

**LEGISLATIVE COUNCIL.***Wednesday, 11th February, 1942.*

The Council met at 12 noon, His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the Chair.

**PRESENT:**

The Hon. the Colonial Secretary, Mr. G. D. Owen, C.M.G.

The Hon. the Attorney-General, Mr. E. O. Pretheroe, M.C., K.C.

The Hon. J. S. Dash, Director of Agriculture.

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

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

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

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

The Hon. W. A. D'Andrade, O.B.E., Comptroller of Customs.

The Hon. N. M. MacLennan, Director of Medical Services.

The Hon. M. B. Laing, O.B.E., Commissioner of Local Government.

The Hon. G. O. Case, Consulting Engineer.

The Hon. L. G. Crease, Director of Education.

The Hon. B. R. Wood, Conservator of Forests.

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

The Hon. J. Gonsalves, O.B.E., (Georgetown South).

The Hon. J. I. de Aguiar, (Central Demerara).

The Hon. Jung Bahadur Singh, (Demerara-Essequibo).

The Hon. Peer Bacchus, (Western Berbice).

The Hon. E. M. Walcott, (Nominated Unofficial Member).

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

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

The Hon. J. W. Jackson, (Nominated Unofficial Member).

The Hon. F. A. Mackey, (Nominated Unofficial Member).

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

The Clerk read Prayers.

**MINUTES.**

The minutes of the meeting of the Council held on the 30th January, 1942, as printed and circulated, were confirmed.

**ANNOUNCEMENTS.****U.S. GOVERNMENT'S THANKS.**

**THE PRESIDENT:** I have one gratifying and pleasant duty to perform. Hon. Members would remember that a resolution was passed by this Council on the 12th December, expressing the amity and community of feeling of this Colony towards the U.S.A., on the occasion of the attack upon her by Japan resulting in her entry into the war, and the expression of our readiness to facilitate in every possible way the operation of the U.S. Authorities in this Colony. I have received a reply from the Foreign Service of the United States which I propose to read and put on record in this Council.

From the Foreign Service of the United States of America.

The Consul of the United States of America presents his compliments to the Colonial Secretary of British Guiana, and with reference to the Colonial Secretary's communication of December 14, 1941, forwarding a copy of Resolution No. 1 which was passed unanimously by

the Legislative Council of British Guiana on December 12, 1941, has the honour to state that a communication has been received from the Department of State at Washington, D.C., in which it is requested that the Legislative Council, through the appropriate authority, be informed of the United States Government's appreciation of its action. It would, accordingly, be greatly appreciated if the Colonial Secretary would use his good offices in conveying this message to the Legislative Council of British Guiana.

The Department of State has also stated that copies of the Resolution above-mentioned have been forwarded to the Secretary of War and the Secretary of the Navy for their information.

The American Consulate,  
Georgetown, British Guiana,  
February 5, 1942.

#### SUBSIDIZATION OF FLOUR.

Before addressing ourselves to the agenda I may refer to our last meeting and remind hon. Members that in regard to the resolution for the subsidization of one article of food, to wit, flour, I said I would defer action in view of the doubts expressed as to the effectiveness of that subsidy getting right through to the consumer and also for examination of any methods of detail and also of alternatives. These points have been considered by the Board of Control in conjunction with the Chamber of Commerce and others, and the Board has been impressed by the difficulties of getting through the financial benefit of this subsidy to flour to the consumer of bread and cakes. I say financial benefit, because I find it hard to believe a reduction in the wholesale price, however achieved, does not get through somehow by way of value or quantity to the consumer.

However, an alternative has been considered in respect of an article of universal consumption, though not of such great total consumption by the community as flour, but it is not possible to make an immediate decision as to that suggested alternative. If that alternative cannot be adopted or met in another way, as I hope perhaps it may, then I am prepared myself to go forward with that subsidization of flour in whole, or possibly in part. It is admitted that any subsidy to soft

flour purchased by the consumer and used by him does go through to the pocket of the consumer. It is also admitted that the consumer of bread and cakes would benefit in what might go through to his stomach, though it might not be observed in his pocket. Still I should say myself, that I shall be prepared to go forward with that subsidization of flour in whole, or possibly, if a good alternative can be found in the subsidization of hard baking flour which will go through beneficially to the classes not using soft flour directly, I would be prepared to consider that.

I would remind hon. Members of what I said at the outset some weeks ago: that Government desires to go forward with the policy of stabilization, cheapening as possible the cost of living, and we must be prepared to take decisions, make trials and make mistakes, and if the numerous advisers of Government cannot arrive at an agreed and acceptable decision then it is the duty of Government to go forward with its own decision, even though it did not meet with universal acceptance.

There are two other points I would like to make. One is with reference to the suggested subsidization of local food products. I would repeat what I said on that occasion, that I find it very difficult readily to accept the subsidization of an article by way of making fancy or artificial price to the consumer. On the other hand, anything that can be done to encourage production and, what is even more important, to facilitate and cheapen distribution by way of transport and marketing will have my utmost support at Government's expense, and I propose to ask the Food Production Committee to consider that and something on a bigger scale drawing necessarily on Government's fund.

The other point is, I am not without hope that financial ways and means

may be found to justify a wider expenditure on this stabilization and, if possible, the cheapening of the cost of living which will enable not only one item of food but several to be subsidized so that the cost of food will be brought down. If that proves successful no one would be more pleased than myself, because I do feel that action on those lines would be wiser and safer and of greater value to the whole community than what otherwise might face us, and that is the rising cost of production and rising expenditure of every kind, competitive increases in wages, salaries and other costs which, I think, would seriously hinder our present and future economic ability to help ourselves and ultimately sink our economic ship. I would just like to assure hon. Members that I am doing the utmost I can to advance these greater possibilities.

**SUMMARY JURISDICTION (OFFENCES)  
(AMENDMENT) BILL.**

With regard to to-day's business we have the Summary Jurisdiction (Offences) (Amendment) Bill with certain amendments which, I know, will meet the views of the advisers of the Secretary of State and I hope they will meet with general support from this Council. The Bill may not appear perfect to all critics, but it represents a substantial advance on the present law and, therefore, is worth passing.

