CONSTITUTION OF BRITISH GUIANA.

MEMORANDUM BY THE ACTING SECRETARY OF STATE FOR THE COLONIES.

I CIRCULATE, for the information of the Cabinet, a memorandum indicating the need of a new constitution in the Colony of British Guiana and the necessity of early legislation on the subject by the Imperial Government.

W. O.-G.
Colonial Office, Downing Street,
November 10, 1927.

1. British Guiana is as large as Great Britain, but development in the interior has been of the slightest, and nearly all its inhabitants live on the coastal strip. Their number is only 300,000, although about 350,000 immigrants have been introduced during the last hundred years. The whole century between its cession to this country at the end of the Napoleonic wars and the outbreak of the Great War was one of marked moral and material stagnation. An abnormally high death rate, due to the absence of the most elementary form of tropical hygiene and sanitation, prevented any natural increase in its population. The physical conformation of its coastlands precluded the rise of a prosperous peasant proprietary without elaborate drainage and irrigation, which the poor man could not afford and which the Government made no attempt to provide. Though nine-tenths of the Colony is forest, which constitutes its greatest potential asset, a forestry department did not exist even in the most rudimentary form. The only important industry was, and always had been, sugar, which continued to be grown in diminishing quantities and under precarious conditions on the coast. It was not till shortly after the war, under a most able and energetic administrator, that a beginning was made with the most obvious, essential and overdue reforms. Schemes for providing the coastlands with drainage, irrigation and water supply were started. It was decided to equip the capital, hitherto correctly described as floating on sewage, with a pipe-borne sewerage system. A Forest Department was created to explore the great timber possibilities of the Colony. Scientific and technical surveys were set on foot to examine the interior and important reforms in the extremely inefficient educational system were prepared.

2. A programme of this kind, unprecedented in the annals of the Colony, would, in any case, have placed a great strain on its administration. The constitution of British Guiana, like those of many of the neighbouring colonies, provides for a partly-elected legislature. As is usual under representative without responsible government, these elected members tend to regard themselves as an opposition and to interfere in the minutest details of administrative business as well as general policy. In constitutions of this type it is customary to supply the government with the means of carrying out their policy in vital matters either by an official majority or by a reserve power. No such provision exists in British Guiana, where the elected members, through the power of the purse, exercise, in the last resort, complete control.

3. In 1925 Sir Graeme Thomson, the then Governor, with the unanimous concurrence of his Executive Council, informed the Secretary of State that he was “entirely convinced that no real progress can be achieved until the Government is provided with an official majority in order that it may no longer be within the power of a small minority, in no sense truly representative or alive to the interests of the population as a whole, to control the fate of essential measures whether of policy or
finance." Sir Graeme Thomson supported this conclusion by facts, into which it is unnecessary to enter in detail, but the substance of which was that the elections to the legislature were determined by bribery and treating and resulted in the return of a disreputable and unscrupulous type of demagogue, usually in bad financial circumstances, whose attitude towards larger questions of policy, such as interior development and communications, had been, and under existing conditions will continue to be, governed by personal considerations and interested motives. Sir Graeme Thomson added that it would be waste of time to attempt to proceed with his programme of reforms unless the Government were provided with a bare majority in the Legislature composed partly of Government officials, partly of nominated unofficials of standing and ability, whose class is at present without a voice in the affairs of Government and who could be relied upon to treat Government measures on their merits.

4. No action was taken on this despatch till Sir Graeme Thomson's successor had been sufficiently long in the Colony to enable him to form an opinion on this question. This was received in 1926 and entirely coincided with his predecessor's. About the same time certain of the elected members, concerned at the condition of the Colony, intimated that a commission of enquiry would be welcome from their point of view. In these circumstances the Secretary of State for the Colonies decided that the time had come to appoint a Parliamentary Commission to visit British Guiana with terms of reference which were deliberately made as wide as possible. The commission consisted of Mr. Roy Wilson, M.P. (Conservative), and Mr. Snell, M.P. (Labour). Their report (Cmd. 2841) was laid before Parliament and published last April.

