

## LEGISLATIVE COUNCIL.

*Thursday, 4th December, 1941.*

The Council met at 11 a.m. pursuant to adjournment, 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. F. Dias, O.B.E. (Nominated Unofficial Member).

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

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

The Hon. E. F. Mc David, M.B.E., Colonial Treasurer.

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 Labour and Local Government.

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

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

The Hon. F. Ogle, Director of Education (Acting).

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

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

The Hon. J. Eleazar, (Berbice River).

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

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

The Hon. Peer Bacchus, (Western Berbice).

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

The Hon. H. C. Humphrys, K.C., (Eastern Demerara).

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).

### MINUTES.

The minutes of the meeting of the Council held on the 3rd December, 1941, as printed and circulated, were confirmed.

### ANNOUNCEMENTS.

#### APPOINTMENT OF CHIEF JUSTICE.

THE PRESIDENT: I desire to announce that the appointment has been made of a Chief Justice. An official communication was issued yesterday and given to the Press of the appointment of Mr. Verity, Chief Justice of Zanzibar. I should further state that Mr. Verity will be leaving Zanzibar as soon as possible, and I hope he will be coming here direct. I will receive a further telegram as to passage arrangements. A further point I would like to bring to your notice is that this appointment has been made by His Majesty at a salary to £1,800, which is within the limit allowed on the Civil List.

#### SEATING OF MEMBERS IN COUNCIL.

I have a further announcement to make as regards the seating of hon. Members. I have been advised by the hon. Attorney-General, who has shown me what seems to me a strong authority, that in the first place a Member must speak from his known and established place, and that there is no proper claim for a Member to speak to the Council from any other seat

he cares. Further advice has been given that by authority of the Order in Council precedence for Members is strictly laid down, and I have had the precedent quoted to me where a Member claimed that his seat was not in accordance with precedence and his claim was accorded. Therefore it seems perfectly good reason for the seating of Members to be according to seniority.

My own experience in several Legislative Councils has been that the method of seating may be changed. For example, in one Council I sat for one or two years among the Unofficial Members, then that was changed and the Officials were grouped together and the Unofficials together. The arrangement in Trinidad is in the reverse sense and, I presume, there is some arrangement like that here, the Officials and Unofficials being seated according to precedence of appointment. So it seems that we are following the correct usage in this Colony and, moreover, a usage which seems to be substantially correct. Unless there is any good reason to the contrary and it is felt by the Unofficial Members of the Council generally it does not seem desirable to make a change. Where there is any general feeling among the Unofficial Members preferring another method of seating I am prepared to consider it, but I would like that to come from the Unofficial Members as a body and not a claim by one or two Members. My opinion of the merits of the matter at the moment is still open, but the order of usage established in this Council is a good one and should stand. Following no further representation from Members of Council I therefore rule that we sit in the manner laid down for this meeting of the Legislature.

#### ORDER OF THE DAY.

##### U.S. BASES (AGREEMENT) TEMPORARY PROVISION BILL.

MR. JACOB: May I be permitted—

THE PRESIDENT: We have passed to the Order of the Day.

THE ATTORNEY-GENERAL (MR. E. O. PRETHEROE): I beg to move that—

A Bill intituled "An Ordinance to implement the agreement, signed on the twenty-seventh day of March, nineteen hundred and forty-one,

between the Government of the United Kingdom and the Government of the United States of America, relating to the bases leased to the United States in certain territories including the Colony of British Guiana,"

be read a second time. I have no doubt that all hon. Members are pretty well acquainted with the provisions of the Agreement signed between the United States Government and the Government of Great Britain in London on the 27th March, this year. That agreement referred to seven British territories in the Western Hemisphere. In order that the Agreement may be made effective it is necessary for each of those seven territories to enact its own legislation giving effect to the terms of the Agreement. The Agreement itself is comparatively short, but all seven territories have agreed that they will enact one Bill which will contain all the provisions relating to that particular territory in the Agreement. That Bill will be of considerable proportions. At the present stage of drafting it consists of some fifty clauses and many more have to be added. At an early stage in the preparation of the Bill it became clear that doubts existed regarding the precise meaning of two Articles in the Agreement. These points were referred to the Home Government and they discovered that the Home Government and the United States Government themselves did not agree as to what was meant. It was then decided that they should settle it between themselves and inform the territories in due course. That is how the matter stands at present.

