GLOBAL PERSPECTIVES
ON LEGAL HISTORY 20

STEPHEN B. ARANHA

Towards a Democratic Franchise

Suffrage Reform in the Twentieth-Century Bahamas

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Global Perspectives on Legal History

A Max Planck Institute for Legal History and Legal Theory
Open Access Publication

http://global.lhlt.mpg.de

Series Editors:
Marietta Auer, Thomas Duve, Stefan Vogenauer

Volume 20

Global Perspectives on Legal History is a book series edited and published by the Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main, Germany.
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STEPHEN B. ARANHA

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Franchise Reform in the Twentieth-Century Bahamas

MAX PLANCK INSTITUTE
FOR LEGAL HISTORY AND LEGAL THEORY
2022

Dissertation Goethe-Universität
Frankfurt am Main, D.30

ISBN 978-3-944773-38-4
eISBN 978-3-944773-39-1
ISSN 2196-9752

First published in 2022

Published by Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main

Printed in Germany by epubli, Prinzessinnenstraße 20, 10969 Berlin, http://www.epubli.de

Max Planck Institute for Legal History and Legal Theory Open Access Publication
http://global.lhlt.mpg.de

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available on the Internet at http://dnb.d-nb.de

Cover illustration:
Albert Bierstadt, Street in Nassau, ca. 1877–1880 (detail)
35,5 x 48,3 cm
Colección Carmen Thyssen en depósito en el Museo Nacional Thyssen-Bornemisza, Madrid
https://commons.wikimedia.org/wiki/File:Bierstadt_Albert_Street_in_Nassau.jpg

Cover design by Elmar Lixenfeld, Frankfurt am Main

Recommended citation:
Aranha, Stephen B. (2022), Towards a Democratic Suffrage. Franchise Reform in the Twentieth-Century Bahamas (Global Perspectives on Legal History 20), Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main, http://dx.doi.org/10.12946/gplh20

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Acknowledgements

First, I thank the Max Planck Institute for Legal History and Legal Theory, not only for granting me the opportunity to pursue my doctoral degree there, but also for their patience and support during a very difficult time. Niels Pepels and Justine Collins, with whom I shared an office for the longest time, I thank not only for their company and their willingness to allow me to constantly think out loud in our shared space and ask for their feedback, but for their friendship throughout this journey. I thank Ulrike Radden, whose tireless work made our department such a special place to be a part of. I thank the many colleagues in administration, in particular Anna Heym, who made me feel welcome in Frankfurt many months before I even arrived in Germany. And I thank Stefan Vogenauer, not only for supervising my thesis, but for giving so many young researchers an opportunity to pursue their projects at the institute, making it a truly exciting scholarly experience.

I also owe a debt of gratitude to my former colleagues at the then College of The Bahamas – Nicolette Bethel, Ian Bethell-Bennett, Marjorie Brooks-Jones, Samantha Pratt, Donell Johnson, and many others. Without their encouragement, I would never have pursued this dream. Also, my former students, some of whom provided invaluable assistance from across the ocean, in particular Bria Dean and Katie Curtis.

I thank my parents and my friends, in particular Marc Heinitz and Jasna Zajček, for their love and support.

And finally, my greatest debt is to my children, Lyra and Kayleigh, to whom I dedicate this book. I love you.

Abbreviations

AC	The Law Reports, Appeal Cases (United Kingdom)
AHDS	Arts and Humanities Data Service, King's College, London (United Kingdom)
BDL	Bahamas Democratic League (Bahamas)
BFL	Bahamas Federation of Labour (Bahamas)
BTCU	Bahamas Taxi Cab Union (Bahamas)
CAB	Records of the Cabinet Office (United Kingdom)
CO	Records of the Colonial Office, Commonwealth and Foreign and Commonwealth Offices, Empire Marketing Board, and related bodies (United Kingdom)
CUKC	Citizen of the United Kingdom and Colonies as defined in the British Nationality Act 1948 (United Kingdom)
DNA	Democratic National Alliance (Bahamas)
DEFE	Records of the Ministry of Defence (United Kingdom)
FCO	Records of the Foreign and Commonwealth Office and predecessors (United Kingdom)
FNM	Free National Movement (Bahamas)
HC Deb	Parliamentary Debates, House of Commons, Hansard (United Kingdom)
HO	Records created or inherited by the Home Office, Ministry of Home Security, and related bodies (United Kingdom)
NDP	National Democratic Party (Bahamas)
PLP	Progressive Liberal Party (Bahamas)
TNA	The National Archives, Kew (United Kingdom)
UBP	United Bahamian Party (Bahamas)
UKPC	Privy Council of the United Kingdom (United Kingdom)
WLR	The Weekly Law Reports (United Kingdom)

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Chapter 1
Introduction

When the members of the electorate in a nominally liberal and democratic system exercise their right to vote mainly as a means to penalise incumbent governments, then their political system no longer lives up to the ideas and ideals it is based upon. In the case of the Bahamas, there have been four general elections in the twenty-first century thus far, but the last time an incumbent governing party succeeded in its bid for re-election was in 1997. In addition, there have been two binding constitutional referenda, one in 2002 and one in 2016, and one non-constitutional referendum in 2013. Legally, the latter amounted to nothing more than a non-binding opinion poll, and it was politically treated as such, too, when the outcome did not suit the agenda of the government of the day.[1] All of the elections and referenda resulted in clear defeats of the then governments or of the proposals they had put forward. Three of the four general elections resulted in supermajorities reducing the outgoing governing party to the role of official opposition with only 17.5 % of the seats in the House of Assembly in 2002, 24 % in 2012, and a mere 10 % in 2017, respectively. The constitutional referenda were both put to the electorate in the late stages of by then deeply unpopular governments, and in both instances, Bahamians voters, the majority of whom are women, voted – amongst other things – against equal rights for women.[2] It is not far-fetched to interpret the results of these referenda and general elections as polls on the popularity of the government of the day rather than as carefully considered decisions on the issues at hand or choices between the governing and opposition parties' platforms as carefully articulated plans for the future. As Upendra Baxi observes, often "post-colonial 'citizens' are hapless victims of 'governance' beyond the pale of

1 Aranha (2016) 27.
2 Aranha (2016) 25.

accountability."[3] Bahamians' hapless exercise of their vote is one manifestation of this.

This is not just a Bahamian phenomenon. However, while the rise of populist parties and demagogic candidates in many western democracies may similarly be interpreted as an expression of political apathy or as disenchanted electorates expressing sentiments of figurative disenfranchisement, the political pendulum in the Bahamas has thus far swung back and forth between the same two parties that have dominated the political scene since before independence: the so-called Progressive Liberal Party (PLP) and the so-called Free National Movement (FNM). The 2012 election was in fact contested by a new party, the so-called Democratic National Alliance (DNA), which attracted enough votes that it may have acted as a spoiler and perhaps caused, but in any case exacerbated the extent of the incumbent government party's defeat. That party also undoubtedly exhibited some signs of a populist political movement. Nonetheless, all thirty-nine seats in the House of Assembly were won by one of the two established parties, and they have not yet deemed it necessary to react to any such development in the political landscape. For them, it appears, it is business as usual. In the 2017 election the pendulum swung to the other side again, and even harder than before, and the DNA was not even a spoiler anymore but returned to obscurity.

In democracies, frequent changes in government are not unusual, nor are they *per se* reason for concern. Even the supermajorities yielded by elections in a jurisdiction as small as the Bahamas are first and foremost caused by the first-past-the-post system of elections, and its results pale in comparison to other recent elections in Commonwealth Caribbean countries, for instance in Barbados in 2018 or Grenada in both 2013 and 2018, where opposition parties were not able to win even one seat in the respective parliaments. However, all the factors combined and the regularity with which they occur suggest that there is a deep dissatisfaction amongst Bahamian voters with their democracy, and a sense of helplessness in how to exercise their citizenship in an effort to seek relief. In a nominally independent nation, they continue to act as dependent subjects.

To expect a monocausal explanation and thus a simple remedy for this dilemma would be presumptuous. Bearing this in mind, however, I posit

3 Baxi (2000) 551.

that a better understanding of the historical development of Bahamian democracy can contribute to a better understanding of at least some aspects of present problems. Beginning with Colin Hughes' groundbreaking *Race and Politics in the Bahamas*,[4] the political story of the Bahamas during the twentieth century has been told and retold. However, at its centre were politicians and parties. Later scholars have shifted their focus to studying the everyday experiences of ordinary Bahamians. Most notably, Michael Craton and Gail Saunders explicitly declare their comprehensive, two-volume work *Islanders in the Stream* to be "a social history, strongly influenced by the cross-disciplinary and cliometric approaches."[5] The constitutional and statutory framework that shaped much of the political process, however, was usually treated as merely ancillary. I intend to move this framework and its historical development to the centre of this book, and by doing so hope to add an additional element that will enable a broader analysis of the relationship of Bahamian citizens and their democracy going forward. Therefore, in this book I will examine the numerous reform steps, constitutional and statutory, that expanded the suffrage in the Bahamas from one enfranchising propertied men only to a universal and equal one.

This development began in the aftermath of World War I, and most of the pertinent reforms were completed before the achievement of national independence from the United Kingdom in 1973. Nonetheless, where necessary, I will also discuss developments up to the present. My primary focus will be on the legislative measures passed, either the substantive election acts or the various amendments to these acts, as well as on the underlying processes that took place from when these measures were first being imagined in a Bahamian context, and that led to their being enacted into law.[6] For most of the period of investigation, these processes were shaped by three main actors. First, there was the political and economic elite of the colonial Bahamas' white minority, often referred to as the Bay Street Boys or simply Bay Street, after the main street in the historic and commercial centre of the Bahamian capital Nassau, where many of these men's businesses were located. If, as has been suggested, this group succeeded in perpetuating its oligarchic rule by exploiting the weaknesses of an unreformed electoral

4 Hughes (1981).
5 Craton / Saunders (1998) XIII.
6 For an overview of the main pieces of legislation examined, see figure 1.

system, then it stands to reason that the Bay Street Boys had little to gain from democratising the franchise, and would thus stand opposed to reform proposals.[7] Second, long before the advent of party politics there were individuals and, organised by and around them, sometimes shifting alliances that could be described as a progressive vanguard that sought to give a voice to the disenfranchised, or at least politically underrepresented, majority of predominantly Black Bahamians. In doing so, these individuals and groups time and again provided the initial impetus for electoral reform. Third, there was the colonial power of the United Kingdom, usually represented locally by the British-appointed Governor and more broadly by the West India Department of the Colonial, later Commonwealth and then Foreign and Commonwealth Office at Whitehall in London. The analysis of these historical developments and their effects, and of the various protagonists' roles will contribute to our understanding of the relationship of the postcolonial Bahamian state and its citizens today.

In examining the process of decolonisation in general and the transition from oligarchy to formal democracy, Bahamian historiography has focussed heavily on the sociopolitical aspects of what it came to dub the *Quiet Revolution* in the Bahamas. For this so-called revolution it has defined a narrow time frame of about two decades, spanning roughly the period from the formation of the PLP in 1953 to the attainment of national independence in 1973.[8] I submit that extending this time frame to include both the pre-World War II and the present-day Bahamas, and shifting the focus towards constitutional and other legal developments will demonstrate that the *Quiet Revolution* was never finished, but rather abandoned once political power had been wrested from the colony's white oligarchy, and that its champions were a vastly more heterogeneous group than the particular subset that ultimately prevailed to form the new political elite.

Craton and Saunders have argued that the experiences of World War I had shattered the illusion of Britishness amongst the colonial subjects of the Bahamas, indeed throughout the British West Indies.[9] This discontent was the seed of a nascent national consciousness. Arguably then, this watershed moment in world history also marks an opportune point in time to begin

7 Hillebrands / Schwehm (2005) 73.
8 Johnson (1972) 25.
9 Craton / Saunders (1998) 233.

the examination of any topic closely intertwined with the decolonisation process in a British colony such as the Bahamas. It is with this in mind that I have chosen the end of World War I as the starting point of my period of investigation.

Around the same time, and in some, albeit not all cases as a result of the war, too, many other countries – including the Bahamas' colonial power, the United Kingdom – were accelerating their moves towards a universal suffrage. This meant breaking down long-existing barriers such as property qualifications and sex. Some countries had in fact completed this process already; the United Kingdom would conclude it in 1928, bringing a century of electoral reforms there to an end. The Bahamas, however, while passing a General Assembly Elections Act and a General Elections Voters Act in 1919, did not yet move towards a more democratic franchise. These new laws contained no progressive reform measures. Rather, they were of a purely consolidatory nature and as such reaffirmed a suffrage restricted to propertied men. They would be the last substantive election acts in the colonial Bahamas containing not a single measure of progressive reform. While there had been voices that had already proposed or demanded reform in the colony's election laws, they were as of now too few and too quiet. However, this was about to change. A growing number of Bahamians would demand the democratisation of their election laws, until eventually after a series of hard-won reforms the first elections were held in which every adult citizen could cast one – and only one – vote. Depending on one's definition of only one vote, this was *de facto* realised in the general elections of either 1967 or 1968, or *de jure* either by the Constitution of 1963 or by the Constitution of 1969, as will be discussed in the chapter on the abolition of plural voting. The Bahamas began this process of democratic reform of its election system decidedly later than not only the metropole but many other jurisdictions throughout the British Empire. Hence, one question will be whether there were formal mechanisms in the administration of the Empire that enabled the Bahamas to benefit from the experiences these other jurisdictions had made on their journeys, and if so, to what extent the Bahamas drew on these experiences, for instance in the process of drafting its legislation.

The year 1975 marks the end of my period of investigation. That year, an amendment to the then substantive election act, the Representation of the People Act of 1969, was passed in order to reflect the new reality of the Bahamas having achieved national independence two years earlier. It rede-

fined the electorate accordingly. Eligible to vote – and to stand for election – were henceforth only Bahamian citizens, and no longer British subjects ordinarily resident in the colony. To most Bahamian voters, this essentially established the way they cast their ballots and perceive their elections to this day. Until very recently, any subsequent changes have made an at best minimal impact on their election experience and the amendments of 2020, which will undoubtedly have a somewhat greater impact on this experience, have not been tested in an actual election. Nonetheless, there have been some changes since 1975, and there are still areas of concern that, as Bahamians grapple with their democracy in general and their system of elections in particular, will eventually come to boil and require additional reforms. Some of these recent or potentially future developments will be summarily highlighted, too.

Thematically, I have dedicated each of the following chapters to one reform step, and I have arranged these chapters chronologically depending on when that particular milestone was completed. However, a certain amount of overlap between the chapters is going to prove inevitable. The reforms were processes rather than events. Years could go by from the time that would-be voters first demanded a particular reform of their often hesitant legislators to its implementation by the same. In many instances, therefore, one reform had not yet been completed while another one was already being discussed.

In chapter two, I will describe the suffrage at the beginning of the examination period, and, where necessary, I will also outline the earlier historical developments leading to this state of affairs. Readers who are somewhat unfamiliar with the Bahamas and its history will understand the need for additional information, but given that Harcourt Malcolm's 1921 *History of the Bahamas House of Assembly* is not widely read even amongst Bahamian scholars and, given that there is no established corpus of historiography on Bahamian election law, even readers otherwise well-versed in Bahamian history may appreciate the excursus. I will conclude the chapter with an examination of the General Assembly Elections Act and the General Assembly Voters Act of 1919, which reaffirmed the Bahamian *status quo*. Regardless of the adjustments made to the electoral system since the first election for a Bahamian General Assembly in 1729, the basic premise remained the same: voting in 1919 was still a privilege reserved for propertied men. The two

1919 Acts represented an unreformed electoral system – the *status quo* which future reformers would have to challenge.

The 1919 Acts also left unchanged the historically evolved distribution of seats across electoral districts, which would become the subject of great controversy in the late 1950s and 1960s. By then, political representation in the House of Assembly had become inherently uneven as a consequence of the massive internal migration the Bahamas experienced, which began even before but accelerated in the 1920s and continues to the present.[10] It shifted the centre of population more and more towards the island of New Providence with the capital city of Nassau. New Providence represents a mere 1.5 % of the Bahamas' landmass. At the beginning of the period of investigation, it was home to a little over 24 % of the colony's population, but in 2010, the year of the most recent census, that number had increased to over 70 %.[11] In turn, the percentage of the population living on the other islands, historically known as the Out Islands, nowadays referred to as the Family Islands, shrank accordingly. The distribution of seats, however, remained the same for decades after this migration had begun. Eventually, the Bahamas adopted a system of regular review of the country's constituencies between election cycles. Obvious differences in constituency sizes remain, and the current system of quinquennial review made delimitation subject to more direct political influence. This topic will surface throughout this book, and in the conclusion, I will revisit it with a view to examining to what extent gerrymandering has been an influence in the Bahamian electoral system.

In chapter three I will examine the long process of more than thirty years that led to the utilisation of the secret ballot in Bahamian elections. Unlike the other key reforms in this examination, the question of whether elections are conducted by open declaration or by secret ballot is not directly one of who is or is not enfranchised. However, it strongly influences the manner in which voters cast their votes, especially in small face-to-face societies such as

10 N.B.: The 1920s saw an acceleration of the internal migration towards New Providence because economic activities became available in the capital and its harbour as a result of the prohibition of alcohol in the nearby United States in 1919 and the Bahamas' involvement in rum running, i. e., the smuggling of liquor into US ports, particularly into those of the south-east.

11 Bahamas Department of Statistics (2012) 21–22.

the early- and mid-twentieth-century Bahamas. Furthermore, the history of the campaign for the secret ballot in the Bahamas is important to the broader topic of electoral reform, not only because it originally set in motion the process of democratisation of the Bahamian election regime, but also because it established certain patterns of who acted upon reform demands, when and why that we will recognise throughout the later chapters, too.

After years of intermittent demands from various quarters for the introduction of the secret ballot, the matter gained momentum after a 1938 bye-election. The candidates had bribed and treated voters so brazenly that colonial administrators could no longer turn a blind eye to what was happening. Only a short time later, the secret ballot was first introduced as a limited trial by the Voting by Ballot (New Providence) Act of 1939. However, it was only made permanent – and introduced colony-wide – by the General Assembly Elections Act of 1946. This Act concludes this particular aspect of electoral reform and therefore this chapter, but because it also introduced what would infamously become known as the company vote in the Bahamas, and because this provision would cause much controversy in the years to come, it will be revisited in the following chapter.

In chapter four, I will examine the developments leading to the introduction of universal male suffrage in 1959. This was the direct result of a political compromise brokered after a general strike the year before, even though the strike's immediate cause was ostensibly the question of access to the business of tourist transportation to and from Nassau's new airport for taxi cab drivers. 1956 had been the first election contested by organised political parties, and although the majority of seats was won by nominally independent candidates, most of these, too, had become organised in a political party of their own by the time of the general strike. Hence, the politicisation of this strike, perhaps expected under any circumstances, now offered these budding parties a first chance at making a mark on the national stage during a crisis. If passing an act to ensure voting by secret ballot had been the success of the efforts of barely organised and only loosely allied politically conscious citizens and a small number of supportive legislators, the cast of protagonists was now being supplemented by the addition of political parties and their representatives. However, this did not change the dynamics of the reform processes. Rather, we will see that despite these new actors, the same patterns that led to the secret ballot's adoption were in fact now being reaffirmed.

In chapter four we will also see how around the same time plural voting came under attack. While the Act of 1959 now gave one vote to every adult male British subject by virtue of being ordinarily resident in the Bahamas, it retained additional votes for property owners under certain conditions, albeit in a more limited way than before. The ultimate abolition of the property-based plural vote was therefore a distinctly separate reform. As such, it will be discussed mainly in chapter six. However, one particularly contentious expression of plural voting, the company vote, was already abolished entirely by the 1959 Act. Its mechanism was different, and it was shorter lived than the plural vote based on real property. This warrants its inclusion here. This feature, loathed by the masses, had been introduced by the white oligarchy at the same time as the secret ballot became permanent in 1946, to offset its effect, yet its true meaning and ramifications were not immediately recognised by all stakeholders. The oligarchy's repeated attempts to weaken the impact that the reluctantly conceded democratic reforms of the colony's election laws might have at the polls is another recurring theme throughout this book. The 1959 Act also included first measures to address the aforementioned historically grown disparity between the colony's electoral districts. Nonetheless, questions of delimitation will be examined as part of the conclusion, because their discussion must take into consideration additional changes made to the system in the 1960s and 1970s, and it benefits from a comparison to current practices.

In chapter five, I will examine the process leading to the enfranchisement of women. Of all the electoral reforms of the twentieth-century Bahamas, this is arguably the one that has attracted the most attention, not only scholarly. It is an integral element of the Bahamas' shared national memory. However, it is probably also the chapter where the discrepancy between the archival record and the prevalent public perception heavily influenced by a politically spun narrative becomes most apparent. Hence, while the basic patterns of reform may by now seem familiar, this chapter is uniquely suited to highlight the need for a broader re-examination of our understanding of what Bahamians call the *Quiet Revolution*, and which the nation nowadays commemorates through public holidays such as Majority Rule Day. Perhaps it is also the very nature of these recurring patterns of reform that explain why, even by the standards of the Commonwealth Caribbean, the Bahamas granted women the right to vote so extraordinarily late: in 1961.

Whereas previous chapters' reforms had culminated in the passage of new substantive election acts for the colony, women's suffrage was not introduced as part of a new substantive act, the most recent one being but two years old when the Votes for Women Act of 1961 was passed. Because of the timing of the general election, the commencement date of the Votes for Women Act, and the timelines for voter registration stipulated by the substantive act, additional amendments became necessary. Otherwise, women would have been precluded from voting in the 1962 general election despite being legally enfranchised. It is these amendments and an outlook at the immediate political ramifications of women's suffrage that complete chapter five.

In chapter six, I will examine how, after the introduction of universal suffrage, the remaining distortions caused by plural voting for property owners were abolished in order to make the suffrage more equal. The question of an equal suffrage is also closely intertwined with the issue of the delimitation of electoral districts or constituencies. It therefore played an important part in the overall transition of the Bahamas from a colony ruled by a party representing mainly its white minority to one ruled by a party representing mainly its Black majority. These developments occurred, not coincidentally, simultaneously with the transition of the colony from the Old Representative System, under which there was no constitutional connection and thus often no cohesion between the executive and the legislature, to so-called responsible government, featuring a new Constitution akin to the Westminster model under which a cabinet with executive functions was responsible to an elected chamber of parliament. Unlike previous reforms, this change was not introduced by statute law passed by the Bahamian House of Assembly. Rather, it was the result of the introduction of a Constitution, passed by Parliament in Westminster in 1963 and commencing in 1964. Nonetheless, the Constitution, while procedurally legislated in and then handed down from the metropole, was the result of a constitutional conference at which both majority and minority parties represented in the Bahamian House of Assembly after the 1962 general election participated.

A central question in this chapter is the question of what constitutes plural voting. This was disputed politically, because whereas some constituencies sent one member to the House of Assembly, others sent two or more, and in those constituencies voters had as many votes as their constituency

had members. A ruling of the Bahamian Supreme Court sanctioned this practice, but this did not satisfy critics. In 1968, the new government called a snap election, which would be the first election in Bahamian history to feature all single-member constituencies and universal suffrage. Every adult British subject had one vote, and one vote for one candidate only. The 1963 Constitution, which had allowed for a mix of multi- and single-member constituencies in the 1967 general election, of course also allowed for all single-member constituencies in 1968. However, as this proved a matter of principle for the new government, the practice became constitutionally mandated in 1969 and remains constitutionally entrenched to this day.[12] This development thus marks the end of chapter six.

In chapter seven, I will look at the development that began even before the introduction of internal self-government in 1964 and ended shortly after the achievement of national independence in 1973, and that is the process of adjusting the franchise to reflect the progress the Bahamas was making towards or beyond independence. In the colonial setting, all British subjects ordinarily resident in the colony were once enfranchised. In a sovereign nation, the franchise was eventually restricted to nationals of that nation. It is tempting to imagine this development as a single step consisting of a mere technical adjustment necessitated by and coinciding with the severing of ties with the United Kingdom. Indeed, this time we will not find the previously established pattern of popular demand for reform becoming more focussed before eventually being picked up by political allies who then exerted pressure on the oligarchy until their parliamentary majority finally yielded and passed the reform. We will, however, glimpse an idea of the Bahamian imagination of concepts of nationality and belonging and the limited understanding of citizenship prevailing to this day, and we will see that, just as decolonisation was not a single event but a process, this redefining of the electorate was, too.

An examination of this process includes first and foremost the two colonial Constitutions of 1963 and 1969, and the independence Constitution of 1973, all of which were passed at Westminster whilst reducing Bahamian participation to a consultative role during the drafting stages. However, Bahamian citizenship and access thereto as defined by the independence Constitution developed out of a category called *Belongers*, which was first

12 *Constitution 1969* (Bahamas), s 60(3); *Constitution 1973* (Bahamas), arts 54(3), 68.

introduced in immigration law even prior to 1964. Furthermore, the process of redefining the electorate was not completed until post-independence amendments to the substantive act were passed in 1975. Therefore, the cornerstones of chapter seven are the Immigration Act of 1963 for the beginning, and the Representation of the People (Amendment) Act of 1975 for the end.

Finally, in chapter eight, I will summarise the main findings and revisit the main observations made and questions posed. These fall into different categories. Most obviously, there are the questions directly related to the process of electoral reform, particularly the extension of the franchise. What were the roles of the various actors, and who was the driving force? Is there a general recurring pattern that can be discerned? How did the reform process and its outcome shape Bahamian democracy in a broad sense, and, more narrowly, how did it change the outcome of elections? Then there are those observations that challenge the national narrative and the understanding Bahamians have of their genesis as a nation. One example is the question whether, apart from an undemocratic franchise, it was ultimately active gerrymandering that allowed the white minority to retain a parliamentary majority even after the introduction of universal adult suffrage. After examining the archival record, instead of a streamlined tale of righteousness, we are faced with a more complicated story that leaves far less room for heroes. Additionally, there are also findings that go beyond the Bahamian context, a context in which this book may play the part of a case study: does the involvement of the Colonial Office and its successors in the process of electoral reform in the twentieth-century Bahamas allow us to draw conclusions regarding Whitehall's role in the development of law throughout the British Empire?

Apart from the various pieces of legislation passed in the Bahamas over the course of the period of investigation, this book relies heavily on archival sources, primarily those from the Colonial Office and its successors. These documents go beyond the mere correspondence between the Governor and Whitehall. Government House in Nassau closely observed the political activities in the colony, at times clandestinely, and meticulously reported these to London. As a result, the files of the Colonial Office include not only both the Governor's and the West India Department's regular assessments of the situation in the Bahamas, but also a treasure trove containing intelligence reports, local newspaper clippings, petitions and pamphlets by colonial sub-

jects and organisations, etc., which have been preserved at the National Archives of the United Kingdom in Kew. Unfortunately, no indigenously Bahamian primary sources of such immediacy are available. A number of the protagonists discussed in this book, however, have since published their memoirs. As contemporary actors, however, they are not neutral witnesses, and therefore these memoirs must be read with the proper caution.

Another important source, not just of information but for contemporary commentary, has been the Bahamian press, primarily the two largest newspapers, *The Nassau Guardian* and *The Nassau Daily Tribune*, later simply *The Tribune*. Unfortunately, while for much of their history these newspapers were not shy to publish political commentary, at times frank and straightforward, at other times obscure and accessible only to the initiated, their reporting missed some crucial events altogether, such as parliamentary debates or court decisions that would have been relevant to this book, and regularly lacked even the most basic background information. To this day, readers will be disappointed to find that both newspapers too often satisfy themselves with allowing quotes provided by politicians to constitute the entirety of their reporting.

Throughout the book, the Bahamian secondary literature cited, will inevitably appear limited. To understand this, it is important to bear in mind that even today's Bahamas still has a population of less than 400,000.[13] Furthermore, opportunities even for secondary education had been scarce and restricted throughout history, and opportunities for tertiary education within the country have only developed since the attainment of national independence in 1973 and are still limited. To this day, the vast majority of the University of the Bahamas' students are enrolled in undergraduate programmes only. Of the handful of graduate programmes the university offers, none are in the social sciences or humanities.[14] Hence, it is not surprising that the Bahamas in general, and historical topics in particular, have only received limited scholarly attention, despite prolific scholars such as Bahamian Gail Saunders or Canadian Michael Craton, both of whom dedicated much of their careers to Bahamian history.

13 At the time of the last census, the country's overall population numbered 351,461 persons. See: Bahamas Department of Statistics (2012) 1.

14 At the University of the Bahamas, both the History and Law Departments fall within the School of Social Sciences.

1919 **General Assembly Elections Act & General Assembly Voters Act**
Consolidatory acts reaffirming suffrage limited to propertied men.

1939 **Voting by Ballot (New Providence) Act**
First act to introduce voting by secret ballot; applied to the island of New Providence only; limited to five years.

1946 **General Assembly Elections Act**
Introduced voting by secret ballot to the entire Bahamas and made it permanent; introduced company vote.

1959 **General Assembly Elections Act**
Introduced universal adult male suffrage; abolished company vote; limited real-property based plural voting.

1961 **Votes for Women Act**
Introduced women's suffrage.

1963 **Constitution**
Introduced internal self-government; phased out plural voting.

1969 **Constitution**
Mandated all single-seat constituencies.

1969 **Representation of the People Act**
Restricted suffrage of British subjects to those possessing Bahamian status.

1973 **Constitution**
Attainment of national sovereignty.

1975 **Representation of the People (Amendment) Act**
Changed electorate from British subjects with Bahamian status to Bahamian citizens.

1992 **Parliamentary Elections Act**
Current substantive act, signed into law on the twenty-fifth anniversary of *Majority Rule*.

2020 **Parliamentary Elections (Amendment) Act**
Introduced permanent voters' register.

Figure 1: Chronology of Milestones in Bahamian Electoral Reform

Chapter 2
The Suffrage in 1919

In this chapter, I will provide a brief overview of the parliamentary history and the development of the suffrage in the Bahamas up to the end of World War I. I will focus in particular on the General Assembly Elections and the General Assembly Voters Acts of 1919. These Acts determined the baseline of restrictions characterising an undemocratic suffrage at the beginning of this book's period of investigation. Around the same time that many countries adopted universal adult suffrage, the Bahamas reaffirmed voting laws restricting the franchise to propertied men only.

2.1 The Pre-Parliamentary Colonial Bahamas

The parliamentary tradition in the Bahamas dates back to 1729, when Governor Woodes Rogers, during his second, non-consecutive term, convened the first General Assembly for the islands. It was the result of the groundwork done by both Governor Rogers during his first term from 1718 to 1721, and Governor George Phenney from 1721 to 1728. Rogers and Phenney were the first properly appointed governors in the Bahamas since the reestablishment of English rule in 1718, filling the void created during the War of the Spanish Succession, which lasted from 1701 to 1714. Before that, the Bahamas had been an English proprietary colony formally established through a grant by King Charles II in 1670.[1] Proprietary government, however, had ceased during the war after repeated enemy attacks, and for a few years, the islands had become a free-for-all where the last semblance of authority was being exercised by privateers-turned-pirates.[2]

There had already been, at least on paper, the notion that governance of the Bahamas should include both a parliamentary element as well as a degree of popular participation by means of elections – even before the proprietary

1 Craton / Saunders (1992) 93.
2 Craton / Saunders (1992) 103.

period. However, these elements were to be separate and apart from one another. The first Europeans to establish a permanent colonial settlement in the archipelago, whose indigenous population, the Lucayans, had fallen victim to Spanish slave raids after the initial encounter of 1492 and was wiped out within approximately one generation,[3] had envisioned a Constitution with both a Senate as well as an elected Governor. That group was the Eleutheran Adventurers, ostensibly the brainchild of William Sayle, a former governor of Bermuda. He not only planned the project, but also led the group to the islands. The original twenty-six shareholders of this Company of Eleutheran Adventurers were comprised "of the leading Puritans of the day" and included some "in the immediate service of Oliver Cromwell."[4] Traditionally, Bahamian historiography has interpreted their coming to the Bahamas as a quest for religious freedom by refugees escaping faction and strife in Bermuda.[5] However, one hitherto overlooked contemporary observer, Clement Walker, suspected that the Eleutheran settlement served a purpose entirely independent of the goings on in Bermuda, namely preparing a new colony as a potential safe haven to be used as a possible exile site for Cromwell and his supporters should their side lose the English Civil War.[6] Yet, other than Walker's claim, there is no additional evidence to support this theory. Nonetheless, on August 31st, 1649, the English Parliament did pass an Act "for Incouragement of Adventurers to some newly Discovered Islands […] lying between the degrees of twenty four and twenty nine North latitude from the Equinoctiall; and in longitude from Florida to the Summer Islands"[7] – the area of the Bahamas. This Act authorised the group to "make all such Laws, Officers and Ministers of Justice, as they in their best judgements shall judge most conducing to the well government of the said Islands and the Inhabitants thereof."[8] This sentence was the only reference made in the Act to the governance of the new colony, but the Adventurers themselves had already elaborated on the type of governance they envisioned in another document.

3 Keegan (1992) 221–222; Craton/Saunders (1992) 55.
4 Shipley (1989) 221–222.
5 Albury (1975) 39–43; Craton/Saunders (1992) 73; Lawlor/Lawlor (2008) 11.
6 Walker (1648) 143–144.
7 *An Act for Incouragement of Adventurers 1649* (England), The Huntington Library, San Marino, CA, United States of America: RB 481390:001.
8 *An Act for Incouragement of Adventurers 1649* (England).

That document was the Articles and Orders, which the first Adventurers had signed in London on July 9th, 1647. That group consisted of twenty-six shareholders, who each invested the sum of £100. The document made provision for the initial group of shareholders to increase to as many as one hundred, and it advertised settlement opportunities to non-investors, too, both as freeholders and as indentured servants.[9] The entire framework for colonial governance laid out in the Articles and Orders was premised on the company's ability to attract at least one hundred investors, because these first one hundred Adventurers would constitute the Senate, the body in which the ultimate decision-making power for Eleuthera would rest. Vacancies in the Senate would be filled by co-optation, thus ensuring that the company's investors would retain lasting control:

> That the Government of the said Islands and Plantations shall be continued in a Senate of the number of one hundred persons; and that the company of the first Adventurers aforesaid, shall at present be the same Senate. And whensoever any of them shall die or sell away his Interest in the said Plantations; then there shall be another elected in his roome from time to time, by the major part of the said Senate, out of the other Adventurers and Planters Resiant in the said Islands.[10]

While not making explicit demands of the first investor-senators to be resident in the colony, the Articles and Orders foresaw that non-shareholding planters would be eligible to be considered as future appointees to the Senate whose legislative powers are implied in the document. Explicitly spelled out are the following powers: "And that the same Senate shall from time to time, make election of all Officers, for doing of justice, and distribution and setting out of Lands, and for the care and over sight of all publick works, and shall have the ordering and disposing of all publick monies."[11]

The Senate's decisions were to be executed by a governor and council, and the Articles and Orders imagined that, while the first office holders would be selected in England prior to departure, within a few short years, the new colony would have matured enough to trust their election to its free-men:

> That the first Governor and Councel shall be elected by the first Adventurers in England, when the number of Adventurers who will transport themselves is once known. And that the same first Governor and Councel shall continue in their Office

9 "Articles and Orders" (1647), reproduced in: Curry (1928) 40–41.
10 "Articles and Orders" (1647), reproduced in: Curry (1928) 44–45.
11 "Articles and Orders" (1647), reproduced in: Curry (1928) 45.

> three whole yeares, from the first day of their arrival at the said Islands or Plantation. That all succeeding Governors and Councel shall after the afore-mentioned term expired, be yearly chosen on the first Tuesday in December, for one whole year to come, beginning the first day of January following, by all the free-men of the said Plantations, by way of scrutiny, and Ballotines, in such manner as is before expressed.[12]

However, only members of the Senate were eligible to stand for election: "That after the first three yeares expired, there shall be yearly a Governor and 12. Councellers chosen out of the said number of 100."[13]

Michael Craton and Gail Saunders concluded that this imagined constitutional setup was "idealistic and impractical."[14] Especially the plan that the company would exercise centralised control over, and taxation of private enterprise undertaken not only in Eleuthera itself but also out on the sea or on any of the other surrounding islands,[15] would prove impossible to implement given the geography of the Bahamas. Many of the archipelago's hundreds of small islands, scattered over an area of close to 77,000 square miles (200,000 square kilometres) of ocean, were closer to any number of Spanish settlements than to the nearest British one – even to the new colony's core settlement. Furthermore, it is not clear whether Sayle and the company had decided where this core settlement would be before they arrived in the Bahamas. Today, the name Eleuthera refers to one particular island, but up to the mid-seventeenth century that island was commonly referred to as Cigatoo, an Anglicised version derived from Ciguateo as it was called in language of the Bahamas' pre-Columbian Lucayan population.[16] In fact, the Articles and Orders proposed the name Eleutheria as the replacement for the entire archipelago rather than just for a single island.[17] By all accounts, today's Eleuthera indeed became the site of first settlement when Sayle arrived in the Bahamas together with forty-one families in 1648, but this may simply have been the chance result of shipwrecking off the coast of that island, which made an onward journey impossible.[18]

12 "Articles and Orders" (1647), reproduced in: Curry (1928) 45–46.
13 "Articles and Orders" (1647), reproduced in: Curry (1928) 45.
14 Craton / Saunders (1992) 74.
15 "Articles and Orders" (1647), reproduced in: Curry (1928) 42–43.
16 Granberry (1991) 9.
17 "Articles and Orders" (1647), reproduced in: Curry (1928) 39.
18 Craton / Saunders (1992) 77.

As shown above, the Articles and Orders intended for all freemen in the colony to have the vote. Furthermore, all resident planters were going to be eligible for co-optation to the Senate. As even indentured servants, provided they were Christian, were entitled to receive land upon completion of their contracts,[19] this could mean that the franchise was imagined – by seventeenth-century standards – as fairly wide, encompassing indeed all free men. However, it must be pointed out that freeman was not necessarily, as it might be understood in slave-holding societies, a reference to not being enslaved. Given the – at least informal – ties that the Eleutheran Adventurers had to their Puritan brethren in Massachusetts, a look at the changing meaning of that term in the colonial setting there during that period illustrates this point. Not long before, the Massachusetts General Court had changed the definition of freemanship in the Bay Colony. Prior to 1630, the requirement for being recognised as a freeman was ownership of shares in the joint stock company. Then it became possessing the right to vote and to hold office, but in 1631 it changed again and was restricted to members of the Church. "[L]ater in 1634 the Court declared that it, and it alone, had the sole authority in the Bay Colony to make inhabitants freemen."[20] At least for a short period of time in Massachusetts then, the right to vote was a requirement for being considered a freeman, rather than the other way around. What criteria the Eleutheran Adventurers applied to this category remains unknown, but it is clear that neither women nor the enslaved would be eligible to vote. They were in fact not even explicitly mentioned in the document and were instead subsumed under "other persons who shall be shipped […] to the Plantation".[21]

For a plethora of reasons, the ambitious plans imagined in the Articles and Orders were never realised.[22] Settlers in the Bahamas were left to their own devices as the Company failed to establish the necessary civil authorities.[23] In 1670, this caused the Crown to issue a Royal Grant of Islands to Lords Proprietors, which bestowed the Bahamas upon six of the eight Lords

19 "Articles and Orders" (1647), reproduced in: Curry (1928) 42.
20 Foster (1967) 613–614.
21 "Articles and Orders" (1647), reproduced in: Curry (1928) 41.
22 Craton / Saunders (1992) 76.
23 Craton / Saunders (1992) 80.

Proprietors of the Carolinas.[24] This move was supported not only by some of the settlers who were then in the islands, but by Sayle, too.[25] He had not only led the Eleutheran Adventurers and styled himself their governor, but he had also served several terms as Governor of Bermuda, and he now also secured an appointment to serve as the first Governor of South Carolina.[26] After the restoration of the Stuart monarchy, Sayle had initially tried to have the Eleutheran Adventurers' claim to the Bahamas recognised, but those efforts were unsuccessful.[27] After all, the Act passed by the Rump Parliament in 1649 had of course never received royal assent.

Not all of the Eleutheran Adventurers' ideals found their way into this new grant, but the Proprietors were explicitly encouraged "to permit freedom of religion" and "allow some form of political representation for all freemen."[28] The instructions sent to the first governor already included some details about how the Proprietors envisioned this to be realised. The freeholders of the colony were to elect a lower house of twenty representatives and, complimenting that, there was to be an appointed upper house.[29] There are some notable differences between the franchise as envisioned by the Eleutheran Adventurers and the franchise as envisioned by the Lords Proprietors. The former may have used the term free-men to mean both free men as well as freeholders, for in fact all free men were to receive grants of land in the colony and would thus be eligible to vote. However, it was not supposed to be a parliament they were going to elect, but merely the officers whose task it would be to execute that parliament's, the Senate's, decisions. Furthermore, only the members of said Senate were eligible to offer themselves as candidates for election. In the case of the Proprietors' Bahamas on the other hand, there is no indication that all free men would necessarily be freeholders, so the franchise was likely to be more restricted. However, now

24 Moore (2013) 269; Craton / Saunders (1992) 93; Riley (1983) 37. Riley places the grant in the year 1668, whereas Craton and Saunders say that "as early as 1668 there was talk" (p. 92) of it, and then list a number of events between 1668 and 1670 that ultimately led to the grant, making the later date of 1670 plausible.

25 William Sayle to Lords Proprietors of Carolina, reproduced in: Cash et al. (eds.) (1991) 72.

26 Craton / Saunders (1992) 93.

27 Hassam (1899) 11.

28 Craton / Saunders (1992) 93.

29 Craton / Saunders (1992) 94.

it was going to be the lower house of a bicameral legislature that was envisioned to be an elected element in the governance of the colony, whereas the executive officers would be appointed. Overall, much like in the Constitution John Locke had drafted for Carolina, the powers of this parliament would be reduced, and the colony was to have a more feudal character.[30]

In his *History of the Bahamas House of Assembly*, Harcourt Malcolm claims that already prior to the 1670 grant, "the inhabitants of the islands had organized the Settlement and instituted a form of Government which included an elective House of Assembly."[31] However, Malcolm found no evidence that this pre-Proprietary assembly engaged in any legislative activity.[32] Furthermore, no contemporary historians mention the existence of an elected assembly prior to this point. Malcolm's account appears to describe an improvised assembly of settlers preparing for the advent of Proprietary Government. These settlers then also elected John Wentworth as their Governor. Later, after the Lords Proprietors had in fact appointed him to the post, this eventually caused dissonance and they demanded to know "whether you hold your place of Governor as chosen by ye people or us."[33]

No records originating with the Assembly survive from the Proprietary period. Even references to it are scant, so that details about its composition, or election or appointment process remain unknown. What is known is that the Lords Proprietors had ordered their Governors that the Assembly may only debate and vote on bills initiated by the Governor and Council.[34] Despite this, the Assembly's consent to such bills could not always be relied upon, as another anecdote illustrates how at least one governor had to resort to extreme means to obtain such. Cadwallader Jones, whose term lasted from 1690 to 1693, "had his son turn his ship's guns on the assembly building to ensure the passage of unpopular laws."[35]

Furthermore, from the records of the Lords Proprietors, a number of disallowed Acts survive, which proves legislative activity by the Assembly over many years, and raises the question whether these disallowed Acts had

30 Madden / Fieldhouse (eds.) (1985) 587.
31 Malcolm (1956) VII.
32 Malcolm (1956) 4.
33 Lord Shaftesbury to Governor Wentworth, reproduced in: Malcolm (1956) 4.
34 Craton / Saunders (1992) 95–96.
35 Craton / Saunders (1992) 105.

really originated with the appointed Governor and Council.[36] Disallowance was an important constitutional principle in the colonial construct. Laws passed by the colonial assemblies could be vetoed by governors, who were often inclined to assent to them to avoid open conflicts. However, the authority above the colonial governors – in this case the Lords Proprietors, in other constitutional constructs usually the English, later British, monarch – could still disallow such laws after they had become operational. The communication of the disallowance to the authorities in the colony would void the law. However, for the time between a governor's assent and the receipt of the communication of the disallowance in the colony, the law would be operative, and actions taken based on that law during such an interim period would remain valid.

The Proprietary period did not last long, neither was it characterised by stability or continuity. Early on, the Proprietors' own agents had estimated that the initial investment required to turn a profit in the Bahamas would total £633,000.[37] As before with the Eleutheran Adventurers, the necessary investments were not made, and settlers were once again left to their own devices.[38] Whatever the limitations of Proprietary Government, the colony's problems were further exacerbated by international events beyond the control of both the Lords Proprietors as well as the Bahamian settlers. Tyrannical acts such as the one described above involving Governor Jones may not have attracted the attention of the Crown. However, this changed when a further deterioration of the Bahamian situation eventually threatened Britain's interests and her relationship with other colonial actors, as pirates filled the void in governance created by the War of the Spanish Succession. This renewed failure to establish civil government in the Bahamas led to the Crown taking action – first, as of 1700, by insisting on the right to approve, or veto, the Lords Proprietors' choices for governor, and later, as of 1718, after their surrender of the civil and military government of the colony, by directly selecting Royal Governors for the islands.[39] The first one of these was Captain Woodes Rogers, who had made a name for himself as a successful privateer during the recent War of the Spanish Succession – an understand-

36 Malcolm (1956) 9–13.
37 Craton / Saunders (1992) 93.
38 Craton / Saunders (1992) 95.
39 Malcolm (1956) 14–15.

able choice considering that his first task would be to wrest the Bahamas out of the control of pirates who had taken over, turning the islands, and especially their capital Nassau into "the undisputed center of worldwide piracy."[40]

Yet in addition to solving this pressing issue, Rogers was also expected to lay the groundwork, so that, as his Letters Patent stated, a new colonial assembly may "hereafter […] be appointed."[41] This was established practice in British colonies at the time.[42] A few months after his arrival, he sent a detailed progress report to the Council of Trade and Plantations, dated October 31st, 1718. In it, he describes various challenges and setbacks he had already experienced in the Bahamas, and explains that he had been unable to find a sufficient number of suitable candidates amongst the settlers in the Bahamas for his government to have taken the expected shape: "I cannot forme a Council and Assembly out of those that are now here except I take such as are not to be rely'd on, and most of them are poor and so addicted to idleness that they would chuse rathar almost to starve then work."[43] However, he also expressed his desire "in the next place to recommend the settlement of an Assembly for these Islands wch. with submission may consist of 15 persons for Providence two for Elutheria two for Harbour Island one for Abacoa."[44] This was a similar number of assemblymen and a similar distribution of seats as envisioned before. The population of the Bahamas, as well as its distribution over only a handful of the islands, had remained rather stable since the late 1660s, totalling approximately 1,000 persons in 1722.[45] Rogers did expect the population to grow, and thus anticipated that the number of assemblymen "may be encreased for each Island as they shall be settled."[46] However, both he and his successor George Phenney found that this proved difficult. Ten years later, at the end of Phenney's term, the total population, free and enslaved, numbered approx-

40 Craton / Saunders (1992).
41 Malcolm (1956) 16.
42 Malcolm (1956) 2.
43 Governor Rogers to Council of Trade and Plantations, 31 October 1718, The National Archives, Kew, United Kingdom (TNA): CO 23/1.
44 Governor Rogers to Council of Trade and Plantations, 31 October 1718, TNA: CO 23/1.
45 Craton / Saunders (1992) 119–120.
46 Governor Rogers to Council of Trade and Plantations, 31 October 1718, TNA: CO 23/1.

imately 1,400.[47] The largest influx during that time consisted of 295 enslaved Africans that were brought to the Bahamas in 1721 on board a single ship, the *Bahama Galley*, in which Phenney himself owned shares.[48]

2.2 The Genesis of the Bahamian House of Assembly

In the aftermath of the War of the Spanish Succession, we also find the first signs of Bahamian settlers themselves expressing a desire for an Assembly, albeit in a roundabout way. In 1720, Rogers' councillors proposed

> that the Habeas Corpus Act be duly and justly observed, and that the Judge and Justices be supported, and in no wise molested in the execution thereof, and the liberty and property of the English subjects upheld and maintained in this Government according to Magna Charta [sic!], and the Laws and Statutes of England, the ratification whereof being more particularly necessary, not having as yet an Assembly allowed in these Islands.[49]

However, the councillors also conceded that this proposal was largely seen as a precautionary measure, not necessarily to be implemented during what would ultimately be Rogers' first term, but prior to the arrival of "that gentleman who may be appointed" as his eventual successor, whose identity was of course still unknown at the time.[50] It turned out to be the aforementioned George Phenney, who arrived in 1721. Within two weeks of his arrival in Nassau he had compiled a list of twenty-seven names of persons he considered fit to be elected to an assembly or hold other public offices.[51] Given the envisioned size of a future assembly as well as the number of other public offices to be filled, the fact that there were only twenty-seven names on Phenney's list demonstrates that the dearth of suitable candidates that Rogers had complained about three years earlier had not improved significantly. The small number of inhabitants may have posed a challenge for the creation of an elected assembly. However, Phenney argued that the absence of an elected assembly also worked as an impediment against potential population growth through immigration.[52]

47 Craton/Saunders (1992) 120.
48 Craton/Saunders (1992) 119.
49 Quoted in: Malcolm (1956) 20.
50 Malcolm (1956) 20.
51 Malcolm (1956) 21.
52 Malcolm (1956) 24.

In 1724, Phenney and his Council, which at that time consisted of seven men, took another step towards an elected assembly, when they "Agreed and Ordered That such Rules and orders as follows, be transmitted, to be by them put in Execution."[53] These rules specified the qualifications both for prospective candidates as well as prospective voters: men holding at least two hundred acres for the former, and men holding at least fifty acres for the latter category.[54] There is no reference to race made in the relevant section, although the same ordinance does require that race be a category in the census with which the magistrates were tasked; in that instance at least the ordinance implicitly acknowledges the possibility of free Blacks holding land in the Bahamas at that time.[55] However, the set of regulations issued the year before, explicitly imposes a number of restrictions on all Black persons – as well as Indians – regardless of whether or not they were formally enslaved.[56] Additionally, it is imaginable that the ordinance's landholding requirements alone effectively excluded any non-whites without the need to explicitly say so. Whether by design or not, laws can achieve discriminatory results without phrasing their provisions in discriminatory language.

