

LEGISLATIVE COUNCIL.

Monday, 4th September, 1939.

The Council met at 11 a.m., His Excellency the Acting Governor, SIR JOHN WADDINGTON, K.C.M.G., O.B.E., 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.

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

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

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

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

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

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

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

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

The Hon. G. O. Case, Director of Public Works and Sea Defences.

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

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

The Hon. W. A. Macnie, Commissioner of Labour and Local Government, (Acting).

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

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

The Hon. J. Eleazar (Berbice River).

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

The Hon. T. Lee (Essequibo River).

The Hon. G. H. Smellie (Nominated Unofficial Member).

The Hon. F. H. Martin-Sperry (Nominated Unofficial Member).

PRESIDENT'S SPEECH.

THE PRESIDENT: Hon. Members of the Legislative Council—As from yesterday a state of war has existed between the British Empire and Germany. The immediate cause was, as you know, the invasion of Poland by Germany with the consequent fulfilment of the British Government's obligation to Poland. The underlying cause is to be found in the necessity to meet, by force, those forces of evil and oppression with which the German Government have sought to impose their will on the world.

The nature of the challenge to freedom, which has been made by the German Government and which must be met and overcome, is clearly set out in the words which His Majesty the King addressed to all his people yesterday.

In meeting to-day at this grave time in our national history, we pledge this Colony to give all the assistance in its power to the Imperial Government in this war for the cause of right. Our first care must be that adequate precautions are taken for the safety of the Colony and for the conservation of essential commodities. Certain measures to this end have already been taken and in the Defence Regulations, which will be laid on the table this morning, very wide powers are given to the Governor to deal with any emergency that may arise. I need scarcely say that in the exercise of these powers, I shall keep this Council closely informed of any important matters and shall call meet-

ings for that purpose if it should prove necessary.

You will be asked to-day to pass through all its stages a Bill prohibiting the export of certain articles except under permit and I know that you will recognise the importance of this measure in order both to conserve our supplies and to avoid the possibility of consignments being sent indirectly to the enemy country.

And as the first motion before this Council after the outbreak of war, the Colonial Secretary will move a message of Loyalty to His Majesty the King, the passing of which resolution will signify our determination to play our part in prosecuting the war to a successful conclusion.

MINUTES.

The minutes of the meeting of the Council held on the 28th of August, 1939, as printed and circulated, were confirmed.

PAPERS LAID.

THE COLONIAL SECRETARY (Mr. G. D. Owen) laid on the table the following documents and explained that they had been printed in the *Official Gazette* of the 3rd of September, 1939:—

Defence Regulations, 1939.
Merchant Vessels (Control of Radiotelegraphy) Regulations, 1939.

GOVERNMENT NOTICES.

THE COLONIAL SECRETARY gave notice of the following motion:—

That the Legislative Council of British Guiana on behalf of the inhabitants of the Colony, beg leave to lay before Your Majesty on the outbreak of war with Germany an expression of our humble duty to Your Majesty and our unfailing loyalty to the Throne.

THE COLONIAL SECRETARY also gave notice of a motion prescribing the rates of pay and allowances for Members of the Militia while engaged on actual Military Service, and of the introduction of the Trading with the Enemy Bill, 1939.

Mr. D'ANDRADE (Comptroller of Customs) gave notice that at a later stage he would move the suspension of the Standing Rules and Orders to enable the Customs (War Powers) Bill, 1939, to be introduced and taken through all its stages that day.

ORDER OF THE DAY.

EUROPEAN WAR—LOYALTY TO THE THRONE.

THE COLONIAL SECRETARY: As Your Excellency has already stated, the outbreak of war with Germany has necessitated the calling together of the Legislative Council to-day to pass certain urgent emergency measures. I think, however, that it is fitting before proceeding with the business of the day that this Council on behalf of the Colony should pledge itself to assist in every way it possibly can—though it may be very small—the Mother Country in this terrible conflict which has just broken out. I therefore move:—

That the Legislative Council of British Guiana on behalf of the inhabitants of the Colony beg leave to lay before Your Majesty on the outbreak of war with Germany an expression of our humble duty to Your Majesty and our unfailing loyalty to the Throne.

I also ask that this motion be transmitted to the Rt. Hon. the Secretary of State for the Colonies.

Mr. WOOLFORD: I beg to second the motion.

Motion put, and agreed to, assent being given with all the members standing.

CUSTOMS (WAR POWERS) BILL.

Mr. D'ANDRADE: I move the suspension of the Standing Rules and Orders to enable The Customs (War Powers) Bill, 1939, to be introduced and taken through all its stages to-day without due notice.

Mr. DE AGUIAR seconded.

Question put, and agreed to.