The United States Government regards it as a matter of paramount importance that these bases should be brought to a full state of preparedness at the earliest possible moment. They have reached a stage now in British Guiana where certain legislation is necessary in order to continue the work as far as possible. As legislation is necessary it must be done at once, and as we cannot bring in the main Bill at the moment it is necessary to do something at once. It seems the easiest, most effective and quickest way is that Government should be given power to enact legislation by way of Orders. It is merely a temporary provision until the main Bill is introduced into the Council and passed. Hon. Members must not imagine that a whole shoal of Orders will be issued. That is not the intention. The intention

is to issue Orders when and where required and when the occasion demands them. As far as I know, at present only two Orders are required, one dealing with surveys and the other with the service of process. Both are urgent. I know of no other at the moment. I must emphasize that it is only intended that Orders should be issued as and when the occasion arises. If enacted I cannot say how long this Bill will be in force, because one cannot say how long it will be before the Home Government is able to inform us of the precise phrases to be included in the main Bill. As soon as we receive the information the main Bill will be introduced into the Council and that Bill itself will repeal the Bill we are now seeking to enact. I beg to move that this Bill be read a second time.

Professor DASH seconded.

Mr. BLEAZAR: I need hardly reiterate what is well known in the Colony to-day. Every person, I presume, is anxious to know what he can do in order to bring the war to a successful issue, and in doing that one cannot lose sight of what is expected after the war. One's time being taken up with the war; one has no time to give a thought, if necessary, as to what will be done during peace. As an individual, as far as I am able to see looking back and forward, I say that British Guiana has the greatest possible suffering coming to us in the peace. That is what I can see coming. We are all taken up with the war and, therefore, I regret that at this meeting with Your Excellency in this Council the very first Bill you have found it necessary to put before the Council should be one which, I think, is not only inopportune but ill-conceived and ill-timed. Your Excellency, at this time when we are asking for a larger share of the government of this Colony in this Council—and we have had the promise that we are likely to get that—we are being asked virtually to give what we have to the Government for the purpose of the U.S.A. Government Air Bases. What is the reason for it, when the two contracting parties have not yet agreed minds?

I have been practising British Law for over thirty years and I do not know there is any change in what is considered a contract. In a contract there must be

two parties of agreed minds and there must be consideration. If the contracting parties in this instance have not agreed upon certain terms, what right has anyone to ask us to implement that contract? They are still undecided as regards certain clauses in that contract, and we are asked to implement an unfinished contract. That is their business, however. But how are we to do it? The Bill speaks for itself. We have to give the Governor power not only to make laws or rules as they occur, according to what the hon. Attorney-General has said, but we have to do more than that. We have to add to our existing laws; we have to amend our existing laws; we have to suspend our existing laws; we have to limit the application of certain laws. Those are not tentative powers. As I have said, I have been practising in this Colony for over thirty years English Common Law, which operates here, and the Roman-Dutch Law of real property in the Ordinances we have made from time to time in this Council. We have a law to meet any emergency, and I can see no reason why there is any need for any portion of our laws to be abrogated to meet a contingency which does not arise. If ever such arises, what is there to prevent Government coming to this Council in the usual way with a Bill? We are told that there is a very long Bill to be made and time is not there to make it, and until it is made they should have certain powers. It is practically telling us, especially with there being an official majority, "I want that power which you have and if you do not give me I will take it." What hope have we here, supposing we all say "No, we do not want the Bill; we cannot give what you want"! When the matter is put to the vote the "ayes" will have it and the vote goes to Government.

Your Excellency, the Bill brings to my mind the story I have read or heard somewhere, of two sportsmen who went out shooting. They shot a crow and a partridge, and when they came to divide the "kill" the one man said to the other: "You take the crow and give me the partridge, or I take the partridge and give you the crow." "That is very well," said the other man, "but anywhere it turns the crow always falls on me." (laughter). Government has a majority in this Council and if you do not give Government the

right to make this Bill what is the alternative? What will Government do but vote and take it. The British Flag is an emblem of equal rights for every man before the law. That applies not only to British subjects but even to strangers within our gates. Before the Law there is no favour. British Law is not partial nor is it influenced by politics. This Bill is mixing up our politics with the Law. From the time I got this Bill I addressed my mind to it in order to see if I could find anything which would arise to need special legislation, and which would be so urgent that this Council cannot be got to make a law to meet. You have called upon us to abrogate the little power we have. We have complained that we have not sufficient power under this system of Crown Colony Government by which the Unofficials govern the country. While so complaining we are being asked to give up that little bit of power we have in the making of the Laws of this country. I view the matter with grave apprehension. I have a recollection of a time when a certain British Company came here and engaged in work for which the taxpayers of this Colony had to pay. Things did not seem to be going right and when they were asked to meet this Council to have certain things enquired into, they packed up the same night and left. They did not think this Council was good enough to enquire into their affairs.

This Council cannot give its power to Government to suit the convenience of some other people who are in the Colony. Why should this Council give to Government its power not only to make new laws when the occasion arises but to abrogate our existing laws to suit them? A case has come to my mind. Supposing one of these gentleman while in Georgetown pushes a man off the pavement and the fellow gives him a clout in return, am I to understand that he would be right to chuck the man off the pavement and the man would be punished for having given him a clout? That is possible if you are going to abrogate the law. We are asked to give up to the Government of this Colony the little power, which we thought we had but never did have, and permit a Colony within a Colony. That is what it comes to. If you put all your existing laws in abeyance and let them make their own laws you are including an American Colony in the Colony of British Guiana.