There are two other Bills coming up for first reading, the National Service Bill and the Trades Disputes (Essential Services) Bill. My suggestion is if it meets with the general approval of Unofficial Members, to go right ahead with all the stages of these Bills and to have the Standing Rules and Orders for that purpose suspended, if necessary. We will therefore proceed with the agenda.

**BRITISH EMPIRE CANCER CAMPAIGN  
APPRECIATION.**

**THE COLONIAL SECRETARY (Mr. G. D. Owen):** A letter has been

received from the British Empire Cancer Campaign Funding Committee expressing appreciation of the gift of £100 which was made by this Council last year towards their appeal for the alleviation of this disease.

**PAPERS LAID.**

The Colonial Secretary laid on the table the following documents:—

Defence (Volunteer Fire Brigades) Regulations, 1942.

Defence (Georgetown Lighting Control) (Amendment), Regulations, 1942.

Keeping of Animals (Georgetown) Regulations, 1941.

**GOVERNMENT NOTICES.**

**INTRODUCTION OF BILLS.**

The Attorney-General gave notice of the introduction and first reading of the following Bills:—

A Bill intitled an Ordinance to make provision for securing and controlling the calling up of men for National Service in the Colony, and for purposes connected with the matters aforesaid;

A Bill intitled an Ordinance to make provision for the conditional prohibition of lock-outs and strikes in certain essential services,

Notice was also given in respect of their second reading at a later stage.

**ORDER OF THE DAY.**

**APPROPRIATION BILL, 1942.**

**Mr. Mc DAVID (Colonial Treasurer):** I beg to move that the following Bill be read the second time—

A Bill intitled an Ordinance to appropriate the supplies granted in the current session of the Legislative Council.

The object of this Bill is stated in the preamble. The total of the Estimates for the Services for this current year, as passed by the Council, is \$7,874,038. Of that total the sum of \$1,692,567 is already provided for by law, and it is therefore necessary to

enact statutory provision covering the remainder, a total of \$6,181,471. The various items are presented in the Schedule to the Bill. The Bill is the usual formal statutory authority for the appropriation of supplies. I move that the Bill be read a second time.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read the second time.

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

Bill passed without amendment.

The Council resumed.

Notice was given of the third reading at the next or a subsequent meeting of the Council.

#### SUMMARY JURISDICTION (OFFENCES) (AMENDMENT) BILL.

The Council resumed the debate on the second reading of the following Bill:—

A Bill intituled an Ordinance further to amend the Summary Jurisdiction (Offences) Ordinance, Chapter 13.

THE PRESIDENT: Hon. Members have already spoken on the principle of the Bill. Certain amendments are proposed by Government and the hon. Attorney-General will briefly explain them.

THE ATTORNEY-GENERAL (Mr. Pretheroe): At the second reading of this Bill practically every Unofficial Member had spoken and with three exceptions those Members were opposed to the Bill. At a later stage, the hon. Member for Georgetown North (Mr. Seaford) stated that certain Members, who thought like him, were not opposed to the principle of the Bill but were not satisfied that sufficient safeguards

were embodied in the Bill to make it workable or a safe experiment. I just want to say that the three safeguards they would regard as sufficient were: firstly, that every member of a picket should wear a badge or armband bearing the word "picket;" secondly, that no picket should consist of more than three persons and thirdly, that each member of a picket should carry a Union membership card on him while acting as such.

Those hon. Members who have read the Order of the Day have seen the first two suggested amendments set out there. The third is not quite so important—the carrying of Union membership cards—as the Union men would still be within the four corners of the law if they did not carry any cards. I say further that legitimate Union membership cards will constantly have to be renewed, and that is not embodied in the suggested amendment. The other two points are embodied in the proposed amendments. I hope a considerable number of people will be in agreement with the hon. Member for Georgetown North in his views and that those amendments will meet with general satisfaction to enable us to get on with the Bill to-day.

Winding up the debate on the second reading of the Bill, hon. Members who have spoken already may desire to express their opinion on the suggested amendments, and I therefore suggest that after the formal motion for the second reading is agreed to those Members who have comments to make do so in the Committee stage. I give the undertaking that in the Committee stage I shall move the amendments standing in the Order Paper for to-day. With those few words I beg to move that the Bill be read a second time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 1—Short Title.

THE ATTORNEY-GENERAL: There is a small amendment I desire to move—the substitution of the figures “1942” for the figures “1941.”

Question put, and agreed to.

Clause as amended passed.

Clause 2—Substitution of new section for section 31 of the Principal Ordinance, No. 6 of 1937.

THE ATTORNEY-GENERAL: I move that this clause be amended—

(a) by the insertion in subsection 2 of the proposed new section 31 between the words “persons” and “acting” of the following words and commas—“but not more than three in any one place at any one time”;

(b) by the deletion of the word “and” at the end of proviso (b);

(c) by the substitution of the following for the full stop in proviso (c)—“;” and

(d) by the addition to subsection (2) of the following proviso—“(d) when so acting, they wear a distinctive badge or armband bearing the word “Picket” inscribed in legible characters.

Mr. GONSALVES: I would like to invite the attention of the hon. Attorney-General to the wording of the first line of (b) in view of the amendment to (a). That first line reads “they do not so attend in such numbers.” In sub-clause (2) it is limited to three persons. I think if the governing part of the clause says not more than three the proviso should read “they do not attend in such manner as to be calculated to intimidate any person.”

THE ATTORNEY-GENERAL: I agree with the hon. Member. I move that the words “in such numbers or otherwise” be deleted in proviso (b).

Amendments put, and agreed to.

Mr. SEAFORD: I would like to move the following amendments to sub-

clause (1) of the proposed new section 31—

(a) the insertion of the words “or boycotts or terrorizes” after the word “intimidates” and the words “including houses and crops” after the word “property” in paragraph (a);

(b) the insertion of the words “yard or dam” after the word “road” at the end of paragraph (c).