For the years 1721 to 1727, that is for most of Phenney's term, Malcolm has located a total of seven petitions by settlers in the Bahamas requesting that an assembly be instituted. Four of these were addressed to the Governor and signed by a varying number of "principal inhabitants," and three were addressed to King George I, with the first two also signed by "principal inhabitants," but the last one, dated April 10th, 1727, being signed by the Governor and his Council.[57] George I passed away that same year, and under his successor George II, "[t]he King's Most Excellent Majesty in Council," meeting at Hampton Court on July 25th, 1728, then issued an Order in Council:

> His Majesty Doth hereby order that the Lords Commissioners for Trade and plantations, who are now preparing Draughts of a Commission and Instructions for His Majesty's said Governor of these Islands Do insert a clause in the said Draught of a

53 Quoted in: Malcolm (1956) 25.
54 Malcolm (1956) 27.
55 Malcolm (1956) 24.
56 "Regulations for Slaves" (1723), reproduced in: Cash et al. (eds.) (1991) 183–184.
57 Malcolm (1956) 31–39.

> Commission impowering him to call an Assembly consisting of twenty four Members to be chosen by a majority of the Inhabitants.[58]

While Malcolm presumes that this was in response to that last petition, the Order in Council only references "a representation of the Lords Commissioners for Trade and plantations."[59] The Commissioners, within a week, gave directions for the preparation of a draft clause to reflect the Order in Council.[60]

This new document was ready on December 26th, 1728, and it was issued to Woodes Rogers, the former governor, who was to return to the Bahamas for a second, non-consecutive term.[61] This time, the Assembly mentioned was no longer described as "hereafter to be appointed."[62] The Royal Commission provides us only with very few details about this body, which, it stated, "shall be called and Deemed the General Assembly of our said Bahama Islands," nor about its election process as envisioned in London, about which it merely specified that the Assembly should consist of "freeholders and planters" to be "duly elected by the major part of the Freeholders and Inhabitants."[63] Henceforth, the governor's role in the legislative process was reduced to a negative voice, i. e., he could veto measures passed by the General Assembly and Council, and he could also adjourn, prorogue or dissolve the Assembly at his discretion.[64] The latter power was frequently used, or at least threatened, well into the twentieth century, if the Governor and the Assembly were at odds, although it did not take the Governor, or the Members of the Assembly for that matter, long to realise that, given the small size of the colony's electorate, new elections were unlikely to result in a significantly different composition of membership.[65] What the Governor now no longer could do, was to initiate legislation in his own right. Instead, he had to persuade a Member of the Assembly to introduce a bill there that would serve his intended purpose.

58 "Order in Council" (1728), reproduced in: Malcolm (1929) XLVI–XLVII.
59 Quoted in: Malcolm (1956) 39–40.
60 Malcolm (1956) 40.
61 Malcolm (1956) 41.
62 Malcolm (1956) 16.
63 Royal Commission to Rogers, 26 December 1728, reproduced in: Malcolm (1929) LXVIII.
64 Malcolm (1956) 42.
65 Dundas (1955) 149.

Rogers arrived in Nassau in August 1729.[66] Within two weeks, he and his Council, which he had ordered "to consider of the most proper Method for electing the Members" of the Assembly, issued a proclamation announcing elections for September 15th to 20th, depending on the electoral district.[67] The proclamation only concerned itself with dates, times and places for the election; it set no qualifications for candidates or voters other than that they were inhabitants of the colony.[68] Accordingly, neither Malcolm nor Craton and Saunders explicitly state that there were property qualifications restricting the franchise at this time. The population figures for 1731 put the number of adult white men as having been 256 that year.[69] Craton and Saunders conclude that out of a total population of approximately 1,400 persons, only "the 250 or so free white males over twenty-one"[70] had voted in the election in September 1729. However, it is unclear what sources they base this conclusion on.

Sometimes, restrictions of the suffrage were customary and thus regularly taken for granted. For instance, of the mainland colonies, Virginia was the only one to enact a statute explicitly excluding women from the franchise.[71] Some colonies explicitly expressed that voters must be male, turning the provision into a positive qualification as opposed to the negative disqualification in the case of Virginia, while others merely used the male pronoun; at some times and in some places and in the absence of gender-specific language in early colonial election laws, however, some women voted, too.[72] If that was the case, the use of the male pronoun constituted a non-exclusive use of the generic masculine, even if that interpretation changed later on. Similarly, age restrictions were not always written into early colonial election laws, yet the customary age of twenty-one was usually applied regardless, though again there were reported instances of younger persons

66 N.B.: Details of Rogers' journey to the Bahamas in 1728 and the reasons why it took so long are unknown, but another author, Peter Henry Bruce described his journey from London to Nassau in 1740/41, which in his case took five and a half months, in great detail. Such journey durations were typical of the time. See: Bruce (1782) 375–385.

67 Malcolm (1956) 43–44.

68 Malcolm (1956) 43–44.

69 Craton / Saunders (1992) 120.

70 Craton / Saunders (1992) 134.

71 Dinkin (1977) 30.

72 Dinkin (1977) 30.

casting their votes, too.[73] In the absence of written proof, Craton's and Saunders' claim that only adult men voted appears to be an assumption based on custom – an assumption, however, that is probably more likely than the possibility of the Bahamas being the proverbial exception to the rule. However, whether or not only whites were allowed to vote in the Bahamas in 1729 cannot be assumed as easily when we look at customary practice in other colonies. On the continent, "suffrage laws excluding Negroes and Indians were far from universal. In the southern colonies […] disenfranchisement came rather late,"[74] i. e., during the first half of the eighteenth century. For as long as the laws in the South did not explicitly exclude non-whites from voting, there is also evidence that non-whites cast their votes in elections.[75] While in many colonial societies the exclusion of voters because of their age or sex may have been practised and gone unchallenged due to custom, this does not necessarily appear to have been the case for race. Other criteria that some, but not all, continental colonies at times applied to define the eligibility of voters in the early eighteenth century are English or British subjecthood, residency in the respective electoral district, or the ownership of real property.

However, the Bahamian proclamation called all inhabitants to vote. A comparison with the various provisions in other colonies – or with the franchise in the United Kingdom itself, which at that time was not uniform yet – does not allow us to conclude with any certainty who was or was not eligible to vote. Rogers' next report merely stated the membership of the newly constituted Assembly. While it says that the representatives had been "chosen," it contained no reference to the act of voting, let alone election results.[76] Lacking that information, we cannot draw a conclusion about the size and composition of the Bahamian electorate. There were laws dealing with elections enacted in 1762, 1784 and 1792, possibly others still, but whether they contained specific provisions regarding the franchise, cannot be said as only the Acts' existence is reported, whereas their contents are lost.[77] The first Act for which that information is available dates back to

73 Dinkin (1977) 30–31.
74 Dinkin (1977) 32.
75 Dinkin (1977) 32–33.
76 Malcolm (1956) 44.
77 Malcolm (1956) 54.

1799, when the franchise was restricted to "white males aged twenty-one and over who were freeholders and had paid fifty pounds duties in the preceding year."[78] For 1729, we cannot even say with certainty that there was an actual election that included the casting of votes. All members could have been decided by nomination only, as the seats could have been uncontested. This was a common occurrence in the Bahamas well into the twentieth century.

The establishment of this new institution marked the beginning of what is now known as the Old Representative System in the Bahamas. In only three colonies, the other two being Barbados and Bermuda, did this system survive into the twentieth century. In the case of the Bahamas, it lasted, with only a few modifications, until 1964. In 1830, some non-whites were enfranchised.[79] Shortly afterwards, the Removal of Civil Disabilities Act of 1833 extended the rights to vote and to stand for election – as well as the rights to serve on juries and to testify against whites in court – to free creole non-whites on the same term as whites, but it still retained some restrictions against those who were African-born.[80] Craton and Saunders argue that on the eve of Emancipation, which came in 1834, this was "a last desperate effort to separate from the mass of the black slaves a section of the population now almost as numerous as the whites, thereby creating an intermediate class which might help sustain its hegemony once the remaining ten thousand slaves were freed."[81] At that time, the latter represented about half of the total population, the other two groups approximately a quarter each.[82]

2.3 Nineteenth-Century Developments

A notable change in the colony's constitutional set up occurred in 1841, when Queen Victoria issued a new set of Letters Patent to then Governor Francis Cockburn separating the functions of a single Council into two distinct bodies – an Executive and a Legislative Council.[83] That was the system that was still in place at the beginning of this book's period of investigation. In 1919 the Bahamian legislature passed the Bahamian Gen-

78 Hughes (1981) 10.
79 Craton / Saunders (1992) 232.
80 Johnson (2006) 112.
81 Craton / Saunders (1992) 232.
82 Craton / Saunders (1992) 232.
83 Malcolm (1956) 65.

eral Assembly Elections Act "defining the qualifications of Electors,"[84] and the General Assembly Voters Act "regulating the Registration of Persons entitled to vote."[85] These acts followed on the heels of a new Representation of the People Act passed in the United Kingdom the year before. However, whereas the British Act marked the completion, or at least the beginning of the final chapter of almost a century of electoral reform and has been regarded as a "turning-point in parliamentary history,"[86] the Bahamian Acts were almost entirely of a consolidatory nature. They were both drafted by the then Speaker of the House Harcourt Malcolm, who also authored *A History of the Bahamas House of Assembly*.[87]

While the next half century would see the Bahamas adopt in its own election laws some of the reforms that had already been implemented in the United Kingdom between 1832 and 1928, it is also important to understand that their respective starting points were different, especially because Britain's franchise had traditionally not been a uniform one. The piecemeal harmonisation of the franchise across the United Kingdom caused political conflict and cost time. In the Bahamas, however, this particular issue did not arise. In addition, Britain debated at length various proposals to include at least elements of proportional representation as an alternative to the first-past-the-post system, without lastingly adopting any of them. The Bahamas never seriously engaged in such discussions. Other reforms, however, bear a certain resemblance. In the United Kingdom, the franchise was extended in steps. In 1831, approximately 2.5 % of the population – 12.2 % of the adult male population – possessed the vote.[88] By 1918, universal manhood suffrage had been realised, partial women's suffrage was introduced, and, in addition, the "grotesque anomalies in the distribution of seats no longer survived."[89] Nonetheless, the Conservatives insisted on the retention of certain privileges, e. g., the limited plural vote was continued, the university franchise was even expanded, "as means of preventing the submerging of the more wealthy and more educated part of the electorate."[90]

84 *General Assembly Elections Act 1919* (Bahamas).
85 *General Assembly Voters Act 1919* (Bahamas).
86 Butler (1963) 1.
87 Attorney General's Reports, 1 October 1919, TNA: CO 23/284/469; CO 23/284/475.
88 O'Gorman (1989) 179.
89 Butler (1963) 1.
90 Ogg (1918) 499.

2.4 The General Assembly Elections and Voters Acts of 1919

Bahamian legislators, however, did not address any of these issues in their revision of the colony's election law in 1919, but instead passed for the last time an election law that not only did not contain any progressive concessions, but that was also not met with any meaningful opposition in parliament or civil society. In the first general elections held under this Act, which took place in 1925, only eleven out of twenty-nine seats were contested, and in those electoral districts, the number of votes cast would translate into an average of approximately 9.2 % of their respective resident populations.[91] The plural vote, however, allowed persons resident elsewhere to vote in electoral districts where they owned real estate of a certain minimum value. Additionally, in all but four of those districts voters had multiple votes, as they took place in multi-member electoral districts, in which voters were entitled to cast votes for as many different candidates as that district sent members to the House of Assembly, even if many did not cast all the votes they were entitled to and voted for fewer candidates than allowed, as cumulative voting was not an option. Furthermore, four of these eleven contested seats were in New Providence and another three in Harbour Island, a mere fifty miles (eighty kilometres) to the east, and men of means who owned real estate in these places but resided elsewhere would not have found it too bothersome to travel to the designated polling stations to cast their additional votes. The districts of Long Island with two seats, and Crooked Island and Inagua with one seat each, also saw contested elections. While casting an additional vote there would not be impossible, doing so would have required multiple days of travel in the mid-1920s for voters who lived on the more populated islands in the northern Bahamas. To accommodate plural voters, elections were stretched out over several weeks. In the absence of the original voters' lists, it is therefore not possible to reliably calculate the percentage of adult men who possessed the franchise from the available data. This means that despite property qualifications that had not been increased in four decades, e. g., to account for inflation, the franchise remained quite limited. Furthermore, the restrictions placed on candidates ensured that the

91 Draft Annual Report for 1926 by Governor Cordeaux, TNA: CO 23/350/28–29.

majority of seats were not even contested. As a result, a limited group of men may have been in possession of the franchise, but this did not automatically guarantee them a choice.

The qualifications for voters are laid out in sections 2 through 6 of the General Assembly Elections Act. The Act began by very broadly enfranchising "every male inhabitant of the colony,"[92] but then lists numerous criteria that must be met in order to truly qualify, as well as other criteria that led to disqualification. The male voter had to be at least twenty-one years of age, he had to have been resident in the Bahamas for at least a full year before the election in which he wished to cast his vote, and he had to either own land valued at least £5 or have rented for at least six months prior to the election a house at an annual rent of £2.8s. if on New Providence, or £1.4s. if on an Out Island.[93] New Providence is a relatively small island, on which the capital, Nassau, is located. Nassau was not only the political centre, but also the administrative and economic centre and the focus of most development, much to the detriment of the Out Islands, which constituted the vast remainder of the archipelago.

These property requirements were all still mentioned in the first section of the Act, and undoubtedly, they had the most restrictive effect on the franchise. Applying historical inflation rates to these figures will not give an accurate impression of these values, as the pound sterling has always had a different value in the Bahamas than in the United Kingdom, and the Bahamas has experienced different rates of inflation to, but has not had them measured with the same accuracy as the United Kingdom. It has furthermore changed its currency since. Instead, the following contemporary comparisons might help illustrate the required voter qualifications better. At the beginning of the twentieth century, a simple labourer in the Bahamas would typically be paid between 1s.6d. and 2s. a day, which, if he was employed year-round, amounted to between £18 and £24 *per annum*; just before the outbreak of World War I, a large lumber operation on the island of Abaco paid average salaries of well over £4 a month; and the annual fees for licensing a motor car were set at £5 – the latter, of course, being an absolute luxury at the time.[94] In 1919, a new Ford Model T – the older hand-cranked

92 *General Assembly Elections Act 1919* (Bahamas), s 2.
93 *General Assembly Elections Act 1919* (Bahamas), s 2.
94 Craton / Saunders (1998) 215–219.

version, not the recently upgraded one with an electric starter – retailed for £180 in the Bahamas.[95] £5 was also the fee for a foreigner to become naturalised – and thus eligible to vote – in the Bahamas; a non-refundable £2 were due upon making application, the other £3 were due upon receiving the certificate of naturalisation, if approved.[96]

This suggests that by 1919 the property qualification for voting was not set so high that it was unattainable for large parts of the population. These values had been set in 1882.[97] The new Act retained them; no adjustments, e. g., for inflation, were made. Yet the number of voters appears to have been low. This was likely for reasons not directly related to the monetary value stipulated in the Act. Gaining the suffrage is, arguably, not the primary reason for persons to buy real property or enter into land leases. In a colony without a significant commercial agricultural sector and where industries such as mass tourism were, at best, in their infancy, land carried limited economic value. Many potential voters simply had no demand for land ownership or rentals that would make them meet the qualifications. Others may well have had, and possibly even physically occupied, land, but they would have owned it informally, e. g., by way of generation property – a customary practice in the Bahamas that the law in general as well as this Act in particular were blind to.[98]

Section 3 of the Act specified that nobody was allowed to cast a vote "except in the polling division for which his name stands recorded."[99] This provision potentially disenfranchised voters who met all the requirements but whose names had, by mistake or design, been omitted from the voters' register. The possibility that a person whose name does not appear on the register or in whose case "the presiding officer is not satisfied as to the identity of such person or as to his right to vote" cast a protest vote was only introduced in 1962.[100] While the Attorney General remained doubtful whether this "hasty and involved piece of legislation" would prove an

95 Advertisement by John S. George & Co., The Nassau Guardian, 11 October 1919, 3.
96 *Aliens (Amendment) Act 1916* (Bahamas), s 12(2).
97 Report of the Commission Appointed to Enquire into Disturbances in the Bahamas, 1942, TNA: CO 23/732/104.
98 Bethel (2002) 11–16.
99 *General Assembly Elections Act 1919* (Bahamas), s 3.
100 *General Assembly Elections (Voting Under Protest) Act 1962* (Bahamas).

adequate solution to the problem,[101] protest votes today are still a feature in Bahamian election law and function in the same manner. They are examined more closely only if a candidate wins an election by a margin equal to or smaller than the total number of protest votes cast in that constituency, in which case "the protest votes received by all the candidates shall be taken into account and their validity determined by an Election Court."[102] There, if the voter's eligibility is confirmed, the protest vote would be declared a regular vote and counted accordingly.[103] To enable an Election Court to match a voter to their ballot, both regular and protest ballots are numbered and have a counterfoil marked with the same number.[104] The counterfoil is removed before the presiding officer hands the ballot to the voter but gets marked with the voter's registration number.[105] However, in the Bahamas in 1919 there were not only no protest votes, but also neither voter's cards nor ballots.

Section 4 of the Act partially excluded military personnel in the Bahamas from the franchise, i. e., they were not entitled to vote as housekeepers, but they could still do so if they met the requirements as freeholders.[106] This rule applied regardless of how long they may have been stationed within the colony, even though for non-military voters the residency requirement was only one year. The intention behind this difference in treatment was that military personnel were assumed to be temporarily stationed in the Bahamas only, while retaining their ties to their original home. Furthermore, soldiers from the United Kingdom serving in the British armed forces had just been enfranchised in their home constituencies under the respective British Act of 1918.[107] This does not mean that all these men were covered by these provisions though, as many of the soldiers stationed in the Bahamas came from other Caribbean colonies. The second part of this section, which allowed military personnel to vote in the Bahamas provided they met the qualifications as freeholders, presumed that such individuals would have stronger ties to the colony; Bahamians serving overseas, however, were not accommodated

101 Legal Report by Attorney General Orr, 9 September 1962, TNA: CO 1031/3077/13.
102 *Parliamentary Elections Act 1992* (Bahamas), s 69(1).
103 *Parliamentary Elections Act 1992* (Bahamas), ss 69(4), 69(5).
104 *Parliamentary Elections Act 1992* (Bahamas), s 51(2).
105 *Parliamentary Elections Act 1992* (Bahamas), s 59(1).
106 *General Assembly Elections Act 1919* (Bahamas), s 4.
107 Ogg (1918) 500.

by this Act. This illustrates that the Bahamian experience of World War I differed starkly from the metropolitan one. Only approximately 700 Bahamian men served overseas; fewer than fifty died.[108] More importantly though, the vast majority of these 700 men were non-whites. They also represented less than 1.5 % of the total population of the colony, which at that time was approximately 53,000 persons.[109]

> Except for the half dozen whites in the Gallant Thirty, virtually all those serving in the British West India Regiment were colored or black. The small number of white Bahamians volunteering for the war included about 36 old scholars from Queen's College, most of whom joined the Canadian forces. A few also entered the United States Army after April 1917.[110]

Given the demographics of Bahamian soldiers, the Bahamian legislature, which was at that time firmly in the hands of the white minority, did not perceive the voting rights of mostly non-white Bahamians serving overseas as an urgent matter requiring attention.

Section 5 of the Act restricted the right to vote to British subjects, either natural-born "or aliens duly naturalised by Act of the Imperial Parliament or by Act of the Legislature."[111] The latter referred to the Aliens Act of 1848, which empowered the Governor[112] to issue upon application a certificate of naturalisation which granted the recipient "*within the Colony* all the rights and capacities which a natural-born subject of Great Britain can enjoy."[113] The requirement for voters in general elections to be citizens seems to be a common expectation today, and one might have expected to find it in an earlier section of the Act. As a matter of fact, in the current Act, citizenship is listed as the very first criterion for voter eligibility, even before voting age or residency requirements.[114]

Section 6 of the Act fulfilled several functions. By way of implication, it granted some people multiple votes, it further restricted the housekeeper vote, and it also set penalties for persons violating this section. In the first

108 Craton / Saunders (1998) 229.
109 Craton / Saunders (1998) 179.
110 Craton / Saunders (1998) 229. N.B.: The *Gallant Thirty* is the name by which the first contingent of volunteers that departed from Nassau in 1915 is remembered. Queen's College is a Methodist secondary school in Nassau, Bahamas, established in 1890.
111 *General Assembly Elections Act 1919* (Bahamas), s 4.
112 *Aliens Act 1848* (Bahamas), ss 4–5.
113 *Aliens Act 1848* (Bahamas), s 3. Emphasis added.
114 *Parliamentary Elections Act 1992* (Bahamas), s 8(1)(a).

part, it restricted voters to one vote in a district, regardless of how much property they may have owned or rented there.[115] While the Act did not explicitly say so, this also implied that voters were then entitled to cast one vote in each constituency in which they met the necessary property or rental qualifications. Indeed, this was how elections were conducted in the Bahamas until 1959. Then, the section further restricted the tenant qualification by disqualifying persons who only rented "any apartment, cellar, store, office or outhouse, appertaining to or being part or appendage of a dwelling-house or other tenement."[116] For rental properties, only the head of the household was enfranchised; sublessees were not. Finally, section 6 also laid out the penalty for violations of this section: "Any person so offending shall be liable to forfeit the sum of ten pounds to any person who shall sue for the same, together with the full costs of the suit."[117] That was twice the amount of the property requirement that would make one eligible to vote.

The General Assembly Elections Act defined who was "competent to vote."[118] The General Assembly Voters Act added further clarification and specified that "no person shall be entitled to vote in the election of a member or members to serve in any General Assembly of the Bahama Islands except he shall be duly registered according to the respective provisions hereinafter contained."[119] The registration regime was modelled on the British example. This entrusted the process to several layers of administrators, and the registration regime thus hinged upon the meticulousness and integrity of the individuals fulfilling these tasks. The Governor was to appoint "a sufficient number of commissioners to prepare lists of persons entitled to vote."[120] Other than stipulating that there must be at least one commissioner for each electoral district, that number remains vague.[121] The commissioners were to submit their lists to the Provost Marshall, who "shall forthwith cause the list or lists of each district to be fairly and truly copied into a book" and "every

115 *General Assembly Elections Act 1919* (Bahamas), s 6(1).
116 *General Assembly Elections Act 1919* (Bahamas), s 6(1).
117 *General Assembly Elections Act 1919* (Bahamas), s 6(2).
118 *General Assembly Elections Act 1919* (Bahamas), s 2.
119 *General Assembly Voters Act 1919* (Bahamas), s 2.
120 *General Assembly Voters Act 1919* (Bahamas), s 3.
121 *General Assembly Voters Act 1919* (Bahamas), s 4.

such book shall be deemed the register of electors" for the respective district.[122] For everyday use, yearly lists were to be prepared by the Makers of Annual Lists,[123] and the annual lists were to be revised by Revising Officers.[124] Both the Makers of Annual Lists as well as the Revising Officers were appointed by the Governor. The Revising Officers also constituted the Courts of Revision

> for the purpose not only of deciding on objections but for receiving and deciding on claims; and it shall be the duty of such revising officers to add to the lists furnished them the name of every person whose right as a voter shall be known to them or established to their satisfaction, and to remove therefrom the name of every person who shall not be able to establish his right to vote.[125]

In all cases, whether a voter had been omitted from the list and requested to be added, or whether his being on the list was being challenged, the onus of proof lay on the voter to show that he indeed met the qualifications set out by law.[126]

This constituted a real risk of voter suppression. The Courts of Revision met annually during the first week of December. However, the exact locations, dates and times were not fixed, and the courts were only required to "remain open for at least two hours on three consecutive days."[127] Voters whose qualifications had been challenged were to be given "due notice."[128] However, in an archipelagic nation, where in the early twentieth century polling divisions sometimes still encompassed more than one settlement, even more than one island, and with property qualifications low enough that a considerable proportion of theoretically eligible voters would be of a socioeconomic class with a low literacy rate, this was an insufficient safeguard. The demographic whose franchise was under the greatest threat by these provisions were Black Bahamians, especially those in the Out Islands. How many eligible voters were excluded from the register, perhaps unbe-

122 *General Assembly Voters Act 1919* (Bahamas), s 11.
123 *General Assembly Voters Act 1919* (Bahamas), s 19.
124 *General Assembly Voters Act 1919* (Bahamas), ss 18, 21(1).
125 *General Assembly Voters Act 1919* (Bahamas), s 23.
126 *General Assembly Voters Act 1919* (Bahamas), s 26.
127 *General Assembly Voters Act 1919* (Bahamas), s 23.
128 *General Assembly Voters Act 1919* (Bahamas), s 25.

knownst to them, cannot be reconstructed. Neither do we know how many ineligible voters nevertheless found their way onto the registers.

The historical record demonstrates that this was more than a purely theoretical question. In 1939, the then Governor "undertook then to ensure a thorough scrutiny of registers by a Barrister appointed for the purpose in accordance with the provisions of the new Act."[129] The results for one crucial district, in which a bye-election had just been held, which was also the first election under the new rules of the Voting by Ballot (New Providence) Act of the same year, showed that in that district in 1938, 1,112 men had been registered to vote, out of which number 608 men, or 54.7 %, had actually voted; in 1939, there were only 501 men left on the register, out of which 455 men, or 90.8 %, then voted.[130] There can be no doubt that some of the 608 men voting in 1938 were not entitled to do so. There is no apparent reason why voter turnout should have been higher in 1939 than in 1938, or why the eligible electorate should have shrunk so dramatically in the course of a single year. Allegedly, voters had been massively bribed in 1938, whereas no signs of bribery were reported in 1939.[131] Even if the allegations of bribery were never proven in court, the poll in 1938 included the hallmarks of a social event, which, if anything, should have attracted not only spectators but also a larger percentage of voters. The 1939 election was also the first one using the secret ballot in the Bahamas, adding another reason to question the suddenly higher voter turnout rates, as generally ballot secrecy has been shown to negatively affect turnout.[132] This suggests that Bahamian voters' registers in the early twentieth century were indeed flawed as they included ineligible voters. At least some of these persons then also cast votes. This then in turn casts doubt upon the integrity of elections during that time in Bahamian history.

The property qualifications for voters as well as the registration process as stipulated by the General Assembly Elections and General Assembly Voters

129 Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/12.

130 Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/12.

131 Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/11.

132 Heckelman (1995) 107.

Acts of 1919 both worked to restrict the suffrage. Another feature contained in the former Act also restricted the choices available to voters in elections beyond the criteria set for voters, i. e., age, sex, subjecthood. Section 42 and the Second Schedule to the Act exclude the holders of various offices under the Crown from being Members of the General Assembly. However, the list is not exhaustive. It includes circuit justices, stipendiary and circuit magistrates, commissioners, sanitary inspectors, and officers and teachers of the Board of Education.[133] It appears to have been aimed primarily at excluding British expatriate officers, who were frequently appointed to these positions, rather than all officers under the Crown. The equivalent provisions in today's law are wider and preclude any "substantive public officer" from standing as a candidate.[134]

More importantly, however, section 43 stipulates financial qualifications for Members of the General Assembly. They must "have an estate, real and personal, or real or personal property only […] of the value of two hundred pounds" or more.[135] This was a far more substantial requirement than the qualification for voters and ensured that membership in the General Assembly remained the domain of the colony's upper socioeconomic class. In the United Kingdom, property qualifications for Members of the House of Commons had been abolished in 1858.[136] It is also worth pointing out that the British requirement was prejudiced in favour of real property. At the time of the Qualification Act of 1710, it was a widely accepted belief there "that landed men, by virtue of their stake in the country, were the true guardians of its welfare."[137] Nonetheless, there were voices criticising the limiting of voters' choices as being incompatible with the notion of English liberty, and there were other voices warning that talented men might be prevented from rendering their valuable service to the nation, but they went unheeded.[138] It was not until the House of Commons Qualifications Act of 1838 that other forms of personal property were taken into consideration when determining the eligibility for membership in the House of Commons

133 *General Assembly Elections Act 1919* (Bahamas), Second Schedule.
134 *Parliamentary Elections Act 1992* (Bahamas), s 6.
135 *General Assembly Elections Act 1919* (Bahamas), s 43.
136 Burn (1949) 282.
137 Witmer (1943) 15.
138 Witmer (1943) 45–46.

in the United Kingdom.[139] In the Bahamas, on the other hand, the preeminence of a landholding elite ended prematurely when the plantation economy built around cotton as a staple crop failed in the early nineteenth century after a little more than one generation. Many former planters abandoned their estates on the Out Islands and gravitated towards Nassau to focus on mercantile activities instead, thus planting the seed for a mercantile oligarchy that would control the affairs of the colony for over two centuries.[140]

Some of the arguments that had historically been used to justify property qualifications for Members of Parliament to an extent still rang true in the Bahamas. Being a Member of the General Assembly required certain financial means, as they were paid neither a salary nor a stipend. Especially the representatives of the Out Island constituencies incurred expenses, e. g., on the campaign trail. It followed from this that all Members were resident in New Providence, because Out Island residents would not have been able to travel to the capital so frequently. When the Governor lamented this circumstance, the Speaker of the House countered by claiming:

> This criticism is not fair, and unfortunately is misleading. In the present House although there is no member who actually resides on one of the out-islands yet several of the out-island members were born in the districts they represent. Many of the members have family associations with the out-islands, and also interest in large estates there, as well as extensive commercial dealings with their inhabitants. Every out-island member has visited the district he represents – most of them on numerous occasions. The inhabitants of the out-islands are constantly visiting the capital, and it is very easy for a member to keep in touch with his constituents.[141]

As had been the case in the United Kingdom since the Parliamentary Elections Act, better known as the Grenville Act, of 1770,[142] the decision over the property qualifications for members if questioned fell "to a select committee of five members of the said House appointed for that purpose at the commencement of every session."[143] In the metropole, this meant that enforcement had been limited to cases that were "particularly scandalous […] or […] where the objection was persistently maintained."[144] However,

139 Witmer (1943) 155.
140 Craton/Saunders (1998) 242.
141 Malcolm (1956) 55.
142 Witmer (1943) 83.
143 *General Assembly Elections Act 1919* (Bahamas), s 47.
144 Burn (1949) 278.

the consequences of property qualifications for candidates on the composition of parliament were more noticeable and more immediate in the Bahamas than in the United Kingdom, where a system of political parties had evolved by the mid-nineteenth century. While the likelihood of voters casting their ballots along class lines was high, political parties across the spectrum in the United Kingdom had usually been able to attract candidates who could meet the property qualifications, even if at times this meant exploiting loopholes in the law.[145] After the abolition of property qualifications there, it was at times political parties and other organisations that enabled their representatives to afford their unpaid political work.[146] However, in the absence of a party system in the Bahamas, property qualifications for candidates actively contributed to a culture in which formally independent members largely recruited from the wealthy white minority won their seats, often uncontested, as it discouraged potential challengers from even nominating. This contributed to the perpetuation of the white oligarchy well into the twentieth century.

Another element compounded this effect in the Bahamas. The British Representation of the People Act of 1918 introduced a new feature, whereby candidates upon nomination were required to pay a deposit of £150.[147] They would forfeit this money if they won fewer than one eighth of the votes in their respective constituency. This measure was meant to discourage "freak candidatures," of which a few had occurred during World War I inconveniencing established party candidates to campaign in bye-elections despite a wartime electoral truce.[148] Arguably, this measure benefitted the existing political oligopoly. In February 1919, the conservative *Nassau Guardian* encouraged the Bahamian legislature to also introduce such deposits "in our own election laws […] when next they are under review."[149] The new provision became part of the Bahamian General Assembly Elections Act the same year. The Act fixed the deposit at £50, which in the Bahamas was relatively more than the United Kingdom's nominally higher rate, and it increased the threshold for a refund to from one eighth to one sixth of the

145 Burn (1949) 278.
146 Burn (1949) 282.
147 *Representation of the People Act 1918* (United Kingdom), s 26.
148 Butler (1963) 9.
149 "Editorial," The Nassau Guardian, 19 February 1919, 2.

votes.[150] In other words, the Bahamas not only followed the British example when they adopted this idea into their own law, but they tweaked it to maximise its, arguably undemocratic, effect. Candidates already had to possess property valued at £200. Now they had to risk potentially losing a quarter of this amount merely for nominating. Even in the United Kingdom's own context, it is debatable whether there was a real need for a legislative disincentive against so-called freak candidatures. In the Bahamas, however, there was even less of a history of such candidatures at that time, as in fact the majority of seats was generally won without a contest.

In his seminal work *Race and Politics in the Bahamas*, Colin Hughes concluded that, even though small numbers of non-whites had been elected to the Assembly ever since they became eligible to serve on the eve of Emancipation, the white minority had "kept control of the legislature not through a restricted franchise but by means of corrupt elections."[151] Allegations of corruption have indeed been made throughout the electoral history of the Bahamas, although of course following the British model, the Bahamian law did contain provisions against both bribery and treating. This aspect will be the subject of a later chapter. Here I argue, however, that there were other restrictions in place that enabled the oligarchy to maintain power, and that the General Assembly Elections Act of 1919 offered them additional, legal means of influencing the outcome of elections.

For almost a century, there have always been a few non-white members, but "their numbers were never significant enough to form a coherent bloc against the white mercantile elite which dominated the House."[152] Over the same period of time, the ratio of whites in the overall population of the Bahamas had dropped from a little over a quarter to less than one sixth.[153] If the allegations above were true that the white minority maintained their control of the Assembly by means of voter bribery, then this practice would already have become and would continue to get more and more expensive. An outright further restriction of the franchise by increasing the property qualifications for voters would not have been likely to find the approval of London.

150 *General Assembly Elections Act 1919* (Bahamas), ss 23(6), 23(7).
151 Hughes (1981) 10.
152 Saunders (2003) 5.
153 Craton / Saunders (1998) 176.

In 1910, at the last general election before the outbreak of World War I, there were 13,963 electors registered for the entire colony of the Bahamas.[154] Given the then population of approximately 56,000 persons, this would have represented roughly 24.9 % of the population. According to the age and sex distribution found in census figures, only 16.8 % of the overall population at that time were adult men.[155] During the interwar years, that ratio decreased. By 1938, the entries on the registration lists only added up to 15.9 % of the total population.[156] However, because men were entitled to be registered to vote in every electoral district in which they met the property qualifications, many names would have been entered in multiple lists, resulting in a lower percentage of actual voters in the overall population. Nonetheless, in a sweeping generalisation, Governor Charles Dundas in 1938 referred to this as "well nigh common franchise."[157]

Hughes on the other hand estimated that the real rate of enfranchisement was around one sixth of the population, or 30 to 40 % of all adult men.[158] If checked against the available census data, however, these two sets of numbers turn out to be self-contradictory, as 40 % of adult men would only have accounted for less than one fifteenth of the population. Without access to the original registration lists and without manually counting the unique entries therein contained, we cannot with any certainty ascertain the actual rate of enfranchisement for as long as plural voting persisted. In any case, despite a low property qualification, the registration rate was far from universal, and, despite inflation, declined over time. Furthermore, voters with limited education and financial means may have faced challenges ensuring that their names would be duly registered. The most effective restrictions put in place by the legislature that resulted in a continued white majority amongst the membership of the Assembly were the much higher property qualifications for candidates and, as of 1919, the requirement to post a substantial deposit.

154 Bahamas Blue Book 1918–1919, TNA: CO 27/116/48.
155 Craton / Saunders (1998) 183.
156 Minutes of Meeting with Governor Murphy at the Colonial Office, 3 May 1946, TNA: CO 23/800/120.
157 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 29 October 1938, TNA: CO 23/659/37.
158 Hughes (1981) 10.

Unlike with later election laws passed by the Bahamian legislature, the imperial administrators showed no signs of interest in the substantive provisions of this Act, or of being concerned with its democratic merits – or the lack thereof. As later examples will demonstrate, the Colonial Office would normally look at what was then practice in the United Kingdom to determine what it deemed desirable for its Bahamian colony. The 1919 Act, as shown above, contained numerous provisions that were no longer in line with these standards, e. g., a seven-year life of the Assembly as opposed to the House of Commons, whose life had been shortened to five years in 1911,[159] or the fact that open voting was still practiced in the Bahamas, whereas the secret ballot had been introduced in the United Kingdom in 1872.[160] The Act, however, did not explicitly mandate open voting; rather the Bahamas practiced it "on the basis of a long established custom."[161] We may therefore surmise that at this point in time neither the Governor nor the Colonial Office were concerned about what we might consider, both from a modern as well as from a contemporary metropolitan perspective, the democratic deficits in the Bahamian representative system, even if the United Kingdom had long since begun reforming its own electoral system.

A minor technical point in the Act on the other hand, was important enough to be discussed in a series of exchanges between London and Nassau. Section 74 of the General Assembly Elections Act read:

> All former Acts relating to or concerning the election of members of the General Assembly, or to the qualification of electors, candidates or members, shall be from and after the passing of this Act suspended, and all and every such Act and Acts, and every matter and clause therein contained, are hereby suspended accordingly for and during the continuance of this Act.[162]

The General Assembly Voters Act contained a similar passage.[163] The Speaker, who drafted the Acts, stressed the rule that "Election Acts never repeal previous Acts of the same nature. They merely suspend them."[164]

159 *General Assembly Elections Act 1919* (Bahamas), s 75; *Parliament Act 1911* (United Kingdom), s 7.
160 Seymour (1915) 427.
161 Legal Report by Attorney General Griffin, 8 July 1939, TNA: CO 23/680/30.
162 *General Assembly Elections Act 1919* (Bahamas), s 74.
163 *General Assembly Voters Act 1919* (Bahamas), s 35.
164 Malcolm (1956) 54.

However, there had not been a Bahamian election law enacted since 1886, and nobody in the Colonial Office was familiar with this antiquated convention. An internal memo read:

> This form of 'suspension' clause (which is to a large extent equivalent to a 'repeal' clause) is not, I believe, in favour with the Legal Authorities here. […] I would suggest that the local draughtsman's attention ought to be drawn to the point, and that he might be called upon to furnish us with a List of those Acts which will be considered as suspended […] I would be glad to note it when received.[165]

Such a list was indeed provided to the Colonial Office by Acting Colonial Secretary Frederick C. Wells-Durrant.[166] It originated with the Bahamian Acting Attorney General A. Kenneth Solomon though, instead of Speaker Malcolm. In an unashamed admission of Bahamian conservatism, Solomon emphasised that "as this course has been adopted for over a century I see no good reason why it should be changed."[167]Another internal memo in the Colonial Office then stated, "The archaic form of the repealing clause evidently like that of the enacting clause, is a matter of tradition with the Bahamians. I think the Ordinances may now be sanctioned."[168] The term ordinances usually referred to laws in Crown Colonies; in the Bahamas, the statutes were indeed called Acts.[169] That discrepancy, in a file that discussed the minutiae of a suspension or repeal clause, went unnoticed. The final entry in the file was made by the same clerk who originally suggested requesting the list, and who now acknowledged its receipt with a single word: "Noted."[170]

Over the next few decades, the Colonial Office would take a more active role in the reform process towards a more democratic suffrage in the Bahamas. It would only begin to play this role, however, after Bahamians themselves demonstrated that there was a critical mass of popular demand for

165 Internal Note, Colonial Office, 19 November 1919, TNA: CO 23/284/467.
166 Acting Colonial Secretary Wells-Durrant to Secretary of State for the Colonies Milner, 5 March 1920, TNA: CO 23/286/196.
167 Acting Attorney General Solomon to Acting Colonial Secretary Wells-Durrant, 1 March 1920, TNA: CO 23/286/197.
168 Internal Note, Colonial Office, 21 April 1920, TNA: CO 23/286/195.
169 Burns (1949) 78.
170 Internal Note, Colonial Office, 12 August 1920, TNA: CO 23/286/195.

such measures. While there were no signs of such in 1919, this would change in due time.

What changed first, however, was something else. As early as 1917, Governor William Allardyce reported to London that there was discontent among Bahamians about World War I, which they increasingly perceived to be a "white man's war."[171] Notions of European vulnerability and a realisation of Europeans' disdain for colonial peoples fed a certain "restiveness against colonialism and […] wave of democratic sentiment"[172] in many parts of the Empire. One example was the young Etienne Dupuch, who had returned home from the war. Disillusioned by the "pernicious racial discrimination"[173] he and other colonial volunteers had experienced in the British military, he joined the family's newspaper business. As editor of the *Tribune*, Dupuch had a platform to become one of the leading commentators on the need for reforms, some of which he also influenced more directly as a long-time Member of the House of Assembly, to which he was first elected in 1928. As such, he stood in the tradition of individuals such as James C. Smith, Member for New Providence's Western District and founder of the *Freeman*, a newspaper of the late-nineteenth century "critical of the many injustices of the day."[174] Socioeconomic developments during the 1920s led to a new generation of Bahamian civic leaders emerging, who, in the decades to come, would play their part in chipping away at white hegemony.

171 Governor Allardyce to Secretary of State for the Colonies Long, 2 July 1917, quoted in: Craton / Saunders (1998) 231.
172 Saunders (2016) 120.
173 Craton / Saunders (1998) 231.
174 Saunders (2003) 5.

Chapter 3
The Secret Ballot

The fact that voting in the Bahamas during the interwar period was still conducted by open declaration rather than by secret ballot was the first feature of the Bahamian electoral system that attracted considerable opposition from within the colony. The spectacle of how open voting manifested itself in the Bahamas, was cause for the Colonial Office to take an active interest in electoral reform there. It was London's involvement which eventually forced the Bay Street Boys to adopt secret voting, although they drew out its implementation, which occurred incrementally between 1939 and 1946. The introduction of the secret ballot marked the first step of progressive electoral reform in the Bahamas, and as such, it represented the measure against which Bay Street upheld its resistance first against popular demand and later against pressure from London the longest. In this chapter, I will look at the process that brought the ballot to the Bahamas, focussing in particular on the following questions. When and why did Bahamians start demanding the right to vote by secret ballot? When and why did the Colonial Office start taking an interest in the matter? What was the implementation process? Moreover, did the secret ballot have the desired effect?

3.1 First Stirrings

In July 1928, the *Tribune* observed that the House of Assembly is "elected by the absurd and antiquated method of *open voting*. This [...] system is the joke of all civilized communities and it is disappointing to find the Bahamas persistent in its continuance."[1] On the same day, the *Nassau Guardian*, the colony's more conservative paper and usually supportive of the *status quo* in those days, if only in the person of a newly arrived expatriate writer who may not have been fully aware of the paper's editorial allegiance as yet, opined that

1 Newspaper clipping from The Tribune, 7 July 1928, The National Archives, Kew, United Kingdom (TNA): CO 23/390/9. Emphasis in original document.

> [t]he open method of voting seems to have many obvious evils and is open to every conceivable form of corruption and intimidation. […] The presence of a howling mob surging up and down the polling booth would not be tolerated in England and it cannot be approved here.[2]

The occasion which prompted these two pieces was the way in which voters, candidates and their agents behaved in the eastern district of New Providence during the ongoing general elections – ongoing, because Bahamian elections took place over several weeks in order to accommodate voters qualified to vote in multiple districts to travel around the archipelago and cast all their votes. Observers took particular issue with the scenes that unfolded in the Sandilands polling division, in the eastern part of New Providence. Colonial Secretary Alan Burns reported to London:

> It has been impossible for me, so far, to obtain any definite report from the Police […] There seems, however, no doubt that bribery and intimidation, on a very considerable scale, was employed in this election, and that prominent citizens, themselves recently re-elected to the House of Assembly, were particularly active in this connection.[3]

Burns wrote directly to the Colonial Office about the disturbances at the elections, because during a temporary absence of the Governor, he was in charge of administering the government. He also included the above newspaper clippings in his despatch to London. While he did not provide a commentary about the *Nassau Guardian*, he described the *Tribune* as being at that time "consistently anti-Government and anti-white," but added that "the irregularities of which it complains resulted in the defeat of a white candidate and the election of two negroes. It is true, however, that the two successful candidates, Messrs. L. W. Young, and W. G. Cash, had the support of most of the prominent white politicians, including two unofficial members of the Executive Council."[4] In his 1949 memoir, Burns, benefitting from hindsight, compared the two papers as follows: "*The Tribune* […] was a well-run journal, much more alive and interesting to read than its staid and highly respectable rival [*The Nassau Guardian*] […] its editor sometimes

2 Newspaper clipping from The Nassau Guardian, 7 July 1928, TNA: CO 23/390/10.
3 Colonial Secretary Burns to Secretary of State for the Colonies Amery, 9 July 1928, TNA: CO 23/390/7.
4 Colonial Secretary Burns to Secretary of State for the Colonies Amery, 12 July 1928, TNA: CO 23/390/5.

allowed racial prejudice to warp his judgment, which was otherwise good."[5] In this particular case, Burns obviously deemed said editor's judgement as good enough to include his writings in a despatch to London. This led the Colonial Office to remark that the Bahamas was "about the only civilised community in the world where elections are conducted by open voting."[6] Whitehall now began to take an interest in the manner of voting in the Bahamas, and this would later prove crucial. Burns' opinion as well as the inclusion of newspaper clippings from the *Tribune*, too, marked a departure from the previous position of disinterest in such matters by Government House.

The Governor at the time was Charles Orr, whose term lasted from 1927 to 1932. During his first year, an official from the Colonial Office, upon invitation from the House of Assembly and at the expense of the colony, paid a visit to the Bahamas, so that in future "his experience might be of use to the Secretary of State in the selection of suitable officials."[7] The Colonial Office sent Leslie Brian Freeston, who served there from 1919 to 1936 before being appointed to a series of governorships himself.[8] Orr's despatches to the Colonial Office while planning this visit suggest that he was mainly interested in discussing with his guest his own situation in terms of salary and other benefits as well as what he deemed undue constitutional limitations on his powers as Governor.[9] An internal note in the Colonial Office, however, recalls that in other conversations Freeston had whilst in the Bahamas the question of voting by ballot arose, too:

> When I was in the Colony last summer, nearly all the coloured members of the House of Assembly urged upon me very strongly the necessity for introducing the secret ballot. I discussed the question at some length with the Governor, whose view was that, although the present system is theoretically indefensible, to abolish it would result in the return of black or coloured members for nearly every constituency in the Islands. The step would be resisted vehemently by the white population, whose political ascendancy rests, to no small degree, upon the influence which they are able to exercise over the present arrangements, and, even if the secret ballot

5 Burns (1949) 91.
6 Internal Note, Colonial Office, 24 July 1928, TNA: CO 23/390/3.
7 Governor Orr to Secretary of State for the Colonies Amery, 6 July 1927, TNA: CO 23/357/12.
8 "Sir Brian Freeston," The Times, July 17, 1958, 12.
9 Governor Orr to Secretary of State for the Colonies Amery, 6 July 1927, TNA: CO 23/357/9–13.

> would be constitutionally introduced, the resulting fear of black and coloured ascendancy would lead to an immediate demand for Crown Colony Government.
>
> The Governor was, therefore, opposed to the taking of any measures with a view to introducing the ballot. It appears from these despatches that Sir Charles Orr's attitude is not shared by his Lieutenant, but, in any case, until the time comes for a reform of the Bahamas constitution by Act of the Imperial Parliament, the question is one on which the decision lies with the present Legislature, and nothing that might be said by the Secretary of State would do much to alter their attitude.[10]

This note contains a number of noteworthy points. First, the Colonial Office's thinking at this time did not consider the sentiments of the colony's general population, but merely those of its political class. Second, the continuation of white minority rule was not an end in itself for the Colonial Office. Third, it therefore decided to accept the *status quo* mainly because it anticipated that at this point in time the white minority would make its resistance to change felt more vehemently than the Black majority expressed its desire for the same. Fourth, London did not want to be burdened with having to administer an additional Crown Colony. And fifth, the reports that officials sent from the Bahamas, and the advice they rendered to London were consequential in the shaping of policy. It was in the aftermath of the 1928 elections that the Colonial Office began to officially, if half-heartedly, indicate its preference for the introduction of the secret ballot in the Bahamas, and it did communicate this preference to the Bahamian political class.

The above file from 1928 is the first in the Colonial Office to explicitly mention the secret ballot in a Bahamian context. In it, the earliest detailed reference to an expression on the part of Bahamians desirous of the secret ballot points to the conversations between the Colonial Office's Freeston and non-white Members of the House of Assembly in the summer of 1927. Similarly, Bahamian historiography has traditionally placed the beginning of the movement for the secret ballot in the middle of the 1920s.

> Between 1925 and 1929, a heterogeneous assortment of reformists – ambitious brown and black businessmen and even a few progressive whites – had formed a loose alliance termed by some the Ballot Party, with the specific aim of weakening the power of the Bay Street cabal by introducing the secret ballot and the more general aim of reducing racial discrimination. The proposed measures were not truly radical and were aimed more at promoting the middle class against the upper than at replacing Bay Street with a true democracy.[11]

10 Internal Note, Colonial Office, 24 July 1928, TNA: CO 23/390/3–4.

11 Craton / Saunders (1998) 269.

However, in 1944 the *Nassau Daily Tribune* recalled the history of the ballot movement thus far, and pointed to earlier beginnings predating World War I:

> Some 30 or more years ago the late Captain Stephen A. Dillet retired from the Imperial Lighthouse Service […] and joined The Tribune staff as Assistant Editor. The late Mr. L[eon] E. H. Dupuch, Editor-Founder of The Tribune, and Captain Dillet, with their friends and supporters, launched a Colony-wide campaign for the introduction of the secret ballot to elections held in the Colony. Petitions were collected from all the electoral districts in the Colony and these were presented to the House. This is one of our earliest recollections of a major political struggle in the Colony. The petitions were presented to the House but they were refused even the courtesy of a Select Committee.[12]

Dillet was still involved with the so-called Ballot Party of the 1920s. However, a collaboration of Leon Dupuch and Dillet would mean that the campaign for the secret ballot alluded to in this newspaper article, occurred more than a decade earlier; Dillet retired from the Imperial Lighthouse Service in 1910, and Leon Dupuch passed away in 1914.[13]

In a letter to the Secretary of State for the Colonies, Governor Dundas suggested that the struggle to remove this "political anachronism and cause of great corruption and reproach to the Colony" dated back even further, to the late nineteenth century.[14] However, he does not offer any more details to substantiate this claim. Due to the poor condition and incompleteness of Bahamian sources, I have been unable to trace the early history of the ballot movement beyond this.