The time is not opportune for such, I say the Bill is ill conceived and ill-timed for the reason that we are grateful and thankful to Providence that these people have come to the Colony and spent money here, but are we going to do like Esau, who sold his birthright for a mess of pottage? If that is the attitude hon. Members are taking up they must not forget what is written of that person—afterwards when he should have got the blessing he was rejected and found no place for repentance even though he sought it with tears. I do not know that we know sufficient about the matter; we should be taken into Government's confidence. There is no reason for harassing ourselves to give over to the hands of Government the powers of this Council. We have no power here at all except the right to know what law is being made and to give an opinion on it, whether it is accepted or not. That is all we have, and even that we are being asked to give up. In spite of what is transpiring, it is too much to ask, and even the exigencies of the war should not force us to come to that conclusion. It is regrettable that Government should think it necessary to bring forward such a Bill before this Council.

I am the oldest man in actual politics here and the second in longest term of the hon. Members who are present in this Council. There is only one Member who was here before me; all the others are my juniors. I know of an occasion when a Governor took this Council into his confidence; he took us to the Annexe and told us the real position was so and so and for that reason he would like the Council to do so and so. I do not think on that single occasion Government failed. There is not a single occasion when this Council has been taken into the confidence of the Governor and told what was expected of it that the matter was not put through without any argument or debate. In this instance we are told that the Bill is to remain until the main Bill is made. We do not know what the main Bill is to contain.

The people who are making the contract seem not to know what the contract is about. Until now they are not certain, and in the meantime we are to implement this unfinished contract. In doing that we must give away to the Governor our

right to know or to make any law. Your Excellency, you have inspired us with a lot of hope during the few days you are here. You have inspired us with the feeling that you are a person in whom we can really trust and confide, and we believe you will hold that faith and trust that we put into your care with that British justice and impartiality that should be given it, but we are also indebted to those people who have sent us here. We have a duty given to us and a privilege put into our hands by the people who put us here. Our several constituencies voted and put us here; the British Government by its constitution have given them the right to elect Members of the Legislative Council of British Guiana.

At this point I may mention that I am not one of those who happen to be under the impression that a Member for New Amsterdam must only advocate what is good for New Amsterdam though it may hurt somebody else. I feel myself a Member of the Legislative Council of British Guiana elected by the people whose views I am here to represent, and who have given me a privilege to exercise here. However much I want to do so or however much Your Excellency has impressed me with your sincerity of purpose and good-will towards the country up to the present time, I do not think I would be justified in handing over that privilege if I can avoid it.

The Bill is inopportune and ill-timed because one cannot help mentioning these facts. The idea of our neighbours in the North, of justice or administration, is not the same as that in England and here. As I said before, there will be one kind of administration of justice for one set of people and another for the others. Here we have one administration of justice for all. What is the hurry in the matter? Why not tell us? Why not call us privately and tell us instead of chucking this thing down our throats? I deprecate strongly the way this Bill has been thrown at us in this Council, and I regret most sincerely that my physical condition does not permit me to deal with it in the manner I would like to do. But, sir, with all the emphasis I can control I am asking Government to withdraw this Bill from the Council. In the old days I would say "leave it over for six months." I feel

that we can with safety leave it over for six months. It would not interfere with anybody as the people concerned are carrying on. Some much needed money is being circulated in the country through their advent here, for which we are thankful, and, therefore, they can carry on without this Bill, unless they want to take over the Government of the country which I as an individual would not like to see happen. I was hoping one distant day to see the Federation of all these West Indian Colonies and British Guiana with Responsible Government, but this thing is only the thin edge of the wedge. I must think that way because, without a controlling voice in our own affairs, one never can tell what may happen as soon as the war is over; we may find ourselves sold like a plantation with cattle on it. I ask Government to withdraw this Bill from the Council without a second reading at all.

My experience all the time I have been here is that you always get the principle of the Bill, but this one has no principle. A reason has been given. I sympathize with the hon. Attorney-General. He has shown much ability and versatility in bringing this Bill. He has to do what he is asked to do and he has done it to the best of his ability, but his best is nothing like his worst when he has a good case. This is a case, I make bold to say, which should never have been brought at this time before a House that is inferior, in that we have a minority and Government can carry anything it likes. The Government has brought it and we must take it or leave it. If we say "No," Government would then say "Well I take it." Your Excellency, I think I have intimated sufficient for the state of my health. There is, however, so much that can be said that it will keep me talking from now until next week. I do not believe in giving away and leaving anything to somebody else. I do wish Your Excellency to understand that what I am saying is coming from a thankful mind, and I am not single in the matter. I believe 90 per cent. of the country, while they welcome the visitors, are watching them askance in regard to social and political matters. Government should know that and should be careful when it comes to abrogate and extend existing laws and make new laws to suit them. We need their money very much but we are very

doubtful about them socially and politically, and we have need to go very carefully into matters relating to the social and political side of our affairs. I do not think we should be treated in this way.