Mr. D'ANDRADE: I move that "A Bill intituled an Ordinance to amplify and

extend the provisions of the Customs Ordinance, Chapter 33, with respect to the importation and exportation of goods and articles during the present war in which His Majesty is engaged" be introduced and read a first time.

Question put, and agreed to.

Bill read the first time.

Mr. D'ANDRADE: I move the second reading of the Bill. The object of the Bill, as indicated by its title, is to amplify and extend the provisions of the Customs Ordinance with respect to the importation and exportation of goods and articles during the present war in which His Majesty is engaged. The first amendment to the Customs Ordinance is to Section 29 which provides that the importation of arms, ammunition, gunpowder, or any other goods of a similar kind, may be prohibited by proclamation of the Governor. By clause 2 of the Bill this section will be extended to include all other goods of every description whatsoever. Sub-clause 2 further extends the provision of the Bill so that not only shall a proclamation be made in respect of the total prohibition, but that the prohibition may be made to apply in respect of any country named in the proclamation.

Clause 3 of the Bill which reads:—

Where the Comptroller of Customs has reason to suspect that any goods imported into the Colony are being imported in contravention of the law relating to trading with the enemy or of a proclamation issued under Section 29 of the Customs Ordinance, as amended by this Ordinance, or that the country of origin of any goods is an enemy country the goods may be seized as though they were goods enumerated and described in the table of prohibitions and restrictions inwards contained in Section 28 of the Customs Ordinance, and in any proceedings arising out of forfeiture and condemnation thereof the goods shall be forfeited unless the person claiming them shall prove that such goods were not imported in contravention of the law relating to trading with the enemy or of such proclamation or that the country of origin was not an enemy country as the case may be.

repeals Section 97 of the Ordinance of 1934, and substitutes therefor four sections—97, 97(a), 97(b), 97(c) and 97(d). Section 97 provides that the exportation or re-exportation of goods and articles named in the Third Schedule is prohibited except under an Export Licence. The Third Schedule is a new schedule

which is being added to the Bill by clause 12. It includes a list of articles which can only be exported under licence.

Section 97(a) provides that licences shall be granted by the Comptroller at his discretion and in form 16 in the Second Schedule. Clause 11 of the Bill provides a new form which shall be added to that Bill.

Section 97(b) provides for the duration of a licence. Sub-clause 1 reads:—

A licence granted under the preceding section shall be valid for such period and in respect of such quantity of the goods or articles as the licence may specify, and the grant may be subject to such terms and conditions as the Comptroller may in his discretion think fit to impose. Such conditions, if any, shall be endorsed on the licence.

Sub-clause 2 provides that the Comptroller may at any time prior to the exportation of the goods or articles amend any licence and may likewise amend, vary, or make additions to the terms and conditions subject to which any licence may have been granted.

Section 97(c) provides for the transfer by a licensee of a licence to another person with the consent of the Comptroller of Customs.

Section 97(d) provides that the Governor may by Order in Council add to, delete from, or otherwise amend the Third Schedule containing the list of goods or articles which can only be exported under licence, and that he may also alter the form but not the substance of any form in the Second Schedule.

Clause 5 of the Bill provides that pending the issue of a proclamation under Section 29 in respect of importation or Section 108 of the Customs Ordinance in respect of exportation, the Comptroller of Customs shall, if the Governor so directs, have power to take any action for preventing the importation or exportation of that article as if the proclamation were in force at the time.

Clause 6 of the Bill extends the provision of Section 136 of the Customs Ordinance to apply to goods intended for exportation as cargo or stores. At present that section only refers to the carriage as cargo coastwise.

Clause 7 of the Bill empowers the Comptroller of Customs to call for the production of evidence to his satisfaction that any goods which have been exported from the Colony have not been delivered to anyone in enemy country. It also provides a penalty unless it is proved that the exporter did not consent to, or connive at, the goods reaching such a country or person and that he took all reasonable steps to secure that the final destination of the goods was specified in the Customs documents relating to the shipment thereof.

Clause 8 provides that the notice required to be given under the Customs Ordinance of goods seized by the Customs shall be given, where the address of the person for whom the notice is intended is unknown by means of publication in the *Gazette* and in a newspaper circulating in the Colony.

Clause 9 empowers the Comptroller of Customs to refuse or withdraw at any time clearance of ships about to depart from the Colony.

Clause 10 provides that if anybody about to export goods in the course of making entry before shipment shall make a declaration as to the ultimate destination of the goods and the Comptroller of Customs shall have reason to suspect that such declaration is untrue in any material particular, the goods may be detained until the Comptroller is satisfied as to the truth of the declaration, and failing such satisfaction the goods shall be forfeited.

Clause 11, as I have already pointed out, describes the form of licence that shall be used in regard to the exportation of goods under licence.

Clause 12 amends the Customs Ordinance by adding thereto a new schedule to which I have already referred, setting out the list of articles which can only be exported under licence.

