

PARLIAMENT OF THE BAHAMAS CELEBRATES ITS 250th ANNIVERSARY

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NASSAU - The Parliament of the Bahamas celebrated its 250th Anniversary from September 23rd to 30th in the presence of Her Royal Highness Princess Anne and her husband Captain Mark Phillips. The formal opening of a new session took place on the anniversary date, September 29th. Included among the activities surrounding the event was the 15th Caribbean Regional Conference of the Canadian Parliamentary Association, which began on September 24th, and was attended by a number of Canadian representatives for the Canadian Region of the Commonwealth Parliamentary Association.

Best known as a haven for tourists the Bahamas also has one of the oldest representative institutions in the Commonwealth.

Although discovered by Christopher Columbus in 1492, Spain made little use of the islands except to send their inhabitants to work in the mines of Cuba. In the 17th century Britain took possession and the islands were given by Royal Charter to Sir Robert Heath, Attorney-General of England. On July 9, 1647 the Company of Eleutherian Adventurers was formed for the purpose of colonizing and developing the island. Its charter was approved by the Cromwellian Parliament two years later and in a short time the inhabitants had organized a settlement and instituted a form of government including an elective House of Assembly. They chose Captain John Wentworth as their Governor.

Notwithstanding the previous charter to Heath, on November 1st 1670 Charles II granted the islands to Six Lord Proprietors of Carolina. They confirmed the popular John Wentworth as Governor and a system of government was established including a parliament with an elected

lower house. However, the Proprietors were unable to defend the island against pirates one of whom was the notorious Edward Teach, known as Blackbeard. A series of destructive Spanish attacks began in 1680 and in 1703 the English settlement was almost wiped out by a combined French and Spanish force. In 1717 the Crown acceded to the wishes of the inhabitants and took over civil and military government of the island.

The first Governor of the Crown Colony was Woodes Rogers whose immediate problem was to restore law and order. Having accomplished this he left for England carrying a testimonial from the principal citizens of Nassau dated March 21, 1721. In it they asked for the right to call an Assembly. Rogers was replaced as Governor by George Phinney who continued to agitate for a legislative assembly. He even submitted a petition with a list of 27 "fit persons to be recommended to his majesty to be elected by the Public to make an Assembly or execute other Public offices under the Government". In 1728 Woodes returned to replace Phinney as Governor and this time he was empowered by the King to call an elective Assembly

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of twenty-four members. The writs were prepared and a proclamation issued on September 8, 1729. The voting was spread over the week of September 15-20 and the successful candidates met for the first time on September 29 at the House of Mr. Samuel Lawford.

For most of the eighteenth century the Assembly had no fixed term. It tended to be long to avoid the nuisance and expense of general elections. One "Long Parliament" in fact lasted nine years. The question of adjournment also caused friction between Governor and Assembly and by the middle of the nineteenth century the House was able to force a dissolution upon Governor Rawson by adjourning week after week.

The Crown, through the Governor, had the prerogative of choosing the number of Members of the House, and the place and frequency of meetings. Qualifications for voting and membership were among the lowest in America but they still ensured that only the most prominent citizens sat in the House of Assembly and only a minority of the inhabitants voted. By an Act of 1799, electors were to be male, free, white and 21 years of age. They should have been residents of the Bahamas for at least a year and freeholders in their voting district for six months.

Members of the House of Assembly were to be free male whites at least 21 years of age, residents of the Bahamas at least one year and "of the Protestant Religion". They were to hold no less than 200 acres of land or to possess property to the value of 2,000 pounds. Although this was reduced in 1804, it was a stringent qualification. In addition, Members had to take oaths as to their qualifications and the Oaths of Allegiance and Supremacy before they could vote in the House.