THE ATTORNEY-GENERAL: I had no knowledge of these amendments. With regard to (a) the word “terrorizes” does not seem necessary because it is included in the word “intimidates.” The real difficulty to be met is the suggested introduction of the word “boycotts.” I may say that in my opinion the word “intimidates” also includes the word “boycotts.” That is my legal opinion and it may or may not be right. I therefore ask for an opportunity to see whether “intimidates” includes “boycotts.”

THE CHAIRMAN: I do not think Government can accept the word “terrorizes.” It is criminal in itself. Boycott is not necessarily criminal and may be necessary.

THE ATTORNEY-GENERAL: The second proposed amendment is covered already. The third proposed amendment, the hon. Member has told me, would be withdrawn if “boycott” is not included.

THE CHAIRMAN: That will come up later after the lawyers have agreed on it. The only amendment to be put to the Council is the addition of the words “yard or dam.” Do you accept that?

THE ATTORNEY-GENERAL: I accept that.

Amendment put, and agreed to.

Clause 2 as amended put, and agreed to with the understanding that the point raised by the hon. Member for Georgetown North as to the inclusion of “boycott” is to be considered by the hon. Attorney-General.

Clause 3 passed as amended.

The Council resumed.

### THIRD READING OF BILLS.

With the consent of the Council the ATTORNEY-GENERAL moved that the Bill be read a third time and passed.

Professor DASH seconded.

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

Bill read the third time.

THE PRESIDENT: Following on that excellent example I suggest to the hon. Colonial Treasurer to move the third reading of his Bill with the consent of hon. Members.

Mr. McDAVID (Colonial Treasurer): With the consent of hon. Members I beg to move that the Appropriation Bill be now read a third time and passed.

Mr. AUSTIN seconded.

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

Bill read the third time.

### PASSAGES OF GOVERNMENT OFFICERS.

Mr. DEAGUIAR: I beg to move the following motion—

Whereas, Revised Colonial Regulations Nos. 95 to 100 relating to transfer arrangements for public officers between Colonies were laid in Council on 17th December, 1937; and

Whereas, these Regulations provide for the payment from public funds of free passages to the United Kingdom for Officers and their families transferred from this Colony to another Colony in proportion to the amount of vacation leave earned by the Officer; and

Whereas, this Colony does not grant free passages for Officers going on vacation leave:

*Be it Resolved*,—That this Council determines that the terms of Colonial Regulations Nos. 95 to 100 shall not be applicable to this Colony in so far as these Regulations relate to the provision of free passes for Officers and their families transferred from British Guiana.

This motion, I think, speaks for itself and needs very little explanation, but in order to make clear the intention underlying it I propose to make a few remarks concerning it. Before doing so I would like to express my thanks and appreciation for the Minute which Your Excellency was so good enough to prepare on the subject and to say that although I agree in the main with several of the points mentioned in that Minute, I do not think it has touched upon the major principles which occurred to me at the time I drafted this motion.

Hon. Members are aware and must be aware that this Colony does not grant free passages to any of its officers going on vacation leave. I emphasize that point because that is really the crux of the whole matter. It appears from the revised Regulations that Nos. 95 to 100 have to be read together. I was trying to separate the particular one which applies but I found it extremely difficult to do so. It is only when reading the whole lot together, which incidentally supersede the old Regulation 81 (b), it will be found that these Regulations now provide for the payment from public funds of the cost of the passages to any officer who is transferred from this Colony to another and also the cost of the passages of that officer's family. The provisions of the Regulations do not make it imperative for this Colony or any Colony to pay the whole of the cost of the passages but only a proportion of the cost, and that proportion, as I understand it, will be based on the amount of vacation leave that is earned by the Officer during his term of service in a particular Colony. It may be true that in so far as this particular Colony is concerned, opportunities may be exceedingly rare and for myself that provides me with a reasonable excuse for not having raised the question before.

It will be remembered that these Regulations were laid in this Council

some time in December, 1937, and it was only a few months ago that, I think, the first case actually occurred in this Colony. That was when the effect of the Regulations was really brought to my notice. But it seems to me that so far as we are concerned, these Regulations are now applicable here having been laid in the Council, and the only way this Colony can determine that the Regulations should not apply here is in the form of the motion that is now before the Council. I am not unmindful of the fact that even at the present time there may be one or two or even more Officers in the Service of the Colony who have come here on the understanding that they will fall under these Regulations, and while it is true that I have no desire whatever to mete out any injustice to those particular Officers who are here with us now, I am of the opinion that these Regulations should not be applicable here for reasons which I shall shortly give.

The decision for not granting this facility, *e.g.*, to pay the cost of the passages of Officers while on vacation leave, is one which was taken in the old days of the Combined Court, and when the question was raised then great stress was laid on the financial obligations likely to be involved. If, sir, it is agreed in principle that an Officer going on vacation leave should be provided with the cost of passages for himself and family when he is transferred to another Colony, that is to say, when he is not expected any longer to give this Colony any further service, it seems to me that the principle should be extended further and we should also provide the cost of passages for officers going on vacation leave who are expected to return here and give this Colony further service. I submit that is not a selfish view to take, because if we are going to obtain the advantages of the services of a particular Officer who is going on vacation leave, there is all the more reason to provide him with the cost of his passages so that he should return

to us and continue those services rather than to pay the cost of the passages of an Officer who is leaving us altogether and we may never see him again. I think that is the principle of this motion. If the decision of the old Combined Court is rescinded and it is agreed that Officers going on vacation leave should receive the cost of their passages, I submit, sir, we would never be able to meet the financial commitments. They will be exceedingly heavy and this Colony cannot afford to do that.

I wish certainly to make it perfectly clear that this motion is not intended to provide the cost of passages of officers on vacation leave at all. That is the furthest thing from my mind. I only put it up as argument to show where the principle in the revised Regulations is exceedingly weak and the door will be at once open for the whole question to be reconsidered. I submit that Officers in the Service of this Colony will have a very strong case to put up under these Regulations to be provided with the cost of their passages when going on vacation leave. I think I am right in assuming that even the expense of the Colony will not begin or end with providing those passages. I am inclined to the view, although I have not looked it up, that our Pension commitments will be greater than they are at the moment, and so it seems to me that we should decide here and now that these Regulations, although they may be favourable to other Colonies, are certainly not favourable to us as we are unable to carry the burden.