Clause 13 provides that the Ordinance shall have effect only during the continuance of the war in which His Majesty is engaged.

I move that this Bill be read a second time.

Mr. DE AGUIAR seconded.

Mr. FLEAZAR: It gives me great pleasure indeed to support this Bill. Your Excellency's Government has just passed a motion of loyalty to His Majesty the King. That, I take it, is the feeling not only of hon. members of this Council but of the whole Colony in conjunction with the rest of the British Empire. The present Bill is calculated to conserve such articles of food the production of which in this country may be beneficial, and to prevent action which may lead to the destruction of any policy which Government may be inclined to introduce by goods coming into the country unawares.

With Your Excellency's permission I want to take this opportunity while discussing this Bill to state that in my view a motion such as the one just passed and the present Bill do not go far enough. In going through the papers before me I see nothing to indicate that. While both this motion and Bill refer to every member of this community and other communities in the British Empire, they have not gone far enough to impress upon every individual of this community, as also of the rest of the Empire, his particular contribution to the State in this war which is now taking place in Europe.

Your Excellency, when 25 years ago I had the privilege of addressing every community of this Colony in which a number of persons resided as to the horrors of war and their duty to the Empire, I little imagined that 25 years later I would be permitted to have a recurrence of those circumstances. In the light of that experience I can imagine that which lies before us to-day is even very much greater, very much worse—at least we anticipate so—than what has passed. With that experience I think it is incumbent on this Council, and with the approval of Government, that you should impress upon individuals their duty to the State. Every man should be made to feel that he in particular is also in the Army, and that just where he is and in what he is doing he is expected to contribute to this gigantic struggle. If the clerk at the desk can only conceive the idea that to remain after hours in order to close his day's work or to put in an hour's work extra in the morning before the usual time, he is contributing that much to a victorious war; if the employer can conceive that he should

put a couple of pence (sterling) more on the wages of the labourer and can feel that he is doing that as his contribution just where he is, he is also contributing to the successful prosecution of this war, which we all hope the British Government will achieve in this struggle. Whether in the factory, or in the forest, or in the field, if each man can be made to feel that just there he can contribute to the war, then I think we will be going a long way towards securing the victory for which we are all hoping. If the producer of food of whatever kind that this country is capable of yielding can only be made to feel that just there in his farm he can contribute to the war by just producing so as to fill the deficiency of that which hitherto came to this country and which now must be deflected to the scene of operation, I say he too will have contributed in doing his share to the well-being of the State as a whole and the winning of the war.

If the Agricultural Department can only see it is its duty now to disseminate all the knowledge and give all the encouragement possible to those people who are farmers, it will be doing service. We cannot now blame who is who and what is what, as this is not the time to question what is going to be ahead. I know there are to be found in every community people who know what Hitler is going to do next, the next country which is going to join in the war, and the next ship which is going to be sunk, and who know that in a short time Hitler is going to overrun the country and subvert the foundation of truth and justice, and that the international superstructure of freedom will certainly fall. My view is that at the present moment British Guiana can produce much to stave off want and privation—all those things which we know from experience we were deprived of during the last war—and much more so that others can benefit, if you can only get it into the people's head that it is their duty to produce all that the country can produce. If that is done, it will go a very long way in assisting to chastise the European bully and his satellites who help him to overrun the world.

A Bill similar to this one came before this Council 25 years ago; notwithstanding that, I know of my knowledge that at that time ordinary necessities of life had fallen to such an extent that there were very few

people who were able to obtain them. That ought not to be, and if it can be instilled in the minds of the people in this country that it is not to recur because nearly all those necessary articles can be produced here and in great abundance, it will not be. There is an old saying here: "If you tickle the soil it would laugh a yam." You have quite a number of men with whom to tickle the soil and make it laugh two yams. In that case you will be contributing to the success of the war, as one yam can go to fill the gap made by the war and the other yam kept for yourself. You will not only be helping yourself and the Empire but also posterity for whom most men are fighting. Those men who are at the Front to-day have nothing more to give; they are giving their all. Each man has only a single life and he is giving it as his contribution. Is it therefore too much for the labouring man to put in a couple of hours extra to produce a little more, when other men are giving their all for him and for his benefit? Is it too much for those who have a little of this world's goods to give a little more so as to encourage the other fellow? I do not think so. I think if a man gives a little more according to his station and according to his ability he will be deporting himself as a useful citizen, and will be contributing very much indeed to the chastisement of Herr Hitler and company.