Free negroes did not vote until 1807, and it was several more years before any blacks sat in the House of Assembly. In 1834, however, at the time of the Emancipation Act four blacks were elected to the Assembly. Up to 1815 when the pre-

sent chamber was completed, the House of Assembly met in private homes and then in the Court House over the gaol, at the corner of what are now Market and Bay Streets in Nassau. For the first century of its existence the House met daily while in session, except for frequent adjournments.

At the opening of each session the Speaker demanded, and invariably received, the traditional parliamentary privileges; free speech in the House, freedom from arrest except for treason, felony or breach of the peace; free access to the Governor and a favourable construction by the Governor on all actions. The authority of the House of Assembly over its own Members was conceded from the beginning and the earliest Rules of Procedure date from August 26, 1734. The Speaker could suspend Members for breaking rules and fine them for unauthorized absence, for refusing to carry a Message or for using indecent language. Some Speakers went further. In 1741, a Member was committed to prison for disobedience and in 1804, Freeman Johnson was fined 200 pounds for abusing the Speaker. The following year he was imprisoned ten days for non-payment. Members were also disqualified for prolonged absence without permission and for leaving the colony at any time during a session of the legislature. So jealous were some Speakers of the dignity of the House of Assembly that even outsiders were summoned to the Bar. In 1768, the Rev. George Tizard was asked to explain some slighting references he had made in a sermon. Later, he was reprimanded by the Governor and offered an apology.

As with most British legislatures the House of Assembly used the issue of control of finances to establish a strong position in relation to the executive. For example, all Governors from the time of Rogers onwards had to rely upon the Assembly to vote them their salary. In a small colony the assent of the people to any tax is essential to its success and money bills invariably originated in the Assembly through a Committee of the Whole

House. In 1753, Governor Tinker's request for money to finish the new church sounded much like a plea. He promised the Members that he would make no other demands on them "in your present Circumstances".

Up to 1964, representative but not responsible government existed. Executive power was in the hands of the Governor, appointed by the Crown, who had veto. He was advised by an appointed Executive Council of not more than nine members. Various executive powers and the right to enact certain subsidiary legislation were vested by law in the Governor-in-Council. The legislature comprised a Legislative Council, (created as a separate Council by Royal Letters Patent in 1841), of eleven members (two ex-officio and nine appointed by the Governor) and the elected House of Assembly. The new constitution which came into effect in 1964 provided for a ministerial system of government.

The Legislature was reconstituted to consist of an Upper House called the Senate and a Lower House called the House of Assembly. The Senate consisted of fifteen appointed members. The House of Assembly consisted of 38 members elected under universal adult franchise, 21 representing Family Island constituencies and 17 from New Providence. The Cabinet consisted of a Premier and not less than eight other Ministers. The Governor appointed as Premier the person who appeared to him to be best able to command a majority in the House of Assembly. The remaining Ministers were appointed by the Governor on the advice of the Premier. The general election of January 1967 was the first held under universal adult suffrage and Mr. Lynden O. Pindling, leader of the Progressive Liberal Party (PLP), was asked to form a Government.

A further Constitutional Conference was held in September 1968 and the proposals agreed at this Conference were incorporated in the Bahama Islands (Constitution) Order 1959 which came into operation on 10th May of that year. It gave the Bahamas the most advanced form of Constitu-

tion possible short of complete independence. It provided for a Governor representing The Queen; a Cabinet consisting of the Prime Minister and not less than eight other Ministers and a bicameral legislature. The Governor retained special responsibility for certain matters relating to external affairs and defence, but was required to consult his Ministers on matters which involved the country's political, economic or financial interests. The Governor also retained ultimate responsibility for the Police and internal security, but immediate responsibility was entrusted to a Minister designated on the advice of the Prime Minister.

In 1972 Mr. Pindling's government presented Parliament with a proposal for independence and in a general election held later that year his party won 20 of the 38 seats in the House of Assembly. The details of independence were worked out at a conference in London and the Bahamas became independent on July 10, 1973. It was the thirty-third member of the Commonwealth. The Pindling government was again returned at the most recent election in 1977.

SOURCES

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