I know that the argument will be advanced that by accepting this motion—that is to say determining that the Colonial Regulations do not apply to this Colony—we might be faced with some disadvantage in the way of obtaining the services of specialised officers. I refer to the term “specialised officers” advisedly. My answer to that would be that if and when the

time comes for this Colony to obtain the services of an officer who has specialised in a particular duty (whether it be agriculture, medical or engineering it does not matter) it would be competent for this Council to make special arrangements either for the salary or for the passages of that particular officer. I do not think it would be sufficient argument to point out, or rather to draw a red herring across the trail by saying that if this motion is accepted this Colony may lose the services of a very valuable officer. I will not accept that as a disadvantage because, as I have pointed out, before, special arrangements can be made as we have done in the past, and in that way the difficulties that may appear at first sight will immediately disappear.

It is impossible to estimate at this time what would be the financial commitments of this Colony if these Regulations were allowed to remain as they are. I have indicated one or two instances where I consider they might be large and where they might not be heavy to-day or to-morrow or next year, but they certainly will grow and in time will become a very heavy burden. These obligations on the other hand will depend a great deal on the number of officers being transferred, the length of service they have given to the Colony, and so forth. This motion before the Council seeks to lay bare the whole principle, as I see it. We must put the whole question of providing the cost of passages to officers going on vacation leave into the melting pot and see whether we can afford to give them all or give none at all. It seems wrong to my mind to select only those officers who are being transferred from this Colony to another for the purpose of getting this benefit and to deprive those officers who are going on vacation leave and will be returning to continue their services from receiving that particular benefit.

There is one further point I would like to add in respect of this motion. I wish to state that the question of this Colony paying the cost of the passages of officers and their families who may be transferred to this Colony is in no way involved in this motion. My motion has got nothing at all to do with that. If we decide on obtaining the services of an officer from Timbuctoo and we think he is a suitable officer for us, we are prepared to pay his passages, but I think it would be an exceedingly dangerous procedure for us to accept the Regulations as stated in the Colonial Regulations, Nos. 95 to 100. I have explained, that in order to appreciate the points raised it would be necessary to read Regulations 95 to 100. I do not propose to read them now as I have read them before, but if I read Regulation 100 alone it may assist hon. Members in arriving at some decision in respect of this motion. Regulation 100 reads as follows:—

The expense falling upon public funds in respect of the passages of an officer, his wife and his children under these Regulations shall fall upon the receiving colony, provided that if the officer and/or his wife proceeds *via* the United Kingdom the Government of the transferring colony shall contribute towards the cost of the passages for him and/or his wife a sum bearing in each case the same proportion to the full cost of a passage to the United Kingdom as the number of months of resident service which the officer has completed during the tour preceding his transfer from the transferring colony bears to the minimum term of resident service necessary to qualify him for vacation leave. The allowance for the transport of baggage as provided in Regulation 98 will be borne by the receiving colony.

That Regulation more or less brings it out in a nut shell what this colony would be expected to pay if these regulations are allowed to remain as they are at present. I do not think there is anything more that I can usefully add to what I have said concerning the motion, and I now formally present it to the Council.

Mr. PEER BACCHUS: I beg to second the motion for the sake of discussion.



THE PRESIDENT: As no other hon. Member desires to speak on the motion, perhaps the hon. Member would like to exercise his right to reply (laughter).

I had endeavoured to express Government's point of view in that Minute, but the hon. mover of the motion thinks that it does not cover the crux of the whole matter. I had to admit, as he says, if we do not follow the Regulations, it is completely within the power of the Council when we do want an Officer from abroad to agree to conditions necessary to get him. That is sound commonsense and I agree with that. I therefore put the motion, as printed in the Order Paper in the name of the hon. Member for Central Demerara, for approval by this Council.

Motion put, and lost.

#### POMEROON FARMERS' GOVERNMENT LOANS.

Mr. C. V. WIGHT: Moving the motion which stands in my name on the Order Paper, I would first of all read it because I think—to use a legal term—the onus of proof, as I see it, is on the other side in rejecting the proposal. The motion as worded is as follows:—

WHEREAS in the Report of the Director of Colonial Audit on the Account of British Guiana for the year ended 31st December, 1939, (Legislative Council Paper No. 5/1941) there appears at page 14 thereof, a note that there is a contingent liability by the Sugar Producers in the Colony for the repayment of advances for expenditure on improvement, which advances total \$191,438.07;

AND WHEREAS the aforesaid amount of \$191,438.07 has been written off and does not appear in the Report of the Colonial Treasurer for the year 1940;

AND WHEREAS in the Report of the Colonial Treasurer for the year 1940 (C.S.O. Paper No. 123/4 III.) there appears the sum of \$4,000 as an amount expended as Loans to Pomeroon Farmers through the North Essequibo Co-operative Credit Bank;

And whereas the said sum of \$4,000 is unemployment relief grants and loans;

And whereas the farmers of the Pomeroon find it difficult and burdensome and are unable to repay the said loan;

*Be it resolved*,—That the aforesaid sum of \$4,000 shall not be recoverable and be written off.

It is not because I am the Representative in this Council of the Pomeroon District that this motion is necessarily before this Council. It is true that it happens to concern the particular constituency which I represent, but I view this matter in a much broader light. I have had two or three interviews and there has passed between Government and myself correspondence on the subject, but if one would refer to the Report mentioned in the motion one would see at page 14 a note which reads:

There is a contingent liability by the Sugar Producers in the Colony for the repayment of advances for expenditure on improvements, and there are set out various figures itemized. But it continues:

Recovery if effected will be by means of a special tax on the industry when conditions improve sufficiently to justify the imposition of such a tax, the yield from which is also to be used in the formation of a Reserve Fund to provide similar assistance to the industry in periods of depression in the future.