As Governor Orr explained to the Colonial Office in 1927, the white minority's fear of losing control of the House of Assembly was the real reason why Bay Street opposed the secret ballot. The *Tribune* did not shy away from decrying publicly the

> inward fear on the part of opponents to voting by Ballot that by experiencing the will of the people as it is revealed through the eyes of the Ballot Box, some can foresee that the imagined proprietary rights to seats in the Assembly will quickly vanish. […] the wills of so many are not expressed at open voting when the shadow of Mr. So and So's whip is hung over their heads.[15]

12 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/60.
13 Craton / Saunders (1998) 502, 513.
14 Governor Dundas to Secretary of State for the Colonies MacDonald, 10 July 1939, TNA: CO 23/680/60.
15 Newspaper clipping from The Tribune, 7 July 1928, TNA: CO 23/390/9.

The powers that were believed that their survival depended on the continuance of open voting.

Not only was Bay Street resisting reform, but the campaign for change was slow to gain traction, too. If Michael Craton's and Gail Saunders' assertion is accurate that the Ballot Party of the 1920s represented merely some ambitious members of a non-white middle class seeking their seats at the table, rather than an attempt for the majority seeking to replace the proverbial table with an open buffet, then it might be easier to understand why even in 1938 the Governor would still report to the Colonial Office that many ordinary voters were content with the way elections were conducted: "The significant remark has been heard that 'it does not matter to us who is in the House, but Two Pounds is of interest to us'."[16] Accordingly, the exchange between Burns and the Colonial Office in 1928 may have changed London's preference in the matter of open as opposed to secret voting. However, for the next decade neither Whitehall nor Government House expended enough energy to effect change in the matter, even though the *Tribune* already warned, "[u]ntil the Ballot system is made a part of our political institutions, we lay ourselves open to severe criticism from observers of our Constitution, and lastly but most important we almost invite the introduction of such a Reform from Downing Street."[17]

3.2 The Scales Tip

The question of voting by ballot was kept alive over the next decade, if only intermittently, by various Members of the House of Assembly. One of them was A. F. Adderley, a "distinguished (and quintessentially moderate) black lawyer"[18] who served as a Member for the Western District of New Providence from 1928 to 1938.[19] Somewhat ironically, however, it was Adderley's departure from the House in 1938, when Governor Dundas appointed him to serve on the Legislative Council instead, that would set in motion a chain

16 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/43.

17 Newspaper clipping from The Tribune, 7 July 1928, TNA: CO 23/390/9.

18 Craton / Saunders (1998) 271.

19 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/60; Bowe (1979) 12.

of events tipping the scales in favour of the secret ballot. The vacancy that thus arose made a bye-election necessary to fill Adderley's seat. It was widely agreed that this bye-election, which was held on July 4th, 1938, was an ugly affair, unbecoming of a respectable British colony. However, various observers, both in Nassau as well as in London, interpreted exactly what had happened, or, more importantly, what exactly had been so unbecoming about the conduct of this bye-election, quite differently.

Dundas reported to London, "The first candidate to offer himself was Mr. T. A. Toote, a coloured Barrister who had been in the House of Assembly for a number of years. He, however, withdrew so soon as it was known that another candidate was standing for election."[20] That second candidate was Harry Oakes, a multimillionaire who had been born in the United States of America, naturalised in Canada, and only immigrated to the Bahamas in 1935. Mary Moseley, the conservative publisher of the *Nassau Guardian* and a member of the Bahamas Development Board, was in London at that time. She insinuated to the Colonial Office "that Mr. Adderley had been elevated to the Legislative Council in order to make room for Mr. Oakes in the House of Assembly."[21] These allegations, ultimately directed against Dundas, who, as Governor, made the appointment, were never substantiated. Craton and Saunders describe Dundas as "more serious and professional" than his predecessor Bede Clifford;[22] and Owen Platt suggested that, much to Bay Street's chagrin, Dundas would not reduce himself to "complacently go along with their views."[23] Dundas described Oakes as "a Canadian millionaire, who in recent years has acquired extensive property here […] it is generally believed that Mr. Oakes desires to establish beyond question domicile here for the purpose of evading income tax."[24]

When Oakes nominated, and Toote withdrew, "[b]anking on the support of one of the largest black electorates in the colony and the tradition that this

20 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/42.

21 Internal Note, Colonial Office, 25 July 1928, TNA: CO 23/653/3.

22 Craton / Saunders (1998) 271. N. B.: There were, however, also other opinions within the Colonial Office: "We must however bear in mind that Dundas isn't a Clifford. They [Bay Street] knew Clifford was smarter than they were." See: Internal Note, Colonial Office, 4–5 May 1939, TNA: CO 23/659/12.

23 Platt (2003) 38.

24 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/42–43.

seat normally went to a nonwhite, the dynamic but relatively poor and uneducated black shopkeeper Milo Butler […] offered himself in opposition to Harry Oakes."[25] Butler lost, polling in fact less than one sixth of the votes, thus forfeiting his deposit of £ 50. There is general consensus that bribery and treating occurred at the polls. Some place sole blame on Oakes' agents, thus characterising Butler as the victim of "glaring bribery."[26] According to Dundas, the Oakes camp alleged that Butler's "only real cause of complaint was that he was outdone in the matter of bribery."[27] This could certainly be read not just as an accusation of bribery by Butler but also as an implied admission to bribery by Oakes. It could also be understood as an expression of *schadenfreude*, especially if the allegations are true that the Royal Bank of Canada, caving to pressure from Oakes' agents, stopped Butler's credit before the election.[28] Dundas alluded to this, too, when he reported to the Colonial Office that Butler "seems to have been designedly deprived of funds."[29]

Dundas ordered a police investigation which yielded "depositions by two persons who testified to receiving bribes […] one is by a person who did not vote, the other by an intoxicated man who voted for Mr. Oakes' rival."[30] Crucially, neither of the men who admitted to receiving bribes from Oakes' camp voted for him. According to Dundas, the distribution of money and gifts by Oakes' agents seems to have been in fact "indiscriminate to all and sundry, irrespective of the party they supported."[31] The General Assembly Elections Act of 1919, however, explicitly required any money paid or any gift given to be paid or given conditionally with the specific intention to induce a particular voting behaviour in order for it to count as an act of

25 Craton / Saunders (1998) 271.
26 Craton / Saunders (1998) 271.
27 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/44.
28 Craton / Saunders (1998) 271.
29 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/44.
30 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/44.
31 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/45.

illegal bribery or treating under that law.[32] Consequently, nothing came of this investigation.

On the other side, politically speaking, there were arrests made. Dundas details:

> Besides money, liquor was lavishly issued from a nearby improvised Bar. This led to disorderly conduct among the crowd collected around the polling station, and when the Police intervened they met with resistence [sic!], and two white Officers sustained very slight injuries. Two coloured men were arrested.[33]

Craton and Saunders describe the two men as some "of Butler's most ardent supporters" and mistakenly claim that the incident occurred when the police "closed the polling station," and that they were "convicted and imprisoned for six months."[34] It is true that they were sentenced to six months of imprisonment, but Dundas states that the violence occurred when the police shut down the improvised bar,[35] and the two men were not made to serve the time, as Dundas explains:

> I considered these sentences as quite excessive, having regard especially to the general excitement and irresponsible spirit induced by the illegal provision of intoxicants by persons who should have known better. Illegalities were being perpetrated on all sides, by comparison with which these assaults were trivial. Moreover they happened to be partisans of Mr. Butler, which meant that the Law was set in motion against the aggrieved side. In consideration of these facts I decided to release the prisoners on bond for good behaviour […] If the Law was to be so rigorously enforced it seemed to me that it would have been better set in motion against those who by corrupt practices had caused commotion and induced these minor offences.[36]

Several representatives of Bay Street, such as Harold Christie, Mary Moseley and Harry Oakes, the winner of this infamous contest, who all happened to be in London at the time, expressed their disapproval of the Governor's clemency in this matter directly to the Colonial Office.[37]

32 *General Assembly Elections Act 1919* (Bahamas), ss 9–11.

33 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/45.

34 Craton/Saunders (1998) 271. The primary source Craton and Saunders cite as their reference is the same account by Dundas that follows here.

35 Governor Dundas to Secretary of State for the Colonies MacDonald, 11 July 1938, TNA: CO 23/653/51.

36 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/45.

37 Internal Note, Colonial Office, 25 July 1938, TNA: CO 23/653/3–4.

In the aftermath of the election, the defeated Butler "announced his intention to lodge protest, and to carry it, if necessary" all the way to the Secretary of State for the Colonies.[38] The Colonial Secretary invited him to furnish any proof he might have had, but not only did Butler not come forward with any evidence, he quickly dropped the matter altogether, after a meeting with A. Kenneth Solomon, at that time not only Oakes' attorney but also Leader for the Government, a courtesy title for a senior Member of the House of Assembly also serving on the Governor's Executive Council, having been appointed to the latter with the intention of championing the executive's agenda in the legislature. Solomon now assured Dundas that he would hear from Butler no more. Dundas explained how he understood this assurance:

> From these remarks I naturally drew my inferences, and they were confirmed when on the following day another Unofficial Member of Council confided to me that Mr. Butler's credit with the Bank had been stopped before the Election and reopened after his interview with the Leader. I suspect that even at that the half is not told.[39]

Regardless of what caused Butler to suddenly fall silent about alleged voter bribery at this particular bye-election, he did in the immediate aftermath of these events spearhead a renewed campaign for the introduction of the secret ballot in the Bahamas. This culminated in "a procession of some seven or eight hundred people who paraded the streets with banners and various devices, nearly all bearing slogans demanding the Secret Ballot or 'Box' as it came to be termed."[40] Dundas further explained that "[a] reasonably framed and courteous petition" demanding the introduction of reform measures, first and foremost amongst them the secret ballot, was also submitted to the Governor by Butler.[41]

Dundas estimated that he and his Executive Council, unlike the House of Assembly, enjoyed a degree of trust on behalf of the non-white Bahamian

38 Governor Dundas to Secretary of State for the Colonies MacDonald, 11 July 1938, TNA: CO 23/653/51.

39 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/47.

40 Governor Dundas to Secretary of State for the Colonies MacDonald, 9 August 1938, TNA: CO 23/653/32.

41 Governor Dundas to Secretary of State for the Colonies MacDonald, 9 August 1938, TNA: CO 23/653/31.

majority.[42] As the current grievance revolved largely around the question of voting by secret ballot, and as Government House had officially supported this idea for approximately a decade, this trust is understandable. Nonetheless, Dundas realised that it was conditional, and that his Administration would either soon have to deliver on the promise, or risk losing the support. To this end, Dundas planned to introduce a number of measures through the Legislative Council, and, as he had no means of directly influencing the voting behaviour of the House of Assembly, expressed his "utmost insistence on the passage of the legislation" there.[43] The proposed measures included the introduction of the secret ballot as well as some economic measures to provide for employment, as the Great Depression had hit the Bahamas particularly hard because it coincided with the repeal of the National Prohibition Act, better known as the Volstead Act, in the United States. This ended the prohibition of alcohol there and thus put a stop to the smuggling of liquor, which had become the mainstay of the Bahamian economy since the end of World War I.

Dundas' primary concern was to ensure that the public understood that his Administration and the political majority in the House of Assembly were to be seen separately, should the latter continue to reject reform: "it is my aim to ensure that no outburst can be justly attributed to acts or omissions on the side of the Government."[44] Dundas' concern stemmed from a fear that economic distress and political dissatisfaction could lead to violent unrest.

> Persistent rumours of impending disorders and even serious riot have, however, been current in the last few days, and I have deemed it wise to consider seriously the measures that might be taken should such occur. There is in Nassau a mob of perhaps a thousand persons who may be potential hooligans if incited by mischief makers, of whom I have reason to suspect there are two or three at least. This mob consists of young loafers, criminals and riff raff of that type. It is the result of the constant influx of out Islanders who come to seek work in the capital and who either find none or displace the natives of the Town in employment. […] If it is true that attempt was made to organise demonstrations on account of an election which

42 Governor Dundas to Secretary of State for the Colonies MacDonald, 9 August 1938, TNA: CO 23/653/32.

43 Governor Dundas to Secretary of State for the Colonies MacDonald, 11 July 1938, TNA: CO 23/653/52.

44 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/48.

> in reality hardly interests the mob at all, it is not impossible that an unemployment demonstration might be successfully staged. I do not wish to convey the impression that I am alarmed, actually I see no probability of serious trouble arising, but I think you should know that the possibility is not so remote as might be supposed, and that I am not ignoring it.[45]

Both Dundas' concerns as well as his attempt at a detailed risk evaluation for the Colonial Office must be seen in light of the labour riots that had repeatedly occurred in a number of British Caribbean colonies since 1934. The Bahamas' economic structure and history were different to those of many other Caribbean islands, however, and those unrests had not reached these islands – yet. Saunders suggests that there was a reluctance on the part of the small non-white middle class to identify with the Black labouring class, as "[t]he political incident revealed the increasing unrest in a substantial section of New Providence's population. The coloured and black middle class failed to channel it into a national movement."[46] This interpretation, however, might on the one hand overestimate the political motivation of protesters during and after the bye-election, and on the other hand underestimate the placating effect of the Government's actions in the aftermath.

Dundas summoned the Executive Council to a special meeting at which he argued that the time had now come for him to press for the secret ballot "to the utmost" instead of continuing to "await action on the part of the House Committee."[47] Dundas was not the first Governor of the Bahamas to recommend the introduction of the secret ballot. Shortly after taking up this post in 1934, one of the Members of the Executive Council informed him that a House Committee had for the last "two Sessions been supposed to be dealing with this matter in conjunction with other amendments to the Election Act."[48] Four years later, Dundas had reached the conclusion that waiting alone would not convince the House of Assembly to act. The Executive Council, reported Dundas, agreed with him, but details of his report to London raise suspicions about how earnest this support really was.

45 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/48–49.

46 Saunders (2003) 12.

47 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/46.

48 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/42.

> Nothing I said about the malpractices [at the July 1938 bye-election] was disputed, on the contrary Unofficial Members frankly stated that there had scarcely been an election, not even their own elections, when the like had not occurred, the only conspicuous difference on this occasion being the wealth of the successful candidate. They asserted that material benefit was the sole interest of the Coloured voters, excepting when, as had happened occasionally, the issue became a matter of colour conflict. They all agreed with me that I should press for the secret ballot, but they thought that as a quid pro quo the qualifications for the right to vote should be raised.[49]

Unofficial Members of the Executive Council are men who are not already *ex officio* Members. They were usually recruited from amongst the membership of the House of Assembly. The reasoning behind this practice was that colonial Governors under the Old Representative System hoped that by doing so their policies would have some support in the wholly elected lower house. Without such Unofficial Members, the Governor and Council had no representation there. Here, these Unofficial Members nonchalantly admitted to having been elected with the help of the very practices the Governor decried. Instead, they now pledged to support the introduction of the secret ballot with the caveat that at the same time the property qualifications for voters ought to be raised. This, they hoped, would put an end to these undesirable practices. It had of course been the poorer voters who had been identified as being particularly susceptible to the kind of improper persuasion at and around the polls. The proposed reform would not allow them to vote in secret, rather it threatened to disenfranchise them. Dundas saw through this charade and warned, "that it is most dangerous to disfranchise people, that they had always tenaciously held to their Constitution and must now abide by its disadvantages, seeking only to eliminate its corruptive features."[50]

Hoping to persuade the Colonial Office to overrule the Governor in this matter, Moseley recorded her view there that such a "revolutionary move […] [would] necessitate a stringent upward revision of the franchise qualification!"[51] Of course, the argument presented in support of higher property qualifications pretended to be born out of the concern that poorer

49 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/46.

50 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/46.

51 Internal Note, Colonial Office, 25 July 1938, TNA: CO 23/653/4.

voters, because they would inevitably also be less educated voters, would not be able to understand how to use a paper ballot, which would then raise the question whether the outcome of an election conducted by secret ballot truly reflected the will of such voters. The *Tribune* had refuted this argument for the Bahamas as early as 1928, when it pointed to the fact that the numerous Friendly Societies, in which that exact demographic constituted the majority of the membership, all successfully utilised the secret ballot in their elections.[52]

Nonetheless, these objections against the secret ballot, regardless of whether or not they were merely a pretext, would surface time and again over the next eighteen years. For instance in 1944, when such sentiments caused the *Tribune* to respond:

> What members of the House must realize before taking a final and irretrievable decision on this measure is that, after 213 years of Parliamentary Government, they cannot justify any claim they may make that the people of the Colony are not ready for the ballot – any argument of this character would be an admission that the people who have had control of the political machinery of the Colony for over two centuries have failed in their high trust and are, therefore, not entitled to continue in undisputed control over the destinies of His Majesty's subjects in this Colony.[53]

In time, the Colonial Office would echo the sentiment, too, that if these objections genuinely held water "the present holders of political power have failed in their duty to the community in that they have not, by education and other matters, so raised the level of the general inhabitants that they can exercise responsibilities for citizenship."[54] The question whether or not it is fair to lay all blame in this case at the feet of the legislative branch of government, and to absolve the executive branch of all responsibility, could be raised in this context, although adequately addressing it would exceed the constraints of this book.

When pondering the question of whether or not poorly educated masses could successfully vote by secret ballot, it is curious to note that the experience in the United Kingdom itself, where the secret ballot had been in use since 1872,[55] was not cited in the Bahamian context, even though it could

52 Newspaper clipping from The Tribune, 7 July 1928, TNA: CO 23/390/9.
53 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/61.
54 Internal Note, Colonial Office, 12 July 1946, TNA: CO 23/800/17.
55 *Ballot Act 1872* (United Kingdom).

have alleviated these concerns. Upon its introduction there, the number of spoilt ballots had been described as "trifling."[56] This rendered such concerns, professed by its British opponents in the same way then as they were stressed by its Bahamian opponents now, moot. Logically, they should thus not be used to justify increasing voters' property qualifications. In the end, the Colonial Office adopted the position that disenfranchising voters was not only undesirable, as Dundas had pointed out, but in fact irrelevant to the question of voting by secret ballot.

A couple of months later, Dundas followed through with his plan to press for the secret ballot. In his speech at the opening of the Legislature he said:

> Another important issue to which I invite your special attention is that of electoral reform, that is to say, the substitution of the secret ballot for open voting. I understand that a Committee of the House has the matter under consideration and that their proposals will be brought forward during this session. For the present I desire only to stress the great importance I attach to this measure which I know to be desired by many among the community and which it is my duty to urge with emphasis.[57]

Fully aware that as Governor he had no way to coerce the House of Assembly to pass any legislation, Dundas hoped that the embarrassment caused by the bye-election was enough to foster a "strong inclination and possibly even general desire for this reform" amongst the Members.[58] As in the past, the Governor accepted that the matter was referred to a Committee of the House, "with the understanding that they will bring it forward with definite recommendations."[59] So far, demands for the secret ballot had come almost exclusively from Nassauvians. Therefore, Dundas expected that one of the main recommendations would be that the introduction of the secret ballot would be "subject to the condition that it is in the first instance applied only to New Providence (Nassau), and later to other Electoral Districts in which the majority of Voters demand it by petition to the House."[60] He also

56 Seymour (1915) 433.

57 Governor Dundas' Speech Opening the Session of the Legislature, 25 October 1938, TNA: CO 26/125/3.

58 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 29 October 1938, TNA: CO 23/659/35.

59 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 29 October 1938, TNA: CO 23/659/35.

60 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 29 October 1938, TNA: CO 23/659/35.

expected that the House would only agree to the secret ballot if property qualifications for voters were raised simultaneously.[61]

Both the Governor as well as the Colonial Office were prepared to accept the first condition. Dundas expressed doubt about a mechanism that would require voters to petition the House to initiate the implementation of the secret ballot in additional voting districts. However, he was inclined to "accept this arrangement, because it is in Nassau that reform is most needed, and I should hope that it would in due course follow in all other Districts, or where it does not come about the Voters will hardly deserve free franchise. The main gain would be that the principle is accepted."[62] Similarly, but without consideration of the mechanism by which the use of the secret ballot might be extended, the Colonial Office noted, "I see no reason to object to the introduction of secret ballot in New Providence first, and let it follow in the Out-Island Constituencies later, on demand."[63]

Solomon, the Leader for the Government in the House of Assembly, had assured Dundas that the House would act on the question of the secret ballot during that legislative session. Dundas had understood this to mean "that this matter would be settled."[64] However, while the Select Committee did indeed draft a bill to that effect and even reported it, it did so "so late in the Session that by common consent it was postponed for consideration at some later date – presumably the next Session."[65] Furthermore, Dundas noted that the draft bill proposed the introduction of the secret ballot in New Providence only and provided for no mechanism at all that could extend it to other electoral districts, and the property qualifications for voters were to be increased by a factor of ten.[66]

61 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 29 October 1938, TNA: CO 23/659/36.
62 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 29 October 1938, TNA: CO 23/659/36.
63 Internal Note, Colonial Office, 25 November 1938, TNA: CO 23/659/5.
64 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 3 March 1939, TNA: CO 23/659/29.
65 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 3 March 1939, TNA: CO 23/659/29.
66 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 3 March 1939, TNA: CO 23/659/29.

In his speech closing the legislative session, Dundas stressed that these conditions were unacceptable to him, not just on political but also on ethical grounds:

> Lest there be misunderstanding I conceive it right that I should make it plain that I shall not be able to accept any measure whereby restriction on franchise beyond that at present existing might be imposed, for I hold first that such would be retrograde and unwarranted, second that an elected body cannot with propriety disenfranchise many of those by whose votes they were elected, and third that such could not be done with the slightest assurance that it would be acceptable to the majority of voters whose interests must be my primary concern.[67]

He further reported to Whitehall that he assured the House of his unwillingness to further postpone this issue beyond the next session, explaining:

> I did this because it would obviously be most unwise that this contentious subject should be dealt with during the Autumn budget Session, the House being quite capable of refusing all supplies if they thought that dissolution was imminent. The House has rather rightly construed my pronouncement as indicating that unless the matter is disposed of without these restrictions of existing rights of vote I will dissolve the Assembly, and put the issue before the Country by General Election.[68]

The Colonial Office believed that in the case of dissolution an ensuing election centred on the question of the secret ballot "would rally the blacks to the point of resisting bribery and returning men, white or black, pledged to the secret ballot."[69] However, the Colonial Office also believed that an election "would also cost the present house a tremendous lot of money, which is the real whip in the Governor's hands."[70] The Members of the House of Assembly may indeed have been more concerned about the latter point, but that very expense may well have brought about the same old outcome in new elections. Nonetheless, Whitehall expected the House to come around and comply with its wishes rather than risk further escalation of the conflict.

In anticipation of the House's attempt to increase the property qualifications for voters, the Colonial Office had prepared a table comparing the

67 Governor Dundas' Speech Closing the Session of the Legislature, 27 February 1939, TNA: CO 26/125/199.

68 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 3 March 1939, TNA: CO 23/659/30.

69 Internal Note, Colonial Office, 4–5 May 1939, TNA: CO 23/659/12.

70 Internal Note, Colonial Office, 4–5 May 1939, TNA: CO 23/659/12.

methods of voting, property or income qualifications, and, where that information was available, literacy rates "in all those colonies where elections take place."[71] That comparison showed that the last two colonies using open voting were the Bahamas and Barbados, and that there were a number of other colonies with similar or even lower literacy rates than the Bahamas (59.6 %) where elections were nonetheless conducted by secret ballot, i. e., British Honduras (60.9 %), Trinidad (57.8 %), Fiji (34.6 %) and Mauritius (13.4 %).[72] The Colonial Office concluded that an increase of the property qualifications in the Bahamas was not desirable, claiming that comparing the voters' qualifications on its list was "not very illuminating."[73] The reason why such a comparison was not instructive was because the list lacked other relevant data that could provide the necessary context, e. g., what do the nominal values in such a table mean if adjusted for local incomes and wealth distribution, and what is the percentage of enfranchisement amongst those populations. It is, however, striking that – with the exception of Kenya and Nigeria, which had no property qualifications – all other colonies had nominally higher property qualifications than the Bahamas, especially Fiji and Mauritius, which had significantly lower literacy rates than the Bahamas. It is therefore conceivable that in most British colonies property qualifications would have in effect restricted the franchise to the more literate segment of the population, regardless of whether this had been the intention or not.

However, the Colonial Office was not inclined to accept the disenfranchisement of persons currently in possession of the vote. In 1927, Governor Orr had opposed the secret ballot for fear that it would result in only Black Members being elected, and the Colonial Office had accepted his position that this would be an undesirable scenario, not in itself but because of the incalculable reaction by the colony's white population. By 1939, however, both Governor Dundas as well as the Colonial Office were open to the idea "that an all black house might be an improvement!"[74]

Between sessions, a deputation from New Providence's "Southern District, that is to say Grant's town – a purely Negro quarter – which inciden-

71 Internal Note, Colonial Office, 18 November 1938, TNA: CO 23/659/2.
72 Internal Note, Colonial Office, 18 November 1938, TNA: CO 23/659/33–34.
73 Internal Note, Colonial Office, 25 November 1938, TNA: CO 23/659/4.
74 Internal Note, Colonial Office, 4–5 May 1939, TNA: CO 23/659/13.

tally is the largest Town in the colony"[75] submitted a resolution in support of the secret ballot to Dundas, who expected other, similar resolutions from other quarters to follow. This group was clearly less optimistic than the Governor that the House might finally move on the issue during the next session. In what could be interpreted as a thinly-veiled threat, the deputation explained to Dundas that many voters would not understand the finer points of the Constitution, which tied the Governor's hands in this matter, and would thus consider him complicit in the continuation of the practice of open voting; to avoid giving this impression, their recommendation was to force electoral reform by issuing new Letters Patent instead.[76] However, the next session saw the desired progress.

3.3 Limited Legislation

On May 12th, 1939, Dundas reported to Secretary of State for the Colonies Malcolm MacDonald that a bill was about to be introduced in the House, and he already hinted at some "objectionable features,"[77] which he expected to find in the bill. These he intended to change by way of amendment in the Legislative Council, indicating to the Colonial Office that he planned to threaten the dissolution of the House should these amendments be rejected there. Dundas' main objection was an expected increase in property qualifications for voters, but he also expected the bill to double the property qualifications for Members of the House, which he did "not consider […] necessary to resist."[78] On June 6th, the House passed the bill, and in a telegram to the Colonial Office Dundas reported that property qualifications had been doubled, but failed to clarify whether this applied to voters, candidates, or both. He concluded with "passage in Legislative Council assured."[79]

75 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 3 March 1939, TNA: CO 23/659/30.
76 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 3 March 1939, TNA: CO 23/659/31.
77 Governor Dundas to Secretary of State for the Colonies MacDonald, 12 May 1939, TNA: CO 23/659/23.
78 Governor Dundas to Secretary of State for the Colonies MacDonald, 12 May 1939, TNA: CO 23/659/23.
79 Governor Dundas to Colonial Office, 6 June 1939, TNA: CO 23/659/21.

A month later, Dundas corrected the details in his account. The House had not passed one, but two election bills. One was the Voting by Ballot (New Providence) Bill, which was to implement the secret ballot. It was introduced as a stand-alone bill rather than as an amendment to the General Assembly Elections Act of 1919, because its application was limited to New Providence only and its duration was limited to five years. It contained neither a mechanism to extend it to other electoral districts, nor one to extend its life "without recourse to further legislation."[80] The House, however, also attempted to increase the property qualifications for Members at the same time. As these were defined by the General Assembly Elections Act of 1919, and as they were to apply to the entire Bahamas, however, the House thus also passed a General Assembly Elections (Amendment) Bill containing these changes. The Legislative Council passed the first bill but rejected the second.[81] This paved the way for the secret ballot to become law, without the Governor and the Colonial Office having to worry about the House of Assembly and Legislative Council quarrelling over amendments to a single bill.

The scope of the Act was defined in section 3. It applied to "every contested election for the selection of a member to serve in the General Assembly of the Bahama Islands for any district in the Island of New Providence."[82] This, as well as two other clauses, according to Attorney General John Bowes Griffin, emphasised "[t]he experimental character of the Act."[83] One was the already mentioned limited duration, which was set at five years.[84] The other was the deliberately cumbersome requirement that the "Act shall not come into operation unless and until the Governor notifies in the Gazette that it is His Majesty's pleasure not to disallow the same."[85]

The Colonial Office had encouraged Government House to look at recent legislation from other colonies as a model for a Bahamian Ballot Act, especially for the sections necessary to accommodate voters who were blind,

80 Legal Report by Attorney General Griffin, 8 July 1939, TNA: CO 23/680/32.
81 Governor Dundas to Secretary of State for the Colonies MacDonald, 10 July 1939, TNA: CO 23/680/60.
82 *Voting by Ballot (New Providence) Act 1939* (Bahamas), s 3.
83 Legal Report by Attorney General Griffin, 8 July 1939, TNA: CO 23/680/32.
84 *Voting by Ballot (New Providence) Act 1939* (Bahamas), s 58.
85 *Voting by Ballot (New Providence) Act 1939* (Bahamas), s 57.

illiterate or otherwise unable to utilise a written ballot, as this had ostensibly been one of the main arguments used by Bay Street to continue the practice of open voting. To this end, the Colonial Office circulated a copy of Kenya Ordinance No. 26 of 1935 as an example.[86] The House of Assembly, however, decided to adopt the respective provision from Bermuda's Parliamentary Elections Act of 1928 instead.[87] The Colonial Office duly noted that in Bermuda, despite the secret ballot, the minority white oligarchy had maintained its rule.[88] However, Bermuda was also geographically much closer to the Bahamas, the two were historically connected, and furthermore they represented two of the remaining three colonies still governed according to the Old Representative System. Therefore, looking to Bermuda's legislation as a model may be seen as an understandable choice.

Adopting Bermuda's procedure for voters unable to complete a ballot by themselves meant that "any voter who is incapacitated by blindness, or other physical cause from voting in the manner prescribed by this Act, or […] any voter who makes a declaration […] that he is unable to read" would continue to openly declare his vote.[89] In 1939, the provisions for blind or illiterate persons in the United Kingdom were no different practically and dated back to the Ballot Act of 1872.[90] While voting by proxy had been introduced in the United Kingdom with the Representation of the People Act 1918, it was limited to absent voters.[91] Its primary purpose was to guarantee the voting rights of those serving in the armed forces during the war. This restriction only fell with the Representation of the People Act 1948, thus allowing blind or illiterate persons to appoint proxies, too.[92]

In the Bahamas, it took much longer to introduce a method of voting designed to allow blind and illiterate persons to cast secret ballots, too. In 1969 provisions were introduced "for the use of symbols on ballot papers so that illiterate persons may, for the first time, vote secretly" and for a trusted person "to accompany a blind or otherwise incapacitated voter in the voting

86 Internal Note, Colonial Office, 18 November 1938, TNA: CO 23/659/2.
87 Legal Report by Attorney General Griffin, 8 July 1939, TNA: CO 23/680/31.
88 Internal Note, Colonial Office, 4–5 May 1939, TNA: CO 23/659/12.
89 *Voting by Ballot (New Providence) Act 1939* (Bahamas), s 38.
90 Fitzgerald (1876) 47.
91 *Representation of the People Act 1918* (United Kingdom), s 23.
92 *Representation of the People Act 1948* (United Kingdom), s 10.

compartment and mark his ballot for him."[93] However, the sources also do not indicate that this had been a matter of great concern. A public demand to introduce symbols on the ballot, for instance, was not made until 1965 – and was given effect during the next revision of the substantive act.[94]

Despite the fact that the rules for blind or illiterate voters were practically identical to those in the United Kingdom, Dundas expressed his doubts to the Colonial Office over the question whether this would sufficiently guarantee the secrecy of the vote. At the same time, he acknowledged that perhaps this was a compromise necessary to ensure at least some reform.

> This also does not entirely content me because in practice it means that so far as concerns illiterates the system of open voting is retained. To what extent that may conduce to continued corruption will depend on the number of Voters who claim to be illiterates. I say "claim to be" advisedly, because if men of a certain type see their way to getting payment for their votes on account of alleged illiteracy they will be tempted to declare themselves unable to read and write. […] for this reason I would have preferred the adoption of some such device as balloting with coloured cards representing the several candidatures. Here again, however, I did not wish to jeopardise the securing of some reform by too much insistence on points of detail.[95]

The Bahamian Act not only introduced the secret ballot and the provisions regarding the voting procedure in reference thereto, but it also made some other changes, especially concerning the compilation of the voters' register. The main change was a stricter scrutiny and recording of registrants' qualifications.[96] This led to scores of persons having their names stricken when these new rules were first applied, which presumably produced a more accurate register and thus reduced the number of ineligible persons voting fraudulently. The first constituency for which a new register was compiled saw the number of registered voters decrease from 1,112 in 1938 to 501 in 1939.[97] Dundas concluded, "It is patent that in the past unscrupulous candidates obtained the registration of numbers of persons unqualified and

93 Legal Report by Attorney General Bryce, 16 March 1970, TNA: FCO 44/366.
94 National Democratic Party to Secretary of State for the Colonies Greenwood, 13 October 1965, TNA: CO 1031/4472.
95 Governor Dundas to Secretary of State for the Colonies MacDonald, 10 July 1939, TNA: CO 23/680/57–58.
96 *Voting by Ballot (New Providence) Act 1939* (Bahamas), s 3, First Schedule.
97 Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/12.

many of them uninterested riffraff and thus the whole system of Election has been cleansed in more ways than one."[98]

For most other aspects, however, the Act declared that "[t]he provisions of The General Assembly Elections Act and The General Assembly Voters Act wherever the same are not inconsistent with the provisions of this Act, shall continue to have full force and effect."[99] Furthermore, given the Act's built-in expiry date, there would have been but a single general election, anticipated for 1942, where voters in New Providence would have voted by secret ballot. However, another appointment of a Member of the House to the Legislative Council created a vacancy in the House and thus the need for another bye-election in 1939. The new appointee was Harry Oakes, whose election in the previous year had been so scandal-ridden that it had led to the introduction of the secret ballot. Government House now hoped that a scandal-free bye-election under the new Ballot Act might pave the way for making it permanent and colony-wide.[100]

Before the bye-election could be conducted by secret ballot though, Government House had put itself under pressure not only to obtain the notification of non-disallowance but to also produce a revised voters' register in time. Failing to do so would mean another election by open voting. Acting Governor James Henry Jarrett had given his assent to the Ballot Act on July 12th, 1939, and Oakes' appointment to the Legislative Council was gazetted two days later.[101] The timing to be observed in this case was still dictated by the General Assembly Elections Act of 1919, which required the Governor "forthwith to direct the Colonial Secretary to make out a writ for the election."[102] Government House and the Colonial Office now looked at recent Bahamian examples to see how "forthwith" writs for new elections had been issued: "the average time has been 8 days after the vacancy, and has never, in recent years, exceeded 2 weeks. […] the writ should have been issued by 22nd July, if there was not to be an interval in excess of the average,

98 Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/12.

99 *Voting by Ballot (New Providence) Act 1939* (Bahamas), s 3.

100 Acting Governor Jarrett to Secretary of State for the Colonies MacDonald, 19 July 1939, TNA: CO 23/680/27.

101 Acting Governor Jarrett to Secretary of State for the Colonies MacDonald, 19 July 1939, TNA: CO 23/680/26.

102 *General Assembly Elections Act 1919* (Bahamas), s 52.

and should be issued by 28th July if the interval is not to exceed the longest previous period."[103] Furthermore, the time span "between the teste and return of the writs of election" was limited to a maximum of forty days.[104]

The issuing of the writ for the election was delayed a little beyond the two-week limit the Colonial Office had hoped to meet, for the election was held on September 20th, 1939. The sources are quiet as to if or how Government House sought to justify the delay, but it allowed for all necessary steps to be taken, enabling voters to vote by secret ballot. Dundas reported that 455 voters cast their ballots, and

> [t]he Election is described as the most decent and orderly ever seen in the Bahamas and there was complete absence of indication of bribery or treating, in fact the supervising Officer states that the atmosphere was so calm that it was difficult to realise that an election was held. Only twelve persons declared their votes on grounds of illiteracy and of these three were blind people.[105]

This report echoes descriptions of the introduction of the secret ballot in the United Kingdom:

> The excitement and riots which had characterized the open nomination and polling were largely eliminated, and the factor of violence disappeared almost entirely from electoral contests. The first election held under the new act took place at Pontefract and was watched with great interest. The Mayor in a letter to the *Times* reported that the familiar scenes of the old days were totally absent; the public houses were quiet, there was no drunkenness, no crowd around the polling places, and no difficulty in getting to the poll.[106]

In both cases, the appearance of orderly elections satisfied those in charge, and it was the secret ballot that brought about this desired semblance.

In this now more orderly 1939 bye-election, Milo Butler defeated K.V.A. Rodgers. Whether either of these candidates would have had the means necessary to generously treat or even bribe voters, however, may be doubted. Another result of this election also suggests that the introduction of the ballot had not been quite as successful as Dundas wanted to believe. While the *Tribune* otherwise agreed with the Governor that the election appeared orderly, it also reported that there were fifty-two spoilt ballots.[107]

103 Internal Note, Colonial Office, 25 July 1939, TNA: CO 23/680/3.
104 *General Assembly Elections Act 1919* (Bahamas), s 21.
105 Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/11.
106 Seymour (1915) 432.
107 "Here and There," The Nassau Daily Tribune, September 20, 1939, 1.

This represents 11.4 % of the total vote and suggests that the number of voters who struggled to complete a ballot properly was higher than its proponents were willing to admit. However, by 1942 another report stated that a different recent bye-election had seen only eight spoilt ballots out of a total 326 votes, or 2.5 %.[108] If the ballot was to be extended to the Out Islands, it needed to be seen as a success in Nassau.

The Out Islands at that time were home to approximately 60 % of the Bahamian population.[109] More importantly, the Out Islands sent twenty-one Members to the House, whereas New Providence only sent eight Members.[110] Both Government House and Whitehall were aware of this, and thus of the reality that the majority of seats could potentially still be won in elections "customarily conducted in the 'Eatanswill' manner,"[111] a trope popularised by none other than Charles Dickens a century earlier.[112] However, the outbreak of World War II forced Dundas to adjust his priorities and once again adopt a more passive approach:

> Having regard to the better feeling on the subject […] but especially because I desire to avoid at this time any causes of contention, I do not now propose to press for extension of the Secret Ballot to the Out Islands, but it is possible that this may be urged by certain members of the House of Assembly in which case I shall, of course, give Government support thereto."[113]

After an initial surprise and brief discussion of whether this was the right approach, the Colonial Office agreed that "[t]his seems the right policy when we have to work with the Bahamas Legislature as smoothly as possible in war-time. (They have already shown some obstreporousness [sic!] by attempting to refer a Trading with the Enemy Bill to a Select Committee)."[114] The need to avoid an alienation of Bay Street to ensure their cooperation in the war effort thus put a temporary hold on Whitehall or

108 Report of the Commission Appointed to Enquire into Disturbances in the Bahamas, 1942, TNA: CO 23/733/75.

109 Craton / Saunders (1998) 200.

110 *General Assembly Elections Act 1919* (Bahamas), s 39.

111 Internal Note, Colonial Office, 25 July 1938, TNA: CO 23/653/3.

112 Dickens (1837) 133.

113 Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/12.

114 Internal Note, Colonial Office, 23 October 1939, TNA: CO 23/680/7–8.

Government House demanding further democratic reform in the colony for the time being.

3.4 Testing the Limits

Due to unforeseen events, the issue of voting by ballot would, however, have to be revisited before the end of the war. Early in the war, Dundas, a career civil servant, was reassigned to Uganda and replaced by the Duke of Windsor, the former King Edward VIII, who had abdicated in 1936 and who according to some historians' speculations was now being sent to the Bahamas because "the British government was eager to remove an embarrassing personage as far as possible from the threat of his being used as a Nazi puppet."[115] Unwittingly, he found himself in charge of the colony's Government at a time when the Bahamas during World War II gained renewed strategic importance within the Empire, and when local events in this colony, which had previously been regarded as being tranquil, began to mirror some of the unrest that had rocked other British Caribbean colonies a decade earlier.

After the United States entered World War II, an agreement between the governments of the United States and the United Kingdom was signed which would turn New Providence into a so-called Operational Training Unit, involving the expansion of the existing Oakes Field Airport as well as the construction of a new airfield further west, then dubbed Satellite Field, as well as a supply road to connect the two, quickly nicknamed *Burma Road*. The contract for the work was awarded to the US firm Pleasantville Constructors, Inc. Construction commenced in May 1942. According to rumours, the Bahamian government had negotiated that the Bahamian workers employed on what locally became known as the *Project* would receive the same wages that unskilled construction workers in New Providence were being paid at the time: four shillings a day. Allegedly, the Bahamian government insisted on this low rate, because many leading Members of the House of Assembly were themselves employers and feared that they would have to pay their workers higher wages otherwise. The Governor publicly denied this version citing reasons of "high policy far beyond the

115 Craton / Saunders (1998).

power of this Government to control."[116] In any case, due to war-time inflation, four shillings a day was no longer a living wage by 1942.[117] The Bahamian workers soon discovered that Pleasantville's American employees were paid five shillings an hour.[118] When more rumours began to spread that the company had been prepared to pay Bahamian workers the Americans' wages, too, they walked off their jobs, and Nassau was rocked by several days of riots, which became known as the *Burma Road* riots.[119]

In the aftermath of the riots, the Governor appointed a Commission "to make a diligent and full inquiry into and report upon the recent disturbances […] and [make] recommendations."[120] This Commission – in the Bahamas generally known as the Russell Commission, after its President, Sir Alison Russell, a former Chief Justice of the Tanganyika Territory – made a number of recommendations, e. g., regarding the necessity of modern labour legislation or progressive tax reform. Furthermore, it also considered the matter of elections, where, it was certain, abuses occurred because of the open ballot, and thus concluded:

> The principle of the secret ballot nowadays admits of no discussion. An open ballot leads to bitterness and discontent on the part of defeated candidates and their supporters, who do not fail to allege that the result of the elections has been swayed by payments or threats made to voters by wealthier candidates. We recommend that it is urgent that The Vote [sic!] by Ballot Act should be made permanent in New Providence, and that it should be extended as soon as possible to the Out Islands.[121]

However, questions of electoral reform were a matter for the Legislature, and the House of Assembly, which was still controlled by the Bay Street merchants, opposed the Commission all along. It was thus unlikely to follow its recommendations. The House instead chose to appoint a Select Committee of its own in the aftermath of *Burma Road*, which eventually made some recommendations for more progressive labour legislation.[122] However, the first measure to come out of the House of Assembly as a result of these events

116 Newspaper clipping from The Nassau Daily Tribune, 13 June 1942, TNA: CO 23/731/97.
117 Aranha (2015b).
118 Internal Note, Colonial Office, 20 July 1942, TNA: CO 23/731/109.
119 Aranha (2015b).
120 Report of the Commission Appointed to Enquire into Disturbances in the Bahamas, 1942, TNA: CO 23/733/49.
121 Report of the Commission Appointed to Enquire into Disturbances in the Bahamas, 1942, TNA: CO 23/733/75.
122 Report of Select Committee, 1 March 1943, TNA: CO 23/734/50.

was the Riots (Damages) Act of 1943, under which "any person who has sustained loss in respect of damage by riot shall receive compensation."[123] A special tribunal to "determine claims for damage arising out of the riots that occurred in New Providence in June, 1942" was constituted.[124] This was prudent because, so the Select Committee argued, damages caused by the riots "only occurred through the negligence of the Government," which had failed to take "prompt and efficient action."[125] On the advice of the Attorney General, however, and following the example of the United Kingdom's Riots (Damages) Act of 1886, the Act was phrased to award compensation for damages regardless of "whether or not the Government's handling of the riot was blameworthy" and thus acknowledged the "important principle that loss sustained as a result of civil disturbances is a public charge."[126] Of course, it had been the merchants of Bay Street whose businesses had suffered the most damage during the *Burma Road* riots.

Not only the House of Assembly was reluctant, however, to implement reforms. In the Colonial Office, too, there was no immediate consensus regarding the Commission's recommendations, with one clerk arguing that these were wider in scope than its terms of reference allowed, and casting doubt on the commissioners' qualifications and expertise.[127] However, the Governor stood by the recommendations of the Commission that he, after all, had appointed, and tried to convince the House of Assembly of their merits.

> I have devoted the last twelve paragraphs [of my Speech at the opening of Parliament on November 30th] to an attempt to convince the Legislature of the necessity of amending their present obsolete legislation concerning the Ballot and laws affecting labour. I have discussed this matter at great length with the Speaker [A. K. Solomon], who although a reactionary die hard and blindly averse to change in principle, is very slowly but surely beginning to see reason. That he will still seek every excuse for resisting change, however, was borne out in the following remark of his which is interesting. When I pointed out to Mr. Solomon that the attention of

123 *Riots (Damages) Act 1943* (Bahamas) 1943, s 3.
124 *Riots (Damages) Act 1943* (Bahamas) 1943, s 3.
125 Report of Select Committee, 1 March 1943, TNA: CO 23/734/50.
126 Governor Windsor to Secretary of State for the Colonies Stanley, 24 March 1943, TNA: CO 23/734/37.
127 Internal Note, Colonial Office, 1 January 1943, TNA: CO 23/732/9–10.

> the British House of Commons was focused upon the backwardness of the Bahamas in electoral and social reforms and that their Constitution might well be in jeopardy if they did not mend their ways, his reply was, "If it is a choice of two evils which I see it to be, and while the House of Assembly will be prepared to amend the Labour Union and Workmen's compensation laws, we will never agree to the Secret Ballot for all the Out Islands".[128]

Windsor recognised that he had to tread carefully, for taking "too firm a stand is likely to produce a clash not only with the House of Assembly but with the unofficial members of my Executive Council."[129] In addition, while trying to heed the advice rendered by the Commission, it appears that he was not entirely convinced of its wisdom either, and considered the Out Islands not "yet ripe for the Secret Ballot in their present backward state."[130] Without elaborating on what exactly he meant by this, Windsor instead argued for an incremental extension of the ballot in the first instance to Abaco and Eleuthera as the only islands with "substantial white populations," and only later to the other islands after "they see the practical result of the long term Out Island Development Scheme in which you will have noticed that the policy inclines towards developing one Island at a time."[131]

The House of Assembly was not prepared to even consider such a compromise, when the issue of the ballot was back on the agenda in 1944.[132] The Voting by Ballot (New Providence) Act of 1939 was set to expire that year. In a message to the House, the Governor invited its Members to pass legislation for a permanent and colony-wide secret ballot, stressing that this reform "was 'expressly desired by His Majesty's Government'."[133] This they considered on June 26th, 1944 – and referred to a committee.

The committee reported back only three days later. Having, in the words of the reporting Member, "given the question of voting by secret ballot their serious consideration," the majority recommended making the secret ballot permanent for New Providence – and reported a bill to that effect – but

128 Governor Windsor to Colonial Office, 24 January 1944, TNA: CO 23/734/10. N.B.: This is the same A. K. Solomon, who had served as Government Leader and as Oakes' attorney; he became Speaker of the House in 1942.
129 Governor Windsor to Colonial Office, 24 January 1944, TNA: CO 23/734/11.
130 Governor Windsor to Colonial Office, 24 January 1944, TNA: CO 23/734/11.
131 Governor Windsor to Colonial Office, 24 January 1944, TNA: CO 23/734/10–11.
132 Internal Note, Colonial Office, 7 July 1944, TNA: CO 23/798/2.
133 Message from Governor Windsor to the Speaker and Members of the House of Assembly, 15 June 1944, TNA: CO 23/798/31.

rejected it for the Out Islands; a minority report recommended a permanent secret ballot for the entire colony and reported two corresponding bills.[134] The majority of the committee argued that the desire of Nassauvians to have the secret ballot, and to have it made permanent, was well known, but that the preference of Out Islanders in this regard was unknown. Further, because approximately 6,000 Bahamians, including many Out Islanders, were currently overseas, either as members of the armed forces or as temporary agricultural labourers in the United States, "it would be inopportune and unfair at this time to consider any change in a matter affecting so large a portion of the population of the Colony,"[135] as it would be impossible to ascertain that this was what they would want. Therefore, the House passed the "Bill for an Act to amend The Voting by Ballot (New Providence) Act 1939" in the same sitting.[136] After passage by the Legislative Council, the Governor assented to the Act on July 31st, 1944. This Amendment Act repealed section 58 of the Principal Act, which was the duration clause.[137] Hence, the Act was now a permanent feature of Bahamian election law.

The *Tribune* warned that the failure to introduce the ballot throughout the colony meant that "the ballot question is no longer an issue between enlightened local political reformers and the dominant group in the Assembly, but it has now become an issue between the Bahamas House of Assembly and His Majesty's Government in the United Kingdom."[138] In the same column, the *Tribune* predicted that London would take action to bring about these reforms even against the wishes of the Bahamian House of Assembly, expressing uncertainty merely over "[h]ow quickly His Majesty's Government will move."[139] The latter qualifier may have been made in recognition of London's preoccupation with the ongoing war. However, as certain as the *Tribune* was only days after this setback in the House of Assembly that the Colonial Office's support for the secret ballot in principle would translate into action, the Colonial Office itself was not as quick to decide on how to proceed from here.