That the country is in a parlous state is not our fault; Government with its majority is at fault. Your Excellency, I am asking you not to allow this Bill to go further at this stage, and to take this Council into your confidence. British Guiana, although some distance away from the scene of the war, is worse off than England because unemployment is rife here. If these people had not come I do not know what we would have done. Unemployment is not as great as before they came here, but it is still there. Wages are ridiculously low. One can hardly believe that able-bodied men with children are earning 44 cents per day. That is a fact. Prices are soaring and the cost of living has gone up 150 per cent.

Are we going to tell Government to take over the whole thing? Perhaps I am taking a very extreme view of things. I regret that that is possible because of my experience. I have lived here all my life and have seen. A man can only be guided in the future by looking at the past. We look to see where we are and cannot assist anybody who would try to throw us back. This Government which you have to-day is a Government which existed 127 years ago—since 1814 when by the Convention in London this Colony became British once and for all, and never to be bandied about between the French and Dutch and British. The system of Government then is what we have to-day. What do you expect? Your Excellency, we shall demand after this war a greater share in the management of our own affairs, and with that end in view it is not prudent to give up anything which we have to-day.

Mr. JACOB: This is the first opportunity I have had this morning to rise after Your Excellency's pronouncement to the effect that I am obliged to stand in this position to speak to the Chair. While I respect and have no cause to question the ruling of the Chair, Your Excellency, I wish to say that I do not propose to take any part in the proceedings of this Council this morning. I therefore ask your leave to withdraw from this Council as a mark of

protest. Your Excellency has been good enough to say that if representations are made by the Unofficial Members of this Council the matter will be gone into, but constituted as this Council is I am not prepared to do anything more than enter my protest. I ask leave to retire from this Council until the adjournment.

At this stage Mr. Jacob withdrew from the Council.

Mr. DEAGUIAR: The hon. Member for Berbice River (Mr. Eleazar) has raised a very important question in his criticism of the form which Government has taken in approaching this Council for power to give effect, temporary at any rate, to the Agreement which has been entered into by His Majesty's Government and the United States Government. In supporting him I wish to express the hope that the representation he has made will receive favourable consideration. The question of delegating the powers of this Legislature to the Governor in Council has been the subject of much discussion here, acrimonious and otherwise, from time to time. There was a time when the necessity was quite apparent, when certain special Ordinances were being passed to give the Governor in Council certain powers to make regulations in order to make those Ordinances oper to smoothly. From delegating those powers to make regulations Bills of this nature have come up, although Elected Members have, from time to time, criticised the system.

I was hoping that the hon. Member on my left (Mr. Eleazar) would have gone on with his colloquialisms and perhaps added to what he told you in language he has used here before. What I have in mind is the expression, "There comes a time when a Pharaoh does not know Joseph." He has used those words very often in this Council. There is no doubt that this legislation will give effect to the Agreement between His Majesty's Government and the United States Government, but objection has been raised to the delegating of our powers to Government in respect of something we know nothing about.

It is stated in the objects and reasons of the Bill that the Ordinance is likely to be of short duration. That may be so or

may not be so. We have been told that the interpretation of certain provisions of the Agreement is still a matter of discussion between the contracting parties. This discussion may go on forever. What then would be the position of this legislation? It seems that if this Government desires to take this power at the present time, Government ought to be bold enough to employ other means rather than come to this Legislature and take away from it the power or right to determine how far this Colony should be committed in that Agreement. I know that under the Defence Regulations this Government has power to do almost anything. If, therefore, the Government of this Colony under the Defence Regulations can obtain the power that is being sought by the Bill, it seems to me that the Bill is unnecessary. I have risen to support the representation which the hon. Member for Berbice River has made, and as I have referred to the power the Governor has under the Defence Regulations it seems to me that the Bill may be withdrawn rather than be allowed to take its normal course in this Council and, as the Council is constituted, be carried despite any protest by Elected Members of the Council.

Mr. PEER BACCHUS: I am also opposing the second reading of this Bill on principle. I agree with the hon. Member for Central Demerara (Mr. De Aguiar) that if it is necessary for the Government or the Governor in Council to have power to exercise certain legislative rights that should be done under the Defence Regulations and so relieve this Council of the responsibility of having such power given by this Council to the Government. As an alternative to Government acting under the Defence Regulations, I suggest that a period be placed on this Bill. If within that period it is not found convenient to introduce the Bill proper in this Council then an extension can be asked for of the Council. I repeat that on principle I am opposing this Bill. As has been said by the hon. Member for Berbice River (Mr. Eleazar), this Colony has asked for and has been promised more rights in the government of the Colony at this very moment, and in the face of that Government is asking this Council to relieve itself of some of its existing powers.