Can it be said for one moment that conditions in the sugar industry have not improved so as to justify the imposition of a tax for the recovery of the amount? I submit not. I submit that the argument that conditions have not improved in that industry to justify the imposition of a tax can be more so used in the industry referred to as the subject-matter of this motion, and we are left in this false position that the advances to the Sugar Producers have been written off. I submit that the sugar industry can more readily and more easily suffer the burden of a tax in repayment than the farmers referred to in the motion.

We are at the present moment endeavouring in this Colony to further a campaign, which is locally known as the "Grow More Food" campaign, in order to see how far self-sufficiency can obtain in this Colony; and is it a good gesture at this moment after a number of years to press for repayments from farmers? This loan was made to give relief about six to seven years ago at a time when, I submit, by the very

heading under which it is itemized, it was for the purpose of providing relief not for unemployment but distressed conditions caused not by the inhabitants but conditions imposed upon them by Nature—adverse weather conditions. A few years after this loan was granted to the farmers no benefit, I submit, had been derived from the loan in the sense that there was no recovery in their economic condition, but instead there was a further set-back. The position of the coffee industry has been exposed so often in this Council that I do not think it is necessary to refer to it. It was in a parlous state, unremunerative to those who grew coffee. To-day, it is true, it may have come in a small measure into its own, but that does not even allow for those whose areas have been devastated or who were not encouraged in making a start again and had left their farms. The areas, perhaps, under cultivation have not received the attention which in more remunerative times would have been given to them. All these are matters for consideration which, I submit, will *in toto* be sufficient to support a motion of this nature. It may be said that some people have paid but, I submit, that whatever payment has been made it was done under pressure.

At this stage, I would like to interpose to say that the information or source of the knowledge was that those persons had promised to pay but they had since suffered to an extent which, perhaps, they never at the moment anticipated. We, however, have it that for six or seven years no action was taken. Why? Are we going to be told that no action was taken for recovery of the loan, but because of their refusal to pay we had to enforce the law; or is it not likely that payment of the loan was not enforced because it was fully realized that the borrowers were not in a position to repay the amounts? I can instance a case in which one of the persons concerned was actually drawing poor relief. It is no subterfuge but a genuine case of a person receiving

assistance from the State in the form of poor relief. It is the case of a widow, with five or six children, who was getting nothing from the land and was being relieved by the Poor Law Commissioners, and at the same time pressure was being brought to bear on her by another Department of Government to enforce payment of this loan. Has Government investigated that? I think Government must have because these matters were placed before it.

It might be proper at this stage to enquire whether this large sum to the sugar producers, from which it was expected that the Colony would have derived benefit from its repayment, had been written off on recommendation from this Government, or whether the recommendation had come from the other side in the Colonial Office. I submit, and feel confident, that this Council having the motion as it is on the bare reference to those two reports will give it the support it deserves. I formally present it to the Council.

Mr. JACOB: I beg to second the motion.

Mr. DEAGUIAR: I think that a motion of this kind should receive sympathetic consideration in view of the history of this matter. Those of us who remember how the granting of this loan came about would readily appreciate the remarks made by the hon. Mover of the motion. There can be no doubt that the circumstances which led to the granting of this loan were very pathetic, and it was thought that the time which was to be afforded these farmers would have assisted them to rehabilitate themselves. Unfortunately the results that were expected did not materialise, but I do not think that would be a sufficient reason for not rendering the assistance that is sought to be given by this motion. As a matter of fact, I submit there is all the more very good reason why the relief should be afforded. The position in

the Pomeroon at that time and, I think, until now is extremely difficult for the people there who are trying to help themselves with their crops. As a matter of fact, it is within my knowledge that there are quite a few of them who up to the present have not been able to recover or put themselves on some kind of footing that would enable them to carry on their occupation. To try, therefore, to enforce payment from them, as I know was done and I believe is still being done, would be not only to increase the burden but to create greater hardship and, in my opinion, prevent them from rehabilitating themselves.

The sum involved is only \$4,000, but I personally think that small as it is it will go a long way towards assisting them. There are quite a few of them who feel that this burden is hanging over their heads and in some way or other affects them, and they are unable to carry on with that spirit which is necessary for them to have. I support the motion so far as writing off the amount is concerned, and I feel that if Government would accept it, it would go a long way towards reviving the spirit of the farmers in that district.

Mr. KING: I had no desire to speak because I did not think Government needed convincing in this matter. The motion speaks for itself. Personally, I cannot see how Government can possibly not accept it. Those of us who have the fortune or misfortune to represent the outlying districts realize to what great extent the farmers are suffering. During the last year or two conditions have improved for them but not sufficiently to enable them to meet their obligations to Government. This loan, I understand, is the result of the awful flood that we had nearly nine years ago, and it must be appreciated by Government that it has not yet been repaid to Government is a sure indication that the people of the Colony are not able to pay. The farmers in the

outlying districts have an obligation to their children and a debt of this kind hangs over them like the Sword of Damocles and keeps them always in dread of awaking one of these days to find the Marshal at their doors with the horrible prospect of losing their property. I appeal with all the vehemence in me to Government to waive this debt. Government has itself relieved other farmers in other parts of the Colony of obligations which Government was satisfied they were unable to pay.

The farmers in this district are to my knowledge a hard-working lot, and they have to my knowledge suffered in the last ten years hardships which, I think, would have broken the heart of one not made of sterner stuff. I have seen farmers' crops ruined by flood and by drought; I have seen their crops ruined by low prices and families almost starving. I know that in one place I represent—the Canals Polder—the farmers are as hard-working as you can meet in any part of the world, but they had in the past suffered and that considerably. Due to the tremendous assistance rendered to them by this Government, for which they are most grateful, I may say without fear of contradiction, their lot is very much better now and they are able to gather the fruits of their labours and, I feel sure that so far as they are concerned, they will not suffer very much in the future from drought or flood. There are, I know, places in the Pomeroon—places I have not had the fortune to visit, where the farmers have suffered considerably. The children of those farmers must suffer if pressure is brought to bear on the farmers for payment of this amount which, I am submitting and Your Excellency can satisfy yourself, they are unable at present to pay. As far as I see, \$4,000 would neither make nor break this Government, but enforcement of its payment would break a good many families in the Pomeroon.