On the other hand, there are those who think nothing of what is going on. They cannot realize what is happening. In every community there will be such men, but we cannot heed such men. It has always been my practice—and I think I will continue to do so—whenever there is a very great crisis or matter of importance, to get the philosophy of the ordinary individual or poor man in the street. Standing at my bedroom window I have listened to the crowds passing. Every man had a philosophy of his own. I heard one man say: "What next could have been done? You heard what the King said, that they had done everything possible to avoid war. It is inevitable." One man had a saw and a hammer in his hand, and they seemed to have been going to work. If that man can be made to realize that in doing his work sincerely for the money he received and putting in a little more time in the afternoon he is contributing to the success of the war, we

will have a useful member of the community taking his share in the successful prosecution of the war. In another batch of men who also seemed to have been going to their work, one man said: "Man, Hitler is bound to lose; he does not know what he is doing. England is bound to win." That man is right. Let him understand that "bound to win" with the mouth is not doing it, but in doing his job he can contribute to the winning of the war. If that were done, you may still have need, however, for this Bill to prevent the importation of unwanted articles and very little need to prevent exportation to other parts of the Empire where the necessity may arise. British Guiana can be the Garden of the West Indies. It can supply all the food necessary to serve the whole of the West Indies and especially those which cannot supply for themselves. Up to the present we have the muscles, and all we want is only the will to do. I think if Government does its share in encouraging and assisting the people who are inclined to produce and who have the right spirit that they are also contributing to the war, Government will be contributing to the exigencies of this gigantic struggle.

When a few days ago I was conducting a minor election campaign, one of my detractors said: "Oh, Eleazar is getting old now; he is only a preacher." Sometimes I do wish I am a preacher and can get a sermon home to every individual within a certain radius. If I were a preacher to-day, I would preach from the text: "What is that in thy hand?—A rod. Cast it to the ground." What I want to stress is that every member of the community has something in his hand to cast to the ground and get something produced for the benefit of the community so as to assist in the struggle. That is what I ask of Your Excellency.

I support this Bill with all that I have in me, but before doing so I must return to the Agricultural Department because from that department I see the possibility of great assistance by this country to the successful prosecution of the war and of keeping the wolf from the doors of the people of this country. Not very long ago we were told that the people here are starving. In some cases that was true. If a man would not work neither should he

eat. Now that we are in the midst of the struggle, now that we are actually at war, everybody cannot be before the guns. They also serve who only stand and wait. If the Agricultural Department would see that so much devolves upon it to justify its existence. I was one who always insisted that the existence of that department was not justified, but if it can come up to expectation on this occasion, I would urge that it should continue forever afterwards (laughter).

I utter these sentiments in all sincerity with 25 years' experience of what transpired a little before the last war. I have gathered something, and I feel it my duty to stand in my place here and give to those, who have not it but who have the energy which I have lost, the benefit of that experience which I have gained, so that we all may as one man contribute and that Government will therefore have plenty in the country to save us from feeling the horrors of war. Providence has blessed us well; we are not where the war is taking place. We hardly expect a German plane to come here, but if they know that we can supply half of the world with food they may. We talk of a "Black Out." I do not see the reason why there should be a "Black Out" in Georgetown and New Amsterdam where you have electric lighting. But if we were bombed they would not touch the interior where the things can grow, and so they would still be missing the mark. That part of the country is there waiting to be handled. The several Government Departments have all brains in them, and if they can only get the will to do. There is not one Government Department with men in it who do not know their jobs. They are all having men who know their jobs, and if you can only get them to do their jobs in the right way and in the right spirit and to teach the man below so that he can get the spark too, we would be able to congratulate ourselves at the end of the war that we too in our humble way helped in it. That is the burden of my advocacy here to-day.

I do not know that when I am finished here this may be the last I will have to say about it. It is my desire to get into as many communities and preach the gospel to the rest of the inhabitants of the Colony, but I do say that I hope Govern-

ment will come in and give the lead and that the Government Departments concerned will exert themselves so that this country despite of the war will have plenty and sufficient to spare, and to send out to assist those who will be serving in the war and therefore not in a position to produce for themselves. The men at the Front, the orphans, and children, and old people have to be provided for, and that can only be done by those who remain at home. I understand that men up to the age of 41 years are being called upon to serve; I have gone far past that age but those of us beyond that age can still do our bit here. You can do all that lies in your power to assist in the successful termination of the war, though remaining just where you are. I have very great pleasure in supporting the motion now before the Council.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

Mr. D'ANDRADE: I move that "A Bill intituled an Ordinance to amplify and extend the provisions of the Customs Ordinance, Chapter 33, with respect to the importation and exportation of goods and articles during the present war in which His Majesty is engaged" be read a third time and passed.

Mr. DE AGUIAR seconded.

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

Bill read the third time.

THE PRESIDENT: That concludes the business on the Order of the Day. There is one motion of which notice has been given by the hon. Colonial Secretary, and normally I would have gone on with that to-morrow, but there is an important Bill which will not be ready until Wednesday. I shall therefore adjourn the Council to 11 a.m. on Wednesday.

The Council adjourned to 11 a.m. on Wednesday, 6th September, 1939.