electorate whose votes may have been split up amongst the other candidates who did not come within the blanket finish of the first two, would be satisfied with casting their votes in a contest restricted to the first two only. Those are aspects of the matter which we have to consider, but there is merit in both aspects of the situation. This is the first election to be held under adult suffrage and we may learn by experience and, as often happens, by trial and error. I have inserted in the Bill a provision that obtains in the United Kingdom, the home of democratic government, but as the hon. Member for Georgetown Central (Mr. Fernandes) pointed out to me, that may be all right where there is a definite and clear-cut Party system, but where there is, as we have here, a possibility of several candidates contesting a seat and votes being split up, that may not be such a satisfactory answer to the question.

As regards the question of election expenses, the hon. Member for Central Demerara raised the point as from what point do expenses begin to count, and when is a person regarded as a candidate for the purpose of being concerned with election expenses? That also must depend upon the circumstances of the particular case. Some people may have been in a constituency

for three or four months directing the minds and attention of the electorate, and perhaps their income and other people's, to their candidature. Well, that is a question of fact, and therefore it has to be left fairly wide, because the interpretation of the expenses which have been incurred by a candidate would be related to the facts as presented. I think the hon. Member was attempting to obtain some pronouncement as to a fixed date from which candidates should regard themselves as such.

It may be suggested that from the day on which the candidates draw their symbols and colours they hold themselves up to the world as candidates, and come within the terms of the Ordinance as candidates. Yet there may be some who, prior to that time, had been on the long journey towards election, and may have been expending money lavishly for the purpose of election. It all depends upon the circumstances of the case and the facts which are available for the purpose of a decision as to whether a person regarded himself as a candidate, has held himself up to be a candidate, and has expended money on matters pertaining to his future candidature.

Mr. Debidin: May I draw attention to the First Schedule of the Legislative Council (Elections) Ordinance, 1945, which sets out in detail the expenses allowed a candidate.

The Attorney General: I thank the hon. Member for that, but those are permissible expenses under the Ordinance. What the hon. Member was endeavouring to ascertain was that, in the event of an election petition, at what point of time would a candidate's expenses be considered to have begun to run? They may not be normal expenses. A person who sets himself up as a candidate may incur expenses which are not permissible, but he may say that he

was not then a candidate; he had not yet made up his mind but was feeling the ground and making preparations. I think the hon. Member for Central Demerara (Dr. Jagan) has his answer as to what are legitimate expenses, and when those legitimate expenses really begin. The time is in relation to the subject matter of the expenses. It is what you can spend the money on, and not when you begin to spend it. Anyway, the point is made here that the amount allowed a candidate has been increased from \$500 to \$1,000 in view of the increase in the number of voters in the various constituencies. I think that is a reasonable amount and I do not think any hon. Member will cavil at that proposal.

The hon. Member for Central Demerara also raised the question of the carrying of flags and the displaying of favours, buttons, rosettes, etc. Obviously, it is essential that there should be a preservation of the provisions in the Legislative Council (Elections) Ordinance 1945, for the simple reason that on analysis the object becomes clear. If there are rival bands displaying the flags and rosettes of rival candidates, there is always the possibility of clashes resulting. People who know for whom they intend to vote, whether it is an individual or a Party candidate, can exercise their votes without carrying flags or wearing rosettes. The object is to avoid clashes and disorder, a possibility which I suggest any Legislature should do its very best to prevent. We wish to see—and I think that view must be shared by every Member of this Council and by all members of the public—that the elections are conducted in an orderly and proper fashion. Consequently, I think hon. Members will share my view that anything which has the slightest possibility of creating trouble should be provided against.

The Attorney General]

There are two other points. Two hon. Members have suggested that the time for polling should be extended—in one case from 6 a.m. to 8 p.m., and as a compromise in the other case, from 7 a.m. to 7 p.m. It has to be borne in mind that we are not only dealing with Georgetown but with the outlying districts where there are no proper facilities for lighting. I do not think these hon. Members who suggested voting up to 7 or 8 p.m. would be satisfied to have voting carried on in semi-darkness. Some hon. Members have suggested that the number of polling-places should be increased so as to avoid congestion in the various sub-districts, but if the time for polling is to be extended up to 7 or 8 p.m. it would necessitate having to provide lighting facilities in the rural districts in order to ensure that voters are able to see what they are doing, and the presiding officers and poll clerks are able to ensure that everything is done properly and above board. On reflection it will be appreciated that it would be impossible, having regard to the lack of proper lighting facilities in the rural districts, to extend the time for voting, as suggested. I think, therefore, that hon. Members will agree that, in all the circumstances, the best that can be done.

Dr. Jagan: If you commission me I would secure three lanterns for each polling station.

The Attorney General: I think hon. Members will appreciate the points which I have endeavoured to put before them. There is one other matter. The hon. Member for Georgetown Central (Mr. Fernandes) wanted to have some information as to whether it was proposed to alter any of the electoral districts. There has been an examination

of the districts which have been published from time to time, and there was consideration with regard to some alteration in respect of two districts—one on the Corentyne and the other at Mahaicony. It has been represented that in both cases the convenience of the voting public would be served by an alteration of the districts as suggested in the report, and it is proposed that the Mahaicony district, a small part of which forms a corridor which leads from No. 16, should be attached to No. 18, which is a river district. One has to pass through No. 16 to get to No. 18. If it is examined on the map I think hon. Members will see the reason for the proposal. In the case of the Corentyne it was found that to cut that district would mean the division of two sub-districts. That matter has been gone into very carefully with the Commissioner of Lands and Mines, with maps and plans. The hon. Member wished to know whether there was any alteration. I think he should deal with that matter in the Committee stage.

I think I have answered the main points which have been raised. As I pointed out during the debate on the Revisal Bill, these are revisal districts for the purpose of preparing the register for the electoral districts in which voting will be done when the Governor issues his writs. He issues a writ to the returning officer for each electoral district. Those electoral districts are defined by proclamation made by the Governor in accordance with the Order in Council which, we hope, will soon be made. The revisal districts are the districts which, in consequence of the list passed last year and in March this year—early this month—have now been defined for the purpose of preparing the various lists, but following on that the Governor has to issue a writ. That writ is addressed to the returning

officers and it requires them to conduct the elections for the electoral districts.

These revisal districts, as hon. Members will see, are from 1 to 24, but within the framework of the revised districts there is power to hold elections in respect of these districts. All these districts are proclaimed in pursuance of the power given under the Order in Council. That Order in Council will soon be made. That is what I am trying to explain to hon. Members. It may be that the revisal districts in the Proclamation issued by the Governor with respect to electoral districts may coincide and there may be no change, but in one particular instance there may be a change. I think in so far as the principle of the Bill is concerned, I have dealt with all the matters. Hon. Members may wish to refer to this particular instance or case, but that is entirely a matter for them.

Mr. Fernandes: We are in the same position we were in before I asked the question. I just want to say that it would be dishonest for Government to accept a candidate's deposit on the basis

of the district as supplied in the electoral voters' list and let him find afterwards that there has been this change. I say that without fear of contradiction.

The Attorney General: I think I must say that it is undesirable that the hon. Member should use the term "dishonest" in that form.

Dr. Jagan: He is "Honest John" he can use the term "dishonest".

The Attorney General: I think it is shown that when the original list was issued this particular district was under consideration.

Dr. Jagan: No; that was never published.

Motion put and agreed to.

Bill read a second time.

The President: There is a meeting of the Finance Committee tomorrow, so we will adjourn until Friday, March 27, at 2 p.m. I think hon. Members will agree that we should come prepared to sit late on Friday.