134 Newspaper clipping from The Nassau Daily Tribune, 30 June 1944, TNA: CO 23/798/56.
135 Majority Report of Select Committee, 29 June 1944, TNA: CO 23/798/52.
136 Newspaper clipping from The Nassau Daily Tribune, 30 June 1944, TNA: CO 23/798/56.
137 *Voting by Ballot (New Providence) (Amendment) Act 1944* (Bahamas), s 2.
138 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/60.
139 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/60.

Whitehall, unlike the *Tribune*, knew of the Governor's doubts over extending the secret ballot to the Out Islands, which the newspaper dismissed as mere rumours.[140] Nor did the *Tribune* realise that the proposal to extend the secret ballot to those Out Islands with proportionately large white populations as the next step originated with Windsor, but rather suspected Bay Street to be behind what it considered "would be a gross insult."[141] Oblivious to such sentiments, Windsor only dropped the idea when his Executive Council advised him "that it would be wiser to accept no compromise."[142] Furthermore, the *Tribune* did not realise how generally unwilling the Colonial Office was to risk direct confrontation with the Legislatures of the colonies modelled on the Old Representative System. Whitehall had adopted the stance

> that as long as these Colonies did not remain obstinately static, but showed some willingness to adapt themselves to modern conditions even though progress was piecemeal and not as rapid as we might have wished, it would be undesirable to suspend or amend their constitutions by Act of the United Kingdom Parliament against their own wishes.[143]

Perhaps the Bahamas House of Assembly had once more implemented just enough reform just fast enough, i. e., right before the temporary Voting by Ballot (New Providence) Act of 1939 was about to expire, to allow the Colonial Office to continue its passive approach.

3.5 Drawing Out the Inevitable

Perhaps, on the other hand, the Bahamas House of Assembly misjudged the Bahamian people's patience. On July 2nd, 1944, supporters of the secret ballot had called for a demonstration especially of Out Islanders living in New Providence. A special invitation was extended to the Members of the House of Assembly who represented Out Island districts, but only two out of twenty-one followed this invitation, and both emphasised that they did not identify with the cause.[144] The meeting was held on the Southern Recrea-

140 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/60.
141 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/62.
142 Governor Windsor to Secretary of State for the Colonies Stanley, 12 July 1944, TNA: CO 23/798/48.
143 Internal Note, Colonial Office, 12 April 1943, TNA: CO 23/744/24.
144 Newspaper clipping from The Nassau Daily Tribune, 3 July 1944, TNA: CO 23/798/65.

tion Grounds, adjacent to Government House. While the *Tribune* reports a "large crowd" in attendance,[145] the Governor speaks of "only about 500 negroes."[146] Newspaper and Governor need not even disagree over absolute numbers in this instance, but merely over their interpretation; some may consider 500 persons to be a large crowd on a small island, especially as the same paper offered, "that the Bahamian people as a whole […] have no political consciousness."[147]

This remark, however, must be read in its proper context. That newspaper and its editors were among the first prominent proponents of the secret ballot in the Bahamas. Its current editor, Etienne Dupuch, not only supported the ballot, but also used the platform of his paper to criticise the *status quo* more generally, pushing for progressive reforms and trying to raise the masses' political consciousness. The criticism in this instance is therefore to be read as a provocation to encourage Bahamian voters to express their desire for the ballot more visibly and vocally. When the secret ballot was being discussed in the House of Assembly on June 28th, 1944, the *Tribune* lamented that "[o]f the twenty-nine who will make the decision, twenty-four are present. Of the 69,000 who should dictate the decision, seven are present. Who said that a people get the kind of government they deserve? Give the gentleman a cigar!"[148] The paper's harsh commentary was clearly an effort to stir up support amongst the public, in the hopes that during future sittings a larger audience in the visitors' gallery might make more of an impression on the Members of the House.

Only a few days later, on July 3rd, the secret ballot was back on the House of Assembly's agenda. The archival record is silent as to what kind of organising had occurred during these days to rally mass support around the ballot issue, but these efforts in addition to the *Tribune's* taunting were showing results:

> [T]here is unusual activity in the House of Assembly tonight. Rows of heads are framed in the brightly lighted windows. There are people in the hall downstairs – quiet, well-groomed citizens, talking in little groups. The stairs are packed. I scout

145 Newspaper clipping from The Nassau Daily Tribune, 3 July 1944, TNA: CO 23/798/65.
146 Governor Windsor to Secretary of State for the Colonies Stanley, 12 July 1944, TNA: CO 23/798/47.
147 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/61.
148 Vitriol, "Political Back-Chat," The Nassau Daily Tribune, 28 June 1944, 1.

around for an opening, find one and sidle through. "Excuse me." I'm almost up to the landing. "Please. Thank you." This is a real demonstration of political consciousness – after all these years. They are all over the steps and jammed between the walls on the platform between the Speaker's Room and the Committee Room. "Oops! So sorry." At last I reach the top. Every seat in the public gallery is taken and a few more are trying their best to squeeze on to the ends. There is no pushing, no loud talking – and definitely no laughing. This is a serious matter. These are honest, decent, earnest citizens exercising their ancient right to sit in the public gallery of the people's chamber. The occasion is only singular because they have failed to exercise this right for so long. I have attended almost every meeting of the Assembly for a decade and this is the first time I have seen every seat in the gallery taken – and I doubt that even the oldest members can recall a time when late-comers had to stand on the stairs. Not only the public gallery is filled – the private enclosure is filled, too. All the members' tickets have been taken by friends and constituents. In the private gallery there are members' wives, clergymen, lawyers, doctors, business men. […]

This is an historic scene. At last the people of the Bahamas are showing that they are not entirely devoid of political consciousness. An artist might paint this scene and call it "The Awakening". […]

Members start filing in from the committee room. They don't know quite what to do with their faces and their hands. I think it rather reminds them of their first cocktail party. It is difficult to maintain poise and equanimity in front of an audience like this. Ya-ya-ya, they've got stage fright.[149]

This show of support for the secret ballot, however, did not immediately yield tangible results. The government used its voice in the House of Assembly to argue in favour of the ballot, but it did so in vain. The *Tribune* continued:

Mr. [G. W.] Higgs rises. He is ill. He has been in bed all day but has come tonight to make his formal gesture. His face is pale, his eyes are weary. He reflects the spirit of the minority. He knows he is fighting for a lost cause. He moves for adoption of the Minority Report and analyses the Majority Report clause by clause. It is a logical, reasoned, well-knit oration. He refutes every point by showing that the arguments apply no more to the Secret Ballot than to the Open Ballot. Indeed he shows that if the claims of the Majority Report are accepted, the Bahamas should not even have the Open Ballot – and no House of Assembly. He makes an excellent case, but he knows that the House is not in the mood for listening to reason. He sits down, knowing that he has lost but feeling that he has done his duty.

Messrs. [Thaddeus A.] Toote, [Bertram A.] Cambridge and [Milo] Butler make impassioned speeches but they, too, know that the battle is lost. […]

The vote is taken on the Minority Report. Eight members sit in token. Seventeen members rise in derision. Among the standing members is Mr. [Alvin] Braynen,

149 Newspaper clipping from The Nassau Daily Tribune, 4 July 1944, TNA: CO 23/798/73.

> erstwhile protagonist of the Secret Ballot. The gods may smile but the people are not amused. The farce is over. The gallery rises and shuffles out, defeated, dejected.[150]

However, this demonstration of support for the secret ballot did not go unnoticed. Given the space it occupies in the files of the Colonial Office, it was arguably a crucial element in foiling Bay Street's hopes that the issue would simply go away after they had made the minimal concession of making the ballot permanent for New Providence. Whitehall kept supporting the secret ballot and continued to exercise pressure on the House of Assembly. Whitehall did so despite the Governor's reservations, but not everyone in Government House shared Windsor's conclusions. Unlike Governors before and after him, Windsor was not a career civil servant. The available sources, though often heavily redacted due to the secret and sensitive nature of Windsor's appointment, suggest that he was more likely to allow his personal biases to influence decisions, not necessarily violating but possibly compromising the Colonial Office's policy aims. His appointment to the Bahamas must have been viewed as highly irregular by the clerks at Whitehall, who perceived him as someone who was prone to "jump to conclusions […] without giving himself time for a considered judgment."[151] Secretary of State for the Colonies Oliver Stanley voiced doubts about Windsor's qualifications and remarked that he therefore had little "confidence in his judgement and experience when it came to really difficult decisions."[152] It is therefore hardly surprising that the sources also indicate that, unbeknownst to Windsor and contrary to established practices of the colonial regime, there was a regular exchange of correspondence between the Colonial Office and the Colonial Secretary in Nassau, Duncan G. Stewart.[153]

Stewart, while serving as Acting Governor during one of Windsor's many absences, wrote a scathing letter to the Colonial Office, dissecting the House of Assembly's Majority Report and the purported arguments against the secret ballot for the Out Islands therein, most of which he rebutted. He did, however, concede that doubts whether Out Islanders would be able

150 Newspaper clipping from The Nassau Daily Tribune, 4 July 1944, TNA: CO 23/798/74.

151 Internal Note, Colonial Office, 23 September 1944, TNA: CO 23/798/16.

152 Secretary of State for the Colonies Stanley to Lord Halifax, quoted in: Ziegler (1990) 439.

153 Parkinson (1947) 137; Internal Note, Colonial Office, 20 September 1944, TNA: CO 23/798/15.

to "exercise their right to vote intelligently" were valid insofar as "[s]uch an ideal is hard to attain anywhere."[154] The Report culminated in the conclusion that, "Your Committee are sure that a full and complete knowledge of local conditions and circumstances would soon convince His Majesty's Government that in making these recommendations Your Committee are acting in the best interests of the whole Colony."[155] It is difficult to imagine that the Select Committee was unaware that, given the wording of the Governor's message to the House of Assembly, Government House and the Colonial Office would overlook this insult. The response was "tantamount to telling the Imperial Government to mind its own business."[156] This deliberate offense seems to have strengthened the Colonial Office's resolve to see through the complete implementation of the secret ballot.[157]

In reaction to the House of Assembly's actions, the Legislative Council not only went on record with their explicit support for the secret ballot colony-wide, but took the unusual step of "respectfully requesting His Royal Highness to forward the same to His Majesty's Secretary of State for the Colonies."[158] The Colonial Office was assured by Stewart that it was not just the Legislative Council but in fact the majority of the Bahamian people who wanted the ballot, "passive though [such desire] may be in many breasts."[159] Furthermore, Stewart warned that this issue had the potential to incite racially motivated civil unrest.[160] This argument ultimately swayed the Colonial Office, probably not least because of Nassau's strategic importance during the war.[161] However, for the time being the Colonial Office's main concern was not actually the secret ballot *per se*, but to have the Bahamian public continue to believe that both London and Government House sup-

154 Acting Governor Stewart to Secretary of State for the Colonies Stanley, 14 August 1944, TNA: CO 23/798/40.
155 Majority Report of Select Committee, 29 June 1944, TNA: CO 23/798/53.
156 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/61.
157 Governor Windsor to Secretary of State for the Colonies Stanley, 25 November 1944, TNA: CO 23/798/24.
158 Legislative Council Resolution, 10 July 1944, TNA: CO 23/798/55.
159 Acting Governor Stewart to Secretary of State for the Colonies Stanley, 14 August 1944, TNA: CO 23/798/40.
160 Acting Governor Stewart to Secretary of State for the Colonies Stanley, 14 August 1944, TNA: CO 23/798/42.
161 Internal Note, Colonial Office, 19 August 1944, TNA: CO 23/798/7.

ported the cause, lest "the Government's sincerity will be doubted and authority undermined."[162] As a result, the Governor sent another, less subtle, message to the House of Assembly. In his speech closing the session of the Legislature, he said:

> Last June you were invited to enact Legislation to make permanent the secret ballot on the Island of New Providence, and to extend this same form of suffrage to the Out-Islands. The S.[ecretary] of S.[tate] has felt for some time that there are no longer good grounds for withholding from the electorate of the Bahamas a privilege which they should now be capable of enjoying. In this he was no doubt influenced by public opinion in Great Britain, as evidenced in the British House of Commons, which looks upon electoral progress not with any desire to interfere in the internal affairs of a Colony, but on account of their concern for the peoples of the Empire, for whose welfare they hold themselves responsible.
>
> I therefore informed you that H.M. Government expressly desired the passage of this measure, and it was with very real regret that I received the reply of the House of Assembly. I do not of course question the right of the House to differ from the Executive, nor to reject legislation sponsored by the British Government, even though we rely upon the old country for the protection of our rights and property in peace as well as in war. I do however, question whether the House gave full cognizance to the import of its decision in this case, which must have its repercussions not only within the Colony itself, but beyond its confines as well.
>
> In these circumstances I cannot but feel that the House would like to have an opportunity of reconsidering its decision on so important a matter.[163]

The urgency with which the United Kingdom Government regarded this matter was further impressed upon the Bahamians, when Secretary of State for the Colonies Stanley visited the colony in January 1945 and met with leading Members of the House of Assembly as well as other stakeholders.[164] One such group was the Bahamas Civic and Welfare Association, which styled itself as representing "all classes of the Coloured Community."[165] It warned Stanley of "the existence of a feeling of restiveness in the Colony," and hinted that the imminent "return to the Colony of the thousands of workers who had been employed in the United States" agricultural sector as

162 Internal Note, Colonial Office, 9 September 1944, TNA: CO 23/798/13.

163 Quoted in: Governor Windsor to Secretary of State for the Colonies Stanley, 25 November 1944, TNA: CO 23/798/24.

164 Internal Note, Colonial Office, 31 January 1945, TNA: CO 23/799/2.

165 Note of Meeting between Secretary of State for the Colonies Stanley and Bahamas Civic and Welfare Association, 1 January 1945, TNA: CO 23/799/57.

part of a programme that became known as the *Contract* during World War II would exacerbate this feeling.[166]

While the focus of Stanley's discussions in Nassau was the secret ballot, various parties brought up other possible changes to the electoral system to be tied to this reform. Stanley, "to pacify opponents of multiple voting of any kind," raised the possibility of "universal adult suffrage."[167] This remark was made in the context of arguing that the property qualifications were considered to be low, and that abolishing them "would not greatly extend the electorate."[168] It is therefore likely that the language used in this instance was imprecise, and only meant extending the suffrage to all adult men, and that the proposal did not consider women's suffrage at all. In the unlikely case that it was implied in this suggestion, women's suffrage for the Bahamas had not yet been explicitly proposed. Stafford L. Sands, one of Bay Street's most reactionary and prominent politicians, not unexpectedly resisted the unconditional introduction of the secret ballot. Instead, he suggested not only a limited extension of the ballot to only those islands with more sizeable white populations, e. g., Abaco, but also suggested additional votes based on voters' educational attainment.[169] Sands' influence stemmed not only from his many years as chairman of the House of Assembly's Constitution Committee, but even more so from his exploitation of "the interconnection between the domination of local politics and the creation of a personal business fortune, and the financial benefits that came from privileged access to foreign investors."[170] Sands was a corporate lawyer responsible for what was presumably the Bahamas' largest portfolio of shell companies, and he was the owner of the colony's largest grocery chain, a liquor wholesale and retail company, a petrol and gas supply company, and countless other businesses. Apart from his many years in the House of Assembly, he served on the Executive Council from 1945 to 1946, as Chairman of the

166 Note of Meeting between Secretary of State for the Colonies Stanley and Bahamas Civic and Welfare Association, 1 January 1945, TNA: CO 23/799/57.

167 Note of Meeting between Secretary of State for the Colonies Stanley and MHA Braynen, 2 January 1945, TNA: CO 23/799/59; Internal Note, Colonial Office, 31 January 1945, TNA: CO 23/799/2.

168 Internal Note, Colonial Office, 31 January 1945, TNA: CO 23/799/2.

169 Internal Note, Colonial Office, 31 January 1945, TNA: CO 23/799/2.

170 Craton (2007) 339.

Development Board from 1949 to 1964,[171] and as Minister of Tourism and Finance from 1964 to 1967.

The aim of Stanley's visit had been to persuade the House of Assembly to accept the secret ballot throughout the Bahamas. This, he did not achieve. Even though the Members of the House of Assembly understood that they could no longer ignore the issue, they tried to stall, and, in February 1945, referred the matter to yet another committee[172] Two months later, a first interim report was adopted:

> Your Committee are of the opinion that the time has now arrived when the Constitution of the Colony should be altered so as to give the Colony a more responsible form of government, that is, a form of government in which the elected representatives of the people will have a larger degree of control. As the passing of The Voting by Ballot (New Providence) Act 1939 and the subsequent passing of The Voting by Ballot (New Providence) Amendment Act 1944 have indicated that the House was of the opinion that system of vote by secret ballot was preferable to the open vote, your Committee are also of the opinion that this House should now formally place on record that the system of vote by secret ballot is preferable to the open vote, and that it should be extended to the Out Islands, provided that the necessary safeguards to ensure the proper functioning of the system are first devised and given effect to. Your Committee moreover consider that the changes in the Constitution which have been referred to should be introduced contemporaneously with the extension of the secret ballot to the Out Islands.
>
> A great deal and work of research will have to be done by your Committee in order to prepare the details preliminary to making comprehensive recommendations for these two necessary and essential reforms, your Committee desires the approval of this House of the principles set out in this report, which will be your Committee's mandate to proceed with drafting the detailed recommendations on constitutional reform and on the extension of the secret ballot to the Out Islands.[173]

After being momentarily puzzled, the Colonial Office soon saw through this attempt at buying time.[174] The report not only linked the colony-wide introduction of the secret ballot to far-reaching constitutional reform, but also argued that the two had to occur simultaneously. Naturally, changing a colonial Constitution from the Old Representative System to one of responsible government would be a time-consuming process. However, Sands, who

171 N.B.: The Development Board was the predecessor of the Ministry of Tourism.

172 Governor Windsor to Secretary of State for the Colonies Stanley, 3 March 1945, TNA: CO 23/799/55.

173 Report of Select Committee, 29 March 1945, TNA: CO 23/799/48.

174 Internal Note, Colonial Office, 19 April 1945, TNA: CO 23/799/6.

chaired the committee, must have known that linking these issues would be unacceptable to London. Presumably he hoped that this would allow him to enter into a renewed round of ultimately fruitless negotiations. In fact, the Colonial Office not only rejected the Committee's combining of electoral and constitutional reform, but also objected to the latter entirely, calling the proposal a "Ministerial system in embryo," for which the Bahamas were not "yet ripe."[175]

In drafting a response, the Colonial Office chose to deliberately misunderstand the message in its entirety and instead emphasised a less obvious part of the report. In this vein, it instructed the Governor to let the House of Assembly know that it had been "noted with satisfaction that the House […] places on record the opinion that the system of voting by secret ballot is preferable to the open ballot."[176] A few months later, the Colonial Office sent another message to the Governor, instructing him to inform Members of the House that the new Secretary of State for the Colonies, George Henry Hall, considered the colony-wide introduction of the secret ballot a prerequisite for any constitutional discussions; to emphasise the point, dissolution of the House was threatened. At the same time, this internal correspondence also demonstrates what deadline the Colonial Office had set itself; Whitehall wanted the secret ballot in place colony-wide in the time for the next general election, which would normally occur in 1948/49.[177] Nonetheless, however, the threats were escalated, and by October 1945, there was talk of legislating the secret ballot by an act of the Imperial Parliament.[178] This finally prompted a reaction by Sands. While he threatened to challenge such legislation with an appeal to the Judicial Committee of the Privy Council, he did suggest that a Bahamian delegation should visit London in the spring of 1946 to further discuss the matter. Perhaps sensing what timeline the Colonial Office wanted to observe, he pointed out that this would still allow the issue to be resolved in time for the next election.[179]

The Governor and the Colonial Office now pursued a strategy that may be described using the metaphor of the carrot and stick. Governor William

175 Internal Note, Colonial Office, 10 April 1945, TNA: CO 23/799/6.
176 Colonial Office to Governor Windsor, 11 May 1945, TNA: CO 23/799/45.
177 Internal Note, Colonial Office, 21 August 1945, TNA: CO 23/799/11–12.
178 Governor Murphy to Colonial Office, 13 October 1945, TNA: CO 23/799/40.
179 Governor Murphy to Colonial Office, 13 October 1945, TNA: CO 23/799/41.

L. Murphy offered Sands a seat on the Executive Council, presumably to instil in him a sense of executive responsibility in the hopes that this would change his obstinate stance as a Member of the House of Assembly.[180] Sands accepted the appointment, which many Black Bahamians saw as an insult and indicative of the government not having "learned the lesson of the [1942] riot."[181] Therefore, on the other hand, the Colonial Office insisted that the colony-wide secret ballot could not be the subject of any further discussions, but was a prerequisite before any Bahamian delegation would be received in London.[182]

Furthermore, the threat of turning the Bahamas into a Crown Colony was now being discussed, too, though at this stage, as internal documents show, Whitehall still considered this too extreme a measure.[183] However, the next six months saw only slow development, with Sands indicating that the House of Assembly was planning to pass not simply another Ballot Act, but to pass an entirely new General Assembly Elections Act. In May 1946, Murphy was summoned to attend talks in London. The Colonial Office was preparing for a scenario where the House either failed to pass such an Act altogether, or where it passed one, but London would deem its provisions unacceptable.[184] The recommendation was "for the Secretary of State [for the Colonies] to appoint a small Commission to review generally the political, economic and social position in the Colony."[185]

Hall instructed the Colonial Office's West India Department to prepare a statement for him to take to Parliament outlining the constitutional changes proposed.[186] An undated draft – its placement within the file suggests a date between May 10th and 17th, 1946 – proposing "a Legislative body on the basis of the old Crown Colony system with an 'Official bloc' in the majority" is part of the same file.[187] It is unclear whether the House of Assembly was

180 Governor Murphy to Colonial Office, 13 October 1945, TNA: CO 23/799/40.
181 H. H. Brown, Sermon at Governor's Harbour, 14 January 1946, reproduced in: Cash et al. (eds.) (1991) 291.
182 Colonial Office to Governor Murphy, 12 November 1945, TNA: CO 23/799/37.
183 Internal Note, Colonial Office, 8 November 1945, TNA: CO 23/799/18–19.
184 Internal Note, Colonial Office, 4 May 1946, TNA: CO 23/800/2–3.
185 Internal Note, Colonial Office, 15 May 1946, TNA: CO 23/800/6.
186 Notes of Meeting between Secretary of State for the Colonies Hall and Governor Murphy, 10 May 1946, TNA: CO 23/800/117–118.
187 Outline of Statement Leading up to Act of Parliament for Revision of Constitution, Colonial Office, 1946, TNA: CO 23/800/111.

fully aware of the Colonial Office's preparations to possibly move ahead with this measure or, if so, their extent. It had been threatened before, but was always acknowledged as extreme and undesirable, as it amounted to a paradox in which democratic structures would have to be dismantled in an attempt to strengthen democratic rights. It is apparent, however, that the House of Assembly knew that the ball was in its court.

By June, Murphy could report first details of a proposed bill to London. It contained the colony-wide secret ballot, but it also contained other measures that both the Governor and the Colonial Office found objectionable.[188] First and foremost among these were provisions which would have raised both the property qualifications for membership in the House of Assembly from £200 to £1,000 as well as the deposits candidates were required to post upon nominating for elections from £50 to £200.[189] London saw in both these measures an attempt to counteract the consequences anticipated as the result of any newly won freedom of choice the secrecy of elections might provide the electorate with. This realisation informed the Colonial Office's political line of argument in preparing its case for constitutional change by the Imperial Parliament, which would focus on the

> narrow local oligarchy, which it can fairly be argued is exercising and has exercised that power mainly to conserve its own narrow interests. This is […] so clearly contrary to the general progressive spirit of the times that His Majesty's Government are really in a moral difficulty in continuing to countenance it.[190]

On July 23rd, 1946, the House of Assembly unanimously passed a bill for a new election act, which included the secret ballot, permanently and for all islands of the Bahamas. The Governor expected it to be passed by the Legislative Council, too. He planned to "reserve it for signification of His Majesty's pleasure."[191] This would have been an unusual step for a piece of legislation that had passed the elected chamber unanimously and was expected to pass the upper chamber unanimously as well, especially as the most objectionable features had been dropped or toned down. The property qualifications for membership in the House were to remain at £200, and the

188 Governor Murphy to Colonial Office, 11 June 1946, TNA: CO 23/800/100.
189 Internal Note, Colonial Office, 26 July 1946, TNA: CO 23/800/13.
190 Internal Note, Colonial Office, 12 July 1946, TNA: CO 23/800/17.
191 Governor Murphy to Secretary of State for the Colonies Hall, 24 July 1946, TNA: CO 23/800/97.

deposit would be increased from £50 to £100 instead of to £200, as had been proposed earlier. It was difficult, however, to argue that freak candidatures in Bahamian elections were a problem in need of a solution, which had been the original justification for the introduction of deposits almost three decades earlier. Rather, barring other options, this was Bay Street's only means of counteracting electors' increased freedom to choose by making it harder for persons to nominate as candidates and offer themselves as available choices. Nonetheless, the Colonial Office deemed this an acceptable compromise.[192] Hence, the reservation of the bill for signification of His Majesty's pleasure was dropped.[193] The legislation met the Colonial Office's demands. The Acting Attorney General in his Legal Report for the Governor described it as follows:

> The Act […] consolidates with amendments The Voting by Ballot (New Providence) Act 1939, The General Assembly Elections Act and The General Assembly Voters Act and provides that at every election in the Colony the voting shall be by ballot. The Act make [sic!] no change in the qualifications of voters but provides that a candidate for election to the House of Assembly should put up a deposit of £100 instead of £50 as hitherto. Provision has also been included in the Act which enables a candidate who so desires, to withdraw in accordance with the provisions of the Act, but in such a case he shall forfeit his deposit to His Majesty. Otherwise there are no changes of major importance.[194]

In his legal report, the Acting Attorney General, as we can see, stresses that the Act did not change the qualifications for voters. However, as I will describe in the next chapter, this was a gross mischaracterisation. A brief look at the comparative table attached to the report shows that the Acting Attorney General did in fact take notice of a change that would soon prove both consequential as well as controversial – the company vote.[195] Whether he was aware of the potential scope of its consequences and thus the resulting controversy remains unknown. Government House and Whitehall, blinded by their victory in the matter of the secret ballot, both overlooked it.

"At every election the voting shall be by ballot."[196] Now that Bay Street had met the condition of introducing the secret ballot, Sands went to Lon-

192 Internal Note, Colonial Office, 26 July 1946, TNA: CO 23/800/13.
193 Governor Murphy to Secretary of State for the Colonies Hall, 1 August 1946, TNA: CO 23/800/95.
194 Legal Report by Acting Attorney General Johnson, 6 September 1946, TNA: CO 23/794/9.
195 Legal Report by Acting Attorney General Johnson, 6 September 1946, TNA: CO 23/794/11.
196 *General Assembly Elections Act 1946* (Bahamas), s 40.

don to discuss the possibility of constitutional reform. Some clerks in the West India Department, however, had become so weary of Bay Street's pattern of conceding minimal reforms at the last moment, that they still opined that it should push ahead with plans to introduce "a more liberal system […] in the general interest of the inhabitants" – and to do so if necessary against Bay Street's wishes.[197] Yet in the end, the argument against the oligarchy was weakened enough by the fact that the demanded reform had been introduced in time for the next general election, and that this election had not yet come. Now was not the time for constitutional reform. The Bahamian electorate had to be heard first.

The secret ballot had at long last been won. It was no longer a temporary or geographically limited experiment. This marked the first major reform of the Bahamas' electoral system towards a more democratic suffrage. The system of open voting for blind and illiterate persons was retained,[198] but while upon its introduction in 1939, the Governor reported the potential for abuse in this arrangement, there are no reports of its actual abuse. However, if supporters of the secret ballot had hoped that it would rid Bahamian elections of corruption, or at least the suspicion and accusations of corruption, they were mistaken. A look back at the United Kingdom's own experience would have shown that the secret ballot alone had achieved relatively little in that regard, even if open voting has historically been accompanied by vote buying.[199] In the United Kingdom, this had eventually been overcome at a later stage, through additional legislation, especially legislation that placed limits on campaign spending.[200] In particular, after introducing the Ballot Act of 1872, Parliament followed up with the Corrupt and Illegal Practices Act of 1883, because despite the secret ballot, "widespread bribery continued to frustrate the attainment of a more democratic system."[201] Nothing comparable ever became law in the Bahamas,[202] suggesting that supporters of the measure had not done their research and were thus expecting too much.

197 Internal Note, Colonial Office, 5 September 1946, TNA: CO 23/800/24.
198 *General Assembly Elections Act 1946* (Bahamas), s 56.
199 Heckelman (1995) 108.
200 Seymour (1915) 443; O'Gorman (2007) 34.
201 Machin (2001) 29.
202 Organization of American States (2012) 14–15.

Not only had the Bahamian protagonists failed to study the effects of the secret ballot in the United Kingdom, but they also had not engaged in any philosophical debates about its benefits. Its supporters saw it as a tool to curb corruption and to potentially pave the way for a more representative membership in the House of Assembly; its opponents feigned concern for illiterate voters out of a likely fear of more representative election results. The democratic merits of the secret ballot were not discussed. In the United Kingdom, that discussion had been had repeatedly, for a number of decades before its introduction in 1872. These "annual debates […] were of an unvarying character; necessarily the logic of the matter was soon exhausted."[203] That does not negate their more philosophical character. In summary, the supporters of the ballot posited, "that in receiving the suffrage the elector was invested with a substantive and independent character; he must be dealt with as a voluntary and independent agent, capable of discharging an office of trust. All constraint must be eliminated."[204] Open voting was such a restraint. Opponents of the ballot "stigmatized secret suffrage as un-English and accordingly unmanly," and argued that

> [i]f the franchise were a trust […] it entailed a responsibility. The responsible exercise of the franchise and secret voting were incompatible, since the public and the non-electors were entitled to full knowledge and observation of the manner in which this trust was carried out by each individual voter.[205]

Some even argued that non-electors were not just entitled to know how electors voted, but that they had a right "to feel that they had a part in deciding how an elector used his vote," and open voting facilitated this right.[206] However, since 1872, the principle of the secret ballot as the more democratic form of voting had become widely accepted. Thus, the debate about or a study of the effect of the secret ballot informed the Bahamian reform process but superficially.

Therefore, after the next general election in 1949, Murphy's report again made mention of "allegations of wholesale bribery and treating […] levelled in particular at the group of which Mr.Stafford [sic!] Sands is the acknowledged leader and whose object is to retain control of the House in the hands

203 Seymour (1915) 211.
204 Seymour (1915) 212.
205 Seymour (1915) 214.
206 Machin (2001) 26.

of the element generally known as 'Bay Street', namely the white business community."[207] Again, we find the reference to Eatanswill elections in the sources, which, according to Acting Governor F. A. Evans, "require a revision of the law as well as a further period of its application before they achieve modern democratic standards."[208] However, he also admits that because

> [i]n an island such as Crooked Island the voters of Colonel Hill had anything from 4–20 miles [6–32 kilometres] to walk over rugged rock paths […] to register a vote […] Where, as in many islands, journeys by boat involving 2 days or more absence from home are concerned, it is difficult to see how under the Act as it stands an election without some form of treating is possible.[209]

Already in the early period of the campaign for the secret ballot, in 1928, the *Tribune* warned that additional measures would be necessary to ensure the integrity of elections in the Bahamas:

> The prevailing opinion is that corruption at elections must be checked and that such can only be brought about by the introduction of the Ballot system and also by a shortening of the life of the House, because persons will be less free with money and money's worth when the Elector has a Ballot box as his protection and when the span of the House is reduced to a reasonable number of years.[210]

If the time between elections were to be reduced from seven years to five or even four, which the *Tribune* favoured, candidates, it argued, would not be willing to spend as much money on elections. This call, however, had gone unheeded thus far.

Supporters of the secret ballot were satisfied that its introduction was achieved without a raise of property qualifications for would-be voters. In the Bahamas of 1946, a reform step that did not further restrict the franchise was indeed a success. However, it would not be long before demands for extending the franchise to greater parts of the population would be made of the oligarchy.

207 Governor Murphy to Secretary of State for the Colonies Creech Jones, 20 July 1949, TNA: CO 23/861/46.

208 Acting Governor Evans to Secretary of State for the Colonies Creech Jones, 31 October 1949, TNA: CO 23/861/27.

209 Acting Governor Evans to Secretary of State for the Colonies Creech Jones, 31 October 1949, TNA: CO 23/861/27.

210 Newspaper clipping from The Tribune, 11 July 1928, TNA: CO 23/390/6.

Chapter 4
Universal Male Suffrage

The previous chapters outlined the historical development of the franchise in the Bahamas and the first reform, which affected the way in which people voted, but not who voted. The following chapters will examine the incremental extension of the franchise towards universal suffrage on the one hand, and the incremental abolition of plural voting, thus making the franchise equal, on the other hand. The General Assembly Elections Act of 1946 had just reaffirmed the principle of plural voting for owners of real property in multiple electoral districts. It had also introduced a new form of plural voting: the company vote. The public at large only truly became aware of this provision and its effect in the general election of 1949, and from that moment on it drew sharp criticism.

In this chapter, I will examine the decade from that election to the passage of the next General Assembly Elections Act in 1959. In doing so, I will focus on two aspects. First, I will examine moves taken during the 1950s to limit plural voting. The 1959 Act limited the long-established plural vote based on real property, and it abolished the only recently introduced company vote. The latter was far less common in developing democratic societies and therefore warrants a closer look in this chapter. Second, I will outline the developments towards the introduction of universal adult male suffrage.

The question of universal suffrage for the Bahamas was discussed within the Colonial Office as early as 1946. However, at the same time Whitehall also noted that Governor William L. Murphy had reported that "he had seen no sign of agitation for an extension of the suffrage."[1] Because 1946 also marks the year that the first electoral reform driven by popular demand, the secret ballot, had finally been fully realised, this report lends credence to Michael Craton's and Gail Saunders' thesis that the proponents of the ballot were

1 Internal Note, Colonial Office, 3 May 1946, The National Archives, Kew, United Kingdom (TNA): CO 23/800/121.

more focussed on their particular middle class interests than in promoting "a true democracy."[2]

In 1946, the secret ballot had been won after a long and hard fight. While Bahamians had been active in this struggle, neither the cause itself nor the obdurate opposition by the powers that were against it had provided a catalyst to give birth to a lasting political movement yet. Thus, when Murphy's days as Governor in the Bahamas wound down in 1949, the Colonial Office noted that there was

> no coherent movement toward reform in the Bahamas. Many intelligent coloured people resent white predominance, deplore the state of the poorer classes and dislike "Bay Street," but very few expect a sudden improvement or desire a sweeping change.
>
> (ii) Even within the present constitution more c[oul]d perhaps be done in the way of development & social services if there were a better spirit among the politicians. Some Bahamians hope this will prove to be so[.]
>
> (iii) There is something invidious in forcing a more liberal constitution upon a colony against the will of its legislature unless the measure is supported by a clear expression of the wishes of a substantial part of the Community.
>
> (iv) Unless the electorate and Bay Street change their attitude and unless the general public becomes more interested in political principles a wider constitution could do no more than change the form but not the nature of present abuses and might lead to even worse abuse.[3]

As had been the case in the fight for the secret ballot, the Colonial Office understood that it had a crucial role to play in any further democratisation of the Bahamas, and it was willing to play its part, too, provided that the local circumstances were right. However, this role was about to take on an additional dimension. Thus far, the Colonial Office's focus had primarily been on the question of electoral reform. When broader constitutional questions were discussed, they had typically been either of the nature of Governors who expressed their frustrations with the limited real powers they had in their executive roles under the Old Representative System, or they had been – ultimately idle – threats to replace the Old Representative System with government as a Crown Colony in attempts to pressure the House of Assembly to pass legislation desired by London. Now, parallel to global developments, we see first signs of a willingness on the part of the Colonial

2 Craton / Saunders (1998) 269.

3 Internal Note, Colonial Office, 17 August 1949, TNA: CO 23/858/2–3.

Office to possibly remodel the Bahamas' Constitution from representative toward responsible government. At the same time, however, the Colonial Office realised the risk inherent in such a move, and thus concluded that Murphy's eventual successor ought to "be fully briefed in the history of this matter and sh[oul]d be asked to press for legislation to improve the electoral arrangements and to consider […] how local opinion may best be drawn towards a more liberal view of government and a more serious desire for good administration."[4] Murphy was succeeded as Governor by George R. Sandford, whose term lasted less than a year, after which Robert A. R. Neville served as Governor for approximately three years. Both Sandford and Neville had comparatively little impact. Nonetheless, there were local developments that the Colonial Office would not only have to take notice of, but which would once again force it to play its part in wresting further reform from the Bahamian oligarchy.

After its introduction in 1939, the secret ballot had led to elections appearing to be more orderly. It therefore had met some of the main expectations that had been placed in it. Nevertheless, the general election of 1949 once again returned a House of Assembly dominated by Bay Street – allegedly because the "winners […] had the money to offer and the power to display."[5] Whitehall's hopes "that with a liberal franchise and the Secret Ballot the political affairs of the Colony ought […] to right themselves,"[6] were dashed. Of course, by democratic standards of the mid-twentieth century, the franchise did not really deserve being characterised as liberal any longer, although it is also true that of the colonies of the British Caribbean at this point in time only Jamaica had universal adult suffrage.[7]

However, before I turn to the further democratisation of the suffrage, it is prudent to revisit the General Assembly Elections Act of 1946. As we have seen in the previous chapter, it marked the final victory of the secret ballot throughout the entire Bahamas. Yet, as would be the case in almost all other instances where new democratic principles were to be enshrined in the election laws of the Bahamas, Bay Street compensated for the potential effects of this concession by including other new features in the same law that were arguably less than democratic, but that were designed to reinforce the *status quo* instead.

4 Internal Note, Colonial Office, 17 August 1949, TNA: CO 23/858/3.
5 Newspaper clipping from The Voice, 16 July 1949, TNA: CO 23/861/56.
6 Internal Note, Colonial Office, 12 August 1946, TNA: CO 23/800/21.
7 Internal Note, Colonial Office, 3 May 1946, TNA: CO 23/800/121.

4.1 Property Qualifications and the Company Vote, 1946

At first glance, the Act left the qualifications for the suffrage unchanged. The core criteria were that voters had to be male British subjects, aged twenty-one years or older, who had been resident in the Bahamas for at least twelve months prior to the election, and who either owned real estate worth at least £5, or who rented real estate at a minimum rate of either £2.8s. a year in New Providence or £1.4s. a year in the Out Islands.[8] The 1946 Act retained them from the 1919 Act, which had retained them from the 1882 Act. This meant that their real value had decreased considerably, given the inflation caused by two world wars, the boom period of rum running during the prohibition era in the United States of America, and the Great Depression.

As had been the case with the General Assembly Elections Act of 1919, the property qualifications of the 1946 Act continued to allow some men multiple votes, but deprived others of their votes altogether.[9] A man got one vote in each constituency in which he met the property qualification. However, if he owned multiple properties in a single constituency, he could only cast a single vote. Also, if a property was owned by more than one man, or if a qualifying rental property was rented by more than one tenant, only one man could exercise the vote for that property and his co-owners or co-renters were disenfranchised, even if the value of the property in question was multiple times the required minimum amount.

The above had all long been the Bahamian norm, but the 1946 Act included some noteworthy changes. It no longer provided for the different treatment of British troops stationed in the colony. In 1919 they had been excluded from voting by virtue of paying rent, yet had been granted the franchise if they owned the requisite freehold. More consequential, however, was a new kind of qualification through which a voter could gain additional votes:

> When the owner or tenant of real property within the Colony is a company, one of the officers or directors of such company nominated for the purpose by the directors thereof, provided he is otherwise qualified under section 15 of this Act, may become a registered voter in respect of such real property.[10]

8 *General Assembly Elections Act 1946* (Bahamas), ss 15–16.
9 *General Assembly Elections Act 1919* (Bahamas), s 6; *General Assembly Elections Act 1946* (Bahamas), ss 17–18.
10 *General Assembly Elections Act 1946* (Bahamas), s 17(2).

This provision would gain notoriety as the company vote, which, unlike the traditional plural vote based on real property, allowed voters not merely to vote in multiple electoral districts, but to cast multiple votes in the same district.

Curiously, the significance of the above passage that amounted to the introduction of a company vote went virtually unnoticed. Some – particularly the non-white – Members of the House of Assembly, parts of the Bahamian media, and, to an extent, even the British authorities had fought for the secret ballot, ostensibly to make Bahamian elections more democratic. Yet the sources are silent on the introduction of the company vote. The *Tribune*, normally in staunch opposition to the Bay Street regime, agreed with the ultra-conservative Stafford Sands that the 1946 Act marked "the end of a long road."[11] While making this assessment, the newspaper focussed solely on the secret ballot. It did not discuss any other aspects of this particular piece of legislation.

The sources relating to the General Assembly Elections Act of 1946 contain no criticism of, or opposition to the company vote. The feature's only mention is found in an attachment to the Acting Attorney General's legal report. However, that report, too, emphasised the introduction of the secret ballot. It claimed that "no changes in the qualification of voters" were included in the Act, and towards the end it mentioned that "[a] comparative table with remarks is attached."[12] That comparative table lists all 102 sections of the new Act, and, where applicable, shows their corresponding provision in the superseded Act. One column contains remarks that indicate which provisions, in relation to the previous legislation, were new, which had been retained, and which had been adapted. The remarks further identify, where applicable, what other legislation served as a model for new or adapted provisions. The Bahamian General Assembly Elections Act of 1946 was, according to that list, indeed largely based on the Bahamian General Assembly Elections Act of 1919 as well as any legislation explicitly amending it or at least directly impacting its practical implementation, such as the Voting by Ballot (New Providence) Act of 1939. Additionally, other Acts from which provisions had been incorporated include the United Kingdom's Ballot Act of 1872, the United Kingdom's Representation of the People Act 1918, and Bermuda's

11 Stafford Sands quoted in: The Nassau Daily Tribune, 20 July 1946, 1.

12 Legal Report by Acting Attorney General Johnson, 6 September 1946, TNA: CO 23/794/9.

Parliamentary Elections Act of 1928.[13] However, for the company vote, the table merely says, "New provision as to voting by Director of a Company otherwise qualified."[14] The Colonial Office's own legal advisers, after seeing the Act, had "no comments."[15] A *fons et origo* is not identified.

The Colonial Office's clerks and legal advisors may not have had prior first-hand knowledge of the company vote at that point, but the Home Office had come across this feature, as an exchange between the two many years later would reveal, for it existed – with variations – in Northern Ireland, too.[16] The possibility of enfranchising companies had been discussed in Northern Ireland since 1928.[17] Nonetheless, up until the end of World War II, elections in Northern Ireland had been conducted under laws passed at Westminster, which predated the Government of Ireland Act of 1920 that had created so-called home rule for Northern Ireland. However, when, in the aftermath of the war, the Imperial Parliament and its Labour majority further democratised the franchise in Britain, the Ulster Unionist government of Northern Ireland decided to pass its own legislation, which would apply to both the elections to the Northern Irish Parliament at Stormont as well as to local government elections in the six counties of Northern Ireland. This resulted in the Elections and Franchise (Northern Ireland) Act, which was enacted on February 28th, 1946.[18]

The Northern Irish opposition parties had expected the development of the franchise in Northern Ireland to follow Westminster's lead, and thus had hoped for a more democratic franchise altogether.[19] They would be disappointed. Instead, the new law disenfranchised some persons who had had the vote since 1918, and it now included the company vote at local government elections.[20]

13 Legal Report by Acting Attorney General Johnson, 6 September 1946, TNA: CO 23/794/12–15.
14 Legal Report by Acting Attorney General Johnson, 6 September 1946, TNA: CO 23/794/11.
15 Internal Note, Colonial Office, 27 September 1946, TNA: CO 23/794/4.
16 Home Office to Colonial Office, 4 February 1959, TNA: CO 1031/2233/239–240.
17 HC Deb 13 June 1947 vol. 438, 1484, https://api.parliament.uk/historic-hansard/commons/1947/jun/13/northern-ireland-bill#S5CV0438P0_19470613_HOC_30, accessed 21 December 2022.
18 "Statutory Legislation," The Irish Jurist 12, no. 2 (1946): 33–34 (34).
19 The Stormont Papers, Vol. 29 (1945/46): 655, Arts and Humanities Data Service, King's College, London, United Kingdom (AHDS).
20 Extract of the Northern Ireland Statutes, n. d., TNA: CO 1031/2233/242–243.

John Whyte argues that the measure was designed to "further increase the unionist advantage."[21] During the parliamentary debates, one Member for the Ulster Unionists, Lancelot Curran, even admitted this, albeit indirectly, when he said, "that if universal suffrage is given in local elections there will be Nationalist control in the three Border counties."[22] In 1946, however, universal suffrage was not yet universally accepted as a *conditio sine qua non* for a democratic constitution, as Curran also hinted at when he claimed that these "people […] have no stake in the country," referring mainly to the supporters of the Nationalist party.[23] To the Ulster Unionists, to have a stake in the country meant to be a ratepayer, and thus in their understanding of democracy "the underlying principle of local government should be that the man who pays the piper is entitled to call the tune."[24] Such arguments possess a remarkable longevity even in democratic societies, as similar features made reappearances. Reminiscent of "no taxation without representation," proponents of the property or even corporate franchise at the local level argue from a perspective stemming "from a narrow view of representation" that local government's primary function is to provide services to property, and that its primary funding comes from property rates or their equivalent.[25] To an extent, this view was widely shared in the British world, making non-residential votes at the local government level a common feature. Unfortunately, the literature on the subject tends to conflate non-residential qualifications, e. g., personal real property, personal business votes and voting by incorporated companies through appointed representatives. The first two categories are undoubtedly "a holdover from […] 19th-century colonial days."[26] The third category cannot be included in such a broad claim with the same certainty.

For instance, the Legislative Council of the Australian state of Victoria proposed the enfranchisement of incorporated companies in the Melbourne and Geelong Corporations Bill 1938, but the Legislative Assembly prevented

21 Whyte (2003) 271.
22 The Stormont Papers, Vol. 29 (1945/46): 1797 (AHDS).
23 The Stormont Papers, Vol. 29 (1945/46): 1799 (AHDS).
24 The Stormont Papers, Vol. 29 (1945/46): 1742 (AHDS).
25 Ng et al. (2017) 224–225.
26 Jordan Weissmann, "In Australia, Businesses get to Vote," Slate, 19 August 2014, https://slate.com/business/2014/08/australia-businesses-get-to-vote-sydney-conservatives-want-it-to-be-required-by-law.html, accessed 21 December 2022.

this from becoming law.[27] However, today the corporate vote at local elections exists in five out of six Australian states. It became law "in Western Australia in 1960, Victoria in 1968, South Australia in 1976, and Tasmania in 1978."[28] Only in New South Wales does it go back further – to at least 1906.[29] In Canada, the corporate vote can be found in British Columbia, where it had been in existence at some point prior to 1973, when it was first abolished, but then it was reintroduced between 1976 and 1993, abolished again, and its reintroduction at least discussed in the 2010s.[30]

Similarly, in the United Kingdom, the City of London (Wards Elections) Act of 2002 enfranchised "persons appointed in writing as voters by a qualifying body which ordinarily occupies as owner or tenant any premises situated in that ward, being premises in respect of which the right to appoint one or more voters depends on the size of the workforce there."[31] "'[Q]ualifying body' means a body corporate or an unincorporated body other than a partnership within the meaning of section 1 of the Partnership Act 1890."[32] The justification, while using democratic language, is nonetheless reminiscent of the arguments for a business of company vote in the Bahamas of the 1940s or 1950s:

> The number of workers in the City also plays an important part in the electoral process as the City is the only area in the country in which the number of workers significantly outnumbers the residents, and therefore, to be truly representative of its population, offers a vote to City organisations so they can have their say on the way the City is run."[33]

That vote, however, represents not the numerous workers of these bodies cited here, but their corporate leadership, and – arguably – it is easy enough to imagine that the interests and electoral preferences of these two groups might differ at times.

Despite differences in detail in terms of the application and condition of the corporate vote, the basic justification for the enfranchisement of companies, whether in London today, or in Northern Ireland or the Bahamas dec-

27 Victoria (1938) 44.
28 Hearfield/Dollery (2009) 69.
29 Hearfield/Dollery (2009) 69.
30 Local Government Elections Task Force (2010) 2–3.
31 *City of London (Wards Elections) Act 2002* (United Kingdom), s 3(1)(a).
32 *City of London (Wards Elections) Act 2002* (United Kingdom), s 2(1).
33 House of Commons Treasury Committee (2008) 10.

ades ago, sought to invoke the same logic. This logic was also the reason why its application was limited to local government – except in the Bahamas, which only had a single layer of government, and which therefore seems to be the only jurisdiction to have used the company vote at its highest level of elections. However, while New South Wales' company vote appears to be the oldest, and while Victoria at least discussed it prior to the 1940s, it is conspicuous that the Bahamas introduced it mere months after Northern Ireland had.