Professor DASH: I always find myself in some difficulty in speaking on a motion of this sort, because as Director of Agriculture naturally I am only too anxious to encourage agricultural pursuits and to assist farmers in every possible way, as I did in this case when the matter came up and my views were sought by Government. Unfortunately, it happens quite frequently that I have to perform the duties of a debt collector in respect of agricultural loans, which means that there is a measure of unpopularity arising therefrom when difficulties arise in getting repayments. The present loan which was made at a difficult time has been met either in part or in whole by a number of farmers, and while it is true to say that the amount that was loaned was \$4,000, the fact remains that the amount actually outstanding to-day is about \$2,000 odd. That shows and confirms what I have said that efforts have been made by some to pay this loan, and no very great pressure has been brought to bear on those farmers. They have been given time to pay.

Mr. C. V. WIGHT: May I ask if there have been further payments since the Report of the Colonial Treasurer for 1940. According to that, about 25 per cent. was recovered.

Professor DASH: The figure I have given is that up to the 26th January, 1942. It is true that we have had to take strong action in the case of one or two, who apparently were not desirous of paying and were encouraging others not to pay in the hope that this loan would be written off. It is true, as I have said before and as was brought out in the debate, for a period the prices of farmers' produce were low, but I do not think it can be said that farmers' prices have not improved substantially—in some cases increased some 200 per cent.—during the past year or two. If you were to remit this amount now, what would you say to those who have made an effort

to pay? There is moreover the fact that there is a large number of other loans outstanding in connection with rice, the Co-operative Credit Banks, etc., and would not the writing off of this loan mean that you would have similar requests from other bodies of farmers whose loans have not been met? I think that is a point that may be overlooked or forgotten.

I do not think it is necessary to say anything more in respect of this motion. I am very sympathetic to farmers whenever they are in difficulty, but on this occasion I feel it would not be the right thing to do to this particular group of farmers when there are so many other farmers who have experienced the same difficulties and who are trying their best to increase their production and for which Government has been sympathetic and lent money. Therefore Government is not in a position and is definitely unable to accept the motion before the Council. The point made in reference to the Colonial Treasurer, I think, may be dealt with by him.

Mr. McDAVID (Colonial Treasurer): I would just like to make a few observations on the remarks of the hon. Member in connection with the sugar producers' loan. In the first place, I think he has done me an injustice in the first preamble of the motion, in which he has rather gone out of the way to refer to the Colonial Audit as the source of information that that particular item was a contingent liability of the Colony. He could have found that quite easily in the Report of the Colonial Treasurer. The hon. Member tried to draw an analogy between the Pomeroon loans and what he calls advances to the sugar producers. I am sorry that none of the ambassadors of the sugar industry is present to represent the matter. It has therefore fallen to me to make an explanation of the position.

In 1931, when there was a wave of

unemployment in the Colony, the Home Government made large grants to the Colony for unemployment relief and the Government undertook to spend parts of this money on various public works. Also Government approached the sugar producers and arranged for a sum of money to be spent on the sugar estates for a similar purpose. Various schemes were devised for each estate covering a wide field of work—land reclamation, housing, irrigation, drainage—but the main object of the work was the relief of unemployment, and having regard to the fact that in the course of that work the properties of the sugar estates were improved the Secretary of State for the Colonies declared that although this was a grant there was to be a condition attached to it, that if the condition of the sugar industry improved in the far future a tax was to be levied on the industry, part of which was to be devoted to repaying the Home Government this sum of money and the other part was to be used to form a fund in order to help unemployment and other things in this Colony. The point I wish to make is that this very large expenditure to sugar estates cannot be regarded as a definite loan to the sugar producers, but that in the course of expenditure on unemployment the properties of the sugar estates were improved.

The Imperial Treasury, who are very careful in regard to keeping accounts of liabilities, had this amount noted up against British Guiana and as a result of the recommendations of the Royal Commission the Home Government decided to write off all those additional liabilities of not only this Colony but other Colonies as well. So much to our surprise and delight, under the Colonial Development Welfare Act this particular item appears as a "write off" in favour of this Colony, and so the sugar producers are not to be taxed. Therefore, I do not think the hon. Member is right in trying wilfully to draw an analogy

between this expenditure on the sugar estates and the Pomeroon loan. I think his case rested on surer footing had he based it on conditions in the Pomeroon.

Mr. C. V. WIGHT: I would like to say in regard to the hon. Colonial Treasurer's reference to the reason why reference was not made to his report is that some of us find it ever so difficult in 1942 to pick up the Colonial Auditor's Report for 1939 and in 1941 to pick up the Colonial Treasurer's Report for 1940. We have to be tracing back. Perhaps it happened that the two reports came into my hands simultaneously. That is only by the way. The hon. Colonial Treasurer said it is rather unfortunate that reference has been made to the distinction between the loans to the farmers in the Pomeroon and the advances to the sugar industry. The hon. Colonial Treasurer and the hon. Director of Agriculture have forgotten, maybe unintentionally, that there was never any mention in the first part of the correspondence or at all in the interviews to anything relating to the sugar industry. It was based entirely on the question of the \$4,000 and the inability of the farmers to repay that amount, and also the reasons given as to why the loan was granted. But that seems to have no effect now. We are told to leave this one out and base our case in the way it was originally presented at the first interview and we will then have strong argument to place before the Council. That is only playing with the situation.

I am not one of those individuals who for one moment will say that this Colony can do without the sugar industry, but I do belong to that class of individuals who say that sugar is not the only industry of this Colony which ought to be supported. Loans, as said by the hon. Director of Agriculture, have been paid, but they have been paid as I intimated under pressure—serious pressure. There is

one case I have in mind and in which I am interested—I had preferred to make no reference to it—an individual who is being assisted by the Poor Law Commissioners having her property taken away. I sent my cheque and paid the amount at the execution sale. Whether I get it back or not I do not mind. The person is in possession of the property, and that is \$75 in the \$256.38 collected between 1939 and 1940. After six years pressure was brought to bear for the payment and I know what is behind it. It is said that I am representing a client, and a man was told by an officer "This is for interfering with politics." If I am representing a client that client has brought no grist to my mill and I have received no fee. I have charged none and intend to recover none. If we are not going to help the farmers of this Colony and assist them to live, we might as well give up the administration of the Colony. Peasant farming, I submit, should be encouraged in this Colony, and if that is done there will be a happier Colony.