Mr. C. V. WIGHT: While I am rising

to support in principle the general contention of the hon. Members who have spoken that it is undesirable to take away or delegate legislative powers of this Council to an individual, I feel that in the circumstances here and the circumstances surrounding the objects of this Bill one is faced with the position of not being able to do anything but comply with the request made for the passing of this Bill. It seems that perhaps the general principle of not delegating authority may be due in the good old days to the Star Chamber methods adopted and the fear of very arbitrary action being taken by any individual or group of individuals placed in power. I think this Council can expect an expression of opinion which I may have interpreted not quite rightly. But we have Your Excellency's expression of opinion that your policy will be to take Members of this Council into your confidence and the confidence of Government, and I think this case presents an opportunity to make operative that policy which Your Excellency indicated only too opportune.

THE ATTORNEY-GENERAL: The only point I need reply to is the question raised as to why action was not taken under the Emergency Powers Defence Act. The answer is, that Act does not give the required powers to legislate in the manner required, and so it has to be done by way of a Bill before the Council. Much has been said about taking away the powers of this Council. As I said before, it would be fair to say that the powers borrowed to-day will be handed back very shortly, (laughter). I myself do not like the Legislative Council delegating its powers, but in this particular case the emergency is such that this particular course had to be adopted for convenience and speed of action. I assure hon. Members that very little use will be made of the powers which are now being sought.

THE PRESIDENT: Before putting the question I feel I should say a word or two on this Bill. It has been suggested by one speaker why this Government has taken this action. The Bill has been merely put forward to operate until the Bill proposed by His Majesty's Government in the United Kingdom is completed. This Bill is necessary for immediate action and as an implementation of an Imperial obligation. I attended the conference in London on the Bases throughout the

month of February and we were faced with constant difficulties at every turn, and that went on until finally the Prime Minister took up the attitude that we could not have any more talking over details. The Prime Minister's attitude was just. We had received fifty destroyers immediately—a matter of days—after the conclusion of the initial Agreement, and our obligation was to implement our part of the bargain. Personally, I consider that neither Government were clever in the way they proceeded with the question of the Bases, and there are phases of the matter which I do not think it is desirable or politic for me to state here.

We are faced with the obligation that we must implement the Agreement. The suggestion was made at the Conference in February, not actually at the meeting of the Conference but several times to the Secretary of State for the Colonies, that the only proper way to carry through the implementation of the Agreement was by an Imperial Act of Parliament. You know that the Imperial Parliament dislikes very much passing an Act for the Colonies. That is only done as a last resort, and even at the best of times they do not like it. I have experience of this in the Leeward Islands. It took us two years after every thing had been agreed upon to get them to pass an Act. Especially in these times of war I know the Prime Minister is most unwilling to agree for many reasons to bring a Bill of this kind before the Imperial Parliament.

The principal legislation is to come, but as the hon. Attorney-General has pointed out, there are a number of minor points requiring settlement, with the result that the legislation which we were hoping to receive since last June has not yet been put forward. How long it will be before it comes forward I cannot say, and therefore I cannot say how long this alternative which is proposed will continue.

There is another point which has been raised by the speakers. I sympathize entirely with the point of view raised by various speakers. I do not like this legislation, neither does the hon. Attorney-General, but what is an effective alternative? I do not think any of the speakers put that up. I am perfectly prepared to adjourn the debate so that hon. Members can see what alternative proposal can be put

up. But that will take much time and may mean another Bill. One may then reasonably ask: is it really worth it? As a matter of practical politics is it worth while to attempt another alternative against this very simple one which is before us? So far as I am concerned I give my personal assurance that these powers which are sought in the Bill will not be abused. I would be very much prepared to take the Legislative Council into my confidence when action is to be taken on them. I do not anticipate there will be a great many occasions. I think the hon. Attorney-General has stated that. Our proposal is this and it is the only practical thing to do. Let us record what hon. Members have said, which has my sympathy, and my assurance that I will take hon. Members into my confidence when action is to be taken on the Bill. That is what I wish to advise hon. Members to consider before voting against the Bill.

MR. DEAGUIAR: With that assurance I think the opposition can be graciously withdrawn provided, however, that our remarks remain on record.

THE PRESIDENT: I feel greatly obliged to hon. Members if they are prepared to take that action. I do think it is much easier for all of us. Your remarks will be recorded.