One could argue that there were certain similarities between the situation of the Bay Street Boys, sometimes also less politely referred to as the "Bay Street Gang,"[34] in the Bahamas and the Ulster Unionists in Northern Ireland. The latter had even been given a derogatory nickname based on a street, too, by their opponents, and were sometimes referred to as the "Glengall Street Junta."[35] The Northern Irish opposition characterised the Elections and Franchise (Northern Ireland) Act of 1946 as "a deliberate attempt to perpetuate an ascendancy here which has been rightly referred to as a shrinking, retreating, dying ascendancy, which is a foreign garrison of a foreign country."[36] Similarly, Bay Street had a history of drafting election laws to perpetuate its control of the House of Assembly in the Bahamas, and to counterbalance democratic reforms forced upon it by the Colonial Office with other, less democratic measures often hidden in the same law. If then, Bay Street introduced a company vote in the Bahamas mere months after registered companies were enfranchised by the Ulster Unionists in Northern Ireland, it is indeed likely that this was not Stafford Sands' or any other Bay Street representative's original idea, but that they had been inspired by the Northern Irish example instead. Becoming aware of this new countermeasure at their disposal could also explain why in 1946, after so many years of deliberate delays, Bay Street politicians suddenly agreed to the introduction of the secret ballot, if, as we must assume, they were not aware that this time the Colonial Office was taking concrete steps to follow through on their threats to change the Bahamas' Constitution and turn it into a Crown Colony.[37]

While a side-by-side comparison of the two pieces of legislation yields no obvious matches in the language of the texts, and while the mechanics of the

34 Philip Smith, "Where have all the Progressives gone?," The Nassau Guardian, 9 January 2015, https://www.bahamaslocal.com/newsitem/116407, accessed 21 December 2022.

35 The Stormont Papers, Vol. 29 (1945/46): 1750 (AHDS).

36 The Stormont Papers, Vol. 29 (1945/46): 1746 (AHDS).

37 See page 86 above.

company vote were different in Northern Ireland and the Bahamas, the result was nonetheless that in both cases those within these jurisdictions who were most likely to support the beleaguered ruling parties at the polls gained disproportionately more votes. In the Bahamas, for instance, minimum values and joint occupancy restrictions, which applied to a natural person's right to be enfranchised, did not apply to companies, as the qualifications through tenancy or freehold were defined separately for the two.[38] However, the natural persons who registered to vote on behalf of a company were themselves nonetheless required to fulfil these minimum values as individuals in order to be eligible to exercise the company vote.[39]

The poor source situation, which can neither conclusively prove the origins of the Bahamian company vote nor retrospectively determine the number of company votes cast in contrast to personal votes, presents a problem when attempting to reconstruct the way it impacted election outcomes. In fact, the 1946 Act mandated that "[w]henever a new register has been completed, the former register shall be retained for a period of five years by the Colonial Secretary who shall, unless otherwise directed by the General Assembly or the Supreme Court, then cause it to be destroyed."[40] Neither the preceding 1919 Act nor the superseding 1959 Act contained such a requirement. This makes an historical evaluation of the company vote and its impact all the more difficult.

The first general elections held with the company vote in place occurred in 1949. The composition of the House of Assembly did not change significantly as a result. However, the Governor reported some voter registration data that may deserve attention. Since the enactment of the General Assembly Elections Act of 1946, the number of registered voters in the colony as a whole decreased by approximately 17 %, from 12,025 to 9,945; in the Out Islands, the decline was approximately 46 %, from 10,205 to 5,543 voters, whereas the number of registered voters in New Providence increased from 1,820 to 4,402 – an increase of approximately 142 %. The Governor explained these changes by migration, both internal as well as external, as well as a changed

38 *General Assembly Elections Act 1946* (Bahamas), s 2.
39 *General Assembly Elections Act 1946* (Bahamas), s 17(2).
40 *General Assembly Elections Act 1946* (Bahamas), s 27(5).

registration system.[41] To an extent, this is plausible. We saw, for instance, that the number of registered voters in New Providence dropped significantly after the introduction of a new registration system through the first Ballot Act there in 1939. Its extension to the Out Islands then may well have had a similar effect there. Furthermore, migration, both from the Out Islands to New Providence as well as from the Bahamas – and again especially from the Out Islands – overseas was a reality. In many instances, this relocation was temporary, caused by a migrant worker agreement between the Bahamas and the United States that started during World War II and continued until the 1960s. The combination of these factors could explain the serious decrease in registration numbers for the Out Islands. However, can internal migration also explain the dramatic increase in registration numbers in New Providence?

The Governor's report compares the voter registration numbers from 1944 to those from 1949. While 1949 was the year of a general election, 1944 was not. The lifespan of the House of Assembly was seven years then, meaning the last general election had been held in 1942. However, when we compare the actual election results in a New Providence constituency, we find that the number of votes cast in the Eastern District in 1942 totalled 638,[42] but totalled 1,544 in 1949.[43] This also corresponds with an increase of 142 %. To further test the plausibility of these voter registration numbers, we can consult official census figures, which are available for the years 1943 and 1953.[44] During that period, the Out Island population decreased by 2 %. Given the new system of voter registration after 1946, the Governor's figures and his explanation for the decrease there remain plausible nonetheless. However, whereas the number of registered voters in New Providence before and after the General Assembly Elections Act of 1946 increased by 142 %, the overall population of that island increased by only 57 % between 1943 and 1953, and even if we factor in age and sex distribution, the number of adult men, regardless of whether or not they met the property qualifications, increased from approximately 10,200 to approximately 16,100 – only roughly 58 %.

41 Governor Murphy to Secretary of State for the Colonies Creech Jones, 27 June 1949, TNA: CO 23/861/77.

42 "Mr. Cash and Mr. Symonette Elected Today," The Nassau Guardian, 17 June 1942, 1.

43 Governor Murphy to Secretary of State for the Colonies Creech Jones, 20 July 1949, TNA: CO 23/861/52.

44 Craton / Saunders (1998) 180–186.

Even prior to World War II, the cost of living in New Providence was such that practically every renter or homeowner would meet the property qualifications stipulated by the Act.[45] Additional inflation, therefore, is unlikely to have been a major factor behind this disproportionate increase in the number of registered voters. Furthermore, the Act placed another restriction on the franchise: "No more than one person shall be registered to vote as a tenant in respect of any one particular freehold and only one of several joint tenants or tenants in common shall be registered to vote as a freeholder in respect of any freehold."[46] This, however, would have resulted in voter registration numbers increasing at a lower rate than the overall male population. The limitation applied to apartment buildings, in which only the tenant of one of the apartments would be able to exercise the franchise.[47]

Bay Street sought to alleviate the Colonial Office's concerns regarding this provision by assuring the Secretary of State for the Colonies "that the limitation of tenants' votes was much less than it seemed since the Bahamas were not highly urbanised and in the Out Island there was normally only one tenant per property."[48] Living in rented accommodation, however, was much more common in New Providence than in the Out Islands, whether as a sole tenant in a unit of an apartment building or in shared housing with multiple adult males in a single household. Especially the latter scenario was not uncommon for poorer Bahamians at a time when, due to internal migration from the Out Islands, New Providence experienced rapid population growth.[49] The majority of the colony's population now lived in the capital. The effect of this limitation on the franchise was therefore far more severe than Bay Street was willing to admit.

However, regardless of these overall population developments, the real challenge in analysing these registration trends is rooted in the fact that the number of registered voters, due to the reality of plural voting, does not accurately reflect or even approach the number of individuals in possession of the franchise, and that the available sources do not allow us to reliably

45 Saunders (2003) 157.

46 *General Assembly Elections Act 1946* (Bahamas), s 17(1).

47 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 7 August 1957, TNA: CO 1031/2232/419.

48 Record of Meeting of the Secretary of State with a delegation from the Bahamas, 12 November 1957, TNA: CO 1031/2232/299.

49 "What's Wrong with the Elections Act?," The Nassau Daily Tribune, 12 December 1955, 3.

deduce the latter number from the former. However, the plural vote as such was not a new phenomenon. The company vote, on the other hand, was. Could this new feature have contributed to the remarkable increase in the number of registered voters? While this question cannot be answered definitively, the numbers emerging after the next election, that of 1956, might be interpreted as containing clues for such a suspicion.

The general trend of population growth and internal migration towards Nassau continued at roughly the same pace so that by 1956 the overall population had reached approximately 90,000.[50] However, the increase in the number of registered voters in New Providence was again considerably larger than the increase in the overall population. While the overall population of New Providence between these two elections increased by only approximately 12 %, the increase in the number of registered voters was approximately 71 %.[51] Just like seven years earlier, even though this time the discrepancy between the two was not quite as wide as it had been then, there is no obvious explanation for this phenomenon.

Not only the number of registered voters in 1956 raises questions, but the number of actual votes cast does, too. As all the electoral districts in New Providence in 1956 sent two members to the House of Assembly, every voter could cast up to two votes. With 7,523 registered voters, the maximum number of votes cast, therefore, would have been 15,046. However, only 10,593 votes were cast on election day in New Providence.[52] Perhaps another new feature in the way elections were conducted in the Bahamas might help explain this seemingly low voter turnout. The *Tribune* noted that in 1956, "[f]or the first time in the history of the colony all the elections for the eight New Providence seats […] are being held on the same day."[53]

Historically, the reason for having the elections stretched over several days stems from the plural vote: the right of voters to cast ballots in multiple constituencies had to be accommodated, i. e., elections had to be scheduled in a staggered way in order to give such voters to whom this applied sufficient

50 Secretary of State for the Colonies Lennox-Boyd to Prime Minister Eden, 5 June 1956, TNA: CO 1031/1294/100.

51 "Over 7,500 Register for N. P. Elections," The Nassau Daily Tribune, 26 May 1956, 1.

52 Annual Magazine of the Progressive Liberal Party, November 1956, TNA: CO 1031/1532/38.

53 "Good Losers… Good Winners," The Nassau Daily Tribune, 8 June 1956, 1.

54 Governor Ranfurly to Secretary of State for the Colonies Lennox-Boyd, 18 January 1956, TNA: CO 1031/1294/128.

time to travel around the various islands.[54] By 1956, it could now be argued that at least moving about New Providence had become easy enough to visit all constituencies in a single day. At the same time, even though the island is only approximately nineteen miles (thirty kilometres) long and seven miles (twelve kilometres) wide, having to navigate the entirety of the island in a single day could have potentially discouraged some voters from casting all the votes they may have been registered for and entitled to by virtue of the plural vote, thus resulting in only 10,593 votes being cast. If the plural vote could be the reason for the low voter turnout and has historically been the reason for the discrepancy between the number of registered voters and the number of adult men in the population, then another feature adding an additional dimension to the plural vote could explain the increasing gap between the two, and that feature is the company vote.

It is in the context of this election that the sources begin to mention the company vote. The first reference comes from an unexpected quarter. Prior to the election, there was an exchange between the Governor, the Earl of Ranfurly, and the Colonial Office about the expected conduct of the election. The Colonial Office voiced concerns, in particular, about envisioned scenarios of corruption.[55] These discussions, however, culminated in Ranfurly committing to promote a number of electoral reform measures in his speech opening the new House of Assembly, i. e., after the election. One of the proposed measures was the abolition of the company vote, of which he said that there were "strong signs that this privilege is going to be seriously abused in the coming elections."[56] On the floor of the House of Assembly, Gerald Cash warned that the company vote presented the "possibility of a man voting – not once – but 500 times," calling it "a ridiculous situation!"[57] The *Tribune* also criticised the company vote, suggesting that it enabled "a man to cast as many votes as he cares to form companies."[58]

55 Internal Note, Colonial Office, 24 August 1955, TNA: CO 1031/1294/5.

56 Governor Ranfurly to Secretary of State for the Colonies Lennox-Boyd, 30 April 1956, TNA: CO 1031/1294/118.

57 "Cash Advocates Major Changes in Election Act," The Nassau Daily Tribune, 24 November 1955, 1.

58 "How do the Politicians Stand on Adult Suffrage?," The Nassau Daily Tribune, 19 December 1955, 6.

In 1949, the company vote did not attract any public attention, and the sensationalist claims and alarms leading up to the 1956 election describe the severity of the issue in theory but offer no details about the actual extent of it. In 1958, the issue resurfaced, and this time, the *Tribune* offered a little more background information:

> In November 1955 Mr. James Liddel, the Revising Officer, registered Mr. Stafford Sands, Sr. – father of Junior Stafford – three times for the City District.
>
> No. 1 vote was as a freeholder of one-eighth undivided interest in a piece of property on Shirley Street which he had inherited from his father Sir James P. Sands.
>
> No. 2 vote was a Company Vote for the City Meat Market Co., Ltd. at Bay and East Streets.
>
> No. 3 vote was a Company Vote for a Nassau Food Store Co. premises on the southern side of Bay Street in the City.
>
> This was the first attempt to establish the Company Vote as a plural vehicle in elections in the colony.
>
> Immediately Mr. Stafford Sands, Jr. appealed the registration in a test case before the Chief Justice […] and on January 21, 1956 the Chief Justice handed down a decision which resulted in establishing the plural company vote.[59]

Neither the Supreme Court nor the Department of Archives in Nassau have been able to locate files – including the actual decision – related to this case, and instead advised that there was no systematic way in which such files from decades ago would be stored.[60] Therefore, I can neither verify the information nor can I consult the opinion of the court. In the above scenario, however, Stafford Sands, Sr. registered as a voter for two businesses that not only occupied physical premises in the centre of town but that were known to most Nassauvians, who may even have patronised them. One argument proclaimed in favour of the company vote was indeed that such businesses had a legitimate interest in the affairs of their constituencies, and that this was akin to the business vote that still existed for local government elections throughout the United Kingdom, even though it had been abolished for national elections in 1948. However, since the Bahamas had no local government, this feature could only be included at the level of general elections.[61]

59 Etienne Dupuch, "Men who Behave like Retarded Children," The Nassau Daily Tribune, 24 April 1958, 4.

60 Personal inquiry at both institutions, 10 August 2017.

61 Internal Note, Colonial Office, 27 March 1958, TNA: CO 1031/2322/37.

The allegations against the company vote, however, suggest that the system gave representation not only to the visible brick-and-mortar businesses throughout the colony, but also allowed voters to register bogus or shell companies ostensibly, perhaps, serving no other purpose than to obtain additional votes. The rapid increase in voter registration numbers suggests that the latter may have been the case. An article published in the United Kingdom described it as follows:

> Today the "Bay Street Boys" still rule the rumbling islands. And there still remains a little quirk in the electoral law which could theoretically be used to keep them in power forever. This little piece of ho-hum slipped in as a siesta hour amendment one afternoon in 1946. It is the plural vote. One vote is given to every company registered in the Bahamas. […] The main object of the plural vote, the "Bay Street Boys" explain, is to encourage foreigners to establish in business. Their opponents say that this is what really happens. At election time supporters of the majority party form a large number of nominal companies purely for the sake of piling up votes. And opponents argue that the Bahamas are now wide open to foreign domination through the voting power of overseas companies. I (Express reporter) spent a dusty afternoon checking through the voting register of the latest by-election in the Bahamas which was on Abaco Island. Mr. Sands [sic!] party registered the plural vote 138 times. Seventy of these votes were company votes, 68 belonged to residents of Nassau who had plots of land in Abaco. I asked one of the men who registered six votes on company tickets how one of his companies was getting on. "What's that?" he said, "never heard of it."[62]

Bearing in mind that a company can only exercise its right to vote through one of its directors nominated for that purpose, it is difficult to imagine the above scenarios, if the companies in question were occupying visible spaces and had people working in these spaces, and if consequently their directors took an active interest in them, i. e., if they were more than mere shell companies. Thus, the allegation was that Bay Street created shell companies for the purpose of obtaining additional votes.

Perhaps, though, Bay Street did not even need to create shell companies for that purpose, at least not in New Providence, and particularly not in its City District. During the interwar years, the Bahamas had begun a development turning the colony into a tax haven.[63] This development was further accelerated in the decades after World War II.[64] Thousands of shell companies,

62 The Daily Express, reprinted in: The Nassau Daily Tribune, 29 March 1958, 1, 4. Round brackets contained in quoted article.

63 Palan / Murphy / Chavagneux (2010) 127.

64 Ogle (2017) 1436–1438.

whose beneficiary owners were not disclosed, were registered in the Bahamas.[65] It was the merchants and lawyers of Bay Street who, on paper, served as their directors, and it was their offices that provided these shell company physical addresses, even if these amounted to little more than a sign on the door.[66]

The provision that restricted joint owners or tenants so that "[n]o more than one person shall be registered to vote as a tenant in respect of any one freehold,"[67] it can be argued, applied to natural persons only, because throughout the Act the only persons entitled to be registered to vote are male British subjects, twenty-one years of age or older. The Act, however, contained no restrictions as to how many times a person could be registered to vote as a director on behalf of a company, nor did it exclude multiple companies sharing the same physical address from each nominating a director for the purpose of registering as a voter.

A final evaluation of the company vote and its impact on the elections of 1949 and 1956, however, is not possible without an examination of the actual voters' registers used. Whether the Act's loophole that allowed a man to register "as many votes as he cares to form companies,"[68] was actively exploited, and whether this was done on a scale large enough to potentially influence the outcome of the elections, cannot be determined without these documents. Given the five-year rule contained in the General Assembly Elections Act of 1956, the register used in 1949 should have been destroyed in 1954. Had the Act continued to remain in force, the one used in 1956 should have been destroyed in 1961, too, but a new Act in 1959 abolished this requirement, however, without making specific provisions for their preservation either. Obtaining these documents has not proved possible. Both the Parliamentary Registration Department and the Department of Archives explained that they are unable to locate copies of voters' registers from the days of the company vote.[69]

65 Ava Turnquest, "1.3m Files Leak in Bahamas Papers," The Tribune, 22 September 2016, http://www.tribune242.com/news/2016/sep/22/13m-files-leak-bahamas-papers/, accessed 21 December 2022.

66 "Durch Briefkästen Millionen sparen," Der Spiegel, no. 20 (1963) 40.

67 *General Assembly Elections Act 1946* (Bahamas), s 17(1).

68 "How do the Politicians Stand on Adult Suffrage?," The Nassau Daily Tribune, 19 December 1955, 6.

69 Personal inquiry, 11 November 2018.

4.2 The 1956 Elections and Their Fallout

As the 1956 elections drew closer, both Government House as well as Whitehall had to concede that administrative measures alone would be insufficient to prevent politicians from attempting to unduly influence voters. Furthermore, they also realised that legislative remedies would not be passed in time. Stafford Sands, as chairman of the House of Assembly's Constitution Committee, indicated that the parliamentary majority was only willing to entertain amendments of a mechanical nature, "such as the remuneration for revising officers, polling times and the like."[70] Therefore, the Colonial Office took the – in the Bahamian context – unprecedented step of having two companies of infantry, which were stationed in Jamaica, standing by on alert, in case that supporters of some of the losing candidates should riot.[71]

Luckily, there were no riots, and the Governor reported that the "elections completed without incident. Situation completely calm."[72] What were the reasons for this anxiety? The secret ballot had cut down on the appearance of corruption, both in the 1942 general election when it was in use in New Providence only, as well as 1949 when it was in use throughout the entire Bahamas. However, the election of 1956 marked the first time that political parties contested seats in an election.

The so-called Progressive Liberal Party (PLP) had been founded in 1953. To date, it is the oldest Bahamian political party still in existence.[73] Its platform for the 1956 election contained but two points on matters of electoral reform: it demanded universal suffrage and proportional representation.[74] After the election and its sobering outcome, demands for "a reduction in the life of the House of Assembly" and a revision of constituencies and their boundaries "to

70 "Cash Advocates Major Changes in Election Act," The Nassau Daily Tribune, 24 November 1955, 1.

71 Secretary of State for the Colonies Lennox-Boyd to Prime Minister Eden, 5 June 1956, TNA: CO 1031/1294/101.

72 Governor Ranfurly to Secretary of State for the Colonies Lennox-Boyd, 9 June 1956, TNA: CO 1031/1294/99.

73 N.B.: Regularly, Bahamians, especially those affiliated with the party, will insist that the PLP was the first political party in the Bahamas. It was not. However, apart from being the country's oldest political party still in existence today, it can lay claim to many other firsts. See: Craton / Saunders (1998) 307–308.

74 Fawkes (2013) 122.

ensure better representation" were added to the PLP's agenda.[75] It remained vague on all of these points, and it was still silent on the issue of the company vote.

There were many allegations of corruption made during the election.[76] However, it would take more than political scandal to mobilise the Bahamian masses to demand reform. The Colonial Office recognised this:

> Economically the Colony has never been more prosperous and this prosperity affects almost everyone. For this reason political discontent even when periodically exacerbated tends not to be maintained. There are, however, deficiencies in the field of labour relations, electoral procedure and race relations […] which the people at present in power in the Bahamas have done little to palliate.[77]

The election outcome did not significantly change the composition of the House of Assembly. The PLP won six of the twenty-nine seats, but its leader, Henry Milton Taylor was unsuccessful in his bid for one of the two Long Island seats. A second party, the so-called Bahamas Democratic League (BDL), founded in 1955, won one seat; its leader, Etienne Dupuch, editor of the *Tribune* newspaper, won his race for the Crooked Island, Long Cay and Acklins seat. The vast majority of the remaining seats went to nominally independent candidates associated with Bay Street, who had not yet formed a political party, and were at the time characterised as "Right Wingers" by the Governor and the Colonial Office.[78]

The arrival of party politics meant that, with time, the opposition to Bay Street's parliamentary majority became more systematically organised. Therefore, shortly after the general election, Stafford Sands, who recognised the future potential for mobilising the masses, began to organise the parliamentary majority of Bay Street Boys into a political party, too, and a so-called Christian Democratic Party was born. The Colonial Office took umbrage not only with the name, but also with the fact that the party's members, who in 1956 had presented themselves to voters as professed independents, had now transformed into a political party complete with a party platform,

75 Annual Magazine of the Progressive Liberal Party, November 1956, TNA: CO 1031/1532/34.

76 Governor Ranfurly to Secretary of State for the Colonies Lennox-Boyd, 7 December 1956, TNA: CO 1031/1294/44.

77 Bahamas Constitutional Reform Background Note, 1957, TNA: CO 1031/2232/349.

78 Extract from Bahamas Political Report, June 1956, TNA: CO 1031/1294/77; Governor Ranfurly to Colonial Office, 31 July 1956, TNA: CO 1031/1294/71.

and took the same to the House of Assembly without having been given a mandate to do so by the electorate. They had been elected without being part of a party slate of candidates, without promoting a joint platform. The first issue was resolved the following year, when the party renamed itself the United Bahamian Party (UBP).[79] For the second issue, there was no practical solution.

The parliamentary majority was now organised as the UBP. The balance of power within the opposition, however, was not as clear as its election results suggested. Before one party could demonstrate longevity, and repeated and increasing electoral successes, the opposition, comprised of two parties, ran the risk of appearing divided. This was especially true, as the smaller opposition party, which eventually faltered, the BDL, controlled the *Tribune* newspaper, an important public stage and more influential than the PLP's *Nassau Herald*. At the time, the Bahamas' other influential paper was the *Nassau Guardian*. Founded in 1844, it was the colony's oldest newspaper still in existence, and during this era served as the mouthpiece for Bay Street and the UBP.

The issues of property qualifications, plural voting and the company vote erupted again over an economic conflict in 1958. The 1942 riots that had marked, for the Colonial Office, the point of no return in their support for the secret ballot had erupted over a labour dispute about the wages paid on the so-called *Project*, part of which was the construction of a military airfield in western New Providence, Windsor Field.[80] In the post-war years, tourism – and with it air traffic – increased, and Nassau's old Oakes Field Airport was deemed inadequate. In 1957, therefore, the government decided to relocate operations to Windsor Field. Oakes Field was less than two miles (three kilometres) from downtown Nassau, but Windsor Field was more than nine miles (fifteen kilometres) away. Bahamian taxi cab drivers, who were overwhelmingly self-employed, imagined that prosperous times were ahead indeed, as they were looking forward to significantly higher fares.

Dashing the taxi cab drivers' hopes, however, the hotels cut a deal with a Bay Street-owned tour company for the exclusive bus and limousine transfer

79 Internal Note, Colonial Office, 27 March 1958, TNA: CO 1031/2232/36; unknown newspaper clipping, ca. April 1958, TNA: CO 1031/2232/128.

80 N.B.: Windsor Field is known today as Lynden Pindling International Airport and currently serves as New Providence's only airport.

of their guests to and from the airport. This caused considerable unrest amongst the taxi cab drivers. The new airport's opening date in November 1957 was accompanied by protests organised by the Bahamas Taxi Cab Union (BTCU). Two months later, a compromise still had not been reached. The Bahamas Federation of Labour (BFL), in support of the BTCU, called for a general strike and boycott of white-owned businesses to begin on Monday, January 13th, 1958. The final decision had only been reached the night before, and the regular union members were not informed before 8:30 a.m. on the day of the strike, but word spread rapidly, and later the same morning most hotels were closed, and most utility workers and many private-sector employees had walked off their jobs.[81] The strike continued until January 29th.

The level of support for the general strike that the PLP was willing to commit to publicly was but lukewarm. The party's newspaper, the *Herald*, coyly reported that whilst the PLP was "not directly responsible for the strike or the policies of labour, it cannot remain aloof from the present situation. The Party is deeply concerned […] with the problems affecting labour, and it continues to urge its members and supporters to use the boycott against those who seek their enslavement."[82] It is therefore particularly important to understand that the BTCU had been formally affiliated with the PLP since 1954.[83] The party's leader, Lynden O. Pindling, not only served as the union's legal advisor,[84] the BTCU also sent two members to the party's National General Council.[85] Behind the scenes, the general strike had the full support of the party, which stood to benefit from it politically. Numerous international organisations, especially from the United States of America and other parts of the Caribbean, came out in support of the BFL and, recognising their involvement, of the PLP, too.[86]

During the general strike, Governor O. Raynor Arthur played an ambivalent role. When he, as scheduled, opened the new session of the Legislature on the second day of the strike, picketers booed not only Bay Street politicians,

81 Craton (2002) 82.
82 Quoted in: Hughes (1981) 64.
83 Saunders (2003) 190.
84 Hughes (1981) 64.
85 Constitution of the Progressive Liberal Party, 2005, art 8(1(vi), https://www.scribd.com/document/94734098/Official-Plp-Constitution, accessed 21 December 2022.
86 Saunders (2003) 202.

but him, too. It may have been this "unprecedented lapse of manners"[87] that made him fear not only for his own safety but anticipate more widespread violence, which resulted in Arthur calling for troops from nearby colonies to ensure order. Overall, the general strike remained mostly peaceful, but there were isolated incidents of violence.[88] The troops remained in the colony for over two years, not least to "placate the nervousness of the white population."[89] Politically, he objected to both the PLP, whom he considered left-wing extremists,[90] as well as the UBP, whom he described as "rabid white reactionaries."[91]

This modicum of neutrality, perhaps, allowed him to successfully broker a compromise "providing more equitable transportation to and from Nassau's International Airport."[92] However, some commentators at least thought that this compromise only addressed the "surface cause" of the general strike and amounted to squandering a "golden chance to break the complacency of the 'Bay Street Boys'" by appointing a "Royal Commission to expose the root of the explosive unrest."[93] This view, however, fails to acknowledge the Governor's role in convincing the Colonial Office that the time had come once again to take a more active role in Bahamian affairs and press for additional democratic reform steps.

In particular, Arthur took the stance that it was paramount to pass more progressive labour legislation and to implement further electoral reforms before continuing any conversation about constitutional changes towards more responsible government. If the colony attained internal self-government under the current franchise, which in his opinion contained "many obvious anachronisms and deficiencies,"[94] Arthur feared "it might turn the Bahamas into 'a little South Africa.'"[95] Due to Arthur's insistence, this became the Colonial Office's stance, too, which considered these reforms urgent. As

87 Craton / Saunders (1998) 311.
88 Hughes (1981) 63–64.
89 Saunders (2003) 201.
90 Saunders (2003) 201.
91 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 7 August 1957, TNA: CO 1031/2232/419.
92 Saunders (2003) 203.
93 The Daily Express, reprinted in: The Nassau Daily Tribune, 29 March 1958, 1.
94 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 7 August 1957, TNA: CO 1031/2232/419.
95 Saunders (2003) 203.

had been the case before, Whitehall's preferred process was for the reforms to be implemented locally by the House of Assembly, rather than by the Imperial Parliament in Westminster. In order to get this process started, as obstruction by Bay Street was fully expected, the Secretary of State for the Colonies, Alan Lennox-Boyd, took the unusual step of personally visiting the Bahamas from April 6th to 13th, 1958.

To save face, the UBP spun the story and declared that this visit had been long planned and amounted to nothing more than Lennox-Boyd's gracious acceptance of an invitation extended by a delegation of Members of the House of Assembly to London in November 1957.[96] Furthermore, the UBP refused to call the general strike a labour dispute. Since it erupted over the issue of transportation between the airport and the hotels, and since technically the taxi cab drivers were self-employed, the general strike was instead termed "a dispute between two groups of businessmen."[97] The majority of Bahamians, however, did not subscribe to this version. They were more likely to agree with the *Tribune*, which announced that Lennox-Boyd was "coming to Nassau to make the crooked straight… or else!"[98]

When Lennox-Boyd arrived in the Bahamas, electoral reform was one of the main discussion points. Below the surface, the demand for democratic reforms had already been brewing for several years. The PLP, as we have seen, had campaigned on electoral reform in the 1956 election, and later that year, the party elaborated on its demands and sent a delegation to London to submit them to the Colonial Office. These demands included universal adult suffrage, the abolition of plural voting and the company vote, stronger laws against bribery and corruption at elections, and the redrawing of constituency borders.[99] Similarly, the BDL urged Whitehall that electoral reform must precede constitutional reform in the Bahamas, and called in particular for redistricting, universal adult suffrage, the abolition of plural voting and the company vote. In 1957, it submitted this list in the form of a petition to Queen Elizabeth II.[100] Only a few weeks later, the Governor also submitted his own

96 Hughes (1981) 66.
97 Unknown newspaper clipping, ca. April 1958, TNA: CO 1031/2232/128.
98 "Lennox-Boyd can Destroy Terror by Single Act," The Nassau Daily Tribune, 28 March 1958, 1. Unabbreviated quote; the ellipsis is part of the newspaper article.
99 Internal Note, Colonial Office, 28 February 1957, TNA: CO 1031/2232/4.
100 Petition by Bahamas Democratic League to Queen Elizabeth II, 19 July 1957, TNA: CO 1031/2232/289.

list of what he perceived to be defects in the Bahamas' current election legislation to the Colonial Office, namely the property qualifications for voters as well as candidates, the restriction of any one freehold to a single vote, the company vote, the plural vote, and an anomalous distribution of seats.[101] In preparation for Lennox-Boyd's visit, he added the fact that election petitions were adjudicated by the House of Assembly instead of a court and an inadequate registration machinery that was prone to abuse to his laundry list of areas requiring attention.[102] These points then served as the basis for discussions during Lennox-Boyd's visit, but two other long-standing points of contention did not make the list. Neither a shortening of the life of the House of Assembly, as had been recommended by the Russell Commission in the aftermath of the *Burma Road* riots of 1942, nor single-day elections throughout the archipelago, as had been expressly desired by the Colonial Office prior to the last general election, were on the agenda. The former does not feature in the sources for early 1958, even though the PLP had pressed the issue throughout 1956 and 1957.[103] The reason for its sudden absence from the debate is unknown. The latter was not so much a matter of legislation but a matter of procedure, as the Provost Marshall, who reported to the Governor, set the election date or dates, taking into consideration that the franchise entitled some voters to cast multiple votes in sometimes remote locations, and that these persons ought to be accommodated.

The UBP was willing to make minimal concessions, too, and – after the general strike but before the Secretary of State's visit – adopted universal male suffrage and the abolition of property qualifications for Members of the House of Assembly as parts of their platform. However, Sands insisted that the party intended to "of course […] follow the English practice which prohibits bankrupts from retaining their seats in Parliament."[104] The party assured the Colonial Office that "[t]he redrafting of the General Assembly Elections Act […] will also be sufficiently important to warrant the assistance

101 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 7 August 1957, TNA: CO 1031/2322/419.

102 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 4 March 1958, TNA: CO 1031/2378/21.

103 Henry M. Taylor and Lynden O. Pindling to Governor Arthur, 19 October 1957, TNA: CO 1031/2477/6.

104 Stafford Sands et al. to Colonial Office, 1 March 1958, TNA: CO 1031/2232/205.

of English Parliamentary drafting Counsel."[105] The Colonial Office not only considered these concessions too little, too late, but also doubted their timely implementation: "a [first-class] piece of window-dressing […] but I am afraid it will be more than a decade before we shall see a programme of this kind implemented."[106] Nonetheless, the abolition of property qualifications for Members of the House of Assembly, but still disqualifying "any person who is adjudged to be bankrupt,"[107] was, without much debate, included in the next revision of Bahamian election law.

On the last day of his week-long visit, Lennox-Boyd, at a press conference held at Government House, announced a set of reforms that formed part of a settlement agreed upon by all political parties.[108] The settlement, which he described "as a victory for no one, just a triumph for common sense,"[109] also included an anticipated implementation timeline. It was agreed, that the legislation for these reforms would be enacted before the end of the calendar year.[110] Apart from reforms in the field of labour legislation, this compromise included a number of electoral reform measures.[111] There would be four additional seats in the House of Assembly for the island of New Providence, the island on which by now approximately 60 % of the Bahamas' population lived.[112] However, the island's four electoral districts accounted for only eight of the House of Assembly's twenty-five seats. The new ratio would be twelve to seventeen, which still did not reflect the true population balance. The boundaries still reflected the much more decentralised population pattern of the nineteenth-century Bahamas, which the General Assembly Elections Acts of both 1919 and 1946 had retained. An even greater increase of New Providence seats, fully expected to be won by the PLP, would have been met with opposition by the UBP. Furthermore, the notion of similar-sized constituencies to provide for greater proportionality in parliamentary representation was even

105 Stafford Sands et al. to Colonial Office, 1 March 1958, TNA: CO 1031/2232/205.
106 Internal Note, Colonial Office, 27 March 1958, TNA: CO 1031/2232/36.
107 *General Assembly Elections Act 1959* (Bahamas), s 7(5)(c).
108 Hughes (1981) 66; Internal Note, Colonial Office, 17 December 1958, TNA: CO 1031/2233/6.
109 Quoted in: Dupuch, "Least Said, Soonest Mended…," The Nassau Daily Tribune, 11 April 1958, 1.
110 Extract from Statement in the Bahamas by Secretary of State for the Colonies Lennox-Boyd, 13 April 1958, TNA: CO 1031/2233/129.
111 "Lennox-Boyd Takes Firm Stand," The Nassau Daily Tribune, 11 April 1958, 1.
112 Craton / Saunders (1998) 180.

less developed in the Bahamas then than it is now, with constituency sizes still varying considerably. However, to a certain extent this is owed to the archipelagic nature of the country, and today this disproportionality is explicitly acknowledged as inevitable though not desirable.[113]

The 1958 compromise meant that all men would be enfranchised. Regardless of property qualifications, every adult male British subject would be able to cast one vote by virtue of a residential qualification. Under certain circumstances, propertied men would continue to be entitled to cast more than one vote, but plural voting would be more limited than before. Henceforth, property qualifications would only allow for one second vote in general elections, but not for a third, fourth, etc. The by now detested company vote would be abolished.

Some understood the limited form of plural voting that was to be retained to take the form of a business vote. However, Lennox-Boyd's original statement merely said, "The present situation under which it is possible for one voter to have a vote in every constituency should be brought to an end. The plural vote should be limited to two, the second vote requiring a property qualification in another constituency."[114] Particularly the interpretation of this last point of the settlement would prove a bone of contention going forward.

Furthermore, it was agreed that the current House of Assembly would run its normal course. No early general election would be called. Instead, the newly created seats for New Providence would be filled in bye-elections.[115] This procedure was contrary to what had been established constitutional practice – in the United Kingdom, too – whereby an extension of the suffrage ought to be followed by a dissolution of the House and ensuing general elections in order to ensure that the elected chamber of the legislature always represented the electorate as defined by law.[116]

Lennox-Boyd might have gone further than this compromise. He toyed with the idea of appointing a Royal Commission with a far-reaching mandate

113 Constitution 1973 (Bahamas), art 70(2).
114 Extract from Statement in the Bahamas by Secretary of State for the Colonies Lennox-Boyd, 13 April 1958, TNA: CO 1031/2233/128.
115 Internal Note, Colonial Office, 17 December 1958, TNA: CO 1031/2233/6.
116 Butler (1963) 17.

to identify current areas of conflict, to investigate the causes and to make recommendations, both in terms of immediate policy as well as in terms of constitutional restructuring. In the aftermath of the *Burma Road* riots, there had been the Russell Commission, but it was appointed by the Governor, not the Secretary of State for the Colonies. At the time, the House of Assembly disregarded it altogether, as it had appointed its own Committee. Bay Street thus never gave serious consideration to any of the recommendations that came out of the Russell Commission. It would be difficult to disregard a Royal Commission appointed at the request of the Secretary of State for the Colonies as easily, but Prime Minister Harold Macmillan was not willing to go to such extremes and ordered Lennox-Boyd to stand down.[117]

The negotiated settlement, however, if successfully implemented, would already have represented a more decisive reform measure towards a democratic franchise than the Bahamas had seen in its history. For now, it seemed to contend all sides. It was being envisioned that the realisation of this settlement would follow regular constitutional procedure, i. e., that the Bahamian legislature would pass the required bills within the agreed upon time frame. However, having witnessed Bay Street's *modus operandi* in the past, the Colonial Office realised that this procedure might not necessarily yield the desired results without additional encouragement along the way, and before his departure from the Bahamas, Lennox-Boyd reminded everyone of "the final authority and responsibility of the Imperial Parliament."[118]

4.3 Drafting the Reform Bill

As a result of the Secretary of State's early applying of pressure, the House of Assembly's Constitution Committee presented a resolution less than a fortnight after his departure. This resolution, which it recommended for adoption by the whole House, consisted of the following points:

(a) The provision that all male British subjects who attain the age of Twenty-one [sic!] years shall have the right to vote in the District in which they are ordinarily resident.
(b) The plural vote should be limited to two.

117 Prime Minister Macmillan to Secretary of State for the Colonies Lennox-Boyd, 10 April 1958, TNA: CO 1031/2378/40.
118 Etienne Dupuch, "Least Said, Soonest Mended…," The Nassau Daily Tribune, 11 April 1958, 1.

(c) The Company vote should be disallowed.
(d) A new Register of Voters should be prepared.
(e) Four additional seats in the House of Assembly for the Island of New Providence should be created on the basis of the new Register of Voters.[119]

However, the history of this committee gave some quarters cause for concern. As the *Tribune* reminded its readers:

> For years Mr. Stafford Sands has moved at the opening of each session of the House for the appointment of a committee to consider the Constitution. No one else had a chance of getting control of this committee because Mr. Sands, as the senior member for the City, has the right of priority on the agenda over every other member of the House. The City comes first among the electoral districts in the colony. The result has been that any effort any other member has made to bring a question bearing on the constitution to the attention of the House was referred to the Sands committee. And nothing ever came out of this committee except such things as the iniquitous Company Vote.[120]

By the end of the Session of the Legislature, no further progress had been made. In his speech on that occasion, therefore, Acting Governor Kenneth Walmsley not only reminded the legislators, especially the UBP Members of the House of Assembly, of the points of the settlement, but also that they had "found a wide degree of support from all sections of the community," and that it was still expected "that effect may be given to them by the end of the year."[121] He also gratefully acknowledged the passing of updated labour legislation, but indirectly also stressed that honouring the additional aspects of the settlement remained important, particularly as the settlement was the result of circumstances, "which I sincerely trust will never be repeated in this Colony," and which required the most unusual step of the Secretary of State for the Colonies visiting the Bahamas and becoming personally involved in local politics.[122]

The labour legislation referred to by Walmsley had been drafted not by any Bahamian government officer or even by Members of the House of Assembly,

119 First Interim Report of Constitution Committee, 21 April 1958, TNA: CO 1031/2232/123.
120 Etienne Dupuch, "Men who Behave like Retarded Children," The Nassau Daily Tribune, 24 April 1958, 4.
121 Acting Governor Walmsley's Speech at Closing of Session of Legislature, 18 September 1958, TNA: CO 26/168/757.
122 Acting Governor Walmsley's Speech at Closing of Session of Legislature, 18 September 1958, TNA: CO 26/168/756–757.

such as Stafford Sands. Instead, the House of Assembly had hired an English barrister, Kenneth Potter, for that purpose, and now retained his services to draft the new election law, too. The decision to engage Potter had been made with the votes of the UBP majority in the House of Assembly. Technically, he had been hired by the House of Assembly as a whole, and not by a political party. His services were therefore paid for by the Bahamian taxpayer. Potter's labour law had found the support of the PLP, and he initially consulted with the PLP as well as with the Colonial Office in London regarding the election law, too. However, the Governor advised the Colonial Office that Potter was "not in this for love or professional kudos but for money – and big money at that," and that he functioned "as the U.B.P.'s political agent in London."[123] Accordingly, when he visited Whitehall, the Colonial Office was acutely aware that he had come there "for the U.B.P."[124]

Towards late 1958 it had become apparent that the promised new election law would not be ready by the end of the year, which had been the time frame agreed upon in the compromise negotiated in the aftermath of the general strike. After the PLP had supported the labour legislation, labour leaders such as Randol Fawkes accused the PLP of compromising too easily on that issue. Suspecting that the PLP leadership was concerned that it would lose the support of the Bahamian masses, Potter therefore accused the party now of being uncooperative for the sake of fundamental opposition, that by doing so it hoped to avoid giving the impression that it was "ganging up with the U.B.P."[125] While not stating this with the same level of certainty, the Colonial Office, too, at least suspected that this might indeed be the case. In January 1959, the PLP withdrew its cooperation altogether, "as legislation to effect changes had not been brought into effect at the end of the year, as set out in April statement, they were now no longer bound by previous agreement and would freely accept nothing less than universal adult suffrage and complete abolition of plural vote."[126] The PLP now accused the UBP of gerrymandering with respect to the new seats that were to be created. This question was one of

123 Governor Arthur to Colonial Office, 12 March 1959, TNA: CO 1031/2234/330.
124 Internal Note, Colonial Office, 17 December 1958, TNA: CO 1031/2233/7.
125 Kenneth Potter, quoted in: Internal Note, Colonial Office, 17 December 1958, TNA: CO 1031/2233/7.
126 Governor Arthur to Colonial Office, 29 January 1959, TNA: CO 1031/2233/278.

the most contentious issues leading to the PLP's refusal to continue working with the UBP.[127]

Also late in 1958, the second vote, which Lennox-Boyd had merely described as "requiring a property qualification in another constituency"[128] in April, was now being referred to as a business vote behind closed doors, both by the Colonial Office as well as by the UBP's draftsman, Potter.[129] A pro-UBP author decried this term as unfair PLP propaganda: "they have coined the term 'business vote' – a confusing nomenclature which has stigmatised what is in fact a normal property vote into a political trick."[130] However, the UBP's draft bill, one part of which Sands and Potter shared simultaneously with the Governor and the Colonial Office respectively in January 1959,[131] explicitly used this language itself. A voter who met a "residence qualification" would be entitled to cast one vote. This first vote would no longer have been subject to any property qualifications. A voter who met "the requisite business or property qualification" would have been entitled to cast a second vote in general elections, and would have been entitled to vote in bye-elections in all constituencies where he met those qualifications, too.[132] This would have meant that, if bye-elections were to occur in a constituency other than the two where he cast his first and second votes, but where he met the business or property qualification, too, he would effectively not be limited to voting in just two constituencies, but would be casting additional votes for an existing House for which he had already voted in two constituencies.

There were other major differences between the now proposed business or property qualifications and the property qualifications that had historically been an element of Bahamian electoral law. Last confirmed by the General Assembly Elections Act of 1946, the property qualification was ownership of land valued at £5 or rental of premises at £2.8s. in New Providence or £1.4s. in the Out Islands.[133] Notwithstanding the special rules that applied to the

127 Internal Note, Colonial Office, 17 December 1958, TNA: CO 1031/2233/7.
128 Extract from Statement in the Bahamas by Secretary of State for the Colonies Lennox-Boyd, 13 April 1958, TNA: CO 1031/2233/128.
129 Internal Note, Colonial Office, 23 December 1958, TNA: CO 1031/2233/10.
130 Unknown newspaper clipping, ca. March 1959, TNA: CO 1031/2233/72.
131 Governor Arthur to Colonial Office, 21 January 1959, TNA: CO 1031/2233/301.
132 Draft Bill, 20 January 1959, TNA: CO 1031/2233/307.
133 *General Assembly Elections Act 1946* (Bahamas), s 2.

company vote, these qualifications alone could have entitled an individual to a vote in every constituency, i. e., up to a total of twenty-nine votes. The 1959 proposal raised those values significantly. The required minimum value to qualify to vote via a business qualification was an annual rent of the business premises of £100 in the Out Islands, £150 in the Southern or Western Districts of New Providence, and £250 in the City or Eastern Districts of New Providence; to qualify via a property qualification, a voter needed to own land valued at least £150 in an Out Island or £350 in New Providence.[134] Non-business rentals no longer counted towards voters' qualifications. Business rentals on the other hand were supposed to enable two directors or managers to cast a vote if they were at least twice the minimum value, and even three directors or managers if they were at least thrice the minimum value.[135] This proposal was not the same company vote in disguise, as the Governor claimed,[136] but it was obviously an attempt by the UBP to make plural voting a privilege of the wealthiest members of Bahamian society.

In an interim report of the Constitution Committee of the House of Assembly the UBP representatives on the committee justified these provisions by defining the "[g]eneral nature of the property vote" as follows:

> as the Legislature of the Bahamas legislates for purely local affairs as well as for national affairs, and as the Members of the House of Assembly are the only elected representatives representing the local interests of their districts, the qualification for the property vote, i. e., ownership or tenancy should be such as to enable the voter who retains a substantial *proprietary interest* in a district in which he does not reside to have a right to vote in that district.[137]

Neither of the two non-UBP members on the committee signed on to the majority report. However, by 1959 the relationship between Fawkes and the PLP, on whose ticket he had been elected in 1956, had deteriorated so far that Fawkes and Cyril Stevenson could not agree on a common minority report. Fawkes' minority report consisted of a single sentence: "All legislation dealing with the election of persons to the General Assembly should be based on the principle of universal suffrage – one person[,] one vote."[138]

134 Draft Bill, 20 January 1959, TNA: CO 1031/2233/308–309.
135 Draft Bill, 20 January 1959, TNA: CO 1031/2233/309.
136 Governor Arthur to Colonial Office, 20 January 1959, TNA: CO 1031/2233/303.
137 Second Interim Majority Report of Constitution Committee, 26 February 1959, TNA: CO 1031/2233/91. Emphasis added.
138 Minority Report, 26 February 1959, TNA: CO 1031/2233/93.

This minority report fits well with the narrative that Fawkes and his supporters have cultivated of the principled man, who "was a restless soul – intent on aligning himself with every cause or movement designed to improve the lot of the common man."[139] However, that narrative ignores the many inconsistencies in Fawkes' political biography, and in this particular situation his minority report goes against the principles that had already been agreed upon to form the basis of the next General Assembly Elections Act, i. e., that this committee had a different mandate, which explicitly included the retention of a second vote for electors meeting certain qualifications.

Stevenson's minority report was longer than Fawkes'. In it, Stevenson complained against the conduct of the UBP members on the committee, who had only shared the draft bill with him two days before reporting it to the whole House, and alleged that the committee had "failed to carry out the recommendations of the Secretary of State as contained in his original statement issued at Government House."[140] Stevenson further accused the Secretary of State to "have lent support" to the UBP and that there had "been a complete about face since" his visit.[141] Stevenson did not substantiate these allegations. Nonetheless he declared that he no longer intended to accept the 1958 settlement as the basis for the way forward. Instead, he now demanded universal adult suffrage, a redistribution of all existing seats as well as a total of seven additional seats, and "provisions for the trial of election petitions by the Supreme Court."[142]

Stevenson's accusation against Lennox-Boyd was at least exaggerated, for we know from the Colonial Office's files that only the section on voters' qualifications had been shared with Whitehall prior to reporting the draft bill to the House of Assembly. Whether or not Stevenson knew that the UBP and their draftsman kept the Governor and the Colonial Office in the dark, too, cannot be ascertained from the sources. It is true, however, that Lennox-Boyd,

139 P. Anthony White, "A Political Gladiator known as 'Yellowbird,'" https://www.sirrandolfawkes.com/yahoo_site_admin/assets/docs/A_Political_Gladiator_Known_As_Yellowbird.8165522.pdf, accessed 20 December 2018.

140 Second Interim and Second Minority Report of Constitution Committee, 26 February 1959, TNA: CO 1031/2233/87.

141 Second Interim and Second Minority Report of Constitution Committee, 26 February 1959, TNA: CO 1031/2233/87.

142 Second Interim and Second Minority Report of Constitution Committee, 26 February 1959, TNA: CO 1031/2233/88.

unlike the Governor or the clerks at the Colonial Office's West India Department, was not overly alarmed by the provisions regarding the business qualification. Rather, he believed that the draft constituted a document that could provide the basis for further discussions.[143]

Potter likened his creation to the business vote that had existed in the United Kingdom between 1918 and 1948.[144] The Governor, however, stressed that the business premises qualification under the British Representation of the People Act of 1918 required personal occupancy by the prospective voter.[145] Arthur saw more similarities between the proposed so-called business qualification and the Bahamian company vote that had been created under the General Assembly Elections Act of 1946, and that under the settlement of 1958 was supposed to be abolished, and interpreted it as an attempt to retain that feature under a new guise.[146] The PLP as well as the usually more moderate *Tribune* not only likened it to the company vote, but attacked it as being even worse than the current provisions.[147] Lennox-Boyd, not as attuned to Bahamian conditions as the clerks of the West India Department, appears to have allowed his personal history to influence his judgement in this matter. As a Member of Parliament for Mid Bedfordshire, he had opposed the abolition of the business vote in the United Kingdom by the Representation of the People Act of 1948.[148] Potter's likening the provisions he wrote into the Bahamian draft bill to what had existed in the United Kingdom prior to 1948, seems to have been calculated by the UBP in hopes that it would be met by Lennox-Boyd with a certain nostalgic fondness.