In regard to the question raised by the hon. Director of Agriculture that the debt should be collected, I am not arguing that if you are indebted to a person you should not pay him. If you are indebted to Government you should pay Government. What I am saying is what has been mentioned by hon. Members. The hon. Member for the Demerara River (Mr. King) represents a farming district and he knows what the farmers have to undergo. This pressure for payment, in my opinion, is only defeating the very thing that we are now attempting to do, and that is to support and endeavour to induce the farmers in this Colony to grow more food. The farmers in the Pomeroon had no markets; they could not dispose of their produce; the Essequibo Coast was not in a position to be a consumer of any amount of the goods which were produced. At one time when the

Essequibo Coast had sugar estates the people were slightly better off. There were no transport facilities for the people to ship their produce.

We are told by the hon. Director of Agriculture that conditions have brightened up and the people are making a lot of money there. I hope to see it. It is true that Government is endeavouring to do what it can, but when we are told that pressure is being brought to bear for loans to relieve unemployment, all I can say is that there never should have been the necessity for this or any other Government to ask an industry to relieve unemployment. When I look through this list of assisted estates, I wonder if I am to be told that some of these estates which have been listed could not pay the amounts against them. I refrain from saying anything about that, but if Your Excellency called for the Balance Sheet in relation to some of these listed estates you would find that this whole amount could have been given for unemployment. If Government finds it is unable to accept this motion it would be defeated, but I am going to ask for a division.

**THE PRESIDENT:** This matter has been before Government several times before, and the advice of the Executive Council without qualification is that it should not be done.

Question put, and the Council divided, the voting being—

For: Messrs. C. V. Wight, King, Jacob, Peer Bacchus, deAguiar, Woolford and Dr. Singh—7.

Against: Messrs. Mackey, Jackson, Walcott, Wood, Crease, Case, Laing McDavid, Dr. Maclennan, Professor Dash, the Attorney-General, the Colonial Secretary—12.

Motion lost.

**THE PRESIDENT:** I observe the

absence of four Members of the Executive Council who had advised Government in this matter.

Mr. JACOB: I take it that it is understood the entire Elected Section voted in favour of the motion although it is lost. I think there is a ruling or a precedent that once the Elected Section is unanimous the matter may be referred to the Secretary of State for the Colonies. I ask that that be done.

THE PRESIDENT: I am afraid I have not heard what the hon. Member said.

Mr. JACOB: There is a precedent, that if the Elected Members are unanimous on a matter it is referred to the Secretary of State for the Colonies. In this instance all the Elected Members present have voted in favour of this motion, and it is the Government *bloc* which has carried it.

THE PRESIDENT: I am not aware of any such ruling. I am quite prepared to submit anything to the Secretary of State, but on a question like that I would ask for a full vote. I am quite prepared to send the matter to the Secretary of State if anybody wishes it.

Mr. C. V. WIGHT: I so desire; or it may be rather preferable when the Constitution is changed and after the six months period has lapsed to bring the motion back again, and we may get it carried then.

THE PRESIDENT: You may go on hoping.

#### BILLS—FIRST READING.

Motion made, and question put and agreed to, that the following Bills be read the first time:—

A Bill intituled an Ordinance to make provision for securing and controlling the calling up of men for National Service in the Colony; and for purposes connected with the matters aforesaid

A Bill intituled an Ordinance to make provision for the conditional prohibition of lock-outs and strikes in certain essential services.—(THE ATTORNEY-GENERAL)

Bills read the first time, and notice given of their second reading at a later stage that day.

#### SUSPENSION OF STANDING RULES & ORDERS.

Motion made, and question "That the Standing Rules and Orders be suspended to enable the afore-mentioned Bills to be taken through all their remaining stages to-day" put, and agreed to.

#### NATIONAL SERVICE BILL, 1942.

THE ATTORNEY-GENERAL: In moving the second reading of the National Service Bill I feel I have the sympathy of most hon. Members. When the War started this part of the world was a quiet corner and hardly knew except through the wireless that a war was on. Since then many nations have been drawn into the War. Those nations have severed diplomatic and commercial relations with our enemies and this part of the world—South America—brought very much into the War. Since the War has started aeroplanes have got larger and faster and longer range and, as in most wars, as they progressed one side becomes more furious and attacks the other anywhere. That is the stage the War has reached at the present time. All parts of the Empire with few exceptions have introduced and instituted National Military Service and also National Civilian Service. All males between the ages of 18 and 45 are liable for Military service and all up to 55 for Civilian service. It is the same in all the Dominions, except South Africa, and the same in all the Colonies.

This Colony is only asked to follow the lead given by others. When I say so, I mean in this respect that others have seen the necessity of introducing

such a Bill as this at an earlier date than we have. It is now felt that in a case of emergency it is wise to exercise the powers sought to be obtained by the passage of this Bill. It is also felt that it is the bounden duty of us all, if our self-protection requires it, to take steps now. The Bill itself refers to Civilian Service only and not Military Service. As hon. Members will see the last clause limits it to the duration of the present War. It is purely an emergency measure.

The meat of the whole thing comes in clause 3 which gives power to call up anybody, who is a British subject and has attained the age of 18 and not 55 years, and is ordinarily resident in the Colony. Exempted from that are certain nationals of the Dominions, for the reason that they are both liable for Military and Civilian Service in their own Dominion. In other words, if a native of Canada is here on a visit he is liable to be called on by the Canadian Government for the services in force in Canada. It is not intended to embarrass the battling Governments in calling up their nationals.

Clause 5 gives the Governor power to call up persons, or classes, or groups of persons by notice published in the *Official Gazette*. Sub-clause (2) says how they shall be discharged after being called up, and that is by notice in the *Gazette*.

