

# LEGISLATIVE COUNCIL

MONDAY, 30TH MARCH, 1953

The Council met at 2 p.m.

## PRESENT:

The President, His Excellency the Officer Administering the Government, Mr. John Gutch, C.B.E., 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. T. Lee (Essequibo River).

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

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

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. G. H. Smellie (Nominated)

The Hon. J. Carter (Georgetown South)

The Hon. L. A. Luckhoo (Nominated)

Mr. W. A. Macnie, C.M.G., O.B.E.

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

The Assistant Clerk read prayers.

The Minutes of the meeting of the Council held on Friday, the 27th of March, 1953, as printed and circulated, were taken as read and confirmed.

## GOVERNMENT NOTICES

### SPECIAL REVISAL (AMENDMENT) BILL

The Attorney General: I beg to give notice of the introduction and first reading of the following Bill, and of my intention to move the suspension of the relevant Standing Rule and Order at a later stage to enable me to proceed with the Bill through all its stages:—

A Bill intituled "An Ordinance to make provision for the division of the counties of this Colony into revisal districts for the purpose of the preparation in relation to each revisal district of a register of all British subjects of full age other than persons subject to certain disqualifications who on the first day of January, 1953, were resident in British Guiana for two years or more, and for purposes connected therewith and incidental thereto."

## ELECTION MEETINGS ON SUGAR ESTATES

**Dr. Jagan:** Before the Order of the Day is taken, I desire to crave your indulgence, sir, in order to refer to a matter of very great importance, dealing specifically with the coming general elections. It relates to the holding of meetings on sugar estates. A short while ago a *communiqué* was issued by the Sugar Producers' Association, countersigned, I think, by the Secretary, stating how and when permission would be granted to candidates for the purpose of holding meetings on sugar plantations.

I want to say that my Party has considered this matter not only with other political parties but with individuals who are running for seats and have paid their deposits. All of them are complaining very bitterly about the *communiqué* which has been issued. They feel that what is stated there really amounts to an interference with the liberty of the subject — to meet and discuss questions of the day — particularly now that the general elections are approaching. When we studied that *communiqué* we saw that permission would be granted to individuals to hold meetings from the day of nomination until two or three days prior to the day of election. We have been told already how short the period between nomination and election is going to be. From what we heard on the last occasion this Council sat, we realize that that period is likely to be between five days and one week.

**The Attorney General:** It is going to be 10 days.

**Dr. Jagan:** I do not think that would give every candidate an opportunity to address his electorate satisfactorily. In the *communiqué* it was specifically stated that no meeting would be allowed to go on beyond 6.30 p.m., but one has to take into consideration the fact that many of the sugar estate workers do not return home from work

until late in the evening — around 5 or 6 p.m.—and if everything is to be guided by what is set out in the *communiqué*, it means that candidates would not get a satisfactory opportunity to address the workers on sugar estates.

Another matter which is of great importance is the fact that what is stated in the *communiqué* is, definitely, something to be used against candidates who are connected with political parties. It is clearly stated what a canvasser or any other person supporting a candidate can do, if he himself is nominated for another constituency. I feel that that is a gross violation of the rights of the subject, and in every respect it would stifle the growth and development of party politics. That is what we are concerned with in this Colony and a stipulation like that would certainly operate against the interests of individuals who belong to political parties. Those of us who belong to one political party would not be able to speak on the platform of any of our candidates who might be contesting seats in a sugar estate area, and I hope that something would be done very shortly to remedy this situation.

If necessary, I think Government should introduce legislation to give individuals all freedom to go into these plantations and settlements. I do not refer to sugar estates only, although the *communiqué* specifically deals with sugar estates. There are settlements like the Bauxite Company's premises at Mackenzie where candidates would also like to address the electorate. Many well-known voters are residing in those places and I do not think there should be any objection to any candidate going to such areas to hold political meetings, so long as they behave in an orderly manner and do not cause any destruction. I feel that the same regulations relating to other meetings should apply to these areas. I hope that Government would take strong action in this matter and, if necessary, permit

candidates and their supporters to go and speak to these people freely. How are we going to get free elections when people are being debarred from going to sugar plantations to address the workers there.

starting discussions within a few yards of the meeting so as to interrupt the candidate while speaking. I am complaining about this practice because I believe the public will take things in their own hands also and force will be met with force.

#### INTERRUPTIONS AT POLITICAL MEETINGS

**Mr. Debidin:** I wish to raise a matter which I must regard as being of equal or even more importance than the one raised by the last speaker. I am glad he has made complaints about stifling the aspirations of political parties, and has also suggested that legislation should be introduced to remedy certain things.

**Mr. Roth:** To a point of order: The hon. Member has failed to ask the indulgence of the Chair.

**The President:** We will waive that.

**Mr. Debidin:** I have also heard a remark made by the hon. Member for Central Demerara about the need for introducing legislation so as to give certain individuals more freedom. I want to refer to a particular incident which occurred shortly after I left this Council last Friday. I was proceeding up the East Coast and out of mere curiosity I stopped and listened at a meeting which was being held by a certain candidate—for good reasons I would not mention his name. I found, however, that that candidate had been pleading with a crowd of people who were interrupting his meeting, but could not get them to desist. I felt his position very greatly because I thought that every candidate had a right to be heard. I find that members of a certain political party—and I think everyone should know what party I am referring to—have been engaged recently in creating disturbances at meetings of candidates other than their own, by

I feel that Government should do something in this matter and should appoint Special Constables for the special purpose of preserving order at these political meetings. I do not think Government should wait until any serious incident takes place before taking action. These elections are the first to be held under adult suffrage and many people who were indifferent in the past to the political affairs of their country are now willing to take an interest in them. These people, like all others, are entitled to listen to the views of any candidate, whoever he or she may be—nondescript or otherwise—and they should not be prevented from doing so by hostile or unscrupulous tactics on the part of members of any particular party or anyone else. I regard such action as shameful, especially when I hear suggestions in this Council about legislation for the growth and development of the party system. In the face of these statements we find that individuals are not being allowed to develop what they want to develop—a good British Guiana.

I feel that this matter is as important as any other that has been raised in this Council and I hope that Government would not stand by and allow not only candidates for election but others in this Colony to be imposed upon by unscrupulous and selfish persons. That is not the way, to my mind, in which a political campaign should be run in this Colony. Even in my own constituency there have been incidents of this kind and nothing has been done to check them. At the particular meeting I have referred to, there were three

[Mr. Debidin]

policemen present but they did nothing. I wonder why. I venture to think that the Legislative Council (Elections) Ordinance, 1945, made it an offence for anyone to disturb a political meeting before the elections took place, and I think there is a weakness in the present Ordinance in this respect. I hope that so far as I am concerned I would not have to retaliate because I can marshal my forces as well.

**Dr. Jagan:** I must object to the remark just made by the hon. Member because the inference is that the disturbance was caused by my party—The People's Political Party.

**Mr. Debidin:** I did not mention the name of any particular person or party as being responsible.

**The President:** Under the rules of debate the hon. Member for Eastern Demerara is quite in order. The hon. Member did not mention the name of any party or person. If the hon. Member for Central Demerara has a guilty conscience it is for him to say. No one else is ruffled by what the hon. Member for Eastern Demerara has said.

**Dr. Jagan:** I was speaking at a meeting at New Amsterdam, recently, and was rudely interrupted. The Police were there also but did nothing. It is peculiar that the P.P.P. members are giving all the trouble.

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

#### ORDER OF THE DAY

#### HOUSE OF ASSEMBLY (ELECTIONS) BILL

Council resumed consideration in Committee of the Bill intituled:

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

**The Attorney General:** I should like to inform hon. Members of this Council that I do not propose to proceed further with this Bill. Hon. Members will recollect that I pointed out during the course of the discussion on the Bill that it cannot be concluded before the Order in Council is in fact made, and Your Excellency has also emphasized that point. In view of the comments which have been made in the course of the discussion, some of which certainly entail redrafting, and as the Bill must not be completed before, as I have stated, the Order in Council is made, I think it is desirable in the circumstances to withdraw the Bill and deal with the various points suggested because there are several aspects which will require careful consideration and, as I have intimated, entailing redrafting and changes in the Bill.

I may add that the discussion which has taken place on the Bill, and on the clauses has served a very useful purpose indeed. It has focussed attention on various aspects of the matter and those, as I say, will be completely investigated, and I shall have time to redraft the Bill having regard to the comments which have been made. I accordingly ask leave to withdraw the Bill, and I hope hon. Members will keep their copies of the present Bill so as to afford them the opportunity for comparison with the copy of the redrafted Bill which I hope to introduce shortly following upon the information as to the date the Order in Council is actually made.

**Dr. Jagan:** Would it not be better if we continue with the other clauses which we did not discuss and make suggestions to the hon. the Attorney General, and then the whole Bill can be amended or redrafted? It means that we have only gone halfway through this Bill.

**The Attorney General:** If hon. Members would intimate their points I would withdraw the Bill now. I think there are only one or two points or principles which are involved, but I propose to withdraw the Bill with the leave of the Council and come back with a new Bill dealing with the various points, such as the question which is engaging our attention with regard to where there is a tie between two candidates—a point which is of considerable importance—the question of voting by proxy—a candidate who is engaged in another constituency being enabled to cast his vote by proxy—and one or two other matters of principle which will have to be gone into thoroughly. I appreciate the hon. Member's point of view, but I wish to tell this Council that I wish to withdraw the Bill. Do hon. Members wish to put their point of view with regard to the other remaining part of the Bill?

**Mr. Lee:** In the introduction of the new Bill would the Council go through all the clauses the next day?

**The Attorney General:** That is what I hope, because in fact, the Council had before it the principal of the legislation, but in view of the comments and in view of the fact that this Bill cannot be completed now, I think it is more desirable that we should introduce a fresh Bill dealing with the whole matter. I propose to change the title of the Bill.

**Mr. Lee:** I take it that even if we pass the Bill on Thursday there would be sufficient time for the election to take place on the 27th.

**The President:** Certainly. It will make no difference in the time-table because, as I say, this Bill cannot be completed until Thursday, assuming that the Order in Council is signed on

Wednesday. Supposing the Order in Council is signed on Wednesday we will at any rate complete the Bill the next day. Several points have been raised in the Council and the Registration Officer has raised some other points with the hon. the Attorney General, and the position is, the whole Bill will be in such a mess—if I may use a very vulgar phrase—that it is better to redraft the whole thing and introduce it afresh. The hon. the Attorney General proposes to style it "The Representation of the People Bill." It sounds a very good title. I quite agree, if hon. Members desire, that we should discuss the remaining clauses of the Bill to see if there are any other points. If it is agreeable to the Council we would proceed that way on the understanding that the hon. the Attorney General will withdraw the Bill and reintroduce it with clauses which meet the approval of the Council.

**The Attorney General:** I ask leave that the Council resolves itself into Committee to consider the Bill clause by clause.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

#### COUNCIL IN COMMITTEE.

#### Clause 27—*Transfer of Voters in Special Cases.*

**The Attorney General:** When the Committee adjourned clause 27 was under consideration. It deals with the transfer of voters in special cases. I think the hon. Member for Central Demerara (Dr. Jagan) had made a point in connection with the district of the Courantyne Coast where voters who had been registered for a particular area were transferred to another

[The Attorney General]

location. The question was whether they will be permitted to vote in their old area or be allowed to transfer their voting to the area in which they are now. He asked that some procedure be provided whereby in circumstances such as this, voters who have been removed in large numbers may be permitted to vote in one of the districts. I think that was the hon. Member's point.

The Chairman: I will merely put the clause in a formal sense, as all we are doing is to invite hon. Members to make comments in regard to any aspects of the provisions as they wish.

Clause 31—*Hours of Voting.*

Mr. Debidin: I beg to move that the word "six" in the second line of the clause be deleted and the word "seven" substituted therefor. As one sees it there is an extension of one hour. I ask that, so that we will have fully twelve hours within which persons may exercise the vote. If we are going to carry out the election at the time we envisage, I have no doubt whatever that we are going to have fair light up to within a half hour of 7 o'clock in the evening and for another half hour I feel that lights can be procured. I do not intend to go over all the arguments or points made during the second reading, but I would like to emphasize one thing and that is, we are bound to have stragglers. It is no argument to say that voters may not be able to see the ballot boxes or the symbols. I am positive that they will be able to see them sufficiently well with no light.

The Attorney General: But there may arise the occasion when there is no light. The hon. Member may be sure that there will be light, but we cannot be so sure.

Mr. Debidin: I feel sure the hon. the Attorney General does not know that nearly every person in the country owns a gas lamp, and so there will be no difficulty in procuring adequate lighting for any polling station. I am sure there can be lights outside and inside the polling station while the people will be carrying their torch-lights with them.

The Chairman: It may result in a general conflagration.

Mr. Debidin: Fortunately, gas lamps are very safe. I feel very strong about this. His Excellency Sir Charles Woolley had made his observations on this question. I have not brought his statement, but I feel sure that the main point upon which he recommended 6 o'clock should not worry us at all. I feel, sir, that we can go on to six o'clock or later, and I know that a large number of people, as it is not a public holiday, would like to see polling permitted up to that time as they can do their day's work and then attend the polling station to vote. I venture to say—and this is something I believe the Registration Officer should examine carefully—there is going to be one class of people who will be at the polling station very early in the morning. That class may be subdivided into two — those who would like to do their voting very quickly so as to get to their work, and those who would like to have it over and hang around the place although they have exercised the vote.