The British Representation of the People Act of 1918 may be best remembered for ushering in limited women's suffrage. However, it also retained several ancient privileges that were later recognised as undemocratic and consequently abolished. One of these was the university franchise.[149] Another one of these was the plural business vote at national elections.[150] The business

143 Colonial Office to Governor Arthur, 27 January 1959, TNA: CO 1031/2233/292.
144 Kenneth Potter to Colonial Office, 20 January 1959, TNA: CO 1031/2233/305.
145 *Representation of the People Act 1918* (United Kingdom), ss 1(2), 1(3); Governor Arthur to Colonial Office, 21January 1959, TNA: CO 1031/2233/301.
146 Governor Arthur to Colonial Office, 21 January 1959, TNA: CO 1031/2233/301.
147 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 28 February 1959, TNA: CO 1031/2233/111.
148 Home Office to Colonial Office, 4 February 1959, TNA: CO 1031/2233/238.
149 Butler (1963) 149.
150 *Representation of the People Act 1918* (United Kingdom), s 1(1)(b).

qualification required a minimum annual rent of £10.[151] It did not extend to incorporated companies. Similarly, the local government franchise required the occupation of premises, but did not specify whether this occupation had to be of a residential or business nature; for male voters, no minimum value was specified.[152] As was the case for the national franchise, this did not include incorporated companies.

There had been attempts made to abolish all forms of plural voting in the United Kingdom even before 1918, but this was only realised with the Representation of the People Act of 1948, which put an end to both the property vote at national elections as well as the university franchise.[153] For local government elections, however, the 1948 Act retained a non-resident qualification, which included the business vote. For the non-resident qualification, the 1948 Act specified a minimum annual value of £10, which it did not require for the resident qualification.[154] In the case where qualifying premises were occupied by more than one individual, these joint owners or tenants were to be enfranchised "if the aggregate yearly value of the land or premises is not less than the amount produced by multiplying ten pounds by the number of joint occupiers."[155]

The UBP and Potter thus justified their draft by citing historical precedent and by arguing that what was current local government practice in the United Kingdom could only be included at the overall colonial level in the Bahamas due to a lack of local government. They furthermore declared that the business vote in their proposal was more restricted, as it limited the number of partners who could exercise it to three, even if there were four or more partners and the value of the premises was more than four or more times as high as the qualifying value.[156] What they failed to mention was that the British Representation of the People Act of 1948 conditioned the plural vote in local government elections to personal occupancy, and that the qualifying value proposed for the Bahamas was significantly higher than it was in the United Kingdom's legislation they cited as their model.[157] Their proposed business

151 *Representation of the People Act 1918* (United Kingdom), s 1(3).
152 *Representation of the People Act 1918* (United Kingdom), s 3.
153 Butler (1963) 111.
154 *Representation of the People Act 1948* (United Kingdom), s 21(1)(a)(ii).
155 *Representation of the People Act 1948* (United Kingdom), s 21(4).
156 Kenneth Potter to Colonial Office, 20 January 1959, TNA: CO 1031/2233/305–306.
157 *Representation of the People Act 1948* (United Kingdom), s 21.

vote would have *de facto* disenfranchised a large proportion of businesses. The other major difference between the two constructs was that incorporated companies were yet again included in the franchise in the Bahamas, allegedly because they represented "some of the most important business in the Bahamas."[158] The Governor, however, rejected this argument. He implored the Colonial Office to dismiss the proposal, and to insist instead that the franchise be restricted to natural persons.[159] Writing to the Secretary of State for the Colonies directly, Arthur argued that even if Lennox-Boyd had had a business vote in mind, that was not what had been explicitly agreed to:

> A very great deal was said over the table last April. It may well be that a business vote was mentioned but after all the conversations your considered views were summarised in our statement which mentioned neither a business vote nor the old U.K. Act. It was that statement which the parties publicly accepted and we cannot expect automatic acceptance of extensions now […] Personally I think we ought to stick to that statement as it has been understood by the ordinary man here.[160]

It was at this junction, that the Colonial Office sought the Home Office's assistance in recollecting the arguments that had led to the introduction of universal suffrage and the abolition of privileged classes of the franchise. In answering the query, the Home Office referred to Hansard for the political arguments the Colonial Office had inquired about:

> This Bill completes the progress of the British people towards a full and complete democracy […] From now on, every citizen of full age will have a vote, and only one vote. This Bill wipes out the last of the privileges that have been retained by special classes in the franchise of this country."[161]

However, the Home Office did not only share its information on the genesis of the British Representation of the People Act of 1948 with the Colonial Office. It also drew the Colonial Office's attention to the similarities between the Bahamian and Northern Irish election laws regarding the enfranchisement of companies and alerted the clerks of the West India Department to

158 Secretary of State for the Colonies Lennox-Boyd to Governor Arthur, 3 February 1959, TNA: CO 1031/2233/254.

159 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 16 February 1959, TNA: CO 1031/2233/167.

160 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 30 January 1959, TNA: CO 1031/2233/260.

161 James Chuter-Ede, HC Deb 16 February 1948 vol 447 c839; Home Office to Colonial Office, 4 February 1959, TNA: CO 1031/2233/239.

the conservative stance their Secretary of State had taken in 1948, when he had fought for the retention of undemocratic voting privileges.[162]

As we have seen, the Elections and Franchise (Northern Ireland) Act of 1946 contained the company vote for local elections, and it is possible that these provisions had inspired the company vote in the Bahamas' General Assembly Elections Act of the same year. However, the Elections and Franchise (Northern Ireland) Act also made provisions for parliamentary elections in Northern Ireland. While it is true that in the case of the Bahamas with its single layer of government, the House of Assembly also fulfilled functions that in the United Kingdom were exercised at the local government level, in many ways, the House of Assembly was even more so the functional equivalent of the Northern Irish Parliament at Stormont. Like the Bahamas, Northern Ireland had also retained plural voting at parliamentary elections, but unlike the Bahamas, the plural vote at general elections in Northern Ireland was already limited to two. The first vote was a residential vote, but the second one required a property qualification, which could be a business vote, but not a company vote.[163] This was based on the principles for local government elections contained in the United Kingdom's Representation of the People Act of 1918, which Potter, the draftsman for the UBP in the Bahamas, also claimed to use as the basis for reforming Bahamian election law. If in 1959, Bay Street had contented itself with applying these 1918 business vote provisions for local government elections to parliamentary elections in the Bahamas, as the Ulster Unionists had done in Northern Ireland in 1946, they may have won the Colonial Office's support on this point and would perhaps even have been able to overcome any local opposition to such a measure. However, Bay Street overreached by insisting to include continued votes for incorporated companies, albeit in a slightly modified way, in its first draft for a new election law in 1959.

As Bahamians were deeply divided over the issue of electoral reform, the "inter-Party agreement"[164] which the Colonial Office had hoped would guide the reform of the General Assembly Elections Act thus became less and less likely. Instead, sensing that Government House and Whitehall had also not reached a consensus on the unresolved points of the previous year's settle-

162 Home Office to Colonial Office, 4 February 1959, TNA: CO 1031/2233/239.
163 Extract of the Northern Ireland Statutes, n. d., TNA: CO 1031/2233/241.
164 Internal Note, Colonial Office, 17 December 1958, TNA: CO 1031/2233/7.

ment, the Bahamian politicians now undertook to circumvent the Governor and negotiate directly with London. The UBP sought to gain a sense of what minimum amount of electoral reform it could pass with its own parliamentary majority that would satisfy the Colonial Office.[165] The PLP now refused to participate in the reform process altogether, insisting not only that it no longer bore any resemblance to the 1958 settlement, but that it had already violated the timeline agreed upon and thus one of the conditions under which the PLP had signed on to the compromise in the first place.[166] Presumably, they hoped that, faced with such an impasse, the Imperial Parliament would feel compelled to intervene, and that the Governor would see no alternative but to dissolve the House of Assembly. In this logic, it would be the PLP that stood to benefit from political scandal and constitutional crisis.

Lennox-Boyd supported the business vote as a politician, on principle. As Secretary of State for the Colonies, he argued behind closed doors that the 1958 settlement as he had proclaimed it, had included it, too.[167] For these reasons, he was initially prepared to accept the vote even for incorporated companies:

> When I was in Bahamas in April, I was much impressed by amount of investment and economic development, and one of my main objectives was that any settlement imposed should not impair that. Starting point of proposal for second vote at all was indeed that it should be given to those who were carrying out this development work. In meeting with U.B.P. […] I referred to restriction of plural vote to two (residence and business) and manuscript notes of meeting show reference to 'work and live' […]
>
> [I]t is essential that second vote in respect of anything other than ownership of real property should be exercised only by the genuine businessman. But, subject to your views, it does not seem to me that we can rightly say that the genuine businessman is only the owner of what is technically called a business. Surely in fact some of the most important business in the Bahamas is carried out by companies and the genuine businessman in the non-technical sense of the word may well be a director cum shareholder in company doing the development.[168]

165 Colonial Office to Governor Arthur, 13 March 1959, TNA: CO 1031/2233/46.
166 Internal Note, Colonial Office, 11 March 1959, TNA: CO 1031/2233/42.
167 Internal Note, Colonial Office, 17 December 1958, TNA: CO 1031/2233/6.
168 Secretary of State for the Colonies Lennox-Boyd to Governor Arthur, 3 February 1959, TNA: CO 1031/2233/254.

However, most Bahamians, when they revisited the wording of the 1958 settlement, understood the unequivocal announcement that the company vote would be abolished, to be incompatible not only with the now proposed business vote for incorporated companies, but incompatible with any form of business vote. The Governor recognised that the argument was not over legal minutiae but over political fundamentals, that "[o]f all the electoral grievances here most bitter was the Company vote."[169] He therefore wrote another very frank letter to the Secretary of State for the Colonies to drive home the point that this question could not be resolved by any amount of careful rewording of the draft bill:

> Your reputation and mine would have hit an all time record low […] There would certainly have been demonstrations, possibly disturbances, and in dealing with them I should have been handicapped by being manifestly in the wrong in the eyes of all decent people."[170]

The letter was written in past tense, because Arthur referred to a statement Lennox-Boyd had made in the House of Commons, where the latter finally dropped his support for the inclusion of incorporated companies in the suffrage.[171] Arthur seems to have – perhaps deliberately – misinterpreted Lennox-Boyd's statement as a declaration of him no longer supporting the business vote in principle. In the end, the Colonial Office adopted the line that "the idea of a second vote […] is in effect, the business vote […] and it was undoubtedly the Secretary of State's intention in April last, though it was not then expressed in that form."[172] It follows then that because it had not been expressed as such, it could not be insisted upon. The new election law would have to reflect the wording of the settlement as Bahamians understood it.

Once the Governor and the Colonial Office had agreed on their position regarding the second vote, they could now focus on nudging the two sides in the House of Assembly along in an effort to resolve the deadlock. The differ-

169 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 6 February 1959, TNA: CO 1031/2135/464.

170 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 12 February 1959, TNA: CO 1031/2233/132.

171 Secretary of State for the Colonies Lennox-Boyd in House of Commons, 5 February 1959, TNA: CO 1031/2233/203.

172 Briefing Note for Secretary of State for the Colonies Lennox-Boyd, 25 March 1959, TNA: CO 1031/2234/205.

ences over the allocation of the four new seats were not as significant as the political posturing over the subject might suggest. It essentially amounted to whether or not the four new seats would be filled in bye-elections based on current constituency borders or whether some form of redistricting based on the principle of population distribution would occur first. The latter scenario was expected to take a little more time. However, the required data had already been compiled upon the initiative of the UBP by a retired government official, "a certain Mr. Hughes," whom the Governor described as "a man of absolute integrity who enjoys the confidence of all parties. Apart from sex he would be quite suitable as a spouse for Caesar."[173] In any case, neither side expected the outcome of bye-elections under the two scenarios to be vastly different. However, even though this marked the first time in Bahamian history that all sides acknowledged, at least in theory, the principle that constituencies ought to some extent reflect population size, both sides sought to use the matter of seat allocation as their bargaining chip to influence the outcome of the negotiations regarding the second vote.[174]

The PLP's official position had changed to demanding reforms that exceeded the original settlement. Being the minority party in the House of Assembly, and suspecting collusion between Bay Street and Government House, they took their cause directly to London. By doing so, they hoped to prevent Bay Street's draft from becoming law, if necessary by means of disallowance. They succeeded in getting the assurance from Lennox-Boyd, who stated that he was "not satisfied with the Bill in its present form," and conceded "that major amendments will be necessary."[175]

The Colonial Office in turn attempted to persuade the PLP to rejoin the process and, at the Governor's insistence, also attempted to convince them that their accusations of collusion with the UBP against him were unfounded, but that he was committed to the spirit of the 1958 settlement.[176] At the same time, Arthur used his influence on the Legislative Council, in which he hoped to find a more moderate majority, to effect amendments to the bill sent up from the lower chamber. In three rounds, over one hundred amendments

173 Governor Arthur to Colonial Office, 8 January 1959, TNA: CO 1031/2233/326.
174 "Is this the Only Way?," The Nassau Daily Tribune, 26 March 1959, 3.
175 Eugene Drake, "Too Late, Too Late," The Nassau Daily Tribune, 20 March 1959, 3.
176 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 15 March 1959, TNA: CO 1031/2233/52.

were discussed and the majority of them adopted; most of them were major ones.[177] The Bahamas' Attorney General drafted these amendments, but the Colonial Office's legal advisors supported this process by providing examples for which they adapted provisions not only from the United Kingdom's Representation of the People Act of 1949 but also from legislation from other parts of the British Empire, such as Mauritius, but particularly from the Singapore Legislative Assembly Elections Ordinance of 1955.[178]

Once the amendments were passed by the Legislative Council, the normal practice was to list and place each amendment individually on the agenda of the House of Assembly. In this case, due to the sheer volume of changes as well as their nature, which significantly changed the character of the bill, the Legislative Council referred a single bill back to the House of Assembly. This caused a procedural crisis as some members insisted that this amounted to dealing with the same matter twice during the same legislative session, which was in contravention to the rules of the House.[179] Behind closed doors, the UBP weighed their options. The party thought that dissolution of the House of Assembly could work in their favour as they were confident that they would win a general election under the current regime, but ultimately opted for accepting the amendments because they feared that otherwise an even more progressive act would be passed by the Imperial Parliament instead.[180]

The amended bill was brought back to the House of the Assembly and put on the agenda for a first reading, i. e., as a new bill, under the name of Roland "Pop" T. Symonette, who as the senior Member of both the House of Assembly as well the Executive Council had the unofficial title of Leader for the Government in the House. The Deputy Speaker, Robert "Bobby" H. Symonette, Roland Symonette's son and one of the leaders of the UBP's far-right

177 Amendments to the General Assembly Elections Bill 1959, TNA: CO 1031/2234/117–159; Attorney-General Orr to Colonial Office, 10 April 1959, TNA: CO 1031/2234/161–163; Amendments to the General Assembly Elections Bill 1959, n. d., TNA: CO 1031/2234/284–299.

178 Secretary of State for the Colonies Lennox-Boyd to Governor Arthur, 26 March 1959, TNA: CO 1031/2234/220; Attorney General Orr to Colonial Office, 10 April 1959, TNA: CO 1031/2234/163.

179 "Election Bill this Session?," The Nassau Daily Tribune, 18 June 1959, 1.

180 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 4 May 1959, TNA: CO 1031/2235/59. Meetings of both the UBP as well as the PLP were routinely observed and reported to the Governor by a special branch of the Bahamas Police Force.

wing, however, who presided over the sitting, insisted "that the amended bill was essentially the same as the bill passed by the House," and could therefore not be considered.[181] Some would have argued that because of both the quantity as well as the quality of the amendments made to the bill by the Legislative Council it was essentially a new bill, but the Deputy Speaker further insisted that the Legislative Council had no authority to introduce bills to the House of Assembly, not accepting Roland Symonette's sponsorship of the bill as a Member of both the Executive Council and House of Assembly. As a compromise, the bill was then referred back to the Constitution Committee with the question whether the Committee would recommend a suspension of the rule and thus allow the bill to be considered by the House during this session again.[182]

The Constitution Committee, of which Robert Symonette was a member, was traditionally chaired by Stafford Sands, the other leader of the UBP's far-right wing. In the past, the House of Assembly's majority of Bay Street Boys had often resorted to referring matters to this committee with the expectation that they would never be reported back. By doing so, they avoided having to publicly vote against measures that enjoyed popular support. If some expected this pattern to be repeated in the case of the General Assembly Elections Bill, the next developments took them by surprise. Both leaders of the UBP's far-right wing, Stafford Sands and Robert Symonette, were given leaves of absence, and the resulting vacancies on the Constitution Committee were filled with more moderate representatives of Bay Street. Officially, Sands was going on vacation, and Robert Symonette, an accomplished yachtsman who had represented the Bahamas at five Olympic Games between 1956 and 1972 and at several world championships, was travelling to California for a sailing race. The *Tribune*, however, reached a different conclusion, that is to say that the pair "were not prepared to go along with the majority view of the U.B.P. and so they have got out of the way in order to make it possible for the House to deal with the Bill […] but, of course, without their cooperation or approval."[183]

181 "Election Bill this Session?," The Nassau Daily Tribune, 18 June 1959, 1, 5.
182 "Election Bill this Session?," The Nassau Daily Tribune, 18 June 1959, 5.
183 "Any More Delays?," The Nassau Daily Tribune, 30 June 1959, 3.

This development marks a turning point in Bahamian political history. The UBP had originally been founded by the most reactionary amongst the Bay Street Boys, whose dominance was now being broken, as moderate conservatives around Roland Symonette began to assert more influence within the party. Stafford Sands and Robert Symonette had been sidelined.[184] This paved the way for the Constitution Committee to report the bill back to the House, and to suspend the rule that prevented the matter from being considered again during the current legislative session, which it did a mere two days later.[185] To "save [the] face of [the] House of Assembly," the Committee went one step further and also reported the bill, with further minor amendments, as its own new bill to the House.[186] After lengthy and heated debate, the House of Assembly passed the amended bill at the end of a nine-hour session on July 13th, 1959.[187]

4.4 The General Assembly Elections Act of 1959

The General Assembly Elections Act of 1959 delivered on the promises contained in the settlement that had been announced by Lennox-Boyd in the aftermath of the General Strike of 1958, albeit late and not without some caveats. The Act also contained provisions which the UBP hoped might counteract the impact of universal adult male suffrage. Accordingly, the PLP placed objections not only to the newly created post of Boundary Commissioner, which the Governor assumed under this Act, but also to unspecified "other sections in Bill that fall outside" the Secretary of State's recommendations on the record.[188]

184 N. B.: However, both would continue to play an important role in Bahamian politics and did not cease their efforts to turn back time. In 1961, for instance, Robert Symonette, during a visit to London, met with officials at the Colonial Office in the hopes that Whitehall might pressure the Governor to replace his father, Roland Symonette, as Leader of Government. See: Internal Note, Colonial Office, 26 June 1961, TNA: CO 1031/4120/68.

185 "Boundary Commission Out," The Nassau Daily Tribune, 2 July 1959, 1.

186 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 15 June 1959, TNA: CO 1031/2235/43.

187 "Elections Bill Passed," The Nassau Daily Tribune, 14 July 1959, 1.

188 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 20 July 1959, TNA: CO 1031/2235/26.

The General Assembly Elections Act of 1959 brought about universal adult male suffrage. From now on, every "man [...] if he is a British subject of full age and not subject to any legal incapacity" was enfranchised to cast one vote in the electoral district, in which he was "ordinarily resident."[189] The Act explicitly refers "to the general principles established by the Common Law of England concerning the term 'ordinarily resident'."[190] However, while the Act undoubtedly enfranchised many men who would thus become eligible to vote for the first time in their lives, it not only left women disenfranchised, but, because of the changed nature of the plural vote, also made precisely this plural vote even more of a reserve of the privileged class than it had been in the past. Disregarding the company vote, under the 1946 Act, men could vote in every district in which they owned or rented property of a certain minimum value, thus being able to, at least theoretically, cast up to twenty-nine votes. As shown, these values were, however, quite low so that most properties, whether owned or rented, would have qualified. Under the new 1959 Act, men could still register to vote in every electoral district in which they owned or rented property of a certain minimum value, but they could only cast up to two votes in a general election: one in the district where they lived and, if applicable, one more in a different district, in which they owned or rented property.[191] The reason why they could still register in every district where they met the property qualification was that in bye-elections they could cast votes in all districts in which they met the qualifications, regardless of where they had voted in a general election.[192]

These provisions in their effect resembled the Elections and Franchise (Northern Ireland) Act of 1946, more so than the British Representation of the People Act of 1918, which Potter and the UBP so frequently invoked. However, in an important point, the new Bahamian Act differs from both. In both the 1918 United Kingdom Act as well as the 1946 Northern Ireland Act, the second vote was an explicit business premises vote, whereas in the Bahamas, any type of rented premises or freehold qualified.

Under the General Assembly Elections Act of 1946, only one of several joint tenant or joint owners qualified for the suffrage. The General Assembly

189 *General Assembly Elections Act 1959* (Bahamas), ss 9(1), 9(2).
190 *General Assembly Elections Act 1959* (Bahamas), s 9(3).
191 *General Assembly Elections Act 1959* (Bahamas), ss 9(4), 9(5), 10(3), 10(4).
192 *General Assembly Elections Act 1959* (Bahamas), s 10(3).

Elections Act of 1959 removed this restriction. Along the lines of the Elections and Franchise (Northern Ireland) Act of 1946, more than one of multiple joint tenants or joint owners could register for the property or business vote, provided that, in the case of rented premises, "the aggregate yearly value of the said premises is not less than the amount produced by multiplying the appropriate yearly value as specified […] [for the respective District] by the number of such tenants"[193] or, in the case of freehold, "the aggregate assessed value of the land is not less than the amount produced by multiplying the appropriate assessed value as specified […] [for the respective District] by the number of such co-owners."[194] In these particular provisions, there are obvious similarities in the wording. This suggests that the Northern Irish Act may indeed have served as a model for the Bahamian Act.

Thus, the Secretary of State's promise that henceforth the plural vote would be limited to two had technically been fulfilled, though hardly in the way ordinary Bahamians had hoped for. The property value threshold that entitled a man to the plural vote had been increased, depending on location and on whether the land or premises were owned or rented, between 2,900 % and 10,317 %. Rented premises now required an annual rent of £100 in the Out Islands, £150 in most of New Providence, and £250 in the City District of New Providence; owned land had to be assessed at £150 in the Out Islands, and £350 in New Providence.[195] The following comparisons might help put these figures into context: a full-time housekeeper in 1959 Nassau would earn £156 *per annum*,[196] but on the other hand Kenneth Potter, the draftsman of this bill, was paid a rate of £78.15s. per day plus expenses.[197] This not only lends credence to Governor Arthur's assertion that Potter's motivation was money, but it also highlights the economic inequality that characterised Bahamian society then, and continues to do so to the present. In 1959, the rede-

193 *General Assembly Elections Act 1959* (Bahamas), s 9(5)(c)(ii).

194 *General Assembly Elections Act 1959* (Bahamas), s 9(5)(d)(ii).

195 *General Assembly Elections Act 1959*(Bahamas), ss 9(5)(a)(i), 9(5)(b). N.B.: The previous values were an annual rent of £1.4s. in the Out Islands or £2.8s. in New Providence, or freehold valued £5 anywhere in the colony. See: *General Assembly Elections Act 1946* (Bahamas), s 16.

196 Personal interview with Paul C. Aranha, 11 December 2018.

197 Receiver General (Bahamas) to Colonial Secretary (Bahamas), 12 March 1959, TNA: CO 1031/2234/331.

fined plural vote had been purposefully designed to replace the company vote as the electoral perk of the privileged class.

Relevant changes were also made regarding the qualification for membership in the House of Assembly. Whereas the 1946 Act still required Members to be men of means, the 1959 Act no longer contained a property qualification for Members, with the exception that they must not have been declared bankrupt.[198] On the other hand, the deposit that candidates had to post upon nominating, which had already been doubled from £50 to £100 by the General Assembly Elections Act of 1946, and which candidates stood to forfeit if they received fewer than one sixth of the votes cast, was now increased by another 50% to £150.[199] Bahamian elections, however, were still regularly accompanied by allegations of corruption, and often produced landslide victories. In light of these circumstances, a deposit of £150 did not merely work to prevent so-called freak candidatures, as had purportedly been the aim when the principle was first introduced in the United Kingdom in 1918, but amounted to a disincentive to candidates of moderate means challenging wealthy incumbents.

One additional new feature included in the 1959 Act must be mentioned here – the introduction of voter's cards. Despite reservations against them, the Colonial Office was persuaded to accept them when the Bahamian side argued their necessity by pointing out that the new law

> provides for multiple *registration* of property votes and the exercise of one only property vote at an election. Without a voter's card which will be stamped when a property vote is exercised, a person who had registered a property vote in several constituencies could vote a number of times without detection at the time of voting.[200]

However, the stipulated registration provisions suggest that Bay Street was not only attempting to solve the dilemma that was caused by voters being entitled to register up to twenty-nine times, yet being limited to casting two votes in a general election, but rather that they at least condoned that the

198 *General Assembly Elections Act 1959* (Bahamas), s 8(2).

199 *General Assembly Elections Act 1946* (Bahamas), s 35(6); *General Assembly Elections Act 1959* (Bahamas), s 31(3)(a).

200 Attorney General Orr to Colonial Office, 10 April 1959, TNA: CO 1031/2234/160–161. Emphasis in original document.

registration process in general and voter's cards in particular could become a potential deterrent.

In order to register, all would-be voters would have to go to, and stand in line at, the relevant authorities not once, but twice. The first time to apply for registration, and a second time to collect the voter's cards, as they were not issued forthwith. The application to be registered as a voter included the requirement "to produce such reasonable evidence, whether documentary or otherwise, as the revising officer shall consider necessary, to prove that he is qualified to be [...] registered."[201] For some people, producing such evidence may have proven challenging.

Additionally, the first draft of the bill required voters to furnish passport photos when applying for registration. The Colonial Office understood that in the Bahamas there were not only voters for whom this could present an undue economic burden, but that especially in the Out Islands this could prove logistically impossible. A clerk in the Colonial Office's West India Department did not mince words when he commented, "if the U.B.P. attach so much importance to photographs, which do not seem to be necessary, their reasons must be suspect. We have said that photographs add no security to the voting cards, and this is not contested by the Governor. They can only serve as a deterrent to poor people to register."[202] When the bill was amended for the Parliamentary Registrar to make arrangements to have photos taken free of charge, the Governor still cautioned that the colonial executive might find itself unable to live up to this requirement in the Out Islands, thus it was ultimately agreed that in the Out Islands, where due to the small size of the population everybody knew everybody in a face-to-face society, and personation would therefore not realistically be possible, the Parliamentary Registrar, in lieu of a photograph, could make a "suitable notation" on a voter's card instead.[203] However, despite the criticism voter's cards faced upon their introduction in 1959, and despite the official justification – the limited plural vote – becoming moot with the 1963 Constitution, voter's cards including photographs are still an integral part of Bahamian election law today. They have

201 *General Assembly Elections Act 1959* (Bahamas), s 18(1)(a)(ii).
202 Internal Note, Colonial Office, 29 April 1959, TNA: CO 1031/2135/20.
203 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 8 May 1959, TNA: CO 1031/2135/220.

survived in the two successive substantive Acts that have since replaced the General Assembly Elections Act of 1959 – the Representation of the People Act of 1969 and the Parliamentary Elections Act of 1992 – as well as any and all amendments made to these laws.

Furthermore, attending registration would prove challenging for many. One of the main causes for this was the Act itself. Potential voters could register "at the office of the Parliamentary Registrar, during usual Government office hours, for applications relating to any polling division in New Providence."[204] People who could not make it to the Parliamentary Registrar's office and any voters in the Out Islands could register at designated times and places in their electoral districts – in New Providence on one day a week, in the Out Islands on one day a month, between the hours of "five and seven o'clock in the evening;" the times and places were to be "given by public notice" at least three days in advance.[205]

The Legal Report for this Act had not been written by Attorney General Lionel A. W. Orr, but by Acting Attorney General Kendal Isaacs. While the Act amounted to 111 pages of print, the Legal Report fit on two and a half pages. Isaacs emphasised that this Act gave effect to "certain recommendations made by the Secretary of State in April, 1958."[206] He further listed the creation of a Parliamentary Registration Department, whose functions had previously been fulfilled by the Registrar General and temporary Revising Officers appointed by the Governor on a need-be basis,[207] as well as the introduction of voter's cards as some of major changes brought about by this Act, but he did not go into any detail: "The Bill for this Act has had a colourful and well publicized career before being passed by the Legislature […] In view of the circumstances […] I do not think it necessary to prepare a Comparative Table."[208] It thus slipped the attention of the minority parties in the House of Assembly, the Governor as well as the Colonial Office that the registration times mentioned above constituted fixed periods and not just required minimums. This conundrum was only discovered after the law had been enacted

204 *General Assembly Elections Act 1959* (Bahamas), s 16(1)(a)(i).
205 *General Assembly Elections Act 1959* (Bahamas), ss 16(1)(a)(ii), 16(1)(b), 16(3).
206 Legal Report by Acting Attorney General Isaacs, 14 October 1959, TNA: CO 1031/2136/12.
207 *General Assembly Elections Act 1946* (Bahamas), s 19.
208 Legal Report by Acting Attorney General Isaacs, 14 October 1959, TNA: CO 1031/2136/12–14.

and preparations began to register newly enfranchised voters for the bye-elections to fill the four additional seats. The Parliamentary Registration Department was bound by these hours as a maximum which it could not exceed. In the opinion of the Colonial Office, though "the construction of section 16 (1) (a) (ii) is not entirely free from doubt, […] a court would most likely […] reach in construing this passage" the conclusion that the Government must not register voters' applications outside of these hours.[209]

However, the Act had come into effect on September 3rd, 1959. It stipulated that the Governor must appoint a day on which vacancies shall be deemed to occur and thus trigger bye-elections for the four new seats within six months of the Act's commencement.[210] The bye-elections would then have to be held no later than approximately three months after this appointed day, or nine months after the Act's commencement. The approximate time frame was owed to the need for the Speaker of the House of Assembly to send an official message to the Colonial Secretary, the phrase "as soon as is practicable"[211] in the prescribed process for the latter to then issue writs of election, and the time this had customarily taken in Bahamian history.[212] The Governor also estimated that a majority in the House of Assembly for further amendments might prove unattainable at this time.[213] The Colonial Office then suggested "that a possible solution might be to appoint a sufficient number of Deputy Parliamentary Registrars […] to cope with the work between the specified hours."[214] Adopting this pragmatic workaround, the Parliamentary Registrar prepared the new register. The bye-elections, in which, incidentally, the PLP won all four seats, were then held in May 1960.[215] Further delays would not have been allowable, which demonstrates that there would not have been time indeed to push for the Act to be amended on this point.

The introduction of universal adult male suffrage followed the same general pattern that could be observed in the fight for the secret ballot. The

209 Internal Note, Colonial Office, 9 October 1959, TNA: CO 1031/2136/4.
210 *General Assembly Elections Act 1959* (Bahamas), ss 101(1), 101(2).
211 *General Assembly Elections Act 1959* (Bahamas), s 28(3).
212 Governor Arthur to Colonial Office, 29 October 1959, TNA: CO 1031/2238/34.
213 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 17 July 1959, TNA: CO 1031/2135/66.
214 Internal Note, Colonial Office, 9 October 1959, TNA: CO 1031/2136/4.
215 Craton / Saunders (1998) 312.

parliamentary majority of the Bay Street Boys acted only after pressure for reforms came not only from the Governor but directly from the Colonial Office in London and was accompanied by threats such as having the Imperial Parliament legislate the desired reforms instead. However, the Colonial Office would only get involved in the micromanagement of the colony once it had been demonstrated that there was widespread popular demand in the colony for these reforms. Furthermore, as had been the case before, Bay Street attempted to offset any democratic gains of the reforms it was forced to pass by including other measures, whose undemocratic effects may not be obvious at first glance, or whose necessity could be argued on other merits. One clerk in the Colonial Office's West India Department described the process leading up to the General Assembly Elections Act of 1959 as follows:

> The attitude of the U. B. P. towards this legislation has been all along to accept with a bad grace that the Elections Bill must be amended to give effect to the Secretary of State's proposals, but to do their damnedest to see that provisions are included in the amending legislation which will ensure that they can continue to get up to all their usual tricks to see that its provisions in practice shall be very largely nullified.[216]

In a fast-changing global environment, all parties who had been involved with the genesis of this Act must have been aware that it represented a compromise that had already outlived itself. Too many issues had been left unresolved. Even before the negotiations for this Act had begun, Bahamian women had launched their campaign to be enfranchised, too, and while the ink on the paper of the 1959 Act was still drying, the Women's Suffrage Movement was becoming more professionally organised. In return, the UBP had begun to set its sights on the devolution of colonial authority, away from representative and towards responsible government. If London were to agree to this, additional democratic concessions would have to be made first. The next reform step would not wait long.

216 Internal Note, Colonial Office, 29 April 1959, TNA: CO 1031/2135/21.

Chapter 5
Women's Suffrage

As the last territory in the Caribbean to do so, the Bahamas did not make the decision to grant women the right to vote until 1961. The United Kingdom, the Bahamas' colonial power, had introduced limited women's suffrage in 1918 and had moved to universal women's suffrage by 1928. As for the Bahamas' direct neighbours, the United States introduced it in 1920, Cuba in 1934, the Dominican Republic in 1942, and Haiti in 1950. Other colonies of the British Caribbean were also far ahead: Jamaica, the largest one, introduced it in 1944, and Bermuda and Barbados, the other two islands in which the Old Representative System had survived, introduced it in 1944 and 1950 respectively. Gail Saunders attributes this "failure of women to organize" to

> the racially divided society that remained virtually unpoliticized until the 1950s. The upheavals during the 1930s in the British Caribbean which paved the way for political change had little impact on the Bahamas. Women (and most men) lacked the will and the necessary educational background and outside exposure to lead a labour or political movement.[1]

Even though women's suffrage came to the Bahamas as late as 1961, it was not the last step in the process of democratically reforming the Bahamian electoral system. However, the campaign for women's suffrage attracted not only more popular attention at the time than the future electoral reform measures would, but it is also the one to feature most prominently in the nation's collective memory today. Furthermore, and unlike the other electoral reforms of the twentieth-century Bahamas, women's suffrage has received at least a modicum of scholarly attention making it, in a sense, the most studied aspect of electoral reform in Bahamian history. In commemoration of its fiftieth anniversary, the College of the Bahamas hosted a four-day symposium,[2] and Marion Bethel and Maria Govan released the

1 Saunders (2003) 38.

2 Stephen Aranha, "The Founding Mothers' Legacy," The Nassau Guardian, 30 March 2012, https://sbaranha.wordpress.com/2012/04/21/the-founding-mothers-legacy/ , accessed 21 December 2022.

documentary *Womanish Ways, Freedom, Human Rights and Democracy: The Women's Suffrage Movement in the Bahamas 1948–1962*. Yet the narrative that has developed portrays the Women's Suffrage Movement merely as a building block of the larger project of so-called *Majority Rule* – and thus renders it subordinate to the achievement of the PLP and its all-male leadership, who in fact get much of the credit for getting the Votes for Women Act passed. Upon closer scrutiny, however, this is at odds with some of the crucial details of the chronology of events, which in turn raises questions about the origin and development of this narrative and both its role in today's political discourse in general as well as its impact on gender issues in particular.

In this chapter, I trace the developments that ultimately led to the implementation of women's suffrage. The analysis of archival sources also allows us to view the Bahamian women's suffrage movement from a new perspective. It is different from the predominant one, because thus far the traditional narrative has been controlled primarily by the political actors of the 1960s and their successors. I will begin this chapter with an outline of the history of the women's suffrage movement, which suffered a setback during the aforementioned visit to the Bahamas by Secretary of State for the Colonies Alan Lennox-Boyd. Subsequently it became more organised. Another aspect this chapter seeks to highlight is the roles of some of the leading personalities within the movement, in particular that of Doris Johnson, who was the only Bahamian suffragette to later enjoy a successful career in politics. I will also look at the legislation that finally enfranchised women in the Bahamas, before pondering how the legacy of the struggle for women's suffrage impacted women's roles in other selected fields.

5.1 The Beginning of the Women's Suffrage Movement

At the conclusion of his visit to Nassau, Lennox-Boyd declared, "Representations have been made about votes for women. The Governor and I are, however, not convinced that at the moment there is a sufficiently widespread demand for this change."[3] This was the impression he felt confident to express not only after meeting with the leadership of a group calling itself Movement for Women Suffrage but after being presented with a petition for

3 Public Statement by Secretary of State for the Colonies Lennox-Boyd, 13 April 1958, The National Archives, Kew, United Kingdom (TNA): CO 1031/2233/128.

women's suffrage containing no less than 2,871 signatures.[4] In following up on their meeting with Lennox-Boyd, the group sent him a letter stating for the record their arguments in support of women's suffrage.[5] That letter references a petition from 1952 by a "Movement for Female Suffrage" signed by 600 women and submitted to the House of Assembly and the Legislative Council, and it further speaks of "other movements […] made in this direction without any success."[6] In other words, it stresses that the explicit call for women's suffrage predates the contemporary impetus for reform provided by the general strike.

It is in fact difficult to reconstruct the beginnings of a women's suffrage movement in the Bahamas, for while the Colonial Office records are generally well preserved and easily accessible, and while this includes most communications between London and Government House, the records of most local actors of the period are, generally speaking, not available. I have not been able to find a 1952 petition signed by upwards of 600 individuals. There was, however, a petition that year, which was initiated by the Bahamian chapter of the Daughters of the Improved Benevolent and Protective Order of the Elks of the World,[7] the female auxiliary of an African-American fraternal order in the United States. It contained 444 signatures.[8] The signatories persuaded Claudius R. Walker, one of the Members of the House of Assembly for New Providence's southern district and husband of Mabel Walker, who would become one of the leading figures of the women's suffrage movement when it became organised, to present it to the House of Assembly.[9] However, nothing came of it.

The earliest reference to universal suffrage in the Bahamas, which may have implied women's suffrage even though it did not explicitly spell it out, that I found in the Colonial Office records dates from 1946. It is part of the

4 Movement for Female Suffrage to Secretary of State for the Colonies Lennox-Boyd, 1 April 1958, TNA: CO 1031/2139/2–75.

5 Movement for Women Suffrage to Secretary of State for the Colonies Lennox-Boyd, 12 April 1958, TNA: CO 1031/2140/121.

6 Movement for Women Suffrage to Secretary of State for the Colonies Lennox-Boyd, 12 April 1958, TNA: CO 1031/2140/121.

7 Bethel / Govan (dirs.) (2012), Film, 0:22:34.

8 Bethel / Govan (dirs.) (2012), Film, 0:24:35.

9 Bethel / Govan (dirs.) (2012), Film, 0:24:47.

minutes of a meeting of Governor William Murphy at the Colonial Office in London, and merely states the absence of universal suffrage as a factor preventing the devolution of powers from London to the local legislature at that particular point in time.[10] Furthermore, while the Bahamas' Governor was present at the meeting, there were no actual Bahamians in attendance who could have made a case for franchise reform. The next mention in the records of the Colonial Office, and this is the first one that explicitly speaks of women's suffrage, that I have traced in the archival record, is a question asked in 1953 of Secretary of State for the Colonies Oliver Lyttleton in the House of Commons by the Labour Party's Member of Parliament for the Hartlepools, David T. Jones, who inquired to know "what proposals are being considered for a reform of the Constitution in the Bahamas; and what proposals for the enfranchisement of women are included in such proposed changes."[11] Lyttleton responded, "Proposals for the enfranchisement of women, put forward by Private Members of the House of Assembly last Session, have been referred to a Select Committee of the House. No other proposals are at present being considered."[12] Jones may have hoped for proposals by the Colonial Office, but the answer referred to a local proposal instead. This indicates that the Colonial Office did not yet find it necessary to nudge the Bahamian legislature towards granting the vote to women. The petition referenced by Lyttleton would in fact most likely have been the 1952 petition by the Elks.

Oral testimony points to an even earlier petition demanding women's suffrage. It is said that Mary Ingraham, who later became president of the Bahamian women's suffrage organisation, was converted to the cause in 1949, after her husband Rufus Ingraham, upon losing his seat for the district of Crooked Island, Long Cay and Acklins in that year's general election, exclaimed that he would have won, if the women in his constituency had been allowed to vote.[13] Two years later, Mary Ingraham approached the senior Member of the House of Assembly representing her constituency to present her personal petition to the House of Assembly. This he agreed to do, while simultaneously informing her directly that he was not in support of

10 Minutes of Meeting with Governor Murphy, 3 May 1946, TNA: CO 23/800/120.
11 Internal Note, Colonial Office, 19 November 1953, TNA: CO 1031/303/3.
12 Internal Note, Colonial Office, 19 November 1953, TNA: CO 1031/303/3.
13 Bethel/Govan (dirs.) (2012), Film, 0:17:12.

women's suffrage in general, and therefore not in support of her petition either. The Member in question was Stafford Sands, who presented the petition in the House Assembly to then have it referred to the Constitution Committee, which he chaired. There, in the words of Marion Bethel, it "inevitably died."[14]

5.2 Political Allies

After these earliest efforts, the issue did not resurface for several years. However, carefully phrasing it so as to not make it even remotely a promise, campaign literature by the PLP for the general elections held in June 1956 lists a "written constitution based on universal suffrage and proportional representation" as one of "the dreams, hopes and aspirations of our people," behind which the party stands "four square."[15] While there was no explicit indication in this or any other campaign literature that any candidate or party placed any emphasis on women's suffrage in particular during that year's election campaign, an unidentifiable newspaper clipping in a Colonial Office file on the 1956 general election explicitly mentions the enfranchisement of women as part of the PLP's platform.[16] Also, in October 1956, the PLP sent a delegation to the Colonial Office, demanding various measures of electoral reform including universal suffrage, because that "in itself would reduce alleged current bribery and corruption at elections […] by simple process of increasing numbers and therefore cost of bribery."[17] Universal suffrage thus was but a means to an end; the PLP delegation did not argue for women's suffrage out of conviction based on a democratic principle such as gender equality, but rather because they expected that taking such a stance would improve their chances at the polls.

In the extract from the Bahamas Intelligence Report for December 1956, the unknown author speculates that the women within the PLP might "intend to press the cause of universal suffrage."[18] In October of the follow-

14 Bethel / Govan (dirs.) (2012), Film, 0:21:38.
15 Fawkes (2013) 122.
16 Unknown newspaper clipping, ca. August/September 1956, TNA: CO 1031/1532/124.
17 Secretary of State for the Colonies Lennox-Boyd to Governor Ranfurly, 15 October 1956, TNA: CO 1031/1532/54.
18 Bahamas Intelligence Report, December 1956, TNA: CO 1031/1532/56.

ing year, in a submission to the Governor in preparation for his upcoming conferences with the Secretary of State for the Colonies, the PLP again urges "universal adult suffrage" based on "the principle of 'one *man*, one vote'."[19] While the use of gendered language in the 1950s, especially in a society where women had not yet obtained the right to vote, did not necessarily mean that women were excluded from this demand, we cannot conclude that women were meant to be included either. We should bear in mind that the PLP's support for the cause of women's suffrage had not always been steadfast, nor free from ulterior motives – and universal manhood suffrage had not yet been achieved either. As we have seen, the latter did in fact represent the next step in the process of electoral reform that the PLP agreed to shortly afterwards whilst allowing Lennox-Boyd during his 1958 visit to Nassau to gain the impression that there was no widespread support for women's suffrage.

Similarly, the draft minutes of a November 1957 meeting in London between Lennox-Boyd and a delegation of the Bahamian House of Assembly read, "that there was no popular demand whatsoever for female franchise."[20] For the adopted minutes, this was then modified to "no real popular demand."[21] It is important to note, however, that this delegation consisted of Stafford Sands, Robert Symonette, Roy Solomon, Godfrey Kelly, Foster Clarke, and C. W. F. Bethell, all of whom represented Bay Street. It is even possible that they were members of the then so-called Christian Democratic Party, but, since they ran as independents in the 1956 general election, the Colonial Office also treated them as such. The Bay Street Boys' lack of enthusiasm for women's suffrage as evident in the meeting minutes is not surprising. If there was any merit to the PLP's speculation that an extended franchise would make election bribery prohibitively expensive – and the inference from this speculation that election bribery was what gave the Bay Street Boys their parliamentary majority – then they would have to be opposed to an extended franchise for that reason alone.[22] However, they

19 PLP to Governor Arthur, 19 October 1957, TNA: CO 1031/2477/6. Emphasis added.
20 Minutes of Meeting with Bahamian Delegation, 11–12 November 1957, TNA: CO 1031/2232/299.
21 Minutes of Meeting with Bahamian Delegation, 11–12 November 1957, TNA: CO 1031/2232/245.
22 Craton (2002) 91.

would also be unable to admit to this, and would therefore need to find other justifications for keeping the *status quo* of the franchise.

5.3 Getting London's Attention

Despite first stirrings nearly ten years earlier, the cause of women's suffrage had not made sufficient progress to prevent the majority party from, by and large, ignoring the calls as late as 1957/58. It is then perhaps not surprising, although still noteworthy, that in its letter to the Secretary of State for the Colonies, a representative of the metropolis, where women had gained the vote decades ago, the Movement for Women Suffrage still felt that it was necessary to outline arguments for why women should be granted the right to vote in the first place. The first of these arguments pointed to the demographics of the Bahamas, where women constituted the majority of the population. It also stressed that, especially among the younger generation of Bahamians, women outperformed men in terms of educational attainment, as if anticipating, and trying to alleviate, concerns that women would not be capable of using their vote in an informed manner. Generally, in the 1950s and 1960s, Bahamian society still treated women as subordinate to men. Their participation in the workforce was significant. It had grown in importance for decades, especially in the rapidly developing tourism sector. However, their role in the labour force depended largely on their socioeconomic roots, and was limited to either clerical or menial labour, although women also constituted the majority of public-school teachers. Regardless of that, there remained "an unwritten rule that […] women should not have authority over men."[23] Nonetheless, especially women of the poorer classes had developed a level of independence since World War II, when the Bahamian government entered into a migrant labour agreement with the United States government, locally known as the *Contract*, that would ultimately last until 1963. At its height, one in six adult Bahamian men was working overseas.[24] In the past, Bahamian historiography has interpreted the *Contract's* impact on gender relations from a traditional, patriarchal point-of-view, where women bearing responsibility were deemed a negative factor contributing

23 Saunders (2003) 31.

24 Craton / Saunders (1998) 292.

towards a number of social ills, such as the breakdown of family structures.[25] There has not been any recent re-evaluation of this aspect in the literature.

Apart from the demographic arguments, the suffragettes' central point in the letter to Lennox-Boyd revolved around the catchphrase of no "taxation without representation."[26] The utilisation of this battle cry of the American War of Independence demonstrates how strong the United States' cultural influence on the Bahamas was, even in the decades before satellite television, due to sheer proximity and resulting frequent exchanges. It also demonstrates how deep the cultural chasm between the Bahamas and the United Kingdom was, because otherwise the authors of the letter would have realised that, regardless of whether or not the historical comparison is accurate, an American revolutionary slogan, while undoubtedly carrying a positive connotation in the United States, may have an opposite effect in the United Kingdom. However, the Bahamian women even went one step further in appropriating not just a rallying cry of the American Revolution but also an actual phrase of the Declaration of Independence by declaring to Lennox-Boyd that they "hold" the points of their *communiqué* "to be self-evident."[27]

Juliana Tutt has examined the utilisation of the slogan "no taxation without representation" in the United States' women's suffrage movement. Unlike their Bahamian counterparts, suffragettes in the United States did not place this slogan at the centre of their campaign, nor did they use its underlying rationale as a main argument in support of women's suffrage. In the United States, women's suffrage came after universal manhood suffrage had been achieved, and therefore being a taxpayer had already been removed as a *conditio sine qua non* for the male franchise. Furthermore, arguing in favour of women's suffrage based on the fact that women paid taxes and therefore deserved the vote, would have implicitly argued against universal suffrage and would have ultimately made the case for the disenfranchisement of non-taxpayers. Where the tax argument was used regardless, it was seen as a wedge argument, i. e., the enfranchisement of taxpaying women

25 Craton / Saunders (1998) 294.

26 Movement for Women Suffrage to Secretary of State for the Colonies Lennox-Boyd, 12 April 1958, TNA: CO 1031/2140/121.

27 Movement for Women Suffrage to Secretary of State for the Colonies Lennox-Boyd, 12 April 1958, TNA: CO 1031/2140/121.

would be an intermediary step towards the enfranchisement of all women and the ultimate goal of universal suffrage.[28]

Despite the difficulty of comparing the United States to the Bahamas, the core argument against using the slogan to support the demand for women's suffrage can be applied in this instance, too. Without examining the contemporary and historical differences between the United States' and the Bahamas' electoral systems, the most striking difference that bears an effect on this argument is the tax system. In the United States, the federal income tax predates women's suffrage. Income tax is the tax that most obviously applies to some women but does not apply to others, though the same is true for other taxes that could be cited in a debate that links taxation and representation. In other words, when women's suffrage was debated in the US, some – not all – women paid taxes. Basing the argument for women's suffrage on taxation would therefore have meant campaigning for a limited women's suffrage, at a time when universal manhood suffrage had already been achieved; it would have meant potentially alienating many, especially poorer women, who would otherwise support the cause. In contrast in the Bahamas, to this day, the most important source of government revenue is customs duties – since 2015 supplemented by a value added tax. This regressive taxation, unlike a more progressive income tax, means that every consumer contributes to the treasury's main revenue base. It means that in the Bahamian case, all women are taxpayers, and if the suffragettes had based their argument on this fact alone, then theirs would indeed have been an argument for universal suffrage.