MR. ELEAZAR: I always concede to the Chair when I have given my point of view. Having done so on this occasion and having heard from Your Excellency that there is no desire to take away from us the powers we have, but that you in your judgment think it is urgent, I gracefully—I say “graciously” because it is not my usual way and I always stand by my word—withdraw my remarks.

THE PRESIDENT: I am greatly obliged to the hon. Member. I sympathize with all the points he raised. I shall therefore put the question.

Question put and agreed to.

Bill read a second time.

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



The Council resumed and the Attorney-General gave notice that at a later stage he would move that the Bill be read the third time and passed.

PUBLIC GENERAL LOAN (SUPPLEMENTARY)  
BILL, 1941.

Mr. McDAVID (Colonial Treasurer): I beg to move that—

A Bill intituled an Ordinance to make further provisions for the raising of loans for public purposes, be read a second time. This Bill and the other two Bills standing on the Order paper in my name, namely—the General Local Loan Bill, 1941, and the Loan (Conversion) Bill, 1941—are interrelated in the sense that the necessity for introducing them at the present time arises from the same circumstance. In the third Bill Government is seeking the authority of this Council to arrange a conversion operation of a £1,000,000 loan known as “The Sterling 5½ per cent. Loan,” which was raised in London in 1922. The first option of redemption in respect of that loan occurs in July, 1942, and the Government, with the view of securing a lower rate of interest, has obtained the sanction of His Majesty’s Treasury to issue a conversion loan. The sinking fund of this loan will be used to pay off as much of the loan as is possible. Those bondholders who refuse to accept the offer of conversion will be paid off out of the sinking fund, and if it is found that the sinking fund is not adequate for the purpose a new loan would be raised.

There are three normal ways of raising loans. The first is under the General Loan and Inscribed Stock Ordinance, Chapter 46. The second is by means of loans arranged privately by the Crown Agents under what is known as the Inte colonial Loan Scheme, and the third method is by the issue of a local loan in this Colony. I may say at once that it is not expected that under the new loan money would have to be raised at all; that is to say, it is fully expected that the conversion offer will be a success. But I may also add that if any new money is to be raised it has been definitely decided that it shall be raised in this Colony. Nevertheless, before we can undertake a conversion operation of this magnitude it is absolutely essential

that all the statutory provisions regulating the Government issue of loans should be put in order.

This Bill covers the regulations governing the raising of loans in the second category to which I have already referred. That is to say, the raising of loans privately by the Crown Agents. As a matter of fact the provisions of the Bill already appear in Chapter 47—Public Loan and Colonial Treasury Bills Ordinance, sections 14 to 18—but, unfortunately, section 19 of the same Chapter renders these provisions entirely inoperative. Section 19 was taken from Ordinance No. 12 of 1929. Some of the hon. Members present to-day will recall that in 1929 this Colony had to raise a very large loan mainly in order to pay off the expenditure on the cost of the Georgetown Sewerage Scheme and for other purposes, and when this Council authorized the raising of that loan at the same time it enacted a provision which restrained Government from borrowing any further loans. But the effect of section 19 interpolated in Chapter 47 is to remove entirely the regulating provision governing the raising of private loans by the Crown Agents, and also all provisions governing the raising of loans in this Colony.

The object of this Bill is to reintroduce the provisions relating to private loans in the Laws of the Colony, and the second Bill, with which I shall deal afterwards, is also to restore the provisions relating to local loans. The Bill is very simple. Clause 2 merely indicates the method of raising the loan. It reads:

Anything to the contrary contained in the General Loan and Inscribed Stock Ordinance notwithstanding, whenever authority shall have been given to the Governor by Ordinance to raise by loan in London any sum of money for public purposes such loan, or any part thereof, may be raised independently of that Ordinance and under the provisions of this Ordinance if the Governor, or the Crown Agents acting on the Governor’s behalf, so decide.

Clause 3 is the charging section. It reads:

The principal monies and interest represented by any loan raised under this Ordinance are hereby charged upon, and shall be payable out of, the general revenues and assets of the Colony.

Clause 4 provides for the payment of interest and for the contribution to the creation of a sinking fund. No new prin-

ciple is involved in this Bill. It merely reintroduces provisions which already exist in the Statute Laws of the Colony, but which have been suspended for the time being. I beg to 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 considered the Bill clause by clause without amendment.

Notice was given that at a later stage it would be moved that the Bill be read the third time and passed.—(Mr. McDavid, Colonial Treasurer).

#### GENERAL LOCAL LOAN BILL, 1941.

Mr. McDAVID: I beg to move that—

A Bill intituled an Ordinance to declare the terms and conditions applicable to local loans authorised by any Ordinance to be raised by the Governor; and to provide for matters connected therewith, be read a second time. As I explained when moving the second reading of the preceding Bill, the provisions governing and regulating the raising of Public loans in the Colony which already exist in Chapter 47 of our Laws—sections 1 to 13—are now inoperative by reason of section 19 of that same Chapter, and for the reason already given of the possibility of our having to raise a local loan in connection with the conversion operation it is desirable that these provisions should be reintroduced in our Laws.