5. The Commission agree with the conclusion reached by Sir Graeme Thomson, his successor, and indeed all responsible persons connected with the Colony, that the present constitution is no longer workable, and recommend a change in the constitution in the direction of strengthening the hands of the executive as desirable per se in the interests of the Colony. But they also draw attention to a new and serious development which renders constitutional reform not merely desirable but inevitable. British Guiana is now on the verge of insolvency. The state of its finances is not due to any real inability to meet its commitments but to a hopelessly unsound financial system which is itself merely another instance of the breakdown of the old constitutional machine under the pressure of modern requirements. The Commission further point out that it will soon be necessary to raise a loan of at least £2 million on the London market in order to pay for the cost of the schemes already referred to. In view of the state of the Colony's finances they suggest that such an operation will be difficult and expensive and may have to be postponed altogether until the Colony can show a balanced budget with effective control by Government over taxation. Their final recommendation is as follows:—

"It appears to us essential, as well on the ground of immediate financial exigencies as on that of future development, that the authorities finally responsible for the solvency and good government of the Colony should have power at the last resort to carry into effect measures which they consider essential for its well-being. This will involve an alteration in the Constitution, the precise nature of which, we suggest, might be referred to a local commission convened by the Governor to advise upon the steps which should be taken to confer power upon the Governor to carry into effect measures which he and the Secretary of State consider essential for the well-being of the Colony; and also what other improvements, if any, might be effected in the present Constitution."

6. In considering this recommendation it was necessary to take into account the following facts:—

(a.) The report of the Commission, by drawing attention to the condition of the Colony, has increased the difficulty of raising a loan on reasonable terms. If a loan were now floated at a high rate of interest it would, even if successful, permanently depress the credit of the Colony and merely hasten the bankruptcy which seems the inevitable outcome of the present incompetent and profligate régime. Even with Government control of the finances, which would enable the loan to be raised on the terms commanded by other colonies, it is almost certain that Imperial assistance will prove to be necessary. If the Colony's liabilities are increased by the issue of a loan at extravagant rates the demands upon British taxpayer will in the end be correspondingly augmented.
Shortly after the publication of the Commission's report an account of the deliberations of the legislature on the annual budget was received which entirely bore out the strictures passed in the report on the management of the finances. In spite of the critical financial position no steps were taken to restore equilibrium between revenue and expenditure beyond the imposition of a small and indefensible tax on a particular company, which, at the request of the elected members, was suspended immediately after it was passed.

About the same time an eminent firm of consulting engineers, which had been entrusted with the supervision of the execution of the most important of the new improvement schemes, resigned on the ground that political conditions in the Colony were not such as could be tolerated by any self-respecting professional firm. Simultaneously, and for similar reasons, the head of the new Forestry Department decided to take advantage of his option to return to the Indian Forestry Service on the expiry of his agreement. The result of these two resignations, if they had taken effect, would have been to jeopardise the completion of a scheme on which the Colony has already spent nearly a million and the future of a department of the greatest importance to its future development. Both these resignations were, in fact, due to the attitude of certain of the elected members, who were privately interested in wrecking the improvement schemes and destroying the new Forest Department.

In these circumstances, the Secretary of State decided that he had no alternative but to accept this recommendation. The Governor was accordingly instructed to appoint a local commission, with terms of reference based on those suggested by the Parliamentary Commission. This local commission have now reported. Their report recommends: (a) no alteration in the number of the elected members or the level of the franchise; (b) a single Legislative Council, on the usual model, consisting of 14 elected members, 5 nominated unofficial members, and 10 official members; (c) the Governor to be invested with a reserve power enabling him to carry into effect measures which, in his opinion, are necessary in the interests of public order, public faith or other first essentials of good government, including the responsibilities of the Colony as a component part of the British Empire.