However, in their 1958 letter to Lennox-Boyd, the Bahamian suffragettes specifically referenced female ownership of real property, which has historically been the main qualification for the male franchise in the Bahamas; they further pointed to female investors and business owners, given the recently introduced company vote in the Bahamas.[29] This, however, if strictly interpreted, could have been read as a call for, or support of, an extension of the franchise to some women only. It also could have been interpreted as undermining the demands for universal manhood suffrage – at the very moment in history when its forthcoming introduction had

28 Tutt (2010) 1504–1505.

29 Movement for Women Suffrage to Secretary of State for the Colonies Lennox-Boyd, 12 April 1958, TNA: CO 1031/2140/122.

just been agreed upon. This may, however, have been done inadvertently. While the most active phase of the women's suffrage movement was still to come, and thus post-dated the attainment of universal manhood suffrage, its beginnings certainly predated it. It is possible that the suffragettes based their 1958 letter to Lennox-Boyd on previous campaign literature from earlier stages of the Bahamian women's suffrage movement. In that case, these may have been recycled ideas that had not yet been revisited. Additionally, the Bahamian suffragettes may have adopted this catchphrase without giving it as much thought as their counterparts in the United States had, merely remembering that it had once before been used to bolster the case for more citizen rights.

As discussed above, the 1958 letter mentioned a 1952 petition, but its authors did not deem it prudent to remind the Secretary of State for the Colonies of the petition that had been submitted to Lennox-Boyd at the beginning of his visit, which after all had been signed by 2,871 women, a number significantly higher than 444 to 600 signatures under the 1952 petition. Curiously, the petition submitted at the beginning of Lennox-Boyd's visit justified the demand for women's suffrage on principles of democracy and equality, and a duty to make a "definite and tangible contribution."[30] Taxation is not mentioned. The first two signatories of the petition submitted to Lennox-Boyd are identical with two of the three signatories of the letter: Mary N. Ingraham as Leader, and Eugenia Lockhart as Secretary. However, the name of the organisation differs. While on the petition it is called the Movement for Female Suffrage, on the letter it is called the Movement for Women Suffrage. All of these discrepancies highlight a lack of professionalism in the organisation of the Bahamian women's suffrage movement at the time. This could also explain the inconsistent lines of argument.

As the archival record has shown, there had, since the first petition in 1951, been a constant albeit irregular stream of petitions or proposals or other efforts towards the enfranchisement of women; Saunders has likened their frequency to a "bombardment."[31] The earliest attempts to extend the

30 Movement for Female Suffrage to Secretary of State for the Colonies Lennox-Boyd, 1 April 1958, TNA: CO 1031/2139/2.

31 Saunders (2016) 275.

suffrage to women were quietly referred to, i. e., buried in, a committee of the House of Assembly, and did not garner much public attention. Nonetheless, by 1956 universal suffrage was listed as a plank of the PLP's platform, although their attention focussed more on the removal of property qualifications and the abolition of the company vote. By the end of 1956, however, while the main party was quiet, the female members of the PLP began to press the issue.[32] In 1957, the Bahamas Democratic League (BDL), a party in opposition to Bay Street, albeit smaller and more moderate than the PLP, submitted a petition to Queen Elizabeth II, one point of which requested that universal adult suffrage in the colony precede any other constitutional reform.[33] It was in the face of this history and despite a renewed petition signed by nearly 3,000 Bahamian women, approximately 3 % of the colony's population, which had been submitted to Lennox-Boyd upon his arrival in the Bahamas,[34] that the Secretary of State for the Colonies felt justified in saying that sufficiently widespread demand had not been demonstrated.

Regardless of whether or not Lennox-Boyd's assessment was accurate, the emphasis he put on "sufficiently widespread demand"[35] – or rather the lack thereof – reconfirms the Colonial Office's general approach to reform in the Bahamas. It would apply pressure on the Bahamian House of Assembly and the oligarchy controlling it to implement reforms, but only if and when Bahamians themselves – in this case Bahamian women themselves – were willing to agitate for such reforms, too. Furthermore, and given the history of electoral reform thus far in both the United Kingdom and the Bahamas, perhaps Lennox-Boyd also believed that a conservative, incremental reform process addressing issues of electoral reform one step at a time was preferable to a sweeping reform that would address multiple issues in a single legislative measure. In the wake of the recent general strike, and in light of the fact that both the political discourse in the Bahamas in general as well as the colony's political opposition in particular at the time were without a doubt male dominated, extending the suffrage to include all adult males and limit-

32 Bahamas Intelligence Report, December 1956, TNA: CO 1031/1532/56.

33 Petition by Bahamas Democratic League to Queen Elizabeth II, 19 July 1957, TNA: CO 1031/2322/289.

34 Movement for Female Suffrage to Secretary of State for the Colonies Lennox-Boyd, 1 April 1958, TNA: CO 1031/2139/2–75.

35 Public Statement by Secretary of State for the Colonies Lennox-Boyd, 13 April 1958, TNA: CO 1031/2233/128.

ing the plural vote, were more important to the Colonial Office. The women's cause, at this particular juncture of history, would not have been seen as a potential source of unrest and therefore was not being considered amongst what the Colonial Office deemed emergency measures, which are what Lennox-Boyd's visit was about.

5.4 Setback and Comeback

In the wake of this dismissal, the women's suffrage movement became increasingly organised and began to network with international women's rights organisations.[36] Domestically, despite the support, at least on paper, by the PLP, the movement's original leaders attempted to retain their independence from Bahamian party politics. The suffragettes had asked Stafford Sands and Claudius Walker respectively to present the first two petitions, but that had been before the formation of political parties in the Bahamas, particularly amongst the members of the House of Assembly. While in 1951/52 they sat as independents, by 1958 the former was affiliated with a political party and the latter was no longer a member of the House of Assembly. Moreover, while the leaders of the women's suffrage movement may have been united in that cause, they were not united in a preference for one party over another. When choosing which Member of the House of Assembly to ask to present the next petition on their behalf, they therefore made the conscious decision to approach one of the few remaining independent Members, Gerald Cash, one of the representatives for New Providence's western district.

On January 19th, 1959, Cash was going to present the women's petition in the House of Assembly. The suffragettes, who had held several rallies in the week leading up to this occasion, had organised a mass demonstration to make their demands heard inside as well as outside of Parliament. In addition, one leading suffragette, Doris Johnson, who had only recently returned from university studies overseas to immediately become involved with the movement, through Cash requested permission to address the House of Assembly in person. After debate and a vote by the House, this request

36 Internal Note, Colonial Office, 31 October 1960, TNA: CO 1031/3541/8; Minutes of Meeting at Minerva Club in London, 4 November 1960, The Women's Library at the London School of Economics: 7AMP/B/08/10.

was denied. Johnson was not a Member of the House, and therefore a "stranger" to said House; the Members did not want to create a precedent.[37] However, Roland Symonette

> determined that the women would be heard and that all members of the House would be present to hear Dr Johnson's speech […] walked across to the magistrate's court and arranged for the court room to be vacated. He then returned to the House and paraded all members across to the court where Dr Johnson delivered her speech.[38]

This allowed Johnson to address the members of the House of Assembly without technically speaking to them in the House of Assembly.

At the time, Roland Symonette was one of the leading figures of the Bay Street Boys, most of whom had now organised themselves as the so-called United Bahamian Party (UBP). He represented the party's moderate wing, and he was also the so-called Government Leader in the House. Because no government official, e. g., no member of the Executive Council, was an *ex officio* member of the House of Assembly, it had become practice that the governor appoint one or more members of the House to his Executive Council, and bestow upon one of them the unofficial title of Government Leader. Former Governor Murphy had once elaborated on this arrangement that "the latter must be a person of recognised status in the House of Assembly otherwise Government measures fail through weak presentation."[39] It is doubtful that Roland Symonette used his weight as Government Leader to pave the way for Johnson to speak, though, as the Governor and Executive Council would not want to be suspected of interfering with the House of Assembly's affairs in such a manner. Rather, him using his influence to circumvent the presiding Deputy Speaker's, Robert Symonette, decision, who was, after all, his son, is an indication that by 1959, at least the moderate elements within the UBP had given up their opposition to women's suffrage. By the end of 1960, an overwhelming majority of its members supported

37 "Monday is Mary Ingraham's Day," The Tribune, 22 November 2012, http://www.tribune242.com/news/2012/nov/22/monday-mary-ingrahams-day/, accessed 21 December 2022.

38 "Monday is Mary Ingraham's Day," The Tribune, 22 November 2012.

39 Governor Murphy to Secretary of State for the Colonies Hall, 28 November 1945, TNA: CO 23/799/32.

women's suffrage, voting 63–2 in favour during a party meeting.[40] This effort by Roland Symonette to enable Johnson to make her speech was the first public stance he took in support of women's suffrage.

The speech itself contained no new ideas. Johnson satisfied herself with rehashing the same arguments that the suffrage movement had been asserting for years, i. e., that women represented the majority of the Bahamian population, that women had long been carrying responsibilities beyond the traditional home, and above all that taxation without representation was tantamount to tyranny. Despite the usual formalities at the beginning and the end of her speech, the other arguments in support of women's suffrage, as well as additional demands about women serving on juries and government boards as well as in local government, Johnson's drawing of parallels between the plight of Bahamian women fighting for the suffrage and the eighteenth-century North American colonists in rebellion against King George III constituted nearly 30 % of her speech.[41]

An interesting aside to the history of the Bahamas' women's suffrage movement, is the way in which Johnson's role in it is being remembered. Of the various suffragettes, Johnson was the only one who succeeded in using the movement as a launch pad for a political career; in fact she may well have been the only one who tried. As such, she and her party, the PLP, which after 1967 governed uninterrupted for twenty-five years, created a narrative whereby Johnson, younger and better educated than the other women leading the movement, upon her return from university immediately "joined the Movement as spokesperson and mobilized the movement into a fighting force."[42] In the latter half of 1958, she founded the National Women's Council, a self-appointed umbrella organisation for the colony's civil society organisations promoting women's causes.[43] Critical voices say, "She saw a political opportunity and grabbed it,"[44] or that "she elbowed the

40 Janet Bostwick, "Women's Struggles in the Bahamas," The Tribune, 23 February 2009, http://www.tribune242.com/news/2009/feb/23/womens-struggles-in-the-bahamas/, accessed 21 December 2022.

41 Fawkes (2013) 257.

42 "Women Suffrage: Suffrage Women," University of the Bahamas, last modified 5 September 2017, https://cob-bs.libguides.com/c.php?g=558148&p=3935757, accessed 21 December 2022.

43 Janet Bostwick, "Women's Struggles in the Bahamas," The Tribune, 23 February 2009.

44 "Monday is Mary Ingraham's Day," The Tribune, 22 November 2012.

founders [of the women's suffrage movement] to the sidelines."[45] Mary Ingraham later claimed that the week before her speech, Johnson attended a women's suffrage meeting for the first time, and that making the speech was "the only part Dr Johnson played in the vote for the women."[46] In fact, the exaggeration of the contributions of that generation of PLP leaders, to the point of their idolisation, is a frequently observed phenomenon in the Bahamas to this day, where some members of the generation that came to power in 1967 still held office in the late 2010s. Nonetheless, approximately two weeks before the speech, Johnson had been elected vice president of the Bahamian Women's Suffrage Movement.[47] Furthermore, only days before the speech, the newspaper reported a celebration at the headquarters of the Bahamian Federation of Labour at which "every speaker […] lavished praise on Mrs. Johnson, stressing her position as the leader of Bahamian women."[48] Given her ties to the PLP, it is possible that Johnson becoming involved with the suffrage movement was not only Johnson seizing a political opportunity, but also the party using her as a means to gain control over the women's suffrage movement, and perhaps even over the Bahamas Federation of Labour, whose leader, Randol Fawkes, had proven to be an unreliable ally to the PLP in the past.

The nation's collective memory has amalgamated the numerous petitions into one, and in this, the imagined petition goes hand in hand with Johnson's speech. Thus, the petition to represent all petitions would have occurred in January 1959. Remembered and celebrated are the women "who struggled against all odds to win for women their rightful place in society, those who walked the pavements in the heat of the day to secure 9,500 signatures for their petition."[49] This number, however, does not match the entry in the official records; the Votes of the House of Assembly acknowledges the petition to have had 2,538 signatures.[50] Mary Ingraham herself claimed that that many women had signed the petition in a letter she wrote

45 "Doris Johnson's Role in the Suffrage Movement," The Tribune, 6 November 2012, http://www.tribune242.com/news/2012/nov/06/doris-johnsons-role-suffrage-movement/, accessed 21 December 2022.

46 "Doris Johnson's Role in the Suffrage Movement," The Tribune, 6 November 2012.

47 Bahamas Intelligence Report, January 1961, TNA: CO 1031/3082/25.

48 Eugene Drake, "A Strange Celebration," The Nassau Daily Tribune, 13 January 1959, 2.

49 "Monday is Mary Ingraham's Day," The Tribune, 22 November 2012.

50 Votes of the House of Assembly, 24 November 1958, TNA: CO 26/169/20.

to the newspaper in 1975.[51] It must be questioned, however, if Ingraham's recollections can be trusted, especially when it comes to details. She would have been around seventy-four years of age, and she got another significant detail wrong in the same letter, when she referred to Roland Symonette as "then being Premier."[52] That office, however, did not exist before the 1963 Constitution came into effect in January 1964. This then also begs the question whether Ingraham is a more reliable witness when it comes to the central argument of her letter: that Doris Johnson's contribution to the cause was limited to nothing but that single speech delivered on a single day, that she could not have contributed in a more meaningful manner to the cause because she had only returned home from university earlier the same week. Other contemporaries speak of Johnson returning several months before and immediately becoming involved in a number of women's causes.[53]

As far as a petition with 9,000 or more signatures is concerned, it is possible that she confused it with another petition. Clement Maynard, who served as a cabinet minister from 1967 to 1992, claims that such a petition signed by over 9,500 women and dated January 10th, 1960, was presented to the House of Assembly by Lynden Pindling, leader of the PLP, on January 12th, 1961.[54] The *Votes of the House of Assembly*, however, record no such event in January 1961, but they do list Pindling as having presented a petition for women's suffrage dated January 11th, 1960 in January 1960.[55] Given the dates, the most likely explanation is that the year 1961 in Maynard's memoir is a mistake. However, the same *Votes of the House of Assembly* also state that the petition presented by Pindling contained no more than six signatures.[56] However, there are more discrepancies between the *Votes of the House of Assembly* and Maynard's memoir. The usual pattern of these petitions was that a letter laid out the request and the arguments in support of it, and that that letter was signed by the leadership of the organisation sponsoring the petition; the names and signatures of the ordinary supporters whose

51 "Doris Johnson's Role in the Suffrage Movement," The Tribune, 6 November 2012.
52 "Doris Johnson's Role in the Suffrage Movement," The Tribune, 6 November 2012.
53 Janet Bostwick, "Women's Struggles in the Bahamas," The Tribune, 23 February 2009.
54 Maynard (2007) 173.
55 Votes of the House of Assembly, 11 January 1960, TNA: CO 26/170/15.
56 Votes of the House of Assembly, 11 January 1960, TNA: CO 26/170/16.

support the organisation then canvassed were attached on separate sheets of paper. The text of the two petitions differs in some points, and in one point where they cite demographic data the difference is significant;[57] furthermore, according to Maynard's memoir the letter is signed by three women on the first page and claims that there are more than 9,500 signatures in support of it,[58] the petition contained in the *Votes of the House of Assembly* is signed by six women and claims no additional signatures – and there is no overlap between Maynard's three names and the *Votes*' six names.[59]

The events of January 1959, from the renewed petition to the speech by Johnson, marked a turning point in the road towards women's suffrage. For the UBP, Foster Clarke, a member for the Harbour Island constituency, declared, "that women should have the right to vote if they wanted it," but as he did not seem convinced that they really did, he instead suggested a referendum on the matter.[60] The PLP opposed this idea, arguing that because voting was not compulsory any woman who did not want the franchise did not have to exercise her right to vote. Nonetheless, House Speaker Asa H. Pritchard referred the matter to the Constitution Committee.[61] The Bahamas did not have an history of referenda, and most other jurisdictions also introduced women's suffrage without one. However, the idea was not without precedent, even in the British world. In 1916, William John Bowser, Premier of British Columbia and a long-time opponent of women's suffrage, hoped to separate the question of women's suffrage from party politics by passing it on to the electorate in a referendum, speculating that an all-male electorate would not pass the measure.[62] Clarke's proposal, however, appears to have been less perfidious. As he wanted to determine whether women really wanted the suffrage, his suggestion was that "the matter be put to the women in a referendum so the House could be sure that a majority of them wanted the franchise."[63] This would have created the

57 Maynard (2007) 174; Votes of the House of Assembly, 11 January 1960, TNA: CO 26/170/16.
58 Maynard (2007) 175.
59 Votes of the House of Assembly, 11 January 1960, TNA: CO 26/170/16.
60 "Foster Clarke Asks Suffrage Referendum," The Nassau Daily Tribune, 26 January 1959, 1.
61 "Foster Clarke Asks Suffrage Referendum," The Nassau Daily Tribune, 26 January 1959, 1.
62 Adams (1958) 52–53.
63 "Foster Clarke Asks Suffrage Referendum," The Nassau Daily Tribune, 26 January 1959, 1.

scenario of a referendum in which an otherwise disenfranchised group would have been allowed to vote on a single issue, would in fact be explicitly asked to do so. Yet even this idea was not without precedent. In 1911, Winston Churchill, then First Lord of the Admiralty, wrote to Prime Minister Henry Herbert Asquith that the question had to be answered whether there was "a real desire on the part of great numbers of women to assume political responsibilities," if "this addition to the electorate [would] be for the good of the country," and whether the country had "been effectively consulted" on this question.[64] Like Clarke, Churchill proposed to allow women to participate in such a referendum: "the adult suffrage register sh[oul]d be forthwith constructed, & as soon as this was complete the whole mass of the women to be enfranchised sh[oul]d, either by referendum or initiative, decide whether they w[oul]d take up their responsibilities or not."[65] In the end, neither Churchill's nor Clarke's proposal for such a referendum ever came to fruition.

5.5 Legislating Women's Suffrage

From this point forward, the Bahamian discourse shifted away from whether women should be granted the right to vote and instead towards when exactly it would be implemented. The next general election was anticipated for 1963, so it would be a couple of years before the movement could reap the fruits of their labour. For now, the UBP stuck to its schedule, which was to implement the accord brokered by Lennox-Boyd the previous year on its own terms as far as possible. The Colonial Office considered these to be "first-aid measures" and as such a priority.[66] In addition, not adding women's suffrage to the current election bill allowed the more reactionary wing of the UBP, represented primarily by Sands, Chairman of the Constitution Committee, and Robert Symonette, Deputy Speaker of the House, to save face.

64 First Lord of the Admiralty Churchill to Prime Minister Asquith, 21 December 1911, reproduced in: Churchill (1967) 405.

65 First Lord of the Admiralty Churchill to Prime Minister Asquith, 21 December 1911, reproduced in: Churchill (1967) 406.

66 Internal Note, Colonial Office, 31 October 1960, TNA: CO 1031/3541/9.

Despite elections being a couple of years in the future, the suffrage question was being politicised. While Mary Ingraham and several other suffragettes attempted to prevent the suffrage movement from becoming engulfed in party politics, by 1960, the PLP, fearing the emergence of a political rival, had "virtually taken over the W.S.M. in an effort to control them"[67] to the point where the movement would no longer take action independent of the party.[68] When the Suffrage Movement sought an audience at the Colonial Office in October 1960, they were chaperoned by the PLP's Chairman, Henry M. Taylor.[69] In addition, the two women chosen to be a part of this delegation were not only active in the women's suffrage movement, but also both members of the PLP: Doris Johnson and Eugenia Lockhart. However, after the group's arrival in London, the women proceeded to the Colonial Office without waiting for Taylor, much to his chagrin.[70]

A British intelligence report arrived at the conclusion that, as far as the cause of women's suffrage was concerned, the journey to London "was not really necessary" although "the mission was successful in keeping the P.L.P. in the public eye."[71] It further opined that

> [t]he P.L.P. continues to make much ado about votes for women but quite a number of party leaders are apprehensive of the result of extending the franchise before the 1963 General Election. They realise that female voters will probably outnumber male voters and unless they can secure the support of the women there is a danger of the women setting up a rival political organisation which could be disastrous to P.L.P. aspirations.[72]

When meeting with the representatives of the Bahamian women's suffrage movement, the Colonial Office's official line was "mildly sympathetic but insistent that the matter is one for the consideration by the Bahamas Legislature in light of popular opinion."[73] Thus, the women were told "to await the Constitutional Committee's report on women's suffrage which is due to come before the House early in 1961."[74]

67 Bahamas Intelligence Report, October 1960, TNA: CO 1031/3541/22.
68 Bahamas Intelligence Report, November 1960, TNA: CO 1031/3541/21.
69 "Conflict in PLP over Suffrage Delegation," The Nassau Daily Tribune, 25 October 1960, 1.
70 Internal Note, Colonial Office, 31 October 1960, TNA: CO 1031/3541/9.
71 Bahamas Intelligence Report, November 1960, TNA: CO 1031/3541/21.
72 Bahamas Intelligence Report, November 1960, TNA: CO 1031/3541/21.
73 Internal Note, Colonial Office, 31 October 1960, TNA: CO 1031/3541/9.
74 Bahamas Intelligence Report, November 1960, TNA: CO 1031/3541/21.

The *Tribune*, despite its long support for women's suffrage, expressed additional misgivings about this delegation's trip to London. Its writers were concerned that the primary reason for the visit to the Colonial Office was to create positive publicity for the PLP rather than move along the cause of women's suffrage. They warned "that a delegation to London on this subject might not get very far. If this happened, opposition here might stiffen. […] women might lose some of the gains they have made on the local front."[75] However, by 1960 the women's suffrage movement enjoyed widespread support in the Bahamas. Before the end of the year, the UBP, in which a somewhat more moderate wing around Roland Symonette had taken over the lead from the more radical right wing around Stafford Sands and Robert Symonette, presented a draft bill extending the suffrage to women.

This piece of legislation would become a standalone act, which when finally passed by the House of Assembly stipulated that all "provisions of The General Assembly Elections Act 1959 […] shall apply to a woman as they apply to a man."[76] Like Bermuda in 1944, The Bahamas extended the suffrage to women by means of a special Votes for Women Act. Similarly, Barbados in 1950 had introduced women's suffrage by passing an act to amend the substantive act, a semantic detail the PLP had also proposed for the Bahamas to adopt.[77] It is interesting to note that all three of the Caribbean colonies in which the Old Representative System survived went down the path of special or amendment acts. Other jurisdictions whose example the Bahamas might have followed, such as Australia (1902), Canada (1917), the United Kingdom itself (1918 and 1928), or even Jamaica (1944), all implemented women's suffrage as part of a larger revision of the substantive act. In the Bahamas, this occurred in 1965, when the language in the substantive act was changed to the word "person" instead of the previously used word "man."[78] However, apart from changing "man" to person, the 1965 Act retained the generic masculine, a practice that was continued in the Representation of the People Act of 1969 as well as the Parliamentary Elections Act of 1992, which continues to be in force.

75 "Votes for Women," The Nassau Daily Tribune, 18 October 1959, 2.

76 *Votes for Women Act 1961* (Bahamas), s 2.

77 "House to Vote on Woman's Suffrage in Two Weeks," The Nassau Daily Tribune, 10 February 1961, 2.

78 *House of Assembly Elections Act 1965* (Bahamas), s 9(1).

When the bill was first introduced in the House of Assembly, it was not as far reaching. Sands commented on the draft bill, explaining why it made provision for women to cast their vote in an election, but not for them to stand for election as candidates themselves: "This is evolution, not revolution."[79] This is where things took an interesting turn. On February 23rd, 1961, when the bill came up for a vote in the House, Pindling moved an amendment to give women that right, too. The archival record suggests that the PLP calculated this would be unacceptable to the UBP and therefore derail the entire bill:

> Several P.L.P. leaders have privately expressed misgivings on the subject of votes for women. They would really like a 'men only' election in 1963 so that they could subsequently reap kudos for extending the franchise after they acceded to power, but circumstances forced them to champion the cause of women contrary to their own inclinations."[80]

However, the UBP accepted the amendment, and the Votes for Women Act was passed by a 15–14 majority with the UBP voting in favour, whereas in this decisive moment the PLP and Independents voted against women's suffrage.[81]

The PLP justified their nay votes by the fact that the Act did not take effect immediately, but rather on June 30th, 1962. For the UBP, Sands justified the delay by constitutional precedent set in the United Kingdom. There, measures of electoral reform that increased the electorate were automatically followed by general elections to ensure that Parliament would indeed represent those who possessed the suffrage. The date proposed by the UBP would allow for all new and existing voters to register in the normal manner while not making early elections necessary. In the United Kingdom, full women's suffrage had been delayed for this reason, when it was proposed immediately after the 1918 general election, prior to which partial women's suffrage had been introduced.[82] The reason for the partial introduction of a limited female suffrage in the United Kingdom in 1918 was misogynists' fear that women would be "less capable of exercising rational

79 Governor Stapledon to Colonial Office, 3 January 1961, TNA: CO 1031/3082/57.
80 Bahamas Intelligence Report, February 1961, TNA: CO 1031/3082/23.
81 Bahamas Intelligence Report, February 1961, TNA: CO 1031/3082/23.
82 Butler (1963) 17.

choices as voters than their male counterparts"[83] and must therefore be prevented from becoming the majority of the electorate.[84] However, experience since had proven that when it came to voting "there was no evidence that women behaved very differently from men."[85] Because the Bahamas was able to draw on these decades of experience, partial or limited introduction of women's right to vote was therefore not discussed there.

When full women's suffrage was then granted in the United Kingdom, after further delay, in 1928, it was also followed by a general election. Based on this constitutional practice, Sands had a valid point. On the other hand, the General Assembly Elections Act of 1959 had just granted the suffrage to scores of men previously disenfranchised, and no general election had followed its passage. While it could be argued that the explicit mention of bye-elections for four newly created seats in the compromise brokered by Lennox-Boyd implied that no early general election was required in this situation, and that an explicit exception to this constitutional practice was thus established, this nonetheless resulted in the anomaly that the House of Assembly, for the most part, represented the electorate of 1956, whereas the new seats that had been created in two constituencies and for which bye-elections had been held in 1960, represented the differently defined electorate of 1959. If the Votes for Women Act had become effective immediately, it would have created yet another anomaly. However, just as Sands argued for its delay based on the precedent set in the United Kingdom, one could argue in favour of its immediate enactment and the toleration of an additional temporary anomaly as a result based on the precedent set by the compromise of 1959. The PLP, however, did not go to such lengths to defend their nay votes.

5.6 Technical Difficulties

Perhaps the events leading up to the next general election serve to illustrate how deep-rooted the PLP's mistrust of the UBP was. When proroguing the House of Assembly in May 1962, Governor Arthur suggested that the next general election would probably be moved forward from its originally antici-

83 Whitfield (2001) 174.
84 Butler (1963) 15–16.
85 Butler (1963) 16.

pated date in 1963 to November 1962, so as to not interfere with the tourist season.[86] This had important implications for women's ability to vote. Because of the archipelagic geography of the Bahamas but the Nassau-centric nature of its administration, the registration process in the Out Islands was cumbersome and protracted. Therefore, elections scheduled for the end of November 1962, in accordance with the provisions of the General Assembly Elections Act of 1959, meant that in the Out Islands the voters' register that would be used for these elections would be that of June 30th, 1962 – the same day the Votes for Women Act came into effect. However, June 30th, 1962, was a Saturday. The first day on which women could register to vote was therefore July 2nd, 1962. Under these circumstances, an election date in November 1962 would have meant that no women in the Out Islands would be able to vote. In New Providence, where voter registration was less of an organisational challenge, the General Assembly Elections Act stipulated that the voters' register to be used for November elections would be that of September 30th. Women would have had three months to register.

In hindsight, it is easy to imagine that one or more sinister actors were deliberately scheming to exclude Out Island women from the election. The decision to move the election forward would no doubt have involved leading UBP politicians such as Roland Symonette, Leader for the Government in the House of Assembly, and Sands, who was not just Chairman of the House of Assembly's Constitution Committee but also Chairman of the Development Board, the predecessor of the Ministry of Tourism. However, and despite Michael Craton's claim to the contrary, we must consider it unlikely that either of these men had anticipated such an election schedule when voting on the Votes for Women Act in February 1961.[87] The deliberations in the House of Assembly before the passing of the Votes for Women Act do not support such an allegation, and a prospective election date for November 1962 first appears in the archival record in May 1962. Nonetheless, at least in Sands' case it would have been out of character if he had not immediately realised the implications of this revised schedule for the female vote when the Governor made the announcement in May 1962. As the 1956 elections and the 1960 bye-elections in New Providence had shown, New Providence was a PLP stronghold, and it was unlikely that this would

86 Votes of the House of Assembly, 25 September 1962, TNA: CO 26/177/308.
87 Craton (2002) 92.

change now, regardless of whether or not women voted. The Out Islands on the other hand were where the UBP's power base was, and the Out Islands were overrepresented in the House of Assembly accounting for twenty-one out of the overall thirty-three seats. The Out Island electoral districts also had far fewer voters per Member. There were frequent allegations that the UBP's success in the Out Islands depended, at least to an extent, on voter bribery. An increased electorate would have made this practice more, perhaps prohibitively, expensive.

The files of the Colonial Office suggest that both Government House as well as London considered this an unfortunate oversight. The situation only "came to the notice of the Acting Governor," Kenneth Walmsley, in August 1962.[88] However, while a specific election date may not have been on the UBP's mind when passing the Votes for Women Act in 1961, the intention to hold the next general election in November 1962 was public knowledge in May 1962, when the House of Assembly passed several acts to amend the General Assembly Elections Act. In particular, it passed an amendment to section 24 of the Act, based on "a number of recommendations by the then Acting Parliamentary Registrar," and section 24 happens to be the section that specifies which register is to be used depending on the date of the elections.[89] While the applicable timeline did not change, it is harder to imagine that the implications of November elections on women's right to vote did not occur to anybody. However, while it may have been in the interest of some to exclude Out Island women from the election, it is also undeniable that the PLP, who potentially stood to benefit from an increased electorate, did not comment on it when these bills were debated in the House of Assembly, presumably because they did not notice it themselves. Regardless, however, of whether the actors involved were genuinely oblivious or chose to remain silent for ulterior motives, the fact that a November election date would not allow women in the Out Islands to vote certainly was not something the public was aware of at this point.

Walmsley informed both the UBP and the PLP of the situation, and both agreed to a special session "of the Legislature to enact the necessary legislation to enable voters in the Out Islands registered up to the 30th September to vote

88 Legal Report by Attorney General Orr, 8 October 1962, TNA: CO 1031/3079/109.
89 Legal Report by Attorney General Orr, 9 August 1962, TNA: CO 1031/3079/154.

in November polling,"[90] in other words to use the same month's register in the Out Islands as in New Providence. This part of the legislation was quickly agreed upon. However, whether it enabled women in the Out Islands to participate in the elections on the same terms as their counterparts in New Providence cannot be said with certainty. Bahamians have always tended to leave voter registration to the last minute, to only register when elections were seen as imminent.[91] So when it became known that without amending legislation Out Island women would not be able to vote in the November election, this would have discouraged registration, even if there had been normal registration activity before. This the government attempted to counteract by issuing an official press release on August 28th, 1962: "The attention of persons who have not already registered is therefore drawn to the necessity of being registered before the 30th September, 1962, if it is desired to cast a vote at any General Election held in November 1962."[92] The special session of the Legislature, however, did not convene until September 25th; and by the time it had passed the necessary amendments and the Governor had enacted them, September 30th had come and gone, thus not allowing any additional time for voter registration under an amended timeline, only under the anticipation of such an amendment.

Apart from adjusting the deadline for the voters' registers, both parties had other proposals that they wanted to see included in this act. In the case of the UBP majority in particular, this might seem surprising, as towards the end of the last session, the House of Assembly had passed no less than three General Assembly Election Amendment Acts. The amendments did not create controversy locally, but they were deemed "thoroughly objectionable" by the Colonial Office.[93] It is possible that the UBP chose this particular opportunity to include them in a piece of legislation, because at its core, the question of which voters' register to use for the November election was a matter the Colonial Office considered to be very important. It had to be enacted quickly. The passages in question placed severe limitations on the prosecu-

90 Legal Report by Attorney General Orr, 8 October 1962, TNA: CO 1031/3079/110.

91 Sancheska Dorsett, "More than 174,000 Registered ahead of General Election," The Tribune, 19 April 2017, http://www.tribune242.com/news/2017/apr/19/more-174000-registered-ahead-general-election/, accessed 21 December 2022.

92 "Legislature to Deal with Out Island Registration," The Nassau Daily Tribune, 27 August 1962, 1.

93 Internal Note, Colonial Office, 27 September 1962, TNA: CO 1031/3079/17.

tion of election bribery. However, their existence in law threatened to jeopardise the upcoming election, because any action necessary to "be taken to prevent this obnoxious amendment from becoming law […] may mean that the amendment designed to enable women to vote will also fail."[94]

Perhaps the House of Assembly was hoping for a *fait accompli*. On the evening of September 24th, the UBP leadership informed the Governor of the amendment "as a matter of courtesy."[95] The House of Assembly, in a single sitting, then passed the bill including the amendment in question on September 26th, and it was on the agenda for the Legislative Council, where passage was expected, for September 29th.[96] Despite the Colonial Office directing the Governor in a telegram to refuse assent to the bill if it contained the amendment in question,[97] the Governor shied away from this measure, because he not only feared that it "would provoke constitutional and political crisis," but he also realised that it was not going to have an impact on this particular election,[98] of which it was "generally accepted that [it] will be as corrupt as possible."[99] In the end, the Colonial Office agreed to temporarily tolerate the Act for the purpose of facilitating the impending election and particularly the participation of Bahamian women in it. Ultimately, however, it agreed to apply pressure on the House of Assembly to repeal it: "If they are not prepared to act within the six months' period of grace then the Secretary of State will have to consider very seriously advising The Queen to disallow the Act. Legal advice in this office confirms that disallowance would not invalidate the General Election."[100]

The election resulted in a comfortable parliamentary majority for the UBP despite polling fewer overall votes than the PLP, which had increased its share of votes since 1956. However, as the 1956 elections were held under

94 Internal Note, Colonial Office, 27 September 1962, TNA: CO 1031/3079/15.
95 Acting Governor Walmsley to Secretary of State for the Colonies Sandys, 25 September 1962, TNA: CO 1031/3079/144.
96 Acting Governor Walmsley to Secretary of State for the Colonies Sandys, 28 September 1962, TNA: CO 1031/3079/140.
97 Secretary of State for the Colonies Sandys to Acting Governor Walmsley, 27 September 1962, TNA: CO 1031/3079/141.
98 Acting Governor Walmsley to Secretary of State for the Colonies Sandys, 28 September 1962, TNA: CO 1031/3079/140.
99 Internal Note, Colonial Office, 27 September 1962, TNA: CO 1031/3079/15.
100 Colonial Office to Governor Stapledon, 9 January 1963, TNA: CO 1031/3079/73.

a different franchise, and the 1967 elections would be held under yet another franchise, ascertaining the effect of the female vote is nigh impossible. Despite the speculations of various actors who were involved with the women's suffrage movement, it is not evident that women's voting patterns differed significantly from those of men. Therefore, the PLP's 1962 gain in the popular vote might be better explained by the fact that the plural vote was now limited to two and that the company vote had been abolished. Nonetheless, as Janet Bostwick, who in 1982 became the first woman to be elected to the House of Assembly, remembers, "A number of persons, including some in the leadership of the PLP […] said that the women were responsible for that"[101] defeat.

These accusations held that women had not voted in a sufficiently grateful way, thus denying the PLP their earned reward for the gift of women's suffrage, which they had ostensibly supported as a movement but failed to vote for in the House of Assembly. An indignant Fawkes remarked that women had "unleashed tremendous political power, but in the wrong direction. After the contest, the combined P.L.P.-Labour opposition coalition in the House dropped to nine."[102] At the time, however, Fawkes' stance was not as clear. Over the years, his relationship with the PLP went through a series of vicissitudes.[103] When defending the seat he had won on a PLP ticket in the 1956 elections, he ran as the leader of a so-called Labour Party, which, however, never was a viable party but more a vehicle for Fawkes to contest his seat, practically as an independent candidate.[104] Furthermore, right before the 1962 elections, in his role as leader of a trade union Fawkes had endorsed the UBP for the thirty-one out of thirty-three seats that his Labour Party was not contesting.[105]

Modern scholars suggest that the UBP held on to its parliamentary majority until 1967 because of gerrymandering[106] or the plural vote.[107] However, both of these explanations are oversimplifications. The assertion of gerrymandering overlooks the minutiae of the delimitation process prior to the

101 Bethel/Govan (dirs.) (2012), Film, 0:55:45.
102 Fawkes (2013) 260.
103 Hughes (1981) 65–66.
104 Hughes (1981) 92.
105 Governor Stapledon to Colonial Office, 6 December 1962, TNA: CO 1031/3079/83.
106 Hillebrands/Schwehm (2005) 73.
107 Saunders (2016) 285.

1963 Constitution. Ascribing the UBP's victory to the plural vote, overlooks the new limits that had been placed on it. In fact, the PLP won the popular vote, and may have benefitted more from the limited plural vote than the UBP, e. g., as a result of mass migration from the Out Islands to New Providence. The fact that the popular vote did not translate into a parliamentary majority was caused by the overrepresentation of the Out Islands and by the distortions caused by first-past-the-post systems particularly in small jurisdictions, but no conclusions may be drawn from the available data about women's voting behaviour in the Bahamas in 1962.

The partisan appropriation of the history of the women's suffrage movement had begun even before the 1962 election. Days after the coming into effect of the Act, Mary Ingraham was scheduled to make a speech on ZNS, the government-owned radio station, which, despite having been prerecorded, did not air. Ingraham accused a PLP operative "connected with arranging the programmes" for cancelling the broadcast, because he insisted she falsely "give the credit to the P.L.P. for getting the vote for women."[108] Undue political influence has long been,[109] and according to contemporary observers still is, a vexing issue at ZNS.[110] In 1962, the PLP would have to rely on sympathisers who happened to be employed by ZNS for such purposes; after 1967, the party controlled the station and all appointees for an uninterrupted twenty-five years. In today's Bahamas, the ambivalent role of the PLP and the contributions of non-PLP actors are largely forgotten.[111]

It is true that Bay Street long opposed the extension of the franchise, ostensibly because a larger electorate jeopardised their electoral prospects. Common wisdom held that general, free and equal elections would inevitably result in the loss of the white minority's parliamentary majority. This

108 "Mrs. Ingraham says Politics Stopped Talk," The Nassau Daily Tribune, 3 July 1962, 1.

109 Governor Paul to Foreign and Commonwealth Office, 28 September 1972, TNA: FCO 63/1026.

110 Larry Smith, "Chrissy Love, Steve McKinney & the Future of ZNS," Bahama Pundit, 29 May 2012, https://www.bahamapundit.com/2012/05/chrissy-love-steve-mckinney-the-future-of-zns.html, accessed 21 December 2022.

111 Ms. Rodgers' History BGCSE students., "The Women's Suffrage Movement in the Bahamas 1948–1962," Facebook, 3 December 2013, https://www.facebook.com/HistorybgcseStudents/posts/231994543627953, accessed 21 December 2022. N.B.: This is arguably the most influential Bahamian history page on Facebook; with 6,354 Likes it has almost as many as Julien Believe (6,371 Likes), currently the country's commercially most successful domestic recording artist (20 June 2018).

primarily applied to property qualifications, as voting preferences were largely a race and class issue. Property qualifications for men's first vote were only removed in the General Assembly Elections Act of 1959, but no general elections had been held since. However, if the assumption was that voting would be along race and class lines, then the UBP would have no vested interest either way in the question of women's suffrage after the passage of the 1959 Act, and there is some circumstantial evidence that this was indeed the case, that by 1961 even a former hardliner such as Sands had lost his will to resist.

On the other hand, it is often purported that pressure to re-elect members of the Bay Street clique was rooted in many Bahamian men's precarious employment conditions. Therefore, some activists believed the key to ending white minority rule in the Bahamas lay in women's suffrage. In this context, the testimony of the children and grandchildren of the suffragettes is interesting. As mentioned above, one of the early leaders of the Women's Suffrage Movement, Mary Ingraham, allegedly became a suffragette after her husband, a Bay Street politician, lost his seat in the 1949 general election and blamed this on the absence of the female vote. Her granddaughter, Hope Strachan, an active PLP politician herself, opined:

> A lot of us may like to believe that […] there was some lofty reason why she may have done it, and the point about it is, it was to help her husband. […] Her thing was that she needed to ensure that Rufus was taken care of, and he was happy, and he was doing well, and his politics, and all the rest of it."[112]

For the other side of the aisle, Janet Bostwick says:

> These women actually said that they were convinced that the PLP would not succeed until women were granted the right to vote. And so, their reason for being in the suffrage movement and their reason for being so active and pushing it, was to secure the victory of the Progressive Liberal Party."[113]

At least some leaders of the women's suffrage movement seem to have been motivated to gain the female vote not because of principle but as a means to other men's ends, suggesting that it is not only the memory of the suffrage movement that has been hijacked for political purposes.

As late as 1981, Caroline Butler, the widow of long-time MP and Governor-General Milo Butler, expressed her view that women ought not to

112 Bethel/Govan (dirs.) (2012), Film, 0:17:15.
113 Bethel/Govan (dirs.) (2012), Film, 0:33:15.

"become actively and directly involved in politics," as the "woman's family would be 'shortchanged'."[114] Thus, while Bahamian women gained the right to vote – and the right to be elected – in 1962, it took until 1982 for the first woman to succeed in her bid for a seat in Parliament. Yet even in 1962 the PLP fielded Doris Johnson as a candidate, though she lost her race. To this day, women are decidedly underrepresented in Parliament, where currently only 12.8 % of Members are women. Of the governing party's candidates in the last election, only 10.3 % were women, and the current cabinet has a sole female member for a ratio of 5.9 %.[115] Historically, as the example of Johnson shows, there has been a tendency by the parties to assign female candidates to either unwinnable or at least hotly contested seats, but very rarely to presumably safe seats.[116] This is symptomatic of the Bahamas' leader-centric, male-dominated political parties, but whether or not this underrepresentation is also responsible for the continuing legal impediments Bahamian women face, cannot be answered as easily.

The most glaring example of these is the inequality enshrined in the Independence Constitution, particularly within the citizenship provisions.[117] Yet that document was written not by Bahamians but by clerks at Whitehall, merely codifying United Kingdom practice at the time. This means that the gender inequality that is enshrined in the Constitution was not originally Bahamian. However, whereas the United Kingdom and many other Commonwealth Caribbean countries have addressed these matters over the past few decades, the Bahamas has proven reluctant to enact further progressive reforms. The greatest impediment to change are the protections enshrined in the Constitution itself: qualified majorities in both Houses as well as a simple majority in a mandatory referendum are needed to change the relevant articles of the Constitution. This, Whitehall as well as the Baha-

114 Janet Bostwick, "Women's Struggles in the Bahamas," The Tribune, 23 February 2009.

115 As of 30 June 2021. N.B.: At the beginning of this government's term in office, the percentage value was even lower, but the overall size of cabinet shrank due to a number of resignations. For a brief moment, after the resignation of Lanisha Rolle as Minister of Youth, Sports and Culture in February 2021 and before the appointment of Pakesia Parker-Edgecombe as Minister of State for Disaster Preparedness, Management and Reconstruction in March 2021, there was no female cabinet member at all.

116 Janet Bostwick, "Women's Struggles in the Bahamas," The Tribune, 23 February 2009.

117 *Constitution 1973* (Bahamas), especially arts 3(2), 5, 8, 10, 14. For a detailed discussion, see: Aranha (2015a) 7–21.

mian opposition hoped would protect the document's democratic nature against autocracy or despotism.[118] Pindling himself no doubt fuelled this suspicion. Leading up to the independence negotiations, his party discussed that Parliament ought to have the power to change the Constitution by simple parliamentary majority.[119] At the independence conference, his delegation demanded that constitutional change should not require more than a three quarters majority in Parliament, which he had won both in 1968 as well as 1972, and which is in any case not an unlikely election result in small first-past-the-post jurisdictions.[120] On the one hand, governments from both parties have presented their respective Constitutional Amendment Bills that went to referendum, and that were supposed to provide for more gender equality; in both instances – 2002 and 2016 – the electorate voted against these changes with overwhelming majorities, despite the fact that approximately 56 % of registered voters are women.[121] However, in both instances, the referenda came at a time when the respective governing parties' popularity had waned, and the opposition, failing to endorse the cause, exploited the process for partisan purposes instead.

As previous reforms, too, that helped make the Bahamian electoral system more democratic, women's suffrage, which by the early 1960s was hardly a contentious issue in the hemisphere any longer, was largely won by the citizens, against a ruling elite that demonstrated no desire to adopt this measure of its own volition. Even the involvement of seemingly progressive forces from the political arena appears to have been motivated by ulterior motives. Previously in matters of electoral reform, the pattern had been that once the public's demands for reform had reached critical mass, the Colonial Office through the Governor would in turn exercise pressure on the Bahamian oligarchy; in this instance, the Colonial Office remained largely passive. While it must be assumed that the UBP knew that they could anticipate a repetition of this pattern, this knowledge had never stopped the oligarchy from stalling before. Therefore, when they voted for women's suffrage in

118 Minutes of Meeting at Foreign and Commonwealth Office, 9–10 May 1973, TNA: FCO 141/13105.

119 Gerald Glover to Secretary of State for Foreign and Commonwealth Affairs Godber, 1 September 1972, TNA: FCO 63/1025.

120 Cabinet (United Kingdom) Minutes, 19 December 1972, TNA: CAB 148/121.

121 Aranha (2016) 25.

1961, this marked the beginning of shifting attitudes amongst the Bay Street Boys. Nonetheless, implemented reforms only ever bestowed the minimum possible measure of rights and freedoms on the people, so as to keep the electorate dependent on the by now well-established system of political patronage.

Chapter 6
Equal Suffrage

The fight for the secret ballot had taken decades, and after it had been won, the Bahamas saw no significant changes to its election laws for more than ten years. Then, however, followed a series of reform steps in quick succession. The General Assembly Elections Act of 1959 ushered in universal male suffrage. It also created four new seats in the Assembly thereby triggering bye-elections to fill these. Furthermore, even before a general election could be held under this 1959 Act, another important reform took place, as we have seen: in 1961, the Votes for Women Act finally extended the suffrage to women, too. This made the 1962 general election the first one in which all adult British subjects ordinarily resident in the Bahamas could vote. However, the plural vote remained as a privilege for wealthier voters who met certain property qualifications. Therefore, the election, though based on universal adult suffrage, was not yet based on an equal franchise.

In this chapter, I will examine the developments that led to the abolition of the plural vote. These developments inevitably have chronological overlap with the history of women's suffrage in the Bahamas, which I have discussed in the previous chapter. However, their separate implementation – and their separate discussion at the time, even if their proponents were often the same – warrant a separate discussion in this book, too. Additionally, apart from efforts to make the suffrage equal, the decade following the passage of the General Assembly Elections Act of 1959 saw other fundamental changes not just in Bahamian election law but in the colony's constitutional setup, too, which I will highlight along the way.

The 1962 general election was the first one conducted under the 1959 Act. In its wake, a constitutional conference was convened, paving the way for the devolution of colonial power into the responsibility of Bahamians. A new Constitution, adopted in 1963, subsequently came into force in 1964. It included changes to the franchise, the Legislature in general as well as the composition of the House of Assembly in particular. Another general election was held in 1967, resulting in the end of white minority rule. Then

there was a snap election in 1968, and another constitutional conference, resulting in a new Constitution coming into force in 1969. These general elections – and the memory of them – are central themes in Bahamian historiography. Together with the constitutional conferences and the ensuing new constitutional constellations, they will form the framework for this chapter.

With the primary focus being on the abolition of plural voting, the question of what actually constituted plural voting was a matter of interpretation and political conflict in the 1960s Bahamas, and thus needs to be examined, too. The traditional view considered plural voting to mean that some voters received additional votes because they met certain qualifications, usually property-based, and that other voters, who did not meet these qualifications, therefore did not receive such votes. In the Bahamas, plural voting based on property qualifications continued to be a part of the electoral system, albeit in a strictly limited way, after the reforms of 1959. The 1963 Constitution phased out property qualifications, so that the next general election would be contested without them. However, that Constitution did not mandate that all constituencies had to send the same number of Members to the House of Assembly. Voters in multi-member constituencies were given ballots on which they could vote for multiple candidates, whereas voters in single-member constituencies could only vote for one single candidate. This system treated all voters in any given constituency equally, and its framers did not consider it as being based on different qualifications, but the PLP argued that it nonetheless constituted a form of plural voting – and treated voters in different constituencies differently. In practice, this system, which was at the discretion of the Constituencies Commission, was abolished in 1968 when it prepared a report recommending all single-member constituencies. In law, it was abolished by the Constitution of 1969.