The Bill before the Council is in the form of a model which has been provided and adopted in many Colonies. It does not exactly correspond with the provisions already in Chapter 47, but in principle the provisions are the same. I will not delay the Council by describing the details. The Bill as usual charges any loan borrowed in this Colony on the revenues, and provides for the raising of money by the issue of debentures. It provides for the payment of interest on these debentures by

the issue of coupons. It provides for the redemption of debentures by annual drawings or by a fixed date, and also for the accumulation of a sinking fund by annual contributions. There is no new principle involved. It is merely replacing regulations in the law which governs the raising of local loans.

Mr. AUSTIN seconded.

Mr. C. V. WIGHT: I do not intend to occupy the time of the Council very long. I am glad to see the hon. Colonial Treasurer has introduced this Bill. On several occasions on the visit of Sir Frank Stockdale and his party, and of Mr. Hall and his party, I suggested that efforts should be made wherever possible to raise all the money locally. This Bill is perhaps anticipatory, and shortly such efforts will be crystallized. I would ask that an attempt be made first to see that wherever possible the loans are raised locally before going abroad. I do not see any other financial Member—those interested and are experts in finance—desirous of speaking, and lawyers are not supposed to know anything about finance except the collection of fees. However, I do not like personally the second category given by the hon. Colonial Treasurer—the raising of loans privately through the Crown Agents. We know that means a tremendous slice off the whole cake. The hon. Colonial Treasurer knows no doubt what I mean by that. The commission paid to the Crown Agents makes quite a tidy sum which I will put in their phrase—incidental expenses. I do hope that the hon. Colonial Treasurer will bear that in mind. I earnestly ask him to bear in mind that all attempts must be made to raise money locally before going outside.

Question put, and agreed to.

Bill read the second time

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

Notice was given that at a later stage it would be moved that the Bill be read the third time and passed.—(Mr. McDavid, Colonial Treasurer).

## LOAN CONVERSION BILL, 1941.

Mr. McDAVID: I beg to move that—

A Bill intituled an Ordinance to confer power to raise a loan of eight hundred and twenty thousand pounds and the costs of issue; to provide for the payment of the aforesaid sum in the redemption of the amount outstanding of the loan raised under section thirteen of the Public Loan and Colonial Treasury Bills Ordinance; and for matters connected therewith,

be read a second time. This is the most important of the three Bills which I have dealt with to-day and, as I have already explained, Government is seeking authority to arrange a conversion of the 5½ per cent. sterling loan of 1922. If and when this Bill becomes law a notice of redemption will be issued simultaneously in London and this Colony, and at the same time an offer of conversion will also be made and published locally so as to give the few bond-holders resident in this Colony an opportunity to take advantage of the offer. But the sinking fund of this loan will yield something like £180,000 in July, 1941, and, therefore, it will be only necessary to offer for conversion the difference amounting to something like £820,000 as stated in the Bill. As I have said before I do not think it is at all likely that it will be necessary to raise new money. If it is, it is proposed to raise it by means of a loan in this Colony. It would be seen from clause 4 of the Bill that all three methods of raising a loan are specified.

In London by the Crown Agents under the provisions of the General Loan and Inscribed Stock Ordinance, or under the provisions of the Public General Loan (Supplementary) Ordinance, 1941, or  
In the Colony under the provisions of the General Local Loan Ordinance, 1941.

I would just like to refer to some of the remarks made by the hon. Member for Western Essequibo (Mr. C. V. Wight). I know that he is not a very great friend of the Crown Agents, but I must say that it is hardly fair for him to describe private loans in the manner he has done. Actually when a Colony has been able to arrange a private intercolonial loan through the Crown Agents it is very fortunate, as it simple means that the Crown Agents, having available sums of money for other Colonies, are able to arrange a private loan between Colonies at no cost at issue. I am just making these remarks because I do not think it is fair to the Crown Agents.

Before I conclude I would like to say

that this particular operation is the last conversion which we shall have for some time. I have been privileged to be associated with quite a number of these operations which have resulted in our public debt being much more satisfactorily arranged than previously. We now have really no high interest—bearing loan except the 1929 loan at 5 per cent., and the first option of redemption does not arrive until 1949. I think we all look forward to that date in order to secure a lower rate of interest. I know that the Town Council is interested, and it is quite probable that charges on the Sewerage Scheme will be reduced. That is, however, a matter for the future. This conversion will effect a considerable reduction in our debt charges. I am unable to indicate at the moment what it will be. It is not in the public interest to say what actually will be the rate of interest, and that will be intimated by public notice at the end of the month. I beg to move that the Bill be read a second time.