But a good many would say "I cannot manage to go early because my work starts at seven o'clock when polling commences: I am going to my work." At midday they go to the polling station to find it blocked and they decide to return in the afternoon. In the country districts the voter may be working in the rice field—at this particular time the people are engaged

in ploughing—and so will go to vote in the afternoon. I am thinking that in the afternoon hours you are going to have a rush. We do not want the polling time to come down like a guillotine and slice the number of voters. It does not matter how small the number may be. The extra hour is a compromise. I do not think it will do any harm at all. I am sure other Members would like to express an opinion on this.

**Dr. Jagan:** I have spoken at length on this already. I appreciate the point made by the hon. Member, but if he is going to extend the time by one hour it would necessitate the question of supplying lamps. I see no reason why we should not extend the time to 8 o'clock as originally intended. He says the least we can have is one hour extra. As I see it, even for that one hour we will have to provide lamps. In any case towards the last part of the day around 6 o'clock it becomes fairly dark in some of the schoolrooms, and persons going into the compartments to vote late in the afternoon will experience difficulty in seeing. On the last occasion the people could not see very well even at 4 o'clock. But at this time it is bright late in the day. I believe that at 6 o'clock there is going to be some difficulty in seeing what is taking place so far as the symbols and photographs are concerned.

Then there is the question of the counting after the voting is finished. Even if the closing hour for polling is 6 o'clock there is incidental work to be done at the polling station — the sealing up of the ballot boxes and preparing them for conveyance to the head polling station — and lamps will have to be provided. I do not see any difficulty in the provision of lamps at these places. As the hon. Member for Eastern

Demerara said, there is no difficulty in securing lamps in the rural areas. I have on many occasions at rural meetings, seen two or three lamps brought by volunteers when the time approaches 6.30 to 7 o'clock. I would suggest that instead of 7 o'clock we make it 8. It will allow persons working outside of their polling areas to return home and register their votes.

I do not know if the hon. the Attorney General is going to allow proxy voting in places where individuals have removed or are working outside of their particular area in another constituency. If the hour is extended to 8 o'clock the people would have in most cases, I can see, an opportunity to return home to vote. Even if they are allowed to vote by proxy I cannot see the Registration Officer being flooded with applications, as very few of them would ask for that privilege and consequently it would lead to less confusion. As I said on one occasion and I say so now, there are persons who are returning home from work aback either in the ricefield or on the sugar plantation as late as after 5 and 6 o'clock in the afternoon. I think the original hour should be adhered to. I move that the word "six" be changed to "eight" in the clause.

**Mr. Lee:** I do not quite understand what hon. Members are saying. They have the right to examine each polling booth to see that it is so constructed as to have sufficient light up to 6 o'clock or a little later. If they do not take the trouble to do so and say that lamps can be provided, then Government would have to provide all the lamps required. It would mean that Government would have to go around and ask favours in respect of obtaining the lamps, and further the lamps would have to be examined before they are used and attendants would have to be got to look after them at the polling

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stations. Why should Members think that voters would not find the time to go to the polling stations until between 5 and 6 o'clock? Hon. Members are not thinking of the other side of the picture. If there are not sufficient lamps how many votes would not be placed in the wrong boxes? Let us have more polling booths if necessary, more assistants in the polling stations if necessary, so that there will be no crowding. I think that only in Georgetown there will be crowding at the polling stations as there are not sufficient polling booths, but in the rural districts the people are able to go to the polling stations at any time during the day and record their votes. I do not see that it is beneficial to the voter to be able to vote after 6 o'clock.

Mr. Debidia: The hon. Member has been certainly taking us round in circles. Let there be light and there was light. I do not know which he is advocating. I hope he will see better when the circumstances are explained. I think I am in entire agreement with the hon. Member for Central Demerara who made a very important point which the hon. Member has overlooked, and that is, there must be the necessity for lights for the collection and sealing of the ballot boxes which must take place after the voting. You must have a certain amount of light in order to see what is taking place. Outside of that I am satisfied with the point he made, now that I recall the demonstration which has been given by the Registration Officer. There is going to be a dark screen placed around the polling booth so that no one can see into it from outside. I am positive that in the afternoon the ballot boxes will not be properly seen in the polling booth. I feel, the bigger point to be considered is the convenience of the public. We cannot have it both ways. Polling day is not made a public

holiday and, therefore, we have to consider the convenience of the employers as well as of the employees. It will take about three minutes to exercise the vote, so that there will only be 20 persons exercising the vote every hour in respect of each polling booth.

Another point, which I did not make, is that now that we have universal adult suffrage there is bound to be the husband going to vote at one hour and returning home to look after the baby while the wife goes to vote, or the wife waiting until the husband returns from work to be able to go and vote. If you get 60 cases like that it would take 4 to 8 hours for them all to vote instead of 3 hours normally. It is a mathematical calculation we cannot get behind. If we are calculating so many votes per hour there is bound to be a period when the people will not be going to the polling station to exercise their votes. The matter was gone into very carefully by the Constitutional Commissioners, and I am inclined to agree with the hon. Member that voting should go on until 8 p.m. I am certain we would be doing the right thing if we accept the Commissioners' recommendation.

The Attorney General: Hon. Members must have read clause 39 which was referred to during the debate on the second reading. It provides that an employer shall give reasonable time to his employee to exercise his vote. Consequently, the point only arises in the case of persons who are self-employed and therefore have not to get the permission of their employers. So that I should imagine that persons who are self-employed, or not employed at all, but who take an interest or are encouraged or educated to take an interest in the election, would do their best to be at their polling-places in good time.

I think hon. Members will also appreciate the point made by the hon. Member for Essequibo River (Mr. Lee) that everything possible should be done to avoid impropriety in voting, and it is essential that the presiding officers and the poll clerks should be in a position to have the fullest possible opportunity of supervising and observing the method of casting votes. In addition to that, the poll clerks will be required to check the names of voters who may assemble outside the polling-places, so as to facilitate the presiding officer in giving each voter his poll ticket. Those poll clerks would need light to enable them to find the names of the voters on the list, and the hon. Member has himself pointed out that in many cases there will be found a complete similarity of names. So that from a practical point of view it is essential that the actual voting should cease when there is still daylight, although it is perfectly true that the presiding officer will have certain duties to perform with regard to the sealing of the ballot boxes, which will be done by the aid of light provided for himself, but not providing sufficient illumination for voters to cast their votes.

This general election will be something new to very many people in this country, and in working out the time which a voter would take to record his vote the hon. Member pointed to the fact that some voters would be nervous, or would suffer from cold feet. If that is true during the day-time, what may we expect to happen after dark with a lamp or a candle, or some contrivance to enable them to see? I do not think any hon. Member would take the risk of being mistaken for a rival candidate as a result of poor light which might cause some voters with "cold feet" to vote, quite unintentionally, for his rival rather than for him. Those are all practical points which have to be considered. The main thing is that those

voters who are self-employed, and those who are not employed at all, should be advised to do their very best to exercise their votes at the earliest possible time in the course of the day, because employees will be given ample opportunity to vote in accordance with the provisions of the law.

**Mr. Debidin:** I would like to draw attention to what I regard as a necessity, and I would be glad if the Registration Officer became aware of it. At elections in the past very large ballot boxes were used, and at the close of the poll the boxes were placed in large canvas bags which were locked and sealed. I am suggesting that the same procedure be adopted at this election. Not only should the openings on the ballot boxes be properly sealed, but they should be placed in secure canvas bags which should be locked and sealed before they are removed from the polling-places. The necessity for these precautions becomes far greater now than in the past, because owing to the method of voting in the past, the ballot papers could not be taken from one box and put into another. They were all placed in a single box. At this election ballot tickets, like bearer bonds, will be used, so that far greater security measures must be adopted to ensure that there is no risk of the boxes being tampered with, and ballot tickets being transferred from one ballot box to another.

**The Attorney General:** The procedure which it is proposed to follow is that the various ballot boxes will be locked, and the Returning Officer who is to carry out the count of the votes will have the keys of the ballot boxes. I believe that the ballot boxes will be sealed by the presiding officer at each polling-place, and those boxes will be placed in a jute bag which will also be sealed. There will be no key available to be used by

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the presiding officer at any polling-place. The Returning Officer will have the key, and will be the person who will break the seal on the jute bags containing the ballot boxes as they arrive from each polling-place, and will also unlock the ballot boxes with the key which he will have. Therefore, the precautions are (1) that the Returning Officer will have the key, and (2) on the completion of the poll at every polling-place the presiding officer will seal the ballot boxes which will then be placed in a jute bag which will be sealed by him. The sealed bag will be taken, I presume, under proper escort to the Returning Officer who will then conduct the count.

**Dr. Jagan :** I think that is sufficient precaution, but I would suggest that each candidate should be allowed to put his own lock on the jute bag, for which he should have a key. I think we should take all precautions in these matters.

I will now return to the original point. The hon. the Attorney-General said that the question of the hours will affect only persons who are self-employed. Those who are self-employed will vote at convenient times during the day, but those who are employed will be given reasonable time by their employers to vote. But in the case of a man who is employed in a remote district, would that reasonable time allow him to go to the district in which he lives to record his vote? He might have to vote 10 or 20 miles away from where he works. Would he be given time to go and vote and return to his work? There is also the case of workers on sugar estates who have to go aback. It would not be easy for them to take an hour off to register their votes. There are also some people who are employed in Georgetown but live, say at Buxton. On their way home from work they

may find the polling-place crowded with other voters. Although employers are expected to give their employees reasonable time to vote, such time may not permit some people to reach the polling-place in time to vote.

**The Attorney General :** There is quite an easy solution to that. If an employee is living at Buxton and works in Georgetown I would suggest to both the employer and employee that he should record his vote before he comes to Georgetown. After all, I think everybody in the Colony ought to be aware of the day of the election, and after the provision in the Bill is approved and becomes part of the Ordinance an employer will be required to give reasonable time to his employee. I think employers know how many employees they have, and where they are living, and in the case of those who may be living on the East Coast some satisfactory arrangement could be worked out before election day. I think it is a matter of clear planning between employer and employee. If the election is held on a Monday, as proposed, the hon. Member knows as well as I do that estate workers regard Monday as a sort of day off.

**Dr. Jagan :** Not now.

**The Attorney General :** On the occasion of the election I think there would be no objection to their taking the Monday off, but that is also a matter for planning. If their are gangs of workers who, by the nature of their particular work, are required to go aback (and they are taken aback by train on some estates—like Port Mourant for instance) I think the management of the estate, through the overseers of headmen, could make arrangements before the actual day, so that the workers in the various gangs could vote as they wish. I think it is a matter of planning.

**Dr. Jagan :** The hon. the Attorney-General does not know the system that operates on the sugar estates. He is speaking without very close knowledge. I do not know that even on those estates where there are trains, the management would permit the train to take voters from aback every hour of the day.

**The Attorney-General:** The management of an estate may be very reasonable.

**Mr. Macnie:** I think we might forget the trains. Only three estates in the Colony have trains.

**Dr. Jagan:** They may not allow workers to vote before going aback. The hon. the Attorney-General is hoping that there is going to be reasonableness in the case of employees. I do not expect that in every case. Under the system on sugar estates workers have to go aback to have their work priced, and if they do not get there early the overseer would not be there to price the work. The people have to go aback early in the morning, and after they are allotted their tasks they are supposed to work all day long. The hon. the Seventh Nominated Member (Mr. Macnie) can verify that.

**Mr. Macnie :** I will do anything but verify that statement. As far as the pricing of work is concerned, some Members of this Council, including the hon. Member, know that after the price is fixed the worker takes up his task, but it is up to him to decide when he does the work. Some workers mark their work and go home, and I think I can convince this Council by telling the story of what happened during the recent cricket matches. Large numbers of workers on sugar estates, even cane-cutters, went to work in the morning and worked until mid-day, which entitled them to be marked "present" in order to qualify for holidays with pay. They went home and listened to

the cricket broadcast on the radio. This did not include those on shift work in the factories who work very largely when they please.

**Dr. Jagan :** That does not say that a worker would be paid for that day.

**Mr. Macnie :** They are not paid by the day. Whether a worker does his work today or tomorrow he is paid for forking by the task. It is piece-work.

**The Attorney General :** If a worker wants to get off to go to cricket or to listen to the radio broadcast it is up to him to so arrange his work. If he wants to vote he can do the same thing.

**Dr. Jagan :** If he goes aback and takes up his task he has to return home in order to vote. He loses a day's work if he wants to return in time to vote. That is what we are all trying to avoid.

**The Attorney General:** I understood the hon. Member to suggest some time ago that they should be given a holiday, in which case there would be no pay at all. If a man works by the task it means he would not be doing any work, and would not be entitled to any pay. At any rate he would be able to do half a day's work.

**Dr. Jagan :** When I suggested a holiday I intended that workers should be at home on election day so that they could vote without any difficulty. So far as sugar workers are concerned, a holiday would mean that they would not get any pay for that day.

**Mr. Debidin :** I do not know how the incentive bonus on sugar estates operates. I take it that it is calculated on what a worker earns per week.