6.1 The First General Election under Universal Suffrage

In the 1956 election, the PLP had won six seats. However, going into 1960, that number had shrunk to five, as the party had expelled Randol Fawkes in 1957. His expulsion was the consequence of his signing the report of the Constitution Committee of the House of Assembly, which had advocated for a move from representative towards responsible government but made no mention of electoral reform – the PLP's *conditio sine qua non* for constitu-

tional change.[1] He now held his seat as the leader of the so-called Labour Party. In early 1960, the PLP won an additional seat in a fiercely contested bye-election between four candidates on the island of Grand Bahama after a recount by an Elections Tribunal – by a mere seven votes.[2] Then, in May of the same year, the party won all four of the seats which had been newly created by the General Assembly Elections Act of 1959, too. The PLP was still seen as the party representing the Black majority. In turn, the UBP was perceived as the party representing the white minority, regardless of their efforts to change that perception by running two Black candidates, Bertram Cambridge and Gaspar Weir, in the 1960 bye-election. They were beaten decisively. Cambridge and Weir polled 149 and 142 votes respectively against the PLP candidates' 1,936 and 1,850 votes, and came in even behind the two Labour candidates and another independent.[3] In accordance with the General Assembly Elections Act of 1959, they forfeited their deposits of £150 each.[4] The *Nassau Guardian's* analysis of the bye-election concluded that this was less of a vote for the PLP but a vote against the UBP, because "[t]he majority of population in this Island want to be governed by their own kind. […] They voted […] on the purely emotional basis of racial affiliation."[5] Coming from the UBP's mouthpiece, this could, of course, also be read as an implied admission that the nomination of two Black candidates by the party was but an election ploy that the voters did not fall for. Nonetheless and despite these perceptions, both the PLP and the UBP had adopted a more pragmatic, patronage-based approach to politics by the 1960s, and went into the general election of 1962 with platforms that "were curiously similar in content."[6]

The outcome of the election would be difficult to predict, given the vast number of changes made to the franchise since the last general election of 1956. Back then, the franchise was limited to men only and had been further restricted by property qualifications; in addition, there were full-fledged

1 Report of Select Committee, 8 April 1957, The National Archives, Kew, United Kingdom (TNA): CO 1031/2232/468–470; Bahamas Intelligence Report, May 1957, TNA: CO 1031/2232/447.
2 Hughes (1981) 75.
3 Hughes (1981) 78.
4 *General Assembly Elections Act 1959* (Bahamas), s 31(3).
5 The Nassau Guardian, 25 May 1960, quoted in: Hughes (1981) 79.
6 Craton/Saunders (1998) 314.

plural voting and the company vote. The majority of electoral districts sent multiple members to the House of Assembly. This meant that even without the plural vote, a voter was entitled to cast as many votes as his district had seats. In total, 21,941 votes were cast. It is not possible to reconstruct, however, how many different voters, in the sense of natural persons, that number represented. The PLP had polled 32.6 % of the votes cast, thereby winning six out of twenty-nine, or 20.7 % of the seats in the House of Assembly.[7]

By 1962, the PLP had increased its representation to ten out of thirty-three seats, 30.3 % of the total, and the general election of 1962 would be contested under universal adult suffrage, albeit with a continued but now limited form of plural voting. This would not play out in the same way the old plural vote had. In 1962, there were also four new seats in two new electoral districts, different from the delimitation on which the 1960 bye-elections had been contested. The majority of districts still had multiple seats. Little consideration had been given to the questions of how these peculiarities of the franchise distorted the voters' register. The percentage of men within the overall population who were in possession of the franchise had only ever been roughly estimated. It was therefore impossible to predict the effect the new franchise would have on the outcome of a general election. How many company votes would be lost? How many plural votes would be lost – and how many retained? How many registered plural votes would actually be exercised? If voters could register in three or more electoral districts based on property qualifications, but were limited to voting in two, which two electoral districts would they choose to vote in? How many additional men would be enfranchised now that the first vote was no longer tied to a property qualification? When women's suffrage had been debated in the House of Assembly, the discussion had been based on the assumption that about 54 % of an overall Bahamian population of approximately 100,000 persons were women.[8] The 1963 census, however, reported a lower ratio of women, only 51.3 %, but a higher total population, namely 130,220.[9] In any case, predicting Bahamian women's registration rates and turnout could, at best, be estimated, and any such estimates would in turn also be subject to distortion due to the retention of limited plural voting.

7 Hughes (1981) 52.
8 Votes of the House of Assembly, 24 November 1958, TNA: CO 26/169/19.
9 Craton/Saunders (1998) 186, 200.

Despite the many variables contained within the new franchise, and despite the fact that most of the Out Islands, which still accounted for a majority of the seats in the House of Assembly, had traditionally returned Bay Street candidates, "the PLP confidently expected […] achieving a parliamentary majority in the next general election. Dynamic new recruits to the party and the enfranchisement of women alone would have seemed to presage an inevitable victory."[10] Many members and supporters of the UBP shared this view, too, and even the new Governor, Robert Stapledon, reported, "political opinion here from right to left is uniformly convinced that at the General Election […] the (left) Progressive Liberal Party will be returned to power."[11] However, the results of the election on November 26th, 1962 surprised everyone. While the PLP's candidates received 44.2 % of the overall votes cast, only eight of them won their bids for a seat in the House of Assembly, which had a total of thirty-three members. The eight PLP members, together with five independent members and one Labour member, faced a parliamentary majority of nineteen UBP members, even though that party's candidates only received 37.2 % of the overall votes cast.[12] Not only had the PLP not won any additional seats, it had in fact lost seats.

The reasons offered to explain the election outcome vary. On the surface, there were understandable reasons why people would have voted for the UBP. The economy had been booming for years and had brought growing prosperity to the colony, albeit unequally. In the past three years, tourism arrivals in the Out Islands had increased by an astonishing 550 %.[13] Such numbers nourished hope, especially as tourism had by now become the Bahamas' main industry. This ostensibly worked in favour of the UBP. In anticipation of the election, however, investors had held back, especially in the construction sector. Yet this was not seen as an economic downturn attributable to the UBP, but rather as a reluctance to invest for fear of an impending PLP victory.[14] In addition, the election was a mere four weeks

10 Craton (2002) 88.
11 Governor Stapledon to Colonial Office, 9 January 1961, TNA: CO 1031/3155/156.
12 Memorandum by the Progressive Liberal Party to Secretary of State for the Colonies Sandys, 17 December 1967, TNA: CO 1031/3155/19.
13 Hughes (1981) 92–93.
14 Hughes (1981) 86.

after the Cuban Missile Crisis. The UBP capitalised on the fear and reminded Bahamians that the *Herald*, mouthpiece of the PLP, had once welcomed the Cuban revolution with the headline, "Batista Overthrown: U.B.P. Next."[15] Furthermore, repeated incidents of violence at UBP campaign events were "blamed on pro-PLP 'goon squads'."[16]

On a less obvious level, Michael Craton and Gail Saunders attributed the PLP's loss, at least in part, to "the psyche of Bahamian blacks, touching on the spirit of dependency and distrust of their fellows that had hampered the thrust for independence since slavery days."[17] To prove their point, Craton and Saunders referenced on oft cited anonymous letter by a self-styled "Coloured Carpenter," which read:

> But let us look and see where we get our bread from, not coloured people, because the blind can't lead the blind. We are all poor and have to go to the white man for jobs. […] There may be a few of you working for coloured men, but the majority of you are working for the white man, and even you that are working for the coloured man, you are not fully satisfied with your salary and working condition. So if the P.L.P. gets the majority of seats in the House of Assembly, you know that only they and their families will be taken care of.[18]

Colin Hughes, who had also discussed the same letter in his earlier, groundbreaking work *Race and Politics in the Bahamas*, doubted the author's professed identity. Instead, he suspected the letter to be propaganda originating from UBP quarters.[19] If the letter was authentic, then it would have been an expression of the "spirit of dependency and distrust" asserted by Craton and Saunders above.[20] If it was not, then it was designed to appeal to such a sentiment, showing that contemporaries nonetheless considered it a factor that could be exploited. One problem with all these explanations, however, is that they look for reasons why people may have voted for the UBP when in fact most had not done so. The composition of the House of Assembly was

15 Herald, 3 January 1959, quoted in: Hughes (1981) 86.
16 Hughes (1981) 86.
17 Craton / Saunders (1998) 314.
18 The Nassau Daily Tribune, 25 November 1962, quoted in: Hughes (1981) 89. Craton and Saunders quote the same passage, too, but there is a minimal difference in the wording. See: Craton / Saunders (1998) 314–315.
19 Hughes (1981) 89.
20 Craton / Saunders (1998) 314.

largely the result of distortions caused by vastly differently sized electoral districts in a first-past-the-post system.

Henry Taylor, who at the time served as chairman[21] of the PLP, was unsuccessful in his bid for re-election. He was subsequently replaced as party chairman and blamed not only his personal defeat on "dissension and intrigue in the executive hierarchy of the party," but further concluded that this display of disunity caused a decline in the party's mass appeal.[22] His allegations that influential party members had actively sabotaged his re-election bid behind the scenes cannot be corroborated. This monocausal explanation, however, appears to contradict the fact that in 1962, the PLP's candidates had received more votes in total than those of any other single party.

Others, like Fawkes, the sole Labour party candidate whose election bid had been successful, cynically blamed the women, who had voted for the first time.[23] He further alleged that through gerrymandering

> [t]he minority Government had divided the Bahama Islands into electoral districts in such an unnatural and unfair manner so as to give themselves a distinct political advantage. The predominantly white districts such as Abaco and Harbour Island returned three representatives, while the more populous areas in the black belt were allowed two representatives and in some cases only one. […] Paradoxically, we had won the election but lost the country.[24]

It is indeed a paradox that in his memoir, first published more than ten years after the PLP eventually ousted the UBP from power, Fawkes portrays himself as having been on the losing side of this election, when in fact during the campaign, because of personal quarrels with the PLP leadership, he had endorsed the UBP.[25] Furthermore, while it is true that the uneven distribution of seats yielded a result where a party with more votes won fewer seats and vice versa, this was not the result of active gerrymandering on the part of the UBP. The House of Assembly did not have that power – yet.

21 N.B.: The gendered "chairman" – as opposed to a gender-neutral "chair" or "chairperson" – continues to be the title used by the PLP Constitution in its current, 2005, incarnation. Constitution of the Progressive Liberal Party, 2005, art 8(3), https://www.scribd.com/document/94734098/Official-Plp-Constitution, accessed 21 December 2022.

22 Taylor (1987) 310.

23 See page 169, fn 102 above.

24 Fawkes (2013) 260.

25 Governor Stapledon to Colonial Office, 6 December 1962, TNA: CO 1031/3079/83.

When the General Assembly Elections Act of 1959 had created four new seats for New Providence, the subsequently necessary redistribution of seats on that island fell to the Governor as a neutral arbiter, because the political parties could not agree on any other procedure.[26] The fact that that Act had made no changes to the seat distribution for the Out Islands or the ratio of seats between them and New Providence had been part of the compromise agreed to by both the PLP and UBP brokered by Secretary of State for the Colonies Alan Lennox-Boyd in 1958. According to the 1963 census, approximately 62 % of the population now lived on New Providence.[27] However, New Providence only sent twelve Members to the House of Assembly, whereas the Out Islands, where only 38 % of the population lived, sent twenty-one Members to the House of Assembly. This overrepresentation, however, was largely the result of the redistribution of seats occurring at a pace that was much slower than the internal migration and urbanisation of the Bahamas, which saw scores of Bahamians leave the Out Islands and move to the capital as economic development all too often focussed on the political centre and neglected the periphery. However, when we consider the overall slow pace of electoral reform in the Bahamas towards a fair and equal franchise, the fact that electoral districts were not revisited and adapted more frequently seems hardly surprising. Furthermore, given the archipelagic nature of the Bahamas, the relative overrepresentation of often remote, isolated islands with only small populations, ensured the representation of their interests in the capital without increasing the overall size of the House of Assembly, which, if electoral districts were to be more evenly sized in terms of registered voters, would require "building a Tower of Babel to accommodate the membership."[28] In 1962, the smallest district was San Salvador, where 334 voters cast their ballots; the largest one was the Southern District of New Providence, where 9,406 votes were cast to elect two Members, meaning that there would have more than 4,700 voters, as every voter could vote for up to two candidates.[29]

Today, the discrepancies may not be quite as great, but the general principle continues to guide the delimitation of constituencies, the new term for what had previously been known as electoral districts and which was intro-

26 *General Assembly Elections Act 1959* (Bahamas), s 102.
27 Craton / Saunders (1998) 200.
28 "Figures Don't Lie," The Nassau Daily Tribune, December 6, 1962, 3.
29 "Figures Don't Lie," The Nassau Daily Tribune, December 6, 1962, 3.

duced by the Constitution of 1963.[30] A commission is tasked with reviewing constituencies and their borders at intervals of no more than five years. In this process, it

> shall be guided by the general consideration that the number of voters entitled to vote for the purposes of electing every member of the House of Assembly shall, so far as is reasonably practicable, be the same and the need to take account of special consideration such as the needs of sparsely populated areas, the practicably of elected members maintaining contact with electors in such areas, size, physical features, natural boundaries and geographical isolation.[31]

As a result, in 2017, the year of the most recent general election, the largest constituency, Golden Isles in New Providence, had 6,711 registered voters, and the smallest one, MICAL in the southern Bahamas, which is comprised mostly of ocean and five inhabited islands – Mayaguana, Inagua, Crooked Island, Acklins, and Long Cay – spanning approximately 150 miles (240 kilometres) from north to south, had only 1,348 registered voters.[32]

However, even taking all the caveats above into consideration, the election results of 1962 demonstrated more clearly than ever before that the composition of the House of Assembly was not representative of the electorate. Exactly how unrepresentative the new House of Assembly was composed, cannot be said with certainty. Because of the peculiarities of the franchise, the overall votes cast did not yield what is commonly referred to as a popular vote. Accordingly, Hughes warned that the PLP's claim that it had won 6,000 votes more than the UBP was based on a calculation that

> must be unsatisfactory, because it adds together votes cast in one-member, two-member, and three-member constituencies, although on balance one could properly say that the maldistribution of electorates produced a grave distortion of what was a roughly equally divided electorate."[33]

However, it was also clear that if anything approaching representativeness was desired, further reform was necessary. Constitutional reform was already on the agenda, for both major parties had campaigned on a platform proposing to move the Bahamas from representative towards responsible gov-

30 Constitution 1963 (Bahamas), s 61(1).

31 Constitution 1973 (Bahamas), art 70(2).

32 Parliamentary Registration Department, Facebook, 12 October 2017, https://www.facebook.com/ParliamentaryRegistration/photos/rpp.754965497983067/1249017808577831/, accessed 21 December 2022.

33 Hughes (1981) 92.

ernment.[34] In the aftermath of the election, however, the PLP demanded that the property vote had to be abolished and "the great and obvious disparity in the representation" had to be remedied first.[35]

6.2 Negotiating Internal Self-Government

Only four weeks after the election, Secretary of State for the Colonies Duncan Sandys travelled to Nassau. Unlike Lennox-Boyd before him, however, Sandys' primary mission was not to mediate in a local crisis. Rather, he was accompanying British Prime Minister Harold Macmillan, who met with President John F. Kennedy of the United States of America and Prime Minister John Diefenbaker of Canada for talks about global issues at Lyford Cay, an exclusive gated community and country club at the western end of New Providence.[36] Nonetheless, Sandys used his time in Nassau to meet with Bahamian politicians, with whom he arranged for a constitutional conference to be held in London in May 1963.[37] Already at this stage, the Secretary of State for the Colonies appeared to accept the PLP's position that the redistribution of seats would have to be considered in the process. He did not commit to another PLP demand, however, which was that the introduction of internal self-government ought to wait until after a next general election had been conducted under an additionally reformed franchise.

Sandys also discussed the property vote with the PLP. This part of the conversation again highlighted how little Bahamians themselves knew of the impact of the various provisions of their election laws on their voters' register or about the discrepancy between registered voters and voter turnout. While the PLP estimated that the number of property voters amounted to no more than 2.5 % of the overall electorate, Government House estimated that number to be approximately 5 %. Neither could explain how they arrived at these figures, and both surmised that the property vote had no impact on the outcome of elections. The PLP made the point that it objected

34 Notes of Meeting of PLP Delegation and Secretary of State for the Colonies Sandys, 17 December 1962, TNA: CO 1031/3155/34.

35 Memorandum by the Progressive Liberal Party to Secretary of State for the Colonies Sandys, 17 December 1967, TNA: CO 1031/3155/18.

36 Hailey (2000) 51.

37 Craton (2002) 97–98.

to the property vote in principle.[38] A later briefing note prepared for and circulated only to the United Kingdom delegates to the constitutional conference showed that in 1962, voters with property qualifications accounted for 3.6% of all registered voters.[39]

As this was the first general election in Bahamian history where all islands voted on the same day, it is highly unlikely that all voters theoretically entitled to a second vote were also able to cast their second ballots, as the logistics and expense of inter-island travel would have made this difficult for many. Furthermore, voters were entitled to register a property vote in every district where they met the property qualification, other than in the district where they registered under their residential qualification. However, only in bye-elections were they entitled to vote in all districts in which they were registered. In a general election, they were limited to voting in the electoral district in which they resided plus one, but only one, additional district in which they met the property qualification. The above-mentioned briefing note shows that there had been three races where the number of property votes registered – which, however, was likely higher than the number of property votes actually cast – could theoretically have swung the result.[40] The first one of these races was won by the UBP, the second one by the PLP, and the third one by Labour. Therefore, the property vote did not significantly alter the outcome of the 1962 general election.

In conclusion, Sandys argued "that the Governor could hardly continue as before after an election on party lines."[41] The devolution of colonial authority was not just on the agenda of the Bahamian parties. It was on London's agenda, too, not least because international pressure made "[t]he role of a Colonial power […] more uncomfortable every year."[42] Rough outlines of a possible future Constitution for the colony had been drafted within the Colonial Office even prior to the Bahamian election of 1962.[43]

38 Notes of Meeting of PLP Delegation with Secretary of State for the Colonies Sandys, 17 December 1962, TNA: CO 1031/3155/38.
39 Bahamas Constitutional Conference 1963, Brief F, TNA: CO 1031/4558.
40 Bahamas Constitutional Conference 1963, Brief F, TNA: CO 1031/4558.
41 Notes of Meeting of PLP Delegation and Secretary of State for the Colonies Sandys, 17 December 1962, TNA: CO 1031/3155/42.
42 Internal Note, Colonial Office, August 1962, TNA: CO 1031/3157/6.
43 Policy for Constitutional Development in the Bahamas, 17 October 1962, TNA: CO 1031/3155/114.

While their nature was not shared with the parties in the Bahamas, the Bahamians were advised that the Constitution would have to contain "[a] code of fundamental human rights."[44] Furthermore, after everyone had agreed upon a prospective date for the constitutional conference in May 1963, Sandys advised the Bahamian representatives that he expected to have their respective parties' proposals submitted to him in advance.[45] Once planning for the conference became more detailed, the Governor requested the proposals be submitted to him "by the end of the first week of March" 1963, but both the PLP as well as the UBP failed to abide by this deadline.[46] In addition – and against the advice of Ralph Hone, a former head of the Colonial Office's legal division whom they had hired as their draftsman – the UBP attempted to keep its proposals a secret from the PLP until the start of the conference, perhaps hoping to catch the opposition off guard, but kept the Legislative Council and independent Members of the House "more or less informed of the U.B.P. proposals."[47] A clerk at the Colonial Office decried this "rather silly attitude of the U.B.P."[48]

In preparation for the constitutional conference, the West India Department drew on the experience of the other departments within the Colonial Office by studying the various constitutional arrangements and reform processes that had already taken place in other territories. That file also contained a dedicated note outlining questions of the franchise in general, and, in particular, comparing the current franchise provisions in dependent territories as well as in newly independent Commonwealth countries around the globe.[49] Of the dependent territories, there were many that still lacked universal equal suffrage, though in comparison to its regional neighbours of the British Caribbean, the Bahamas, Bermuda, and British Honduras – modern-day Belize – were in the minority of territories that had yet to grant universal equal suffrage. The file is silent on whether these documents were

44 Notes of Joint Meeting of Bahamas Legislative Council, UBP, and PLP with Secretary of State for the Colonies Sandys, 19 December 1962, TNA: CO 1031/3155/30.
45 Notes of Joint Meeting of Bahamas Legislative Council, UBP, and PLP with Secretary of State for the Colonies Sandys, 19 December 1962, TNA: CO 1031/3155/30.
46 Governor Stapledon to Colonial Office, 11 March 1963, TNA: CO 1031/4384.
47 Governor Stapledon to Colonial Office, 11 March 1963, TNA: CO 1031/4384.
48 Internal Note, Colonial Office, 27 February 1963, TNA: CO 1031/4384.
49 Colonial Constitutional Note C.C.N.25 with Appendices A and B, TNA: CO 1031/4384.

circulated only amongst the Colonial Office's delegates to the constitutional conference, or whether they were made available to the Bahamian delegates, too. Either way, having done their own research, Bahamian delegates would have been reasonably familiar with the franchise in the various parts of the British Empire.

By the end of March, the Governor had received the proposals of both the UBP and the PLP. Neither the Members of the Legislative Council nor the independent delegates were planning to submit proposals of their own. In a next step, Stapledon tasked Attorney-General designate Kendal Isaacs with preparing a comparative table highlighting the differences between the two parties' proposals. In a communication to the Colonial Office, he admitted that the preparation of this document had "been a rush job. […] I have no doubt it could be improved upon if you and your Law Officers could give time to it. Moreover, it would carry much more weight with the delegates if it could be issued as a Colonial Office memorandum. I shall be grateful if this could be done."[50] Nonetheless, the document compiled by Isaacs would ultimately "serve as the basic document" during the conference.[51] By mid-April, Labour leader Fawkes also submitted his own proposal. This was not included in the comparative table, but still pre-circulated to conference delegates with an added note, "that Mr. Fawkes' paper was not received in time for consideration with the U.B.P. and P.L.P. proposals."[52]

Going into the conference then, the consensus was that the new Constitution would be a written Constitution replacing Letters Patents and Royal Instructions, and that it would be granted by an Order in Council in accordance with an Act of Parliament in Westminster. The example the Colonial Office cited as the one it intended to follow was that of the Southern Rhodesia (Constitution) Act, 1961.[53] The conference participants' common aim was for this document to provide "for the Bahamian people to exercise a wider measure of responsibility for the Government of the country," and the expected outcome was that "the present nominated Executive Council is to be replaced by a cabinet of elected Ministers, appointed by the

50 Governor Stapledon to Colonial Office, 28 March 1963, TNA: CO 1031/4384.
51 Internal Note, Colonial Office, 23 April 1963, TNA: CO 1031/4384.
52 Governor Stapledon to Colonial Office, 18 April 1963, TNA: CO 1031/4384.
53 Internal Note, Colonial Office, 5 March 1963, TNA: CO 1031/4384.

Governor on the advice of the Premier."[54] Premier and Cabinet would be responsible to the elected House of Assembly, thus this change marked the departure from so-called representative government towards so-called responsible government. Certain powers would remain with the Governor, however, for example "matters concerning external affairs, defence, internal security, and the control of the police."[55] Talks began on May 1st and were concluded on May 20th, 1963.

A joint conference report was adopted, but not without the PLP entering a reservation to the provisions dealing with the future distribution of constituencies. The Labour representative signed on to this reservation, too.[56] However, the Colonial Office stressed

> that the Parties had agreed to 'accept' the Conference Report as the basis of the new Constitution, that the reservation implied only that the P.L.P. would feel free to say that they disagreed with the proposed re-distribution while going along in working the Constitution, and that the making of a reservation was designed primarily to leave over the question of distribution for future negotiation, should the P.L.P. come to power.[57]

This issue of constituencies and their delimitation had already been the most contentious one going into the conference. The PLP repeated the demands it had already presented to the Secretary of State for the Colonies during his visit to the Bahamas in December 1962, "that the Constituencies should be brought into line with the true distribution of population in the Bahamas as a condition precedent to any further Constitutional advances."[58]

The PLP had succeeded in committing the conference to abolishing the plural vote that was based on a property qualification. However, it failed to commit the conference to two other reforms the PLP claimed were necessary for a democratic franchise and therefore ought to precede constitutional reform. The first was a redistribution of seats, for which the conference made provisions, but for which it defined guiding principles different to those the PLP insisted on. The second was a new general election based on the reformed franchise. Instead, the conference report stated that the House of

54 Foreign Office to Certain of Her Majesty's Representatives, 26 April 1963, TNA: CO 1031/4384.
55 Bahamas Constitutional Conference (1963) 4.
56 Bahamas Constitutional Conference (1963) 13.
57 Internal Note, Colonial Office, 20 May 1963, TNA: CO 1031/4384.
58 Governor Stapledon to Colonial Office, 29 March 1963, TNA: CO 1031/4384.

Assembly as elected in 1962 would continue "until dissolved in the ordinary course."[59] While the report did not set a date for the new Constitution to come into effect, the Colonial Office was aiming for 1964. Internal self-government would come before the implementation of further electoral reform.

Regarding the future redistribution of seats, the conference report determined that "[t]he next General Election will be contested on the basis of 21 seats for the Out Islands and 17 seats for New Providence."[60] While this meant five additional seats for New Providence, it still provided for a relative overrepresentation of the Out Islands. The delimitation of these new constituencies would be informed by the recommendations of a Constituencies Commission, in which the majority party in the House of Assembly would also have a majority. Going forward after the next election, the Constituencies Commission would review the boundaries at intervals of no longer than five years. It could recommend changes to the constituencies' boundaries, but the number of seats in the House of Assembly would remain fixed at thirty-eight. The Out Islands were to have between eighteen and twenty-two seats, New Providence between sixteen and twenty.[61] Barring significant, and at the time improbable, population shifts within the colony, this report thus enshrined disproportional representation for the foreseeable future, even if this disproportionality would not be as substantial as it had been in the past. In 1963, New Providence's population accounted for 62 % of the overall population of the Bahamas. The island currently accounted for 36 % of seats in the House. Based on the 1963 numbers, its representation would increase to between 42 % and 52 %. However, internal migration from the Out Islands to New Providence could also be expected to continue. This would likely widen the gap again. The conference report also left room for the practice of multi-member constituencies to be continued, which had, in the last election, exacerbated the discrepancy between overall votes and seats won by the respective parties. Here, the conference report followed standard British practice, and this paved the way to handing over the *de facto* power of gerrymandering to the majority party in the House of Assembly.

59 Bahamas Constitutional Conference (1963) 7.
60 Bahamas Constitutional Conference (1963) 7.
61 Bahamas Constitutional Conference (1963) 7.

The draft for the new Constitution was prepared by the Colonial Office. On the initiative of Stapledon and Isaacs, the Colonial Office's legal department retained the services of Hone to assist with this undertaking as well as to conduct a review of the laws of the Bahamas "for the purpose of bringing them into conformity with the proposed new Constitution."[62] Even if the idea of Hone drafting the Constitution had already been floated by Stafford Sands as soon as the constitutional conference was agreed upon,[63] and despite his role as the UBP's constitutional advisor in preparation for said conference, Hone worked as a politically independent draftsman. Especially the provisions he drafted for the Constituencies Commission drew sharp criticism from the UBP, on whose behalf Sands bitterly complained, alleging that the draft failed to give adequate weight to special considerations for the Out Islands. The UBP feared that the constituencies which were the party's traditional stronghold might see a further reduction in numbers.[64] The PLP voiced its concerns, too, which it believed so great as to warrant calling for a second constitutional conference, albeit a local one, before proceeding further.[65] However, no second conference was called.

As the new Constitution was expected to take effect in January 1964, the PLP was running out of time. It sent a delegation to London. In a meeting with Nigel Fisher, Parliamentary Under-Secretary at the Colonial Office, this delegation was told

> that the first draft of the Constitution had been sent to Nassau from the Colonial Office at the end of August and that the comments of the P.L.P. on the draft had not reached the Colonial Office until 11th November. […] these were at present being considered by the Colonial Office legal advisers. They would have been dealt with earlier had they been received earlier. […] *Mr. Fisher* said […] he did not know why the P.L.P. had found it necessary to travel all the way to London.[66]

That meeting took place on November 21st. Despite the Colonial Office's palpable exasperation, they assured the PLP that their points would be duly

62 Attorney-General Isaacs to Ralph Hone, 14 June 1963, TNA: CO 1031/4468.
63 Notes on Meeting of UBP Delegation with Secretary of State for the Colonies Sandys, 17 December 1962, TNA: CO 1031/3155/47.
64 Stafford Sands to Governor Stapledon, 22 October 1963, TNA: CO 1031/4468.
65 Lynden Pindling to Acting Colonial Secretary Sweeting, 5 November 1963, TNA: CO 1031/4468.
66 Note on Meeting of PLP Delegation and Colonial Office, 21 November 1963, TNA: CO 1031/4469. Emphasis in original document.

considered within the agreement represented by the conference report, but also stressed that while

> it was helpful if agreement could be reached on amendments locally […] the final draft of the Constitution had ultimately to be determined by the Colonial Office as otherwise there would be no end to the process of amendment and counter-amendment and no Constitution would ever be finalised.[67]

Many of the issues the PLP raised were minor points of drafting.[68] So much so that it was suspected that the highly visible actions they took to address them in fact amounted to posturing for the sake of "politicking."[69] Nonetheless, some of their points were substantial ones. In addressing these, the Colonial Office referred back to the agreement represented by the conference report. To this, the PLP yielded, and thus largely accepted the provisions regarding the Constituencies Commission contained in the draft, regardless of the reservation, which they had recorded in the conference report. However, the Colonial Office looked favourably upon one particular amendment proposed by the PLP, and that was the suggestion that the Constituencies Commission should be required to produce a first report after no more than two years as opposed to two to three years as stated in the draft. Whitehall saw "merit in this proposal and we are considering what precise provision would be appropriate."[70] However, this provision did not make it into the final document. In fact, no timeline was given for the Constituencies Commission's first report, only that the intervals between reports must not exceed five years.[71]

This, however, at least implied somewhat of a timeline. The new Constitution shortened the life of the House of Assembly from seven to five years.[72] It also increased the size of the next House of Assembly from thirty-three to thirty-eight Members.[73] Therefore, the next general election could be anticipated for late 1967 or early 1968, December 6th, 1967, being the

67 Note on Meeting of PLP Delegation and Colonial Office, 21 November 1963, TNA: CO 1031/4469.
68 Note on Meeting of PLP Delegation and Colonial Office, 21 November 1963, TNA: CO 1031/4469.
69 Governor Stapledon to Colonial Office, 15 November 1963, TNA: CO 1031/4469.
70 Notes for Parliamentary Under-Secretary Fisher, 22 November 1963, TNA: CO 1031/4469.
71 *Constitution 1963* (Bahamas), s 63(1).
72 *Constitution 1963* (Bahamas), s 59(2).
73 *Constitution 1963* (Bahamas), s 35(2).

latest possible date for dissolution of the House of Assembly.[74] Therefore, the Constituencies Commission would have to report within roughly three years. As the conference report had already foreshadowed, in this next election New Providence would elect seventeen Members, while the Out Islands would elect twenty-one.[75] For all future general elections under this Constitution, the general formula that New Providence would elect anywhere between sixteen and twenty Members and the Out Islands anywhere between eighteen and twenty-two Members would apply.[76]

As for the plural vote, the Constitution stipulated, "that no person shall be permitted to cast more than one vote in any election of the members of the House."[77] However, because it did not speak to the qualifications of electors, it did not enshrine universal suffrage. Technically, while this clause did abolish the plural vote at general elections, it did not give full effect to the agreement expressed in the report of the Constitutional Conference that the property vote would be abolished. To achieve this, amendments would have to be made to the General Assembly Elections Act of 1959, which as an existing law "shall continue in force" but henceforth had to "be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution."[78] It could be argued then that under the new Constitution but without an amended Elections Act, a voter could continue to be registered under a residential as well as a property qualification, and in a general election could choose which one of their registered votes they wished to exercise, and which constituency to exercise it in. Without further amendments to the substantive act, voters could also continue to vote in bye-elections based on either a residential or a property qualification – and in as many bye-elections as might occur in as many constituencies as they might meet either qualification in. As shown, merely reconstruing unconstitutional provisions left room for ambiguity. Contemporary Bahamians did not automatically understand the abolition of plural voting to equate to universal suffrage. In 1955, for instance, Useph Baker, then the Junior Member for Eleuthera in the

74 *The Bahama Islands (Constitution) Order in Council 1963* (United Kingdom), s 7(5).
75 *The Bahama Islands (Constitution) Order in Council 1963* (United Kingdom), s 7(6).
76 *Constitution 1963* (Bahamas), s 61(2).
77 *Constitution 1963* (Bahamas), s 35(1).
78 *The Bahama Islands (Constitution) Order in Council 1963* (United Kingdom), s 4(1).

House of Assembly, unsuccessfully proposed such a model, which would have ended plural voting but retained the existing property qualifications for the remaining single vote.[79] Hence, because the Constitution did not speak to voters' qualifications, universal suffrage theoretically could have been abolished by an Act of the House of Assembly, even if that was an unlikely scenario given that Royal Assent would still have been required.[80]

The Constitution Order provided a somewhat pragmatic, albeit incomplete solution to this problem, by giving the Governor the power to

> by order made at any time within two years after the appointed day [of the Constitution coming into effect] make such amendments, adaptations or modifications to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Constitution."[81]

As Government House and the Colonial Office tended to be more progressive than the political majority in the House of Assembly, this forced the latter to actively revise existing laws, provided the problem was recognised within the defined two-year window. Furthermore, while in the past the Legislative Council tended to follow the Governor's line, the Constitution now replaced that body with a Senate consisting of fifteen members as the upper chamber. Of these fifteen, eight were "appointed by the Governor acting after consultation with the Premier and such other persons as the Governor, acting in his discretion, may decide to consult," and a further five were "appointed by the Governor acting in accordance with the advice of the Premier."[82] The Premier was "the member of the House of Assembly who, in his [the Governor's] judgment, is best able to command the confidence of a majority of the members of that chamber."[83] While the Constitution of 1963 did not acknowledge the existence of political parties, this meant that the leader of the majority party in the House would be Premier, and that therefore the majority party, through its leader, had significant influence on the composition of the Senate, though it was not guaranteed a majority there.

79 "Election Amendment Rejected," The Nassau Guardian, 20 December 1955, 1–2.

80 *Constitution 1963* (Bahamas), s 52. N.B.: No right to vote is entrenched in the independence Constitution of 1973 either. See pages 285–286 below.

81 *The Bahama Islands (Constitution) Order in Council 1963* (United Kingdom), s 4(3).

82 *Constitution 1963* (Bahamas), s 29(2).

83 *Constitution 1963* (Bahamas), s 66(1).

Nonetheless, the majority party in the House of Assembly thus gained more control over the ensuing revision process.

6.3 Working with the Constitution of 1963

The open questions regarding the property vote were addressed in the House of Assembly Elections Act of 1965. It gave effect to the 1963 agreement to abolish the property vote, but it did not do so immediately. Rather, the property vote was phased out. It was scheduled to disappear when the current House, elected under the old suffrage in 1962, was dissolved, but that also meant that any bye-elections which might occur until then would continue to allow persons to vote by virtue of a property qualification.[84] The House of Assembly Elections Act of 1965 did not see much controversy. The phasing out of the property vote, arguably, followed established constitutional practice, which would normally see bye-elections conducted under the same suffrage as had existed during the last general election.

The agreement represented by the conference report of 1963 had now been fully implemented. The next general election would be held under universal suffrage, and all voters in any given constituency would have an equal vote. Later, PLP leader Lynden Pindling would hail these elections as the first to be conducted "on a 'one man, one vote' basis."[85] However, at the time they were not fully satisfied that the new Constitution in tandem with the General Assembly Elections Act of 1959 as amended guaranteed the equality of the suffrage, as their actions would consequently prove.

Despite these reforms then, conflicts re-arose before the next general election. Even though the professed reason why the PLP had recorded a reservation to the conference report on the point of redistribution of seats was to justify revisiting it, if the party came to power, its members accused the UBP of gerrymandering when the Constituencies Commission reported. The criticism was not so much directed against the delimitation of the constituency borders *per se*, but against the continued practice of having a combination of constituencies with one, two, or even three Members, as well as their particular distribution. Many traditional UBP strongholds continued as larger multi-seat constituencies, whereas many traditional PLP

84 *House of Assembly Elections Act 1965* (Bahamas), s 9(2).
85 Beardsley Roker (ed.) (2000) 25.

strongholds were now divided into smaller single-seat constituencies, thereby increasing the chances of the UBP winning at least some of them, whereas multi-member constituencies tended to further exacerbate the distortion already inherent in first-past-the-post voting. Additionally, due to registration issues, which the PLP alleged favoured the UBP, the report was based on preliminary voter registration numbers only.[86]

The PLP leaders used this controversy for great political theatre by staging a dramatic protest, which has since become known as *Black Tuesday* in the Bahamas. As Michael Craton emphasised, the term is meant in a celebratory rather than disparaging sense.[87] The general gist of the events of that day is not disputed, though important details in the accounts differ. On April 27th, 1965, the House of Assembly was debating the Constituencies Commission's report. Pindling moved to defer the matter until more voters had registered to allow for a more accurate report based on a larger dataset. The PLP alleged that "people likely to be UBP supporters were more easily and quickly registered than those in the poorer and more crowded districts from which the PLP drew its greatest support" and "accused the UBP government of a calculated policy of delay and obfuscation."[88] This motion was, predictably, defeated. So was another motion by the PLP's Spurgeon Bethel, which included a proposal to redraw the constituency borders under the supervision of the United Nations. In anticipation of the defeat of these motions, the PLP had rallied its supporters to a mass demonstration outside of the House of Assembly for that day. Then, according to the *Tribune*, the following scene unfolded while Pindling spoke:

> "We tried to lay our cards on the table; we tried to get the Premier to indicate whether he would be prepared to amend the draft, but it appears that it is the intention of Government to push this matter through. This only shows that they mean to rule with an iron hand. If this is the intention of Government I can have no part in it. If this is the way you want it, then this is the way you will have it." Whereupon he picked up the mace, which he declared, "is supposed to belong to the people of this country", and threw it through an open window into the crowded square below. Butler followed by hurling the two hour-glasses out.[89]

86 Craton (2002) 116.
87 Craton (2002) 115.
88 Craton (2002) 116.
89 The Nassau Daily Tribune, 20 November 1964. Quoted in: Hughes (1981) 107.

Pindling and the other PLP Members present on that day then marched out of the House of Assembly and addressed the demonstrators outside. Within twenty minutes, a magistrate read the Riot Act, and the police dispersed the crowd. In his account, Hughes largely followed the *Tribune's* reporting and left open the question of whether or not the day's series of events had been planned and scripted by the PLP's leadership. In contrast, Craton and Saunders tell a slightly different version:

> In action reminiscent of Oliver Cromwell in the seventeenth-century House of Commons, he [Pindling] strode over to the mace in front of the Speaker's chair, shouting, "This is the symbol of authority, and authority in this island belongs to the people." He then lifted the mace, carried it to the window, and threw it down. "Yes, the people are outside," he said to the stunned Speaker and the UBP, "and the mace belongs outside, too!" Not to be left behind (and perhaps on cue), Milo Butler seized the hourglasses used by the Speaker to time members' speeches and threw them after the mace, as the crowd chanted "PLP, PLP" over and over again.[90]

Hughes relied on the account of the *Tribune* newspaper for the words spoken by Pindling, whereas Craton and Saunders relied on the memoir of Randol Fawkes. In his account, Pindling's words not only have a more dramatic effect, but also appear more likely to be premeditated, even scripted. However, we already know that in his memoir, Fawkes omitted crucial details that distorted events when they did not suit the image he wanted to convey of himself, e. g., regarding his role in the 1962 general election. In his biography of Pindling, Craton went one step further. He called the version of events as reported by the Governor, according to whom the explosion of events within the House of Assembly had been largely spontaneous and afterwards order was only restored due to the reading of the Riot Act and the intervention of the Police, "simplistic, self-serving, and to a large extent erroneous."[91] Rather, he accepted Pindling's own account of the events as "the most accurate."[92] Pindling served as the Bahamas' Premier and then Prime Minister from 1967 to 1992, and was eventually succeeded by two personal *protégés* of his who took turns as Prime Ministers until 2017; all Governors-General since the appointment of the first Bahamian to this position in 1973 have been members of this generation and most had been, at

90 Craton / Saunders (1998) 340–341.
91 Craton (2002) 117.
92 Craton (2002) 118.

one time or another, associates of Pindling's.[93] Over time, their version has indeed become the most widely believed. According to Pindling, the events were minutely scripted, even involving detailed measures of crowd control to ensure that the demonstrators outside the House of Assembly would be noisy but remain peaceful under any circumstances. The restoration or, depending on the point of view, preservation of order then, was owed to the PLP leadership and its foresight, not to the authorities.[94]

The question of just how detailed a script the actors followed on *Black Tuesday* is secondary, but the event's importance as a central chapter in the national narrative of the PLP's struggle against undemocratic election practices is not. Officially, the PLP alleged gerrymandering and claimed that the report of the Constituencies Commission was particularly flawed for New Providence. The archival record contradicts this version. The minutes of the commission's meetings show that the PLP's member, Arthur D. Hanna, had agreed to the plans for delimitation of New Providence's constituencies in the commission meetings he had attended.[95] This did not stop him from producing a minority report to the contrary.[96] The PLP demanded that the commission produce an entirely new report based on a mass registration exercise that had yet to occur. In fact, earlier on *Black Tuesday*, Premier Roland Symonette had, in a private conversation with Orville Turnquest

93 N.B.: As for Prime Ministers, Hubert Ingraham served as Prime Minister of the Bahamas from 1992 to 2002 and again from 2007 to 2012, heading a government by the so-called Free National Movement (FNM), a party initially founded by PLP dissidents and the remnants of the UBP in 1971. Ingraham was a cabinet minister under Pindling but left the PLP in the mid-1980s and was subsequently recruited by the FNM. Perry Christie served as Prime Minister of the Bahamas from 2002 to 2007 and again from 2012 to 2017, heading a PLP government. He had also served as a cabinet minister under Pindling and had also left the party in the mid-1980s. However, he eventually re-joined the PLP. Ingraham and Christie were partners in the law firm Christie, Ingraham & Co. After losing the 2012 general election, Ingraham picked Hubert Minnis to succeed him as the leader of the FNM. When the FNM was returned to power as a result of the 2017 general election, Minnis became Prime Minister. It is also worth noting that upon independence in 1973, when Pindling served as Prime Minister and national symbols were designed and adopted, the design that was chosen for the Prime Minister's flag was the same as the national flag but with an image of the Speaker's mace vertically superimposed across it.

94 Craton (2002) 118–121.

95 Governor Grey to Colonial Office, 8 May 1965, TNA: CO 1031/4471.

96 Appendix to the Report of the Constituencies Commission, 3 February 1965, TNA: CO 1031/4471.

and in a note to Pindling, offered the PLP a meeting to discuss this possibility.[97] Pindling ignored the offer. In his mind, this was no longer about constituency borders. Instead, he wanted to demonstrate that the UBP was not capable of responsible government and force London to suspend the Constitution.[98]

Nona Martin and Virgil Henry Storr argue that the PLP had consciously radicalised after the defeat in the 1962 general election. Through dramatic political action it sought to demonstrate to "the Bahamian people that Bay Street's grip on the Bahamas was weakening"[99] Citing other examples of protests that drew significant attention, such as the eviction of the PLP Members Milo Butler and Arthur D. Hanna from the House of Assembly twelve days earlier, Martin and Storr demonstrate the existence of a pattern, in which *Black Tuesday* was but another piece in the puzzle, albeit the most dramatic.[100] This way, they argue, the PLP was ultimately able to demystify the power of Bay Street and the UBP.[101]

It is certainly true that Bahamian politics had become very tumultuous, but the PLP's new course was a gamble. On the one hand, it created "a groundswell of support resulting from the obvious militancy of the party," but on the other hand it alienated more moderate elements and "eventually three disaffected House Members resigned from the Party and a number of key supporters followed them."[102] The party's new strategy also alienated the Colonial Office, whose support for democratic reforms had been crucial every step along the way, but when hearing about *Black Tuesday*, the remark was made, "'Even Cromwell didn't throw the mace out of the window'."[103]

Apart from such highly visible protests, the PLP also pursued other avenues in an attempt to alter the conditions of the next elections. The Constituencies Commission's report still made provision for a considerable number of multi-member constituencies, and in these, voters would continue to vote for more than one candidate. This, the PLP insisted, continued to make

97 Governor Grey to Colonial Office, 8 May 1965, TNA: CO 1031/4471.
98 Governor Grey to Colonial Office, 29 April 1965. TNA: CO 1031/4471.
99 Martin/Storr (2009) 43.
100 Martin/Storr (2009) 42–43.
101 Martin/Storr (2009) 38.
102 Maynard (2007) 246.
103 Colonial Office to Governor Grey, 29 April 1965, TNA: CO 1031/4471.

for an unequal suffrage. Thus, they mounted a challenge. At first, they did so in the form of a petition to the Colonial Office submitted through Governor Ralph Grey, in which the party argued,

> Section 35(1) of the Bahama Islands Constitution particularly enjoins that 'no person shall be permitted to cast more than one vote […]' Any provision enabling a voter to vote for more than one member is unconstitutional. If voters in some constituencies are permitted to vote more than once for more than one candidate it would be impossible to create constituencies that were 'the same' as far as was reasonably practicable.[104]

The PLP alleged that the creation of single-member constituencies in some Out Islands, but the retention of multi-member constituencies in others "was a deliberate design to create and establish a political advantage in favour of the [UBP]."[105] At the beginning of the Constituencies Commission's deliberations, its Chairman,[106] Speaker of the House of Assembly Robert Symonette, proposed the following guidelines, ostensibly because there was a time factor as otherwise they would risk yielding this power to the Governor:

> *[O]ne must bear in mind that ideally Single Member Constituencies should be the eventual goal of the Constituencies Commission. In my opinion, this will not be possible of achievement in this report*. I therefore feel that we should recommend as many Single Member Constituencies as we can and leave the further dividing of multiple-seat Constituencies until such a time as the picture becomes clearer. […]
> *In respect of the Out Islands, my initial suggestion to the Commission is that wherever a Constituency has seats added to the existing number of Members, that the Constituency be subdivided into Single Member Constituencies but that where a Constituency either maintains its same number of seats or has seats taken away, that the existing boundaries remain and the Constituency remain undivided.* I believe that this point of view can be substantiated in the Out Islands by virtue of the fact that the two districts which will have additional seats owe these seats to the fact that recent development has

104 Memorandum of the PLP, May 1965, TNA: CO 1031/4471. The ellipsis is part of the original document.

105 Memorandum of the PLP, May 1965, TNA: CO 1031/4471.

106 N.B.: The 1963 Constitution uses the gendered term "Chairman" – instead of a neutral "Chair" or "Chairperson" – where it makes provisions for the Constituencies Commission. *De facto* the introduction of women's suffrage just in time for the general election of 1962 had not changed the reality of an all-male House of Assembly, but the draftsmen of the Constitution were aware of the theoretical possibility of women serving in that capacity. See: *Constitution 1963* (Bahamas), s 62(2).

> taken place in these districts, which may be continuing and may grow vastly in the next five years or may cease with a resultant drop in the number of Voters.[107]

While this rationale may appear to be neutral, a look at the affected constituencies makes it is easy to see why the PLP feared that this would *de facto* yield a less representative election outcome in general, and, more particularly, would work to their disadvantage as a party. However, the PLP's so-called petition did not request that the Colonial Office take any action. It did not go beyond listing the party's grievances and objections to the Constituencies Commission's report. Nonetheless, the Colonial Office examined the report and the process that led to its adoption. It made a number of noteworthy observations. Looking at the petition politically, it considered the exact effect the revised boundaries would have on the election outcome to be impossible to predict, but, contrary to the PLP's allegations, suggested that "there must be a strong inference that the creation of single-member constituencies in New Providence will favour the P.L.P."[108] It also saw "no evidence that the Commission was partial in carrying out its task."[109] Considering the PLP's claim that the Constituencies Order made as a result of the Constituencies Commission's report was unconstitutional, the Colonial Office's legal advisers took "the view that a court of law would not up-hold the Opposition claim and this view is endorsed by the Acting Attorney-General of the Bahamas."[110]

Parallel to the Colonial Office, the UBP, too, sought an opinion regarding the constitutionality of the Constituencies Order. At the behest of Sands, Hone considered the matter.[111] Arguing along similar lines as the Colonial Office's legal advisers as well as the Bahamas' Acting Attorney-General, he identified two main questions relevant to this issue: are multi-member constituencies permissible, and, if so, are voters in such constituencies entitled to vote for one candidate only or for as many candidates as that constituency sends as Members to the House of Assembly. He answered the first question in the affirmative, citing in particular the Bahamas Constitution Order, which stipulated "that each constituency […] shall return *at least* one mem-

107 Memorandum for Consideration by the Constituencies Commission, n. d., TNA: CO 1031/4471. Emphasis in original document.
108 Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.
109 Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.
110 Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.
111 Internal Note, Colonial Office, 14 June 1965, TNA: CO 1031/4471.

ber."[112] To then answer the second question, Hone turned to the Constitution as well as to the Bahamian General Assembly Elections Act of 1959 and House of Assembly Elections Act of 1965, and furthermore to the United Kingdom's Representation of the People Act of 1949 and Ballot Act of 1872. For the interpretation of these statutes Hone then referenced a number of cases going back as far as 1828. He reached the conclusion that, although the Constitution stated that "no person shall be permitted to cast more than one vote in any election of members of the House,"[113] this meant in fact that each voter was restricted to completing a single ballot, but that on this one ballot a voter could, in a single act of voting, vote for multiple candidates, as the constitutional provision had been inserted to "abolish in particular the then existing additional vote based on a property qualification."[114]

Before the next general election, the so-called National Democratic Party (NDP), a group of disgruntled former PLP members, filed a writ against the Parliamentary Registrar, attempting to prevent this practice. The UBP then prepared to file a similar writ "in order that matter may not be perversely delayed by Opposition."[115]Along the lines of Hone's opinion, Chief Justice Ralph Campbell argued that in "a two member constituency […] the inherent question asked by the ballot paper is 'which two of the candidates do you choose?' A voter is partially disfranchised if he is prevented from answering this question."[116] He agreed that the purpose of the constitutional provision prohibiting a voter from casting more than one vote was to abolish the property vote. Therefore, he ruled that a voter may vote for as many candidates as their constituency sent Members to the House of Assembly, because this accounted for a single act of voting and therefore did "not amount to more than voting once."[117]

112 Legal Opinion, June 1965, TNA: CO 1031/4471; *The Bahama Islands (Constitution) Order in Council 1963* (United Kingdom), s 7(6). Emphasis added.

113 *