THE PRESIDENT: I would just like to support what has been said by the hon. Colonial Treasurer as to those unfortunate people, the Crown Agents. I am quite aware of the strong criticisms that are made of them. In fact I have said some hard things myself. I had lived in one Colony where a certain playing card was named the "Crown Agent." That was the "Knave" (laughter). But it is my experience that the small Colonies benefit enormously from the handling of their financial business by the Crown Agents.

Question put, and agreed to.

Bill read the second time.

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

Notice was given that at a later stage it would be moved that the Bill be read the third time and passed.—(Mr. McDavid, Colonial Treasurer.)

## BILLS—FIRST READING.

The following Bills were read the first time:—

A Bill intituled an Ordinance to continue certain expiring laws.

A Bill intituled an Ordinance to make provision for granting pensions to Marjory Aileen Dias and Richard Frederick Francis Dias, widow and child respectively, of Frederick Francis Dias, deceased.

A Bill intituled an Ordinance to amend the Music and Dancing Licences Ordinance Chapter 106 (*The Colonial Secretary*).

A Bill intituled an Ordinance to prescribe the method to be adopted in computing the Taxes and Rates to be levied and collected by the Mayor and Town Council of Georgetown in respect of the year nineteen hundred and forty-two (*The Attorney-General*).

A Bill intituled an Ordinance to restrict the hours of work and of night work in the Baking Industry and for purposes connected therewith.

A Bill intituled an Ordinance to provide for the appointment of a Commissioner of Labour, for the regulation of the relationship between employers and employees and for the settlement of differences between them. (*Mr. Laing Commissioner of Labour and Local Government*).

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bills be read the second time.

THE PRESIDENT: We have now concluded the Order of the Day and I will proceed to take the further reading of these Bills. I understand the suspension of the Standing Orders is not necessary, and therefore I call upon the hon. Attorney-General to move the further reading of his Bills.

#### U.S. BASES (AGREEMENT) (TEMPORARY PROVISION) BILL, 1941.

THE ATTORNEY-GENERAL: I beg to move that a Bill intituled "An Ordinance to implement the agreement, signed on the twenty-seventh day of March, nineteen hundred and forty-one, between the Government of the United Kingdom and the Government of the United States of America, relating to the bases leased to the United States in certain territories including the Colony of British Guiana" be read a third time and passed.

Professor DASH seconded.

THE PRESIDENT: Before putting the question I would like to add that I had a personal interview with Lord Moyne about the 20th February last and I put the very point that was raised by hon. Members to day, and that is I did not wish to go back to the Leeward Islands and be asked

to legislate for certain matters, and I went on to say that that should be the proper responsibility of the Imperial Parliament. At that meeting Lord Moyne told me the Prime Minister was not prepared to go to the Imperial Parliament with this matter. As an Executive Officer taking instructions from His Majesty the King through the Secretary of State, it is my business to go on with the legislation. I therefore put the question.

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

Bill read the third time.

#### PUBLIC GENERAL LOAN (SUPPLEMENTARY) BILL, 1941.

Mr. McDAVID: I beg to move that a Bill intituled "An Ordinance to make further provision for the raising of loans for public purposes" be 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.

#### GENERAL LOCAL LOAN BILL, 1941

Mr. McDAVID: I beg to move that a Bill intituled "An Ordinance to declare the terms and conditions applicable to local loans authorized by any ordinance to be raised by the Governor; and to provide for matters connected therewith" be 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.

#### LOAN (CONVERSION) BILL, 1941.

Mr. McDAVID: I beg to move that a Bill intituled "An Ordinance to confer power to raise a loan of eight hundred and twenty thousand pounds and the costs of

issue; to provide for the payment of the aforesaid sum in the redemption of the amount outstanding of the loan raised under section thirteen of the Public Loan and Colonial Treasury Ordinance; and for matters connected therewith" be 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.

#### HOURS OF SITTING OF COUNCIL.

THE PRESIDENT: We have now come to the conclusion of to-day's business, and before proceeding with the adjournment I would like to know what time we should sit. It is proposed that we sit on Wednesday next but there is the question

of the hour. I find on coming to this Colony that everybody's luncheon hour is 11.30 except Government House. I would suggest, if it would be convenient to hon. Members, to have an hour other than 10.30 or 11 for the meeting of the Legislative Council. If Unofficial Members have any idea on it we may consider it now.

Mr. DEAGUIAR: The usual hour for the Council to meet is 11 a.m. on the first day and at 10.30 on the subsequent days of the week. The reason for that is that it enables the country Members to get into town in time for the commencement of the meeting.

THE PRESIDENT: I take it hon. Members are agreeable to have 11 o'clock for the opening day, and the Council is therefore adjourned to 11 a.m. on Wednesday next.

The Council adjourned accordingly to Wednesday, 10th December, 1941, at 11 a.m.