A number of persons who are British subjects of the age stated in the Bill may not be physically fit or may be cripples. Some provision has to be made to cause them legally to avoid service, and that is done by the appointment of Authorities who will grant "postponement certificates." These postponement certificates can be granted on the grounds of ill-health, or bodily infirmity, or if exceptional hardship would result by the calling up of any particular persons. That certificate may be granted indefinitely, or as long as the Ordinance lasts, or for a fixed

period—a month, six months or a year. The same Authority that grants a certificate for a fixed period has power to extend it on application for extension, if considered necessary.

Clause 7 gives the Governor in Council power to fix rates of remuneration to be paid to such persons who are called up for service. That does not apply to the different services which paid different rates.

Clause 8 gives the Governor in Council power to make regulations relating to registration. Naturally for National Service the registration of persons liable to be called up is the first essential that must be done before the first emergency arises. It will be noticed in paragraph (b) the words "except in the case of persons not required by the Regulations to make such application" are stated. There a loop-hole is given whereby individuals or classes of individuals can be exempted from being called up.

Clause 9 deals with offences. Clause 10 deals with the penalty. Sub-clause (2) prescribes that proceedings shall be taken against any person at any place at which he is for the time being. That stretches the present law a little farther than it is now. The reason for that is this: Supposing only one class of persons is called up in the Demerara County and on hearing that some of this class cross over to Berbice or Essequibo in order to avoid national duties, as long as they are caught there they will be held under this Bill. It is therefore necessary to increase the Jurisdiction of the Court to that extent so that there can be no escape.

Sub-clause (3) extends the present power of the Court in respect of a summary offence. Normally if a person can get away in order to avoid his national duties and he remains away until the Ordinance expires and then comes back he would be safe, if he is



treacherous enough to adopt that. For that reason the normal period of six months is extended to four years. No prosecution can take place after the statutory six months unless by the direction of or by the Attorney-General.

The last clause, 11, is in effect to limit the operation of the Ordinance to the period of the present War. I therefore beg to move that the Bill be read a second time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Bill passed without amendment.

The Council resumed.

Motion made and question put and agreed to that the Bill be read a third time and passed.

Bill read the third time.

#### TRADE DISPUTES (ESSENTIAL SERVICES) BILL, 1942.

THE ATTORNEY-GENERAL : I beg to move that—

A Bill intitled an Ordinance to make provision for the conditional prohibition of lock-outs and strikes in certain essential services.

be read a second time. I would first like to refer to the fact that in this War the two sides started in very different positions. As far as Germany was concerned, for ten years it had been a criminal offence to go on strike whatsoever. This year the penalty imposed is death by shooting for striking in any essential service. Life imprisonment is the interim penalty. Democratic Powers, however, acknowledge the right to strike and even

in war time they still acknowledge that right to strike, though taking every power to themselves to compose the differences as quickly as possible. In England there have been strikes during the first part of the War, but now the workers themselves are most determined to see the War through and are working hours overtime to the best of their ability and are working everywhere. All Trade Union Rules are waived for the duration of the War and they themselves are getting down to it. Your Excellency some time ago mentioned the remarkable case of the stevedores working in that way. As a matter of interest in two ports alone—Glasgow and Liverpool—the stevedores by their increased voluntary work have reduced the time of turning round ships at those ports by  $2\frac{1}{2}$  days. One can realize what an enormous difference that makes, and the Minister of Shipping said it was equivalent to the launching of 1,414,000 tons of new shipping.

In this country our experience is not quite so happy. Just recently there have been certain stoppages of work in connection with shipping in this Colony. The Empire as a whole and this Colony itself, at this stage of the War when shipping is vital, are entitled to say "We will not have these stoppages in the ships being turned round. Shipping shall not be delayed." In the Bill it does not say "shipping" but "essential services." The use of the term "essential services" is not intended to be very broad. It only applies to transport, means of communication and, perhaps, one or two other things. It must not be confused with the expression as used in the Defence Regulations of 1939. Hon. Members are aware that in those Regulations six or seven services have been presented as essential services, but they are quite distinct. They are for the purposes of the Regulations. For this Ordinance, as it is, the use will be very restricted in principle. As I have said, the two Bills must be taken together—the National Service Bill and this one—but they can

not be combined. You cannot mix up two separate services in one Bill.

As far as this Bill goes, the object is, as I say, to prevent a stoppage of work and to prevent a delay in essential services. It is very short. The whole thing really occurs in clause 4. Clause 3 gives power to the Governor in Council to declare what are essential services. Clause 4 prohibits employers arranging lock-outs in these services, and sub-clause (2) of that clause prohibits employees from striking. It does not prohibit strikes altogether. It says they shall not strike unless three things are fulfilled :—One is that notice has been served on the Governor of the existence of the dispute; secondly; that one month should elapse and thirdly that no advisory Committee has been appointed under section 6 or 7 of the Labour Ordinance to inquire into that dispute. If within one month the Governor appoints such a Committee it would be unlawful to strike until that Committee has reported. If the Governor does not appoint that Committee then there would be the right to strike or lock-out, as it is now.

Clause 5 is declaratory. It gives the Governor power to state definitely whether any dispute was referred to him and what date, the certificate of the Colonial Secretary being acceptable and conclusive for this purpose. Clause 6 deals with offences and penalties, and clause

7 limits the duration of this Ordinance to the duration of the present War. It is purely an emergency measure and is not intended to continue in peace time. I beg to move that the Bill be read a second time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Bill passed without amendment.

The Council resumed.

Motion made and question put and agreed to that the Bill be read a third time and passed.

Bill read the third time.

THE PRESIDENT : We have come to the end of the business for to-day, and I am informed that there are two short and formal Bills which Government desires to present, one being a Pensions Bill and the other a short Customs Bill. It is proposed by the Colonial Secretary that the Council should meet on Friday for that purpose. Will Members be prepared to take those two short Bills on Friday? Members being agreeable, I adjourn the Council until 12 noon on Friday.