**The Attorney General:** We cannot apply incentive to the election.

**Mr. Debidin :** I wish to place a few cold facts before the hon. the Attorney General and this Council. He has spoken about arrangements being made between employers and employees. It is not as easy as all that. I have a flair for mathematics. If we assume that 250 persons will vote at each polling booth, and that on the average it will take three minutes for each voter to record his vote, it will mean that 20 persons will record their votes per hour, so that within the 11 hours allowed for polling only 220 persons would be able to vote at each booth. It is clear, therefore, that 30 of the estimated 250 voters would not be able to exercise their votes. There are people who work in the rice fields, and others on sugar estates, who have to go aback.

**The Chairman :** I know that those people had little difficulty in attending the cricket tournament and the races.

**Mr. Debidin :** The point I am making is that if some of those people elect to vote during the third hour, and another set after six hours, I cannot see how it can be so easily arranged as the hon. the Attorney General suggests. Some people may have to wait for about six hours in order to vote at a particular booth. The whole point is that we have to cater for people's convenience, and we cannot expect everybody to go to the polling station at the beginning of the day. Some people, finding that there was congestion at the polling station, would return home, perhaps to find the same congestion when they go again to vote. That is sure to take place. Where some people will have to travel two miles or more to reach their polling station the hardship would be multiplied. There is necessity for more polling places and an extension of the hours of polling, otherwise electors would not have sufficient time to vote.

If we were to calculate we would find that the rate of voting could not be

more than 220 persons per booth. An hour might pass, however, without anyone appearing to vote and one will have to reduce that 220 to about 175 per booth. The matter is more serious than one can imagine; it would not be like winding up a mechanical train and getting it to run around. I think everything possible should be done to enable people to exercise their votes with the maximum of convenience.

**The Chairman :** I will now put the amendment by the hon. Member for Eastern Demerara—for the hours of voting to be increased by one hour—to 7 p.m.

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

For: Dr. Jagan and Mr. Debidin—2.

Against: Messrs Macnje, Carter, Smellie, Peters, Kendall, Fernandes, Raatgever, the Financial Secretary & Treasurer, the Attorney General and the Colonial Secretary—10.

Amendment lost.

**The Chairman :** I will now put the amendment by the hon. Member for Central Demerara—that the hours of voting be increased by two hours—to 8 p.m.

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

For: Dr. Jagan and Mr. Debidin—2.

Against: Messrs. Macnie, Carter, Smellie, Peters, Kendall, Fernandes, Raatgever, the Financial Secretary and Treasurer, the Attorney General and the Colonial Secretary—10.

Amendment lost.

Clause 31, as printed, passed.

Clause 32—*Poll at election.*

**Dr. Jagan :** Polling will be done by means of ballot tickets, and this clause says—

"(3) Each ballot ticket shall have a number printed on the face and shall have attached to it a counterfoil with the same number printed on the face."

I wonder what is the necessity for having a number printed on the ballot ticket. We are trying, in these elections, to make people vote in their own registration areas and in their own districts so as to prevent impersonation; therefore I do not see the necessity for having a number on the ballot ticket itself. I appreciate the fact that on the last occasion where one could have voted in any constituency, a voter could have gone to another district and voted in a name other than his own. Therefore, it was agreed that there should be a number on the ballot ticket in case two persons voted under the same name at two different points. In view of the arrangements being made in this case, however, I do not see the necessity at all for having a number on each ballot ticket. Since each voter would have to vote at a particular polling station—according to his (or her) number on the list, and since each polling station would have an agent of each candidate concerned as well as a poll clerk and so on, the possibility of impersonation would be very small and, indeed, remote.

One person might come along and vote as "No. 20" and another might come along later and say "I am No. 20". In that case the Returning Officer or the person in charge of that particular polling station would have to ascertain who is the correct person. If the one who voted first is not the correct individual, then I suppose Government would go into the ballot tickets and discard that first vote. I want to know what is in Government's mind in putting numbers on the ballot tickets. So far as I can see, there would be no dif-

ficulty at all otherwise. I have suggested that there should be not more than three polling booths at one polling station and that not more than 600 voters should be allowed to vote there. In that case it would not be easy for anyone to commit impersonation and I do not see the necessity for numbering the ballot tickets. The counterfoil would show whether any particular individual had collected his ballot ticket.

**Mr. Fernandes :** The hon. Member started out by suggesting that no numbers should be on the ballot tickets, but when he got half-way through he saw the necessity for it. I would like him to tell us what would happen if an individual arrived at a polling station and said he was "No. 20" and, having been given a ballot ticket, he votes. Later in the day the genuine "No. 20" comes along; what would the Presiding Officer do? Would he go into the ballot box and, having found the ticket, tell the genuine "No. 20" that someone by his name had voted already? I do not think that would be a satisfactory state of affairs. What would happen if there happened to be a tie or if that candidate won by one vote? What would happen also if someone dies out of the district in which he was registered and it became known that someone else went to a polling station and voted in the name of that person? Is the hon. Member suggesting that the Returning Officer and the poll clerk would know every person who is on the voters list intimately and would be able to recognize one from the other? If he stops to think he would know that that is a physical impossibility.

Let us take an interior constituency. Would the Presiding Officer or his clerk, or the agents of the candidates concerned know every Amerindian by name so as to be able to identify the right from the wrong one? Putting

[Mr. Fernandes]

numbers on the ballot tickets would make sure that there is no sharp practice. If even half a dozen persons committed impersonation and there is a close tie in the voting, the candidates would claim the right to have a re-checking of the votes because no one would know in what particular box the wrong ballot tickets went. I think it is better to have the ballot tickets numbered because in cases where that kind of dishonesty is practised it would be traced, and in most cases it would be found that it was systematic and planned with the one intention of defeating the will of the people. I am sure that Government would not permit—I have no control as regards the handling of the elections—anyone to get the number of any particular ballot ticket—and I venture to think that these would be rare cases in which impersonation has been perpetrated.

I do not see anything wrong in having numbers placed on these ballot tickets, one reason being that it would stop the inclination of some persons to encourage impersonation. They would know that they would be found out as we would know the boxes in which the tickets were placed and would also know that the ballot tickets in question were obtained by fraud.

**The Attorney General:** It is essential that there should be official numbers placed on the ballot tickets. It is essential as a proper safeguard in the various constituencies, and even more so in the interior constituencies where the Presiding Officers would have the same list. Hon. Members would also appreciate the fact that there may be the necessity for scrutiny as a matter may be taken to the Court. Accordingly, it is very necessary and essential that there should be an official mark on every ballot ticket. The hon. Member for Georgetown Central has pointed to the necessity for providing

against any possibility of improper use of ballot tickets, or the improper use of elections as regards impersonation and matters of that kind. We hope that nobody would dare to try that on. If they do, it may react upon their own heads.

**Mr. Kendall:** As regards clause 32 (7), I do not know whether the Attorney General would make provision to see that the candidate is present at the counting of the ballot. I do not see any provision for that.

**The Attorney General:** The candidate is always present or his agent is present. If the hon. Member wishes it to be definitely stated it might be done. It has to be borne in mind, however, that the counting would be done by the Returning Officer.

**Dr. Jagan:** Will the Attorney General tell us whether this is the practice in England?

**The Attorney General:** The voting is not done there in the manner in which we propose to have it done at this election. The hon. Member says it is done differently but the principle is not different, because they vote in England by ballot tickets where the unwanted candidates are struck off.

**Dr. Jagan:** On the last occasion we were striking off, but there were opportunities for malpractices also.

**The Attorney General:** In England the Court has a right to go into the whole question of the votes in case of litigation. I will make an insertion in the Bill, however, when it comes forward later. It is a matter of detail.

Clause 32, as printed, passed.

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

**Mr. Roth:** I think that in case of a tie there should be a re-election between the two candidates concerned.

**The Chairman:** I think hon. Members have already expressed themselves in favour of that and the Attorney General is considering it.

**The Attorney General:** I am considering the suggestion. The equity of it is appreciated, but I have not been able to find any case in which it has been done in the manner suggested. I wish to point out that the Governor issues the writ to the Returning Officer to hold an election on nomination day and, in case there is more than one candidate, to have an election on polling day. Then there is provision for returning to the electorate in case of a tie. If two candidates tie for first place, the question, as I have pointed out before, is whether the Governor has to issue a new writ. It is a difficult matter to decide whether the Governor should issue a new writ for re-election as between the two or more candidates who have tied, or as regards all the candidates who contested the seat. I think it would have to be provided in the law what form of procedure should be adopted in case of a tie, rather than requiring the Governor to issue a writ because, if he has to issue a writ it would be for the electors to decide. Provision would have to be made that in case there is a tie the Returning Officer would require an election from the two or more candidates concerned, without any nomination. The point requires some consideration, and is not as easy as one imagines.

**Mr. Fernandes:** I am not suggesting that it is easy, but I am suggesting that it is not difficult. In the same way as the writ says that if more than one candidate is nominated the Returning Officer shall proceed to hold an election, it can go a little further and

state that in case there is a tie at the election the candidates concerned shall go back for election.

**The Attorney General:** I am not suggesting that the matter cannot be decided in some way.

**Dr. Jagan:** I think the matter could be decided easily—by providing that if there is a tie an election should be held between a certain number of the candidates who came forward for the seat.

**Mr. Debidin:** Very soon after the declaration of the polls Members would have to meet to do certain definite acts, such as the election of Ministers and so on. If there is to be any new election as a result of a tie, it should be held immediately after the declaration of the polls and while the whole set-up as regards polling places and so on would be still in existence. If we draw an analogy from the section I have already read, if more than one person is elected as a result of a tie the Returning Officer shall appoint a particular time and place for a new election. I think, therefore, that the Returning Officer should be given the power to fix the re-election to take place within seven days at the most after the declaration of the tie.

**The Attorney General:** I wish it was as simple as that. One can imagine that if a tie takes place at Bartica and all the voters have returned to their districts, it would be difficult for them to come back like that. We have to provide for reasonable notice and things of that sort. This sort of thing was responsible for Members complaining about the time—10 days—that was allowed between nomination day and polling day, and it was extended to 17 days. If provision is made for a fixed point of time without regard to practical difficulties in any constit-

[The Attorney General]

uency, it may mean that we will have the buildings, ballot boxes and other equipment that were connected with the election, but not the people. Hon. Members were just telling us with considerable emphasis how difficult it is when people have gone back to their work and would not return, and so on. What would happen if there is an election on one day and we tell the people to come back shortly afterwards to decide between two candidates who have tied? Some of them, perhaps, might not have any interest. That is what I intended to convey with regard to the question of practical difficulties. Suppose one of the candidates who tied finds that someone wants to move the Court in an election petition, or there is a tie again at the re-election and we have to go all over again—*ad infinitum*? While I appreciate the desire to leave it to the constituencies to elect their representatives, we have to look into all aspects of the question before we seek to put it into law.

Clause 34 deferred.

*Clause 38—Intoxicating liquor not to be sold or given on polling day.*

The Attorney General : I propose, as suggested, that this clause be amended to provide for the closing of premises where liquor is sold between the hours of polling on polling day. I think, and it is considered desirable that there should be such a provision, because as the clause now stands it can be circumvented. I think I shall redraft the clause to provide for the closing of all premises where liquor may be sold.

Mr. Fernandes : I was just going to suggest that there is nothing in the clause to prevent liquor being given away on other premises. It can be given away on any other premises, and that is what I do not like.

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

Mr. Fernandes : It is because of this clause that I voted against the extension of the time for polling. I hope Government is going to issue a definite pronouncement that an employer must give those who work for him sufficient time to exercise the vote. I hope that because the time for voting is up to 6 o'clock an employer is not going to make an employee who wants to vote at 12 or 3 o'clock stay back until the close of business at 4 o'clock. The question of suitable time being an arrangement beforehand, I say the employer should be made to understand that time must be given the employee during his working-time to go and vote. On account of this clause I voted against the extension of time for polling because I think the law is going to create some difficulty or cause some unfair advantage or error. As long as this clause is there and is not ignored I do not see any difficulty in a voter being able to vote before 6 o'clock.

The Attorney General : We will endeavour to give this as much publicity as we can. As soon as the Bill is passed by this Council there are lots of things we have to publicize as fully as we can. We shall do our best to make it known to all voters that this is provided in the law.

Mr. Debidin : The hon. Member for Georgetown Central has confirmed my worst suspicion, that he only thinks of one set of people, the people of Georgetown who are more or less employed. I know that because he has repeated it twice that because of this clause he voted against the extension of the polling hours, little knowing that this extension affects the greater number of people throughout the Colony—people who are not working as distinct

from people who are working by task or for themselves. In this matter I want to make this clear that those people who are working by the hour should not be affected financially because, as I have stated very clearly, people may have to wait at the polling station for hours, queueing up in some cases as long as six hours. One can realize an employer may say that an employee need not be there more than three hours and so he is only going to pay him for that time he spent at the polling station. I want to be assured that all employees would know what we have been discussing. It must be given full publicity so that the possibility of people being at the polling station for eight hours waiting their turn to vote, will be realized.

**The Attorney General:** I do not know if the hon. Member accepts this. Sometimes you cannot accept the word of an employee, though we hope always to be able to do so. We are men of practical experience or should be. I ask that the word "voter" be substituted for the word "elector" in subclause (3) in the third line.