A constitution on these lines would comply with the recommendation of the British Guiana Commission and meet the requirements of the Colony. It would, as suggested by Sir Graeme Thomson, give the Government and nominated unofficials combined a bare majority over the electives, and to this extent provide against purely factious or interested opposition. In addition, it would, by the provision of a reserve power, enable a loan to be floated forthwith on reasonable terms. The recommendations of the local commission have been unanimously signed by its members, of whom three were unofficials, including two electives.* They will undoubtedly be warmly supported by the responsible elements in the Colony, who have already, through the Sugar Planters' Association, representing British Guiana's greatest industry, and the Georgetown Chamber of Commerce, representing its business men, passed resolutions unanimously endorsing the decision to effect a change in the constitution. There is, however, not the remotest probability of securing any general assent from the elected members. Even if it were possible to carry the proposed changes through the local legislature by the official vote reinforced by defections from the electives, such a procedure would, in the opinion of the Colonial Government, arouse the bitterest controversy, subject the members of the legislature to pressure and odium, and intensify and embitter propaganda which hitherto has had only superficial effects. On the other hand, an Imperial enactment embodying the complete new constitution would be a fait accompli, and, as such, would be welcomed and acquiesced in by many who would hesitate to express opinions openly or might join the opposition under pressure. It is accordingly proposed to accept the recommendations of the local commission in toto, and to carry them into effect by an Act of Parliament conferring power upon the Crown in Council to create a new constitution for British Guiana. A draft Bill for this purpose is annexed.

Such a measure will of course be denounced by most of the elected members and possibly criticised in Parliament as an unprecedented and reactionary attack

* One of the electives has, however, saved his face by appending a note which impairs the value of his signature.
upon local self-government. The real answer to this is that so long as the Secretary of State is constitutionally responsible for the good government of the Colony, he cannot acquiesce in the continuation of a state of affairs which has been conclusively shown to endanger its solvency, impede its development and reflect on its good name. The proposed changes will provide British Guiana with a constitution similar to those of Trinidad and Jamaica, certainly no less politically advanced than their neighbour and far more prosperous. They will affect neither the rights of the electorate nor the number of its representatives, and are confined to equipping the Government with powers which are necessary to enable the Colony to meet its obligations; which are usual at this stage of development; and without which efficient and enlightened administration, indispensable to the progress of British Guiana, is impossible. Nor is the mode of procedure unprecedented. An Act of Parliament, conferring on the Governor of Jamaica the equivalent of a reserve power, was passed by Lord Melbourne’s Government in the days when the right of self-government was monopolised and abused by a small white oligarchy of ex-slave-owning landlords. In British Guiana, it is true, power has passed to a black and coloured electorate, but the mass of the population are completely unrepresented, and probably unfit to exercise political rights in the ordinary manner. The voting electorate consists of about 8,000 persons, many of whom sell their votes to the highest bidder, whether in rum or in dollars, and return members who use the powers vested in them by the constitution to blackmail the Government. To invoke the sacred rights of local self-government in defence of such a constitution would be to follow the example of Peel, who opposed Lord Melbourne’s Bill for the suspension of the old Jamaican Constitution, one of the most complete and intolerant oligarchies that have ever existed, on the ground that it was a proposal to set up “a despotic and arbitrary power in place of that liberal system which had prevailed for upwards of 150 years.”

I fully realise that circumstances prevent the Bill being taken before Christmas, but the sooner it can be got through Parliament the better. If the Cabinet approve the policy, I hope they will authorize the introduction of the Bill at a very early date in 1928 so that the Royal Assent may be obtained not later than the Easter recess.

Draft of a Bill to make Provision for the Government of British Guiana and its Dependencies.

BE it enacted: &c.

1.—(1.) It shall be lawful for His Majesty in Council to create and constitute in substitution for the existing Legislature a Legislature for British Guiana and its dependencies in such form and with such powers as His Majesty in Council may determine, and from time to time to alter and amend the constitution of the Legislature and any powers thereof; and any such Order in Council may provide that, notwithstanding the powers conferred on the Legislature thereby, there shall be reserved to or conferred on His Majesty full power by Order in Council from time to time to make laws for the peace, order and good government of British Guiana and its dependencies.

Before any such Order in Council creating and constituting such Legislature or altering the constitution or powers thereof is made, a draft thereof shall be laid before each House of Parliament for a period of not less than twenty-one days on which that House has sat, and if either House of Parliament before the expiration of that period presents an address to His Majesty against the Order or any part thereof, no further proceedings shall be taken on the draft, without prejudice to the making of a new draft Order.

2. This Act may be cited as “The British Guiana Act, 1927.”