**Mr. Fernandes:** I rise to answer the accusation made by the hon. Member for Eastern Demerara (Mr. Debidin) that I only think of Georgetown. That is not correct. The word "employer" I use in the very widest sense. Here the employer has to pay for the time given to those whom he employs to go and vote. What difference does it make whether that employer employs someone else or himself? He is an employer just the same. There are very few persons who are not employed—those who happen to be the fortunate few who can be down at home and not work at all. I can assure the hon. Member that the only type of persons I can think of who fall into that category is the one drawing a very good pension or one who has a lot of money invested in Government Bonds and as the result of the interest

obtained does not have to work; 99 per cent of the people in British Guiana are employed. They may not be employed by someone else, but they are employed by themselves, and if they are employed by themselves then they should give themselves time-off to go and vote in the same way as other employers give those whom they employ time-off to go and vote at their expense. That does not stop in Georgetown. That goes through the whole country. That is the substance of the clause 39—every employer must give his employee an opportunity to go and register his vote in good time.

**Mr. Debidin:** Clause 39 (2) raises a very important matter. I have put a question mark against this whole subclause and would like some explanation to be given. It says:

"This section shall extend to the employees of the Transport and Harbours Departments, except such as are actually engaged in running the trains and vessels and to whom such time cannot be allowed without interfering with the running of the trains and vessels, and the General Manager of the Transport and Harbours Department shall be deemed to be the employer of such employees."

In the first part there is a clear exception that those people will not vote. I just want to ask in respect of the latter part whether that is in recognition of subclause (1). I want to construe that and I can only construe that to mean the disenfranchising of people who are doing essential work on that day and cannot exercise the vote.

**Dr. Jagan:** That is why I suggest that employees be given an opportunity to vote by proxy. Those people will not be allowed to vote. You have allowed the general Manager of the Transport and Harbours Department to be exempted from prosecution as being an employer and not giving all his employees leave to vote. That is why I suggest

[Dr. Jagan]

that people working outside of their particular constituency must be given an opportunity to vote by proxy.

Coming back to the original point of "a reasonable time", this whole clause depends on the reasonableness of the employer and what he considers a reasonable time. He may decide to give as reasonable time a little before 4 o'clock. That will not be good enough, because at the last hour of polling there is going to be a tremendous rush at the polling stations. So far as the employer is concerned he may say, "I am closing at 3 o'clock. I do not want to have a break so I will let my employees go off then so as not to disrupt my operation. Instead of closing at 4 o'clock I am closing an hour earlier so as to let my employees go off and vote."

What, I think, should be stated here is that during the eleven hours of polling, one-eleventh of the employees must be allowed to go and vote every hour, so that voters will have enough time to go and vote during the period of voting and not be granted a little bit of time at the closing period of the working day. I hope the hon. the Attorney General will take that into consideration — that reasonable time should be one hour or two and the employer should so arrange the leave of absence from work that his employees would go off *pro rata* to vote.

**Mr. Fernandes:** With regard to the question of deeming the General Manager of the Transport and Harbours Department to be an employer under this clause, and also automatically deeming him an employer under the penalty clause in respect of the other employees of the Department, if you do not deem him such he can refuse permission to the ordinary employees to go and vote during working hours.

**The Attorney General:** Responsibility must be placed on someone and it is placed by this clause on the General

Manager of the Department. With regard to the point raised by the hon. Member for Central Demerara (Dr. Jagan) and the hon. Member for Eastern Demerara (Mr. Debidin), that provision should be made to enable employees of the Transport and Harbours Department to vote by proxy, I discussed that with the General Manager of the Transport and Harbours Department and he informed me that if the polling day is on a Monday all the vessels of the Department based in Georgetown will be in port during some portion of the day. So I presume that those who are working on those ships will have an opportunity to vote if they are resident in Georgetown and are qualified to vote in Georgetown.

The vessels which are based in Berbice will be at New Amsterdam for the day and 70 per cent. of the crews of the two vessels are from Berbice. One vessel based at Parika has a Georgetown crew and will be travelling between Parika and Adventure, and another vessel with a Georgetown crew will probably be in dock at Mazaruni. I presume in respect of the crew of the vessel in dry dock they may be able to vote in Georgetown on that day.

With regard to the trains, it will be possible for all the crews to be at their home station at some portion of the day during the polling hours. When I was supplied with this information the General Manager said it is difficult to assess the number of men who will be unable to vote at his home polling station at some time during polling hours, but he imagined that the figure will be about 30. So, although this particular provision is there, I think that practically all those men who are engaged in the manning of the trains or boats of the Transport and Harbours Department will be in a position to exercise the vote in their proper districts.

**Mr. Debidin:** So I am right. That exception is intended to make provision for those who will be disenfranchised.

**The Attorney General:** Not necessarily. Why I have given hon. Members that information is that the hon. Member should see that the point was being considered as to how best to deal with this matter, and that was the reason for my request for the information from the Transport and Harbours Department. Hon. Members will appreciate the fact that it has been given quite frankly because we examined that aspect too. It must be borne in mind that in view of that provision I requested the General Manager of the Transport and Harbours Department to let me know what the position is in relation to the employees of his department. I would like to tell hon. Members it is not outside our consideration; though we are not Elected Members, we still have the interest of the people of this Colony at heart.

**Mr. Debidin:** What I would like to invite the consideration of Government to is this: Instead of the provision reading to exempt these people manning the essential services some provision be made for those limited few. Let us take the General Manager's information to be correct. For all that pious wishing and thinking, in the half hour they will have to go and vote they may find a tremendous crowd at the polling station keeping them out.

**The Attorney General:** Why should the hon. Member take such a pessimistic view and think that everybody will be going to vote at five minutes to 6 o'clock?

**Mr. Debidin:** The possibility of their being crowded out at their polling stations can be overcome by a provision to let them vote by proxy.

**The Chairman:** The hon. the Attorney General will consider whether some arrangement can be made. We will leave the proxy question open so as to consider cases like those. It is much ado about nothing. The hon. Member has made his point. It is a very good one and personally I think it is time to have the tea adjournment.

**Mr. Debidin:** I am glad that some consideration will be given to it.

*Clause 39 as amended agreed to.*

*At this stage Council adjourned for tea.*

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

*Clause 40—Amendment of sections 50, 51, and 67 of the Legislative Council (Elections), Ordinance, 1945.*

**Dr. Jagan:** I am asking Government to take note that many pamphlets are being printed and circulated without any indication of who the publishers are. I think that is against the law. The Police should be advised to see to it that pamphlets or leaflets should not be circulated without the names of the publishers being printed on them.

**Mr. Debidin:** I would like to call attention to the proviso to the proposed new section 51 (4) which reads:

"Provided that for the purpose of determining whether an application for a ballot ticket constitutes an offence under subsection (2) of this section, a previous application made in circumstances which entitle the applicant only to mark a tendered ballot ticket shall, if he does not exercise that right, be disregarded."

When does an applicant mark a ballot ticket? It is not clear.

**Mr. Carter:** I think it is tied up with section 28 (1) of the 1945 Ordinance. Under this Bill there will be no marking or striking out of names.

**The Attorney General:** It is changed as a result of the changed circumstances of voting. The relevant section in the 1945 Ordinance is section 51, the proviso to which reads:

"Provided that—

(a) the fact that any person has asked for a ballot paper in an electoral district in circumstances which entitled him only to mark a tendered ballot paper in pursuance of any regulation made under Part II of this Ordinance shall not, if he does not exercise that right, prevent his voting or asking for a ballot paper in another electoral district;

**Mr. Debidin:** When does an applicant mark a tendered ballot paper?

**The Attorney General:** Those words will have to be changed to "cast". They apply to the old procedure under which a voter had to mark the ballot paper. I have to provide against any misconception in regard to that proviso. I can substitute the word "cast" here, because this Bill will not be passed by the Council, as I propose to withdraw it.

**Dr. Jagan:** With regard to the offence of plural voting, will Government adopt the precautionary method of requiring each voter to dip his finger in indelible ink after he has recorded his vote? I think it is done in Venezuela and Haiti.

**The Chairman:** I think I am right in saying that that has been considered.

**The Attorney General:** Yes, consideration has been given to that point but I do not know whether it would be desirable that we should require 95 per cent. of the voters of the Colony to

be subject to that form of precaution against plural voting. There may be occasions when certain people may try to impersonate other voters, but I should imagine that such cases would be exceptional, and to require the entire electorate to dip their fingers in indelible ink, or to have some particular mark placed on their hands in order to ensure that a small number of voters do not indulge in improper practices, would not be very desirable. What should be done is that all prospective candidates, and those concerned with the election, should tell the voting public at their meetings that the good name of this Colony should be preserved in every way possible, and that the elections should be conducted in an orderly and proper way; that any attempt to indulge in impersonation or improper practice by any voter would besmirch the particular district, individual or Party, and ultimately the good name of this Colony.

This is an occasion when British Guiana should show all the Caribbean territories, and perhaps the Colonial Empire, that we could engage in an election on the basis of universal adult suffrage for the first time, and do so in the highest possible way as regards probity, integrity and propriety.

**Dr. Jagan:** The hon. the Attorney General's argument is against his original argument in favour of the numbering of ballot tickets. His argument then was that that was necessary in order to prevent impersonation or plural voting. The numbering of the ballot tickets is merely a safeguard.

**The Financial Secretary and Treasurer:** What is the hon. Member's objection to the numbering of the ballot tickets?

**Dr. Jagan:** The objection is that people may fear that by the numbers somebody may know how they voted.

There is definitely that fear. I am saying that the same argument which was used in support of the numbering of the ballot tickets is now being used against the dipping of voters' fingers in indelible ink. Why put all voters to such inconvenience, it is asked?

**The Attorney General:** I referred to the small number of voters who may indulge in impersonation or plural voting. I would go further and say that the argument against the hon. Member's proposal is not inconsistent with what I said before. Impersonation by one voter may involve a recount of the votes or an examination of a large number of ballot tickets. The point I was making is that the wholesale marking of voters' fingers was undesirable, because of the very small number of persons who may be minded to indulge in impersonation, but that small number makes it necessary that the ballot tickets should be numbered, because even if there are one or two such cases and there is an election petition, the Court may order an examination of the ballot. But if there are 250,000 voters and they are all required to have their fingers dipped in indelible ink it means that we would be subjecting the great majority to inconvenience because a mere few may indulge in impersonation or plural voting.

The numbering of ballot papers have always been the procedure at elections. It is done for the purpose of safeguarding the interests of everybody, and providing for the possibility of the Court requiring a scrutiny or recount of the ballot. We have just been considering the question of what should be done in the event of a tie. In such an event, one vote may mean quite a lot.

**Dr. Jagan:** I raised the point for two reasons. There may be some people who have died since their names

appeared on the list of voters. Dead men have been known to vote at many elections. It is true that the presiding officers may have a list of those voters who are known to have died since they were registered, but others may die even a day or two before the election, or a voter may be too ill to vote, and someone else may be substituted for him. Those are all possibilities, but if every person who votes has to dip his finger in indelible ink he would not be able to vote twice. It is also possible that a person's name may appear on two lists. I do not think the Registration Officer has combed the lists of all the constituencies in order to find out whether there has been duplication. A person who may be registered as a voter in more than one electoral district may vote twice, and nobody would be the wiser. But if he had to dip his finger in ink after voting he would not be able to vote again.

**Mr. Macnie:** The hon. Member has based his suggestion on what he tells us is the practice in Venezuela and Haiti. I have heard of that too, but my impression is that it was introduced in those countries because there was wholesale impersonation at earlier elections. Why introduce it here? We have no evidence that there will be wholesale impersonation. Why penalise our people by making them dip their fingers in indelible ink?

**Mr. Smellie:** I do not know whether other hon. Members are willing to adopt the suggestion of the hon. Member for Central Demerara who says that with numbered ballot tickets people fear that voting will no longer be secret. The hon. Member should be able to gauge the reactions of the people very well, but what I feel about his suggestion that voters should be made to dip their fingers in indelible ink is that many people would not exercise their vote at all if they had to do that.

**Mr. Debidin :** Whilst appreciating the point which the hon. Member for Central Demerara has made, I can see that there would be conscientious objectors to his proposal. I think his fears will be allayed somewhat when he appreciates that we have adopted the very useful device of having separate lists for the various polling divisions, and while it is true that impersonation can still take place I believe that the likelihood of that happening has been reduced very considerably by the fact that people will be voting almost in their own villages. There will be as many agents as there are candidates scrutinizing the lists of voters, and I am sure that, knowing the people in their own villages, they would know when a person goes to vote a second time. The object of numbering the ballot tickets is to prevent impersonation or plural voting. Only the presiding officer will know the number of the ballot ticket a voter receives, and he has to record the voter's number on the counterfoil of the ballot tickets. I am sure there will be no question of partiality or wanting to know how a person has voted. The poll clerks will not be in close proximity to the polling booths, and will not be able to know for whom a person voted.

**The Chairman :** We will defer this clause so that the hon. the Attorney General may draft an amendment to the proviso to section 51 of the Ordinance.

*First Schedule.—Form 6.—Statutory Declaration of a person nominated as a candidate for election as a Member of the House of Assembly.*

**Dr. Jagan :** I think the hon. the Attorney General said he would make an amendment in respect of item 7 of the declaration, which reads :

"7. I am not the holder of nor acting in an office of emolument under the Crown."

**The Attorney General :** I am afraid I cannot make any amendment in respect of that provision. What the

hon. Member is seeking to achieve is that those who become candidates will not lose any of their pension rights—that if they are not successful at the election they should be in a position to return to the posts which they held prior to becoming candidates. That matter is now engaging the attention of Government. If a person desires to become a candidate I think he would have to resign his post, which he would be able to resume if he is not successful at the election. That is getting around it in another way. The hon. Member wishes to ensure that a candidate who holds office under the Crown should be in the position to become a candidate at the election and to be able to resume his post after the election without any detriment to his rights in whatever service he is engaged. I think such a candidate would have to resign his post prior to making his declaration, and then if he fails to be elected he would be in a position to resume without any detriment to his pension rights, or without suffering any personal loss.

**Dr. Jagan :** As long as that undertaking is given by Government I suppose it would be quite satisfactory, because in order to be able to make that declaration a person in the employ of Government would definitely have to resign his post.

**The Chairman :** We did not see this difficulty when we issued our administrative instructions which stated that if a Government employee who was allowed to take part in political activity decided to stand for election and was elected, he would have to resign his post. That is all that was stated. The difficulty arises from the fact that the Order in Council will provide that before a person can stand for election or be a candidate, he must no longer be holding an office of emolument under the Crown. So it will be necessary to get around it in the manner indicated by the hon. the Attorney General. There are only two or three persons

likely to be concerned, and that is how we propose to do it. If they resign their posts in order to secure nomination an assurance would be given that if they are not elected they would be reinstated in their position, and steps would be taken to preserve their pension rights.

**Dr. Jagan:** That is quite satisfactory.

**The Chairman:** That is provided they are, in the first place, allowed political activity.

**Mr. Macnie:** I was about to ask whether it would apply to everyone in the Service.

**The Chairman:** No.

First Schedule agreed to.

**The Chairman:** That completes the preliminary consideration of the Bill. I think it has been extremely useful, if I may say so, in assisting the hon. the Attorney General in producing the final Bill.

Council resumed.

#### BILL WITHDRAWN

**The Attorney General:** As I indicated earlier today, I should now ask leave to withdraw this Bill. I hope to introduce a new Bill intitled "The Representation of the People Bill", which will include many of the provisions which we have discussed in the course of our consideration of this Bill. As His Excellency has said, the discussion on this Bill has served a very useful purpose in that it has focussed attention on certain aspects of matters relating to the election, which will be fully considered before the new Bill is brought before the Council. I formally ask leave to withdraw the Bill.

**The President:** I take it that hon. members are agreeable to this course which seems to me the most practical

one. The Bill is withdrawn on the understanding that a new Bill will be presented as soon as possible in the light of the views expressed by hon. Members.

#### SPECIAL REVISAL (AMENDMENT) BILL, 1953

**The Attorney General:** Sir, before I proceed with the second item on the Order Paper, I think all hon. Members are in possession of the Bill to which I referred earlier today and of the motion of which I gave notice. I now ask leave to move the suspension of the relevant Standing Rules and Orders to enable this Bill to be taken through all its stages today. It is the Bill intitled—

"An Ordinance to amend the Special Revisal Ordinance, 1953."

**The Colonial Secretary:** I beg to second the motion.

Question put and agreed to.

Standing Rules and Orders suspended.

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

"An Ordinance to amend the Special Revisal Ordinance, 1953."

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

**The Attorney General:** In moving the second reading of this Bill, I would point out that section 3 of the Special Revisal Ordinance which was passed a short time ago provides—

"3. There shall be prepared for such revisal district not later than the thirty-first day of March, nineteen hundred and fifty-three, a register which shall contain

[The Attorney General]

the names, occupations, places of residence and postal addresses of all such qualified persons resident for at least three months immediately before the date of registration in any of the registration areas comprised in that revisal district."

Hon. Members will also recollect that in the course of the discussion of this Bill it was suggested that there is a large number of persons who may be qualified but who, for one reason or another, failed to have their names registered on the list. Consequently, arrangements were made for such persons to be registered and provision was also made for Revisal Courts to be held in connection with the registration of those who did not take the opportunity to be registered. As a result, it would be appreciated that although the Revisal Courts were held, in some cases the returns have not yet been made to the Registration Officer. Accordingly, it is impossible for him to complete the preparation of the second list to which I have referred, before the date stated in the Ordinance. Therefore, it has become necessary that the provision, as to the date fixed—March 31—should be deleted. Of course, the Registration Officer will endeavour to get these lists published with all speed and with the utmost expedition.

Those are the reasons for asking the Council to deal with this Bill immediately — because tomorrow — March 31 — is the date stated in the Ordinance. I do not think hon. Members will take any exception to this proposal or to the fact that the Bill has only been presented to them today. Every effort has been made and is being made to make all the necessary preparations in view of the forthcoming elections. The Registration Officer hopes, during the course of this week, to be in a position to have the list ready. I accordingly move that this Bill be now read a second time.

The Colonial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and considered the Bill clause by clause without amendment.

Council resumed.

The Attorney General: With the consent of Council, I beg to move that this Bill be now read a third time and passed.

The Colonial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

#### OLD AGE PENSIONS (AMENDMENT) BILL, 1953.

The Attorney General: I beg to move the second reading of the following 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."

As will be gathered from the Objects and Reasons, the Bill seeks to empower the Governor in Council to fix the monthly income which an applicant may receive without being disqualified from receiving an old age pension. As the law now stands, any variation of the prescribed amounts will entail an amendment of the Principal Ordinance. That can be made from an examination of the provisions of section 4 of the Old Age Pensions Ordinance, 1944—No. 17 of 1944. Section 4 reads:—

"4 (1) The statutory conditions which shall be fulfilled by every person before he is entitled to receive a pension and

which shall continue to be fulfilled while he is in receipt of a pension are—

- (a) the person must have attained the age of sixty-five years;
- (b) the person must satisfy the appropriate authority that he has been a British subject for at least ten years immediately preceding his claim for a pension;
- (c) the person must have been ordinarily resident in the Colony during the twenty years immediately preceding the claim for a pension;

Provided that a person shall not be deemed to have ceased to be resident in the Colony merely by reason of any temporary absence therefrom if the aggregate period of absence does not exceed two years during the said period of twenty years; and

- (d) the person must satisfy the appropriate authority that his monthly income as calculated under this Ordinance does not exceed the amounts prescribed in the sub-section next following.

Then follows subsection (2) which reads :—

“(2) For the purpose of paragraph (d) of the preceding subsection the prescribed amounts are—

- (a) in the case of a person ordinarily resident in the city of Georgetown, four dollars and fifty cents per mensem, and
- (b) in the case of a person ordinarily resident elsewhere in the Colony than in the city of Georgetown, three dollars and fifty cents per mensem.”

If there is any proposed variation in connection with any of these amounts, then we will have to come to this Council and have an amendment of the Ordinance. Accordingly, it has been considered desirable—and I think hon. Members of this Council will agree—that there should be some procedure whereby, if it is decided that the amount payable should be varied, it should not be necessary to come to the Council. Therefore, the power is be-

ing given to the Governor to make any necessary variation in case it is decided so to do.

Clause 3 of the Bill seeks to provide that no provisions of this Bill shall be deemed to have come into operation on the 31st day of December, 1952, so that effect might be given to the recent Budget proposal that the existing Old Age Pension rates should be increased as from the 1st day of January, 1953. About two weeks ago, the hon. Member for Central Demerara was emphasising the fact that provision had been made for an increase in old age pensions but nothing was done up to then. At that time the Bill had been prepared and it was published shortly after the hon. Member made his observation. I am sure he will appreciate the fact that the matter was not lost sight of at all and that the appropriate provision was being made in the law. I beg to move that this Bill be now read a second time.

The Colonial Secretary : I beg to second the motion.

Mr. Fernandes : I would like to thank Government for bringing this Bill. Hon. Members of this Council will remember that sometime ago the hon. Member for Central Demerara moved two motions here, one asking that there be no means test in connection with old age pensions, and the other that the age at which old age pensions should be paid should be 55 years. It should have been obvious to the hon. Member that neither of those motions could have been accepted, because old age pension in British Guiana is a non-contributory scheme. I have been trying to find out whether there is any country in the whole world which pays old age pensions at 55 years of age, but I have not been able to find any. Rather than have these old age pensions remain as they were, with

[Mr. Fernandes]

the horrible and ridiculous means test, at \$4.50 per month—a means test which would make sure that if carried out, every person receiving old age pension would die in the near future of starvation — I asked that the minimum age be raised to 60 years and that the means test be carried up or raised. I suggested that the new figure should be \$15 and that when we realize how much it would cost we could push it up further. The hon. the Attorney General said that was welcome. The hon. Member for Central Demerara enquired about the implementation of the amendment which I moved and he was told that this Ordinance was being provided.

The fact remains that all during last year I kept pegging away, trying to get this \$10 means test implemented. The honourable the Financial Secretary has told us in Finance Committee that, owing to improvement in the financial situation of the Colony, Government had at last decided to implement the motion. I went further on the job and succeeded in getting the Financial Secretary to issue instructions to the Poor Law Commissioners that they should operate from January 1, 1953, as if this Bill had already been passed, and that the question of bringing legislation would come afterwards, as the money had been voted in Finance Committee. That is why, as hon. Members will see, this Bill dates back to January 1, 1953.

I have been thinking of a large number of persons who had to be turned back last year because they were earning various amounts between \$4.50 and \$10.00 a month. I took good care that the Department should tell them that Government was going to change the means test and that they should apply again — after January 1. They all did, and I am pleased to say that they are very happy with the situation at the

moment. In moving that amendment I meant to get something, instead of asking for what was impossible and getting nothing. As I have said, I am very grateful to Government for having decided to bring this Bill. I can assure Government that the poor people concerned are very grateful also.

I may not be here at the end of the year to find out how much this change in the means test has cost, but if I am here I am going to find out because when I made my speech I said I would like to see the means test at \$15. I feel certain that Government's acceptance of the \$10 means test will be a great boon to the old folks concerned. I am sorry that Government could not find it possible to accept my second amendment and make old age pensions payable at 60 years of age, but I think that would come in time. I think the time has come when Government should consider the introduction of social security schemes which would cover old age pensions and other things.

In New Zealand, I was given the opportunity of studying the social security laws of the country and I have no hesitation in saying that it is the finest system in the whole world. To introduce these laws into British Guiana today, it would cost us exactly 44,000,000 West Indian dollars. Of course, every hon. Member here knows that would be impossible for us to find even with a contributory scheme, because there is no unemployment in that country and, therefore, their unemployment benefits cost very little. It is only in cases where workers are killed that their dependents are able to claim unemployment relief. There are more jobs there than persons to fill them and, therefore, the country is happy and prosperous. Perhaps some day, one never knows, a policy of unemployment benefits would be adopted in British Guiana and this country would be equally happy.

**Dr. Jagan :** I also would like to support this Bill, but I must say that I am not fully satisfied as regards the means test. I know that the hon. Member who has just taken his seat has been trying to say that what I sought to get done was an impossibility, and in not supporting that he is now, apparently, claiming credit for all that has been done. Well, that may be good. The hon. Member further said that an old age limit of 55 years was in no statute book in the world.

**Mr. Fernandes :** To a point of correction: If the hon. Member permits me, I did not say so. I said I was trying to find a country in which the qualifying age was 55 years but did not succeed. If the hon. Member knows of any such country I would be very glad to get the reference.

**Dr. Jagan :** Perhaps I used the wrong reference. I am not interested, however, whether any country has that yardstick. We have to take conditions as they are in this country. I pointed out that in England the age was 60 years and that in that country people live longer and get many other benefits than those, such as medical relief, better wages and so on. In looking at the situation, one must consider what applies to our country. I heard a medical expert saying the other day that over 80 per cent. of the people in British Guiana do not reach the age of 60 years, and that must be considered little by the hon. Member. In other words, the age limit is definitely too high at the moment. What we must do is to reduce it and not allow people to die before they can qualify for old age pensions.

The other point, is the one dealing with the means test. The hon. Member has said that he could not support the abolition of the means test. He is, no

doubt, saying that the Colony cannot afford to abolish the means test and, therefore, in his opinion, it is impossible to do so. Let us assume, however, that this new scheme would be made applicable and that the means test would be revised upwards—from \$3.50 and \$4 to \$10. What is going to happen to those individuals who took care of these people and who, themselves, have large families to take care of? The inspection officers would tell these individuals that they cannot get old age pensions; as long as the means test is there they would not help these people. This year Government abolished three taxes relating to the sugar industry amounting to something like a quarter of a million dollars. Sir Charles Woolley stated that the sugar estate workers received about one-third of that amount, which was paid towards social assistance and so on.

The Venn Commission recommended that there should be a social assistance scheme so far as sugar estate workers are concerned. The recommendation has not been implemented, but Government has abolished three taxes on the industry amounting to a quarter million dollars. That same quarter of a million dollars could have paid the cost of this Old Age Pensions Scheme. It is true that half a loaf is better than none, but I am satisfied that Government is in a position to implement the suggestion for the abolition of the means test. If they had used the quarter of a million dollars referred to and the other thousands that are wasted from time to time, they would see that the necessary funds are available. I also ask Government to implement the recommendation with regard to the abolition of the means test, and to do so quickly. I am not concerned with the motion moved by the hon. Member for Georgetown Central as a result of my motion, so long as the people get some relief. I do hope that this wicked means

Dr. Jagan] est would be abolished shortly. I remember that one year Government spent over \$40,000 for social assistance and the explanation given was that more people had been employed in order to do checking around but today the service is costing the taxpayers something like \$13,000 a year. Whatever the age limit is, I think these people should be given what is provided by law.

**Mr. Smellie:** With your permission, sir, I would like to ask the Attorney General what is the meaning of the word "income". I have not been able to put my hand on the Ordinances for 1944. I think those Ordinances were destroyed in the fire of 1945 and I would suggest that they be reprinted. I would like to know whether "income" means earned income or income from any source whatever? There are favoured domestic servants who are superannuated and are in receipt of allowances from their former employers. I would like to know whether that would militate against such persons as regards drawing old age pensions.

**Mr. Roth:** As a former Poor Law Commissioner, I can say that everything is included in the means test. If a person gets a free breakfast from a concern, it is valued at "so much" and regarded as income.

**Mr. Debidin:** I do not think this is the time — in view of the general elections to voice my objections once again in this matter and to say that powers like these should not be passed on to the Governor in Council. I do not know how long this will continue, but if the situation turns we know what would be the position. I think it would be useful, however, to point out that some people would involve this Colony in one direction or another as regards income, but I always felt that the means test should be taken into consideration

and relief given providing the Colony's revenue can stand it. I have had cases in various rural districts where applicants for old age pension have been turned down because the persons who had to certify them discovered that they were owners of things like a piece of land and so on. In nearly all these cases, however, the land yielded no income whatever. I was glad when the hon. the Fifth Nominated Member (Mr. Smellie) asked the question about the definition of 'income', as I intended to do so myself.

With due respect to what the hon. the First Nominated Member has said, I think there is a wrong impression pervading the country, that so long as a person has property he (or she) is regarded as having an income. I must agree with the hon. Member for Central Demerara and must take some credit for supporting the suggestion to lower the age limit as regards old age pensions. We went into the figures in the report of the Venn Commission and found that there is only a small percentage of the workers on the sugar estates who are suitable for work there. Whatever the future may hold, I feel that this is a matter for very careful consideration on the part of the Governor in Council.

**The Attorney General:** The hon. the First Nominated Member gave a reply to the hon. the Fifth Nominated Member. The position in regard to income is dealt with in section 5 — calculation of means, which is generally known as the means test. I have read it and hon. Members would see that the statement made by the hon. the First Nominated Member really answers the point. It says:

"(1) In calculating the means of any person for the purpose of this Ordinance account shall be taken of—

- (a) the income which that person may reasonably expect to receive in cash excluding any sum receivable as pension under this Ordinance;

- (b) the value of any property belonging to that person, not being property personally used or enjoyed by him, which, is invested, or is otherwise put to profitable use by him, or which, though capable of investment or profitable use, is not so invested or put to profitable use by him;
- (c) the value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him except furniture and personal effects;
- (d) the value of any benefit or privilege enjoyed by that person."

As the hon. Nominated Member remarked, food and other privileges which may be enjoyed by a person who has lived and worked in a household, may be regarded as coming within the provisions of paragraph (d) of that section. I think those are the provisions to which the hon. the First Nominated Member referred and which he wanted to know about. I have nothing further to add to what I have already said. The hon. Member for Georgetown Central has referred to the part which he played in connection with this particular Bill, or the provisions which this particular Bill seeks to make. I can tell this Council that we have had so much legislation to prepare and so many matters to consider, that it was not a case of being unmindful of the necessity of placing this legislation before the Council. It is one of the final Bills which this Council will give its mark of approval to. These provisions are for people who have reached an age when they are no longer able to provide for themselves properly.

Question put, and agreed to.

Bill read a second time.

In Committee.

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

*Clause 2—Amendment of section of the Principal Ordinance.*

**Mr. Fernandes:** I take this opportunity to follow up the question raised by the hon. Nominated Member as to whether this means test will include everything. If a person is getting free food and lodging from an kind friend or old employer, that is valued so low that it will prevent that person from getting old age pension with a \$10 means test. I am speaking without fear of contradiction.

As regards the actual figure I have had so many things to think about in the last few weeks that I cannot recall it but, definitely, it is not more than \$5 per month. As regards the other point raised by the hon. Member for Eastern Demerara, anyone has a small house and is living in it exclusively, then that house is not valued as property, but if he is getting free lodging in someone else's house and the house is being rented, a generous allowance is made for upkeep, repairs and taxes. An allowance is also made for the portion which the person is occupying. The net income of the property is the figure used in arriving at the means test. I think that is perfectly clear. These figures are universal. I happen to be a member of the Board of Poor Law Commissioners and I asked that they be circulated throughout British Guiana.

Before this \$10 means test, as the hon. the Attorney General told hon. Members there were different rates in the country areas. This \$10 means test covers both town and country, because it is felt that the cost of living in the country is as high as in the city.

I am sorry the hon. Member for Central Demerara (Dr. Jagan) is not here because he does not want any means test.

[Mr. Fernandes]

If you start to do that, in this Council you would find the hon. the Third Nominated Member, the hon. the Fourth Nominated Member, the hon. Member for Eastern Berbice and, I am sure, the hon. Member for New Amsterdam, the hon. Member for North Western District and, perhaps, the hon. the Seventh Nominated Member and certainly the hon. the Fifth Nominated Member and the hon. Member for Western Berbice, the hon. Member for Demerara River, the hon. the Second Nominated Member and perhaps, the hon. Member for Essequibo River and the hon. Member for Demerara-Essequibo would all be able to form up at the end of the month and say "Give us our old age pension". Is that what any conscientious Member of this Council would vote for? The answer is obvious. I only take the Members of this Council, but you have to take that through Water Street. You contribute nothing but simply hold your hand out to get old age pension. The total figure was \$1,800,000, if my memory serves me right. If you have no means test and all the present Members of the Legislative Council can hold out their hands to get old age pension. I would have to vote against that, whatever happens.

If the scheme was a contributory one—more than once, the hon. Member has referred to benefits which are given in England but he has never informed this Council that those benefits are paid for — it would make a great difference. When a man who is well off collects old age pension or any other benefits he has paid for them hundreds of times, because in pretty nearly every case they have been taken on a percentage basis from his earnings. In New Zealand 7½ per cent. of the gross earnings of every person, company and corporation that earns money is deducted by the Government, and in spite of that they have to vote from public funds — along the lines we have to

vote our old age pension — something like £11 million to £18 million for a population of 1,800,000. That is in spite of the fact that they do not have any unemployment. In British Guiana unemployment is a serious problem. I know that more than anybody else, and I hope steps will be taken to see that the situation improves and does not get worse. I would just like to let Members know exactly how the means test works out, and to show that there is no hardship if a person gets free meals and lodging. That does not debar him or her from getting the pension as long as he or she has no other means.

Under the old order of things this is what happened: someone is being given \$5 per month perhaps by an old employer or maybe by one of the Dorcas Societies. The minute enquiry is made and that is found to be the case, that person is automatically debarred from getting old age pension. I know that in the past — before my time and even in my time as a member of the Board of Poor Law Commissioners—persons have asked to have their pension reduced to \$2.50 in order that they can qualify for old age pension.

Hon. Members will agree that is not a desirable feature and, therefore, I think it will be wrong for me to vote for the motion to have no means test and just sit down and do nothing else. \$4.50 will still be on the Statute Book. I think we should do what is right — reduce the age to sixty and increase the means test to \$10 — and time will tell how far we can carry the means test with safety. As I have said, I prefer a half loaf than none at all. I will not ask for a particular thing if I know I have not the slightest chance of getting it. I will take that and leave the balance for later on.

**The Financial Secretary and Treasurer:** I am surprised that this little abridged Bill has raised such a debate. I am grateful to the hon. Member for explaining the application of the means

test, because it is obvious that the provisions of the Ordinance, which were read out by the hon. the Attorney General, did sound very severe indeed, and I was going to try to explain the method and procedure of application. The severity of these provisions has been very much reduced and, as the hon. Member for Georgetown Central (Mr. Fernandes) has intimated, every procedure is used in order to bring within the provisions of this Old Age Pension Ordinance those who should benefit by it.

There is one other point I would like to make quite clear. I do not wish to enter into competition with the hon. Member for Georgetown Central and the hon. Member for Central Demerara (Dr. Jagan) as regards credit, and also I do not wish it to be left for anyone to infer that there has been delay in bringing this Bill forward, following a resolution on the amendment by the hon. Member for Georgetown Central some time ago. What happened is that Government gave very full consideration to the resolution recommending that this means test be increased to \$10 per month. Unfortunately, at the time we decided that, there were no funds available to permit of the increased cost being met, and also the increased administrative cost. That decision was communicated to the Council some time last year. In preparing the 1953 Budget, when it became clear to us that there would be a surplus balance, we put forward as part of the Budget proposals for this year, that this very desirable change should be made—the means test increased to \$10.

The hon. Member is correct in saying that we have directed in advance the Social Welfare Department to use this \$10 means test pending this legislation. If there has been any delay, it has been the delay between the Budget and the introduction of this Bill which enables

the Governor in Council to give the Social Welfare Department the authority to put into effect the Budget Proposal of 1953. Although it is true to say this action does to some extent flow from the resolution moved by the hon. Member for Georgetown Central and passed, it is in fact one of the Budget proposals for this year and this Bill should have been introduced almost immediately after the Budget.

**Mr. Macnie:** Pardon me for introducing some personal light on the situation. The hon. Member for Georgetown Central has been kind enough to name me with others who can draw this pension. It is true that I am already a pensioner. He says that without a means test we can draw old age pension. I wonder what is the age to draw it. Is it over sixty? With due respect, I shall be 54 during this week.

**Mr. Fernandes:** I was pointing out what would have happened if it had gone through at 55 years and without a means test. That was the original motion.

The Council resumed.

**The Attorney-General:** I beg to move that this Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

**(Law Revision (Amendment) Bill)**

**The Attorney General:** I beg to move the second reading of the Bill intitled—

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

Section 3 of the Law Revision Ordinance, No. 26 of 1949, deals with the

[The Attorney General]

preparation of the Revised Edition of the Laws, and under that section authority is given for the preparation of such revised edition. Subsection (2) of that section reads as follows:

"The Governor in Council may, by order published in the Gazette, appoint a date for the purpose of subsection (1) of this section and may, by a like order, from time to time change the date so appointed and appoint another date in lieu thereof provided that no date shall be appointed under the subsection which is more than one year after the commencement of this Ordinance."

As the date of the commencement of the Ordinance was the 3rd December 1949, that proviso is no longer applicable and clause 2 of this Bill seeks to effect the repeal thereof. Clause 4 seeks to provide that the minor amendments in the Third Schedule as set out in the clause shall be made in the laws of the Colony and incorporated by the Commissioner in the Revised Edition, and to empower the Governor in Council to amend that Schedule from time to time. Clause 5 seeks to effect certain minor amendments to the First Schedule of the Ordinance (which sets out the amendments to be omitted from the Revised Edition) including the deletion therefrom of certain enactments included therein in error.

Despite the fact that the hon. Member for Eastern Demerara (Mr. Debidin) does not relish empowering the Governor in Council to undertake matters of this nature, yet I think he will agree that this is a proper matter to be entrusted to the Governor in Council, otherwise it will mean that we will have to come to the Council or the Legislature if the Commissioner finds that the Schedule will have to be amended and additions made to provide for minor amendments. Hon. Members have, in this Council, time and again, emphasized the necessity for a revised edition of the laws and, as hon. Members are aware, a Commissioner has been

appointed and has already begun his task. The Commissioner who has been appointed is Sir Donald Kingdom, who was formerly Chief Justice of Nigeria and had undertaken the revision of the laws of other Colonies. The last Colony in which he was entrusted with the revision of laws was Uganda. I am sure that hon. Members will appreciate the fact that in Sir Donald Kingdom we are certain of having our laws fully and properly revised. The Schedules which appear are the result of his preliminary examination of the laws in the course of his preparation of the revised edition.

I have, sir, prepared amendments which I have circulated to hon. Members, and which I propose to insert during the course of the Committee stage. As hon. Members will see, there are amendments which have become necessary as a result of changes of title and of expressions which are no longer applicable and which ought, necessarily and properly, to be changed.

In the Third Schedule with regard to the Civil Law of British Guiana, the proposal is to change the word "lunacy" and to add the words "or person of unsound mind" after the word "lunatic". That is in keeping with the medical point of view and the point of view of the expression used in regard to those unfortunate people. Similarly, in the Coroners Ordinance the amendment suggested is now accepted formally. So, on examination of all the minor amendments contained in the Schedule, it indicates they are not matters of change alone, but very often expressions which are essential, and also in cases where the Ordinance itself is spent and no longer required or applicable, such as reference to tramways and matters of that sort.

There is nothing controversial in this Bill or in what it seeks to achieve. It seeks largely to put right various points which it is necessary to provide for by

way of legislation of this nature. I beg to move that this Bill be now read a second time.

**The Colonial Secretary:** I beg to second the motion.

**Mr. Debidin:** The hon. the Attorney General is quite right with regard to powers being transferred to the Governor in Council. There is a particular item in the Schedule dealing with the Immigration Ordinance. The title of that Ordinance is being changed to "The Indian Labour Ordinance". One would readily see that the term "Indian Labour Ordinance" has gone very far away from the scope and meaning of the words "Immigration Ordinance." It may very well be, having passed in the Third Schedule of this Bill the words of the short title of that Ordinance, that may be an excuse for the Governor in Council in the interim period to say they will remove very useful provisions of that Ordinance on the suggestion of Sir Donald Kingdom or some other person, on the one excuse that this Council has changed the name to "Indian Labour Ordinance" and it should only apply to labour matters. I would very strongly urge that that should not be before Members of this Council have had an opportunity to go into the matter, and for that reason I will not seriously oppose the transfer of the powers to the Governor in Council. As the hon. the Attorney General thinks, I visualize that that power will be very short-lived now.

I hope the greatest care will be exercised to preserve in that Ordinance the very useful provisions with regard to marriage, divorce and other related matters which affect the question of immigrants, and I wish to say that in so far as the definition of "immigrant" is concerned I am an immigrant. There is no doubt that the definition embraces not only those people who have come from Asia but their descendants as well. I would be very reluctant to give

my assent to anything which might tend finally to remove any useful provision which affects me personally, or anyone connected with me. Therefore I am asking for an assurance that the change in the short title will not mean that the Governor in Council would override an expression of opinion by this Council if it had an opportunity to debate the matter. I hope nothing will be removed from the Ordinance without due notice. I know that there is an Advisory Committee, of which the Commissioner of Local Government is the Chairman, dealing with matters concerning this particular Ordinance, and it might very well be put before that Committee. I hear *sotto voce* that it is not intended to remove anything from the Ordinance, therefore I do not need to press the matter further.

Question put, and agreed to.

Bill read a second time.

#### IN COMMITTEE

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

Clauses 1 to 3 passed as printed.

Clause 4.—*Insertion of section 7A in the Principal Ordinance.*

**The Attorney General:** It will be observed that the date on which the minor amendments set out in the Third Schedule shall be deemed to have come into force has been left blank. I suggest that the 1st of April should be the date. I would like to inform the hon. Member that sub-section (2) of the proposed new section 7A refers to other minor amendments. The Governor in Council cannot deal with amendments such as those to which the hon. Member has referred, because they would be far from being minor, but rather of a major nature. But there may arise an occasion when the Commissioner, in his examination of the laws, may find verbal

[The Attorney General]

changes necessary—not changes of any idea or principle, but words which may be out of date, and instead of having to bring all such matters of detail or minor amendments to the Legislature, the Governor in Council is being empowered to deal with them. I ask that in the proposed new section 7A(1) the words "first day of April" be inserted.

Clause 4, as amended, agreed to.

Clause 5 passed as printed.

Clause 6.—*Insertion of Third Schedule in the Principal Ordinance.*

**The Attorney General:** I ask leave to insert in the Third Schedule after the reference to the Prisons Ordinance, the following amendment which I have circulated to hon. Members dealing with the Old Metal Dealers Ordinance:

"For the purpose of this Ordinance the Colony shall be divided into the following parts, each of which shall be severally deemed to be a county, namely—

- (a) the Berbice division;
  - (b) the East Demerara division;
  - (c) the Georgetown division;
  - (d) the West Demerara division;
  - (e) the Essequibo division;
  - (f) the Rivers district;
  - (g) the Rupununi district;
  - (h) the North West district;
- as defined under section 33 of the Constabulary Ordinance.'

Amendment agreed to.

Council resumed.

**The Attorney-General:** With the Consent of Council I beg to move that the Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed, as amended.

**The Attorney General:** I may remind hon. Members that on the last occasion when we sat late I moved the suspension of the Standing Rules and Orders in order to deal with this Bill because of the time factor, but we did not deal with it at all that day. I have just mentioned that for purpose of record.

#### CAPT. C. H. WALCOTT'S PENSION

**The Financial Secretary and Treasurer:** I feel sure hon. Members will wish to endorse and confirm the motion in my name at item 4 on the Order Paper, which seeks to permit the addition of a short period to the service of Capt. Walcott, our Harbour Master, who is due to retire from the Public Service on the 30th of September, having attained the age of 60 years. As Your Excellency's Message says, Capt. Walcott has given exceptionally meritorious service. He is a very loyal and efficient officer. It happens that his service up to the time of his retirement will be just short of the maximum allowable under the Pensions Ordinance, Chapter 204, under which he has served. He will have completed 28 years and 9 months' service on the 30th of September, whereas he is allowed to count 30 years as the maximum.

Before joining the Public Service proper he served in the Police Force for a period of six years, but is precluded from having that period included in the computation of his pension as a public officer, and it is therefore felt most proper that we should add the period necessary to bring his service up to 30 years, and thus entitle him to the award of a full pension. The amount involved is reasonably small—only \$83 per annum in pension and \$352 in lump sum gratuity. The Pensions Ordinance permits the Governor in Council to do this, but it

also requires approval by this Council. I formally move:

"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 September, 1953."

**The Colonial Secretary:** I beg to second the motion.

**Mr. Fernandes:** I support the motion wholeheartedly. There is no question that Capt. Walcott has given excellent service, and on his retirement I would like to see that he gets the maximum pension. Another case came to my knowledge a few days ago in which a senior officer had asked to be allowed to work for a month and a day, or two months, whichever was preferable, over his age limit in order to enable him to retire at a maximum pension, but his application was refused. The matter came to my knowledge too late, otherwise I would have done what I always do, that is to take action and move a motion in this Council. I suggest that Government should reconsider that case, because I happen to know the officer in question has given long service, and a lot of it without leave. It was such a small matter that I think Government, in its generosity, might have granted his request. I have no idea of the reason for not granting it, but whatever the reason is, I hope Government will reconsider it. I support this motion and wish to say how much I appreciate the action of Government in this case.

**Mr. Roth:** It gives me very great pleasure indeed to support the encomiums which have fallen from the last two speakers. This is one of the occasions

on which one must condemn that wretched Regulation which compels an officer to retire when he is still capable of good service. Capt. Walcott could surely give another five years' service.

**The President:** I do not think the hon. Member is correct in that statement. I do not think Capt. Walcott's health during the past year would have permitted that.

Motion put, and agreed to.

#### TEACHERS PENSIONS (AMENDMENT) BILL

**The Attorney General:** I beg to move the suspension of the relevant Standing Rules and Orders so as to enable me to take through all its remaining stages today 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 Colonial Secretary:** 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 the Bill I would like to point out that the effect of the definition of "aided school" in section 2 of the Teachers Pensions Ordinance, Chapter 197, is to exclude the payment of pensions with respect to service in nursery schools. It is considered equitable that teachers in nursery schools should also be eligible for pension. Clause 2 of the Bill seeks, by an amendment of the definition of "aided school", to give effect to this decision.

[The Attorney General]

It is also considered equitable that teachers to whom the provisions of section 3B of the Principal Ordinance, as inserted by section 2 for the Teachers Pensions (Amendment) Ordinance, 1951, apply, and who have retired before the coming into operation of the said section 2, should at their option be paid, in lieu of a pension, a pension together with a gratuity. Clause 3 of the Bill seeks to give effect to this decision by permitting them to exercise that option on or before the 31st day of May, 1953. I think hon. Members will agree that it is fair and equitable that these provisions should be made, first of all to enable a teacher in a nursery school to have the same pension rights which have been given to other teachers, and, secondly, to enable teachers who have retired before the coming into operation of the section to which I have referred, to exercise the option to accept a pension with a gratuity.

There is also another matter in connection with the payment of pensions to teachers, with respect to which a new draft clause has been circulated. It provides for the extended application of the Teachers Pensions Ordinance, 1951, to the personal representatives of teachers who died after the coming into operation of certain provisions, and enables their personal representatives to get the benefit of those improved conditions which, if the teacher had lived, he most certainly would have taken advantage of. As will be seen from the draft which I have circulated, before the provisions of sections 2 and 5 of the Principal Ordinance could apply to a teacher he must first have notified the Director of Education before the 30th of June, 1952, whether he desired those provisions to apply to him. It was submitted in the case of certain teachers that they did not do so because they did not know that the provisions would have been to their benefit. The clause

which I have circulated to hon. Members seeks to make those provisions applicable to the cases of such teachers, despite the fact that through their death they are unable to exercise that option.

I think hon. Members will realize that the personal representatives of those teachers may be not so well off, and that the deceased teachers, if they had had an opportunity to exercise the right, had they been alive at the time when it was given to other members of the teaching profession, they would also have taken advantage of the opportunity to exercise their right. So that it is considered equitable that their personal representatives should be put in the same position as if the deceased teachers had exercised that option. I move that the Bill be read a second time.

**The Colonial Secretary:** I beg to second the motion.

**Mr. Debidin:** May I ask how many persons would be affected by this new clause, what is the amount involved, and whether it affects both pension and gratuity?

**The President:** If it is possible to answer the hon. Member's questions it will be done in the Committee stage.

Question put, and agreed to.

Bill read a second time.

#### IN COMMITTEE

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

**The Attorney-General:** I ask leave to move the addition of the new clause 4 to which I have referred. It reads:

4. The provisions of the Principal Ordinance and of sections two to five inclusive of the Teachers Pensions (Amendment) Ordinance, 1951, shall apply to

every teacher whose name was in the Teachers Pension Register on the thirty-first day of December, nineteen hundred and forty-three, and who retired as a teacher or from the public service of the Colony on or after the first day of January, nineteen hundred and forty-four, and who died on or before the fifteenth day of December, nineteen hundred and fifty-one."

In reply to the questions asked by the hon. Member for Eastern Demerara (Mr. Debidin) I may mention that the number of deceased teachers affected is six. In the case of the first deceased teacher the revised gratuity is \$1,050, the old gratuity \$765; the revised pension \$315 and the old pension \$229.50. In regard to the second deceased teacher the figures are \$562.50 for the revised gratuity (no old gratuity given), revised pension \$168.75, old pension \$279. Third deceased teacher: revised gratuity \$357.30 (no old gratuity given), revised pension \$107.18, old pension \$180. Fourth deceased teacher: revised gratuity \$1,256.20, old gratuity \$630; revised pension \$376.85, old pension \$189. Fifth deceased teacher: revised gratuity \$2,820, old gratuity \$1,215; revised pension \$864, old pension \$364. Sixth deceased teacher: revised gratuity \$1,350, old gratuity \$630; revised pension \$405, old pension \$189. Hon. Members will see that the amounts involved are not large but may be of considerable benefit to the present representatives.

Mr. Debidin: I hope that nothing I say will be taken to indicate that I am against this measure, and that is why I am speaking now. It is important to note that when something comes up which appears to be unusual and even though the principle may not appear to be right — because a personal representative cannot claim under the Ordinance — very little is done. If Government can give these widows some money they should do so because

they deserve it. I see also that teachers throughout the Colony would not become wandering Jews, because Government is going to build houses for them. Apart from these things, there is an obvious misunderstanding about the Nicol report and the question of accommodation. I know that Government is making every effort to improve conditions, but from all that I have heard a wicked interpretation has been given to this Nicol report.

The Chairman. Is it necessary for the hon. Member to go further? He has put himself right in the eyes of the Council.

Title, as amended, passed.

Council resumed.

The Attorney General: With the consent of Council, I beg to move that this Bill be now read a third time and passed.

The Colonial Secretary: I beg to second the motion.

Question put and agreed to.

Bill read a third time and passed.

#### SUPPLEMENTARY EXPENDITURE FOR 1952

The Financial Secretary and Treasurer: I am afraid I must ask the consent of the Council to deal with item No. 10 on the Order Paper before the Bill at item No. 6 is taken, on the ground, of course, that it is proper that final approval of all supplementary expenditure should be covered before the statutory legislation is actually enacted. I beg to ask the consent of Council to deal with item No. 10 before item No. 6.

Question put, and agreed to.

**The Financial Secretary and Treasurer:** I beg to move the motion at item No. 10 which reads:—

"That, this Council approves the Statement of Supplementary Expenditure which has occurred during the year 1952 and which has not been included in any previous schedule for that year and is to be admitted as a charge to Public Funds under Colonial Regulation 223 (2) (c) and which has been laid on the table."

When this Schedule was handed to me by the Finance Department a few days ago, I took opportunity to make a Statement as to the final account for the year 1952 which were closed this month in the Treasury. The Statement which I have made is recorded in the Minutes of the Finance Committee and forms part of the record of this Council. Nevertheless, merely for the purpose of record at the moment, I wish to repeat part of what I said, mainly, that on the closing of the accounts for 1952 by the Treasury, the Colony's revenue was \$29,855,401 and the Colony's expenditure, including all items which were originally authorized and supplementary provisions, amounted to \$28,459,500 there being a surplus balance of \$1,395,901. That compares very well with the revised estimate which I gave in the Budget Statement for 1953, including a surplus balance of \$1,430,876—a figure not far wrong and only out by about \$34,000. That then is the final account for the year 1952.

This Schedule before the Council is the last of what I would term "Unauthorised Excesses"—that is to say, items which have been brought to light as not having been included in any particular Schedule for the year but which must be approved in Council. I have already apologised to the Finance Committee for the number of items shown in this list and steps are going to be taken to minimize these long lists in future. There is no point in moving

into Committee, and I accordingly move that the motion be taken as it stands—without any particular examination of the Schedule.

**The Colonial Secretary:** I beg to second the motion.

Question put and agreed to.

SUPPLEMENTARY APPROPRIATION (1952)  
BILL

**The Financial Secretary and Treasurer:** I beg to move that the relevant Standing Rules and Orders be suspended to enable me to take the following Bill which was only published on March 27, through all its stages today:

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

**The Colonial Secretary:** I beg to second the motion.

Question put and agreed to.

Relevant Standing Rules and Orders suspended.

**The Financial Secretary and Treasurer:** I beg to move that this Bill be now read a second time. This is the final act of the Legislature in allowing and confirming expenditure for 1952 in respect of those items which were not authorised by the Appropriation Bill, 1952, or by any other law.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and considered the Bill clause by clause without amendment.

Council resumed.

**The Financial Secretary and Treasurer:** With the consent of Council, I beg to move that this Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

#### PUBLIC LOAN BILL, 1953

Council proceeded to consider the Bill intituled—

“An Ordinance to make provision for raising in the Colony a loan not exceeding seven million two hundred thousand dollars.”

**The Financial Secretary and Treasurer:** I take it that the suspension of the Relevant Standing Rules and Orders applies to this Bill as it did to the former. I again move that the relevant Standing Rules and Orders be suspended so as to enable me to take this Bill through all its stages.

**The Colonial Secretary:** I beg to second the motion.

Motion put and agreed to.

Relevant Standing Rules and Orders suspended.

**The Financial Secretary and Treasurer:** I beg to move that this Bill be now read a first time.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

**The Financial Secretary and Treasurer:** I beg to move that this Public Loan Bill be read a second time. Members have been aware for some time that it is our intention to finance rehabilitation, extension and expansion of our telephone system by raising a public loan in the Colony. That decision has been announced and confirmed in

the Budget Statement of last year when I made reference to it, and I also stated at that time—elsewhere in the Statement—that the loan which would be required for that particular project would be a sum of not less than \$4½ million. Since then, the revised report of the project has been received and it is now quite clear that we shall require at least \$5 million to complete it. This is not the time, of course, to engage in a discussion of the expenditure; that would come later. This Bill merely seeks power to borrow the money at the proper time to finance this particular project. Members will notice that the power sought in this Bill is for raising a loan not exceeding \$7,200,000—that is to say a sum of money \$2,200,000 in excess of the \$5 million to which I have referred. They would also see in the Statement that the \$2,200,000 has been put down as cover for such other works as may be approved by the Legislature and the expense of the issue of the loan.

It is not possible, of course, at this moment, to say how that money would be applied if and when it is borrowed, but I would like to say that there are certain projects which Government have had under contemplation for some time and for which this money might be used. One is to enable some additional housing provision and, possibly also, this project of which Members may have heard—an Auditorium or Theatre building for the Cultural Centre site in Georgetown. These are only ideas. This Bill provides for raising \$7,200,000—\$2,200,000 in excess of the amount which is required for the construction of the new Telephone Exchange. As regards raising the money, I think I had informed the Council on a previous occasion that on this occasion we should use the Post Office Investment Fund as a sort of underwriting security. That is to say, the loan will be issued and in the event that it is not immediately

[The F. S. and Treasurer]

taken up, we will invest the funds of the Post Office Savings Bank in the loan and from time to time put these bonds on the market. It is not proposed to raise the whole loan immediately, not in one month but maybe in one or two or three years as requirements dictate and as the market can absorb it. This is only the authority to raise it. It is essential to have this authority on the Statute Book. As hon. Members know, we have been financing this project by drawing on our surplus for advances pending the raising of a loan. I beg to move that this Bill be now read a second time.

**The Colonial Secretary:** I beg to second the motion.

**Mr. Smellie:** I am glad to see that this loan is being raised for the specific purpose mentioned, and that the accumulated revenue balances are not going to be touched.

**Mr. Debidin:** There is one point I would like to make, and that is in respect of the issuing of these debentures. As far as we see, reference is made to the possibility of the funds of the Post Office Savings Bank being used to purchase these bonds or whatever may be issued. I know, sir, that in the last five years reference has been made to the utilization of the Post Office Savings Bank money on a lot of very useful projects. I hope that when the time comes for the final consideration of the investing of the Post Office Savings Bank money the Government of the Colony will consider this particular project, No. 1 in the Schedule, as being something upon which it can draw and secure a loan outside of the use of the Savings Bank money. In other words, it is an investment which will bring returns, and it is a Department which, I feel can earn, to a great extent, its

keep. Therefore, it seems to me to be something to be considered—that the Post Office Savings Bank credit should be earmarked for more useful projects, thus securing full security to the creditors of that Bank. I feel, sir, that this is not something that is without a great deal of importance. It is the first time we are hearing of some attempt being made in a positive way to utilize this fund.

**The Financial Secretary and Treasurer:** I would not like the hon. Member to continue under a misapprehension. I feel he has misinterpreted what I mean to say. I did not mean it to be understood that the funds of the Post Office Savings Bank were deliberately to be invested in this loan. What is proposed is to issue a loan to the public for whatever money we require and—I hope I said so—we are going to use the funds of the Savings Bank to underwrite the loan to the extent that it is not taken up by the public, and within the statutory limit which the Ordinance of the Savings Bank allows us to invest that public fund, that is one-third. We will take up the bonds not taken up by the public, and even then our idea is to put these bonds on the market when it can absorb them. I do not wish the hon. Member to imply without correction that we are deliberately investing the funds of the Savings Bank. I have already answered that. I do not know if he wishes to continue.

**Mr. Debidin:** The hon. the Financial Secretary and Treasurer did not understand me either. I particularly said—I am not saying “no” to what he has explained. I was pointing to the fact that whatever amount or extent you are going to underwrite with the savings Bank money, can be utilized in other parts and so allow this particular loan to be subscribed fully otherwise, because of the project being a favourable one. I am visualizing that

the time will come when we will be able to utilize it for far more useful projects, which we have been thinking of and referring to during the life of this present Council. That is all I am saying. I am not saying "no" to the underwriting of any portion of the loan, but it must be considered very carefully by Government.

**Mr. Kendall:** Now that we are about to carry out this long-term project, I am wondering whether it would be possible to call in some of our investments through the Crown Agents, if the money we have invested in foreign places can be returned so as to be invested locally to carry out some of our projects. I would like to know from the hon. the Financial Secretary and Treasurer whether that is possible. For example, the Town Council of New Amsterdam has some foreign investments and, I think, this Government also has some foreign investments. To carry out these projects, I think that if it is possible we should get the Crown Agents to call in as many of our foreign investments as possible and have it circulated and expended locally.

**The Financial Secretary and Treasurer:** I have already answered the hon. Member for Eastern Demerara, and I again repeat that if and when we put the issue on the market and it is fully subscribed by the public we will not touch the Savings Bank funds. But the time may come when we have to use part of those funds for another loan. I wish to assure hon. Members that if the loan is taken up by the public so much the better.

In answer to the hon. the Fifth Nominated Member (Mr. Smellie), I do say that the surplus funds, to an extent which will be agreed upon, must be earmarked as a security. This particular matter has nothing to do with the surplus. We have been borrowing on it to carry on work until

we raise the loan. We will continue to do so until the position justifies our actually putting the loan on the market. That is as far as that goes. It is a temporary use of a part of the money until we actually raise the loan. That is why it is so essential to get this authority on the Statute Book as soon as possible.

**Mr. Smellie:** May I ask, when the loan is raised will the accumulated surplus balances be reimbursed?

**The Financial Secretary and Treasurer:** When the loan is raised, the money borrowed from the till will go into cash representing surplus. In answer to the hon. Member for New Amsterdam, I am not quite sure I understand his point about foreign investments. Such investments as we hold are representing a specific fund, such as a Loan Sinking Fund, etc., and I am sure it will not improve our position to sell those investments and bring the money here. It will not bring us in more cash. It is as if we hold the investments as part of our surplus. The investments referred to in connection with the New Amsterdam Town Council are in exactly the same position. The New Amsterdam investment is part of a Loan Sinking Fund and selling them and bringing the money back here will not bring more money, as it is money put aside to pay off the loan.

**Mr. Kendall:** I agree with the hon. the Financial Secretary and Treasurer, but why I made the observation is because within these recent years we find—I think the hon. Member knows that too—we are losing on our foreign investments. Only recently the New Amsterdam Town Council lost a few hundred dollars on its investments through the Crown Agents, and I am wondering whether some of those investments, because of the change in

[Mr Kendall]

world conditions, cannot be returned to British Guiana, and if there is to be a loss it will be within the Colony.

**The Financial Secretary and Treasurer:** I can assure the hon. Member that the increase in the bank rates and its effect on the market value applies to our local investments as well. I am sure the hon. the Fifth Nominated Member can confirm what I am saying as regards the value of British Guiana loans and also of foreign loans. Whether you are investing in local bonds or foreign bonds the same thing will happen. The value of bonds has fallen because the bank rates have increased. That applies to local as well as foreign bonds.

Question put, and agreed to.

Bill read the second time.

COUNCIL IN COMMITTEE.

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

Clause 3.—*Application of loan.*

**Mr. Fernandes:** With regard to the remark made by the hon. Member for Eastern Demerara (Mr. Debidin) I would like to point out that there is a lot of difference between investing the Post Office Savings Bank funds in loans guaranteed by Government, and investing them on some project which might fail and the people's savings would be lost. I know there are certain candidates coming forward for election who are prepared to do many things with the \$15 million on the Post Office Savings Bank, but I am opposed to touching those funds other than for investment in Government-guaranteed loans on which the people's savings cannot be lost. I will be against their use on any other project.

**Mr. Debidin:** My idea is to provide for the development of an Agricultural Bank to ensure more production in British Guiana and more opportunities for loans to farmers. Wouldn't that be a far more effective use of the Post Office Savings Bank funds? After all, the deposits on the Post Office Savings Bank belong to farmers principally. I am in total agreement that full security must be maintained at all times, so that the depositors will not lose their money or the Bank fail. I agree that if the Savings Bank funds are to be invested in loans, there must be absolute guarantee, but there can be no better investment than in small food production loans for the development of the Colony's agriculture.

**Mr. Fernandes:** The hon. Member has misunderstood me completely. I said that the Post Office Savings Bank funds should not be used for advances to farmers but for loans to Government. If the House of Assembly should decide that Government should borrow money on loan for the purpose of advances to farmers, it would be quite all right, because in that case a Loan Ordinance would be passed, and it would be quite safe to invest one-third of the Savings Bank funds, which the law permits, in that loan, because if the farmers do not repay their advances, the depositors would not lose their money. The last thing in the world I would want to happen is that anybody should create the impression that the Savings Bank funds are not safe and absolutely guaranteed, or that they could be used for any purpose such as the hon. Member spoke about. There is bound to be a certain amount of anxiety if people's savings were used for projects that my fail.

**Mr. Debidin:** I hope the hon. Member is not suggesting that any project in his campaign, in which money will be invested, may fail.

Council resumed.

**The Financial Secretary and Treasurer:** With the consent of Council I beg to move that the Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

#### NEXT MEETING OF COUNCIL

**The President:** The position is that we will have to meet next Thursday in order to pass the Representation of the People Bill and dispose of any further business remaining on the agenda. Possibly that will be the last meeting of this Council, for I see no reason why we should not get through the business on that day. I am anxious to clear the decks for the final act.

**Mr. Fernandes:** When we were discussing the question of sitting late this afternoon the specific recommendation was made that we should not sit after 7 o'clock. I have remained after 7 o'clock because I wish to leave sufficient time at the next sitting to enable me to move the Bill which stands in my name on the Order Paper. The items we have just dealt with were practically non-controversial. In any case they were ahead of my Bill on the Order Paper.

**The Financial Secretary and Treasurer:** I would appeal to hon. Members to take item 9 on the Order Paper, which would clear 1952 out of the way.

**The President:** I have been driving hon. Members and I appreciate the effort they have made to get through the business.

#### SUPPLEMENTARY LOAN EXPENDITURE FOR 1952

**The Financial Secretary and Treasurer:** I beg to move:

"That this Council, approves the statement of Supplementary Loan Expenditure (Loan Ordinance No. 13 of 1915) which has occurred during the year 1952, and which has not been included in any previous Schedule for that year and is to be admitted as a charge to Loan Funds under Colonial Regulation 240, and which has been laid on the table."

This small Schedule contains three items of approved works, but the actual expenditure was not included in any Loan Schedule, and has now been prepared in this form. The Schedule was examined by Finance Committee a few days ago and approved. The three items are Queen's College, Transport and Harbours, and the La Penitence Housing Scheme. It is purely formal, because the items have been approved in principle, but the provisions have never been included in any Schedule. I formally move that the Schedule be passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Motion adopted.

#### FINAL MEETING OF COUNCIL

**The President:** I propose to adjourn the Council to 10 o'clock on Thursday morning so that hon. Members may be prepared to sit all day. I hope it will be the final meeting of this Council.

**Mr. Fernandes:** I had intended to go on leave at the end of February, but it is now the 30th of March and I am still on the job. If you look around, sir, you will see exactly what

[Mr. Fernandes] is happening. There are three Members on this side—myself and two of my colleagues—and all the others are on the right side.

**The President:** I very much appreciate the way in which hon. Members who are at present have stuck it out.

**Mr. Roth:** If we meet at 10 o'clock on Thursday, at what time will we adjourn?

**The President:** I suggest that we sit from 10 to 12 and from 2 p.m. to tea time.

**The Financial Secretary and Treasurer:** I would suggest that we have our breakfast before we come.

Council was then adjourned until 10 a.m. on Thursday, 2nd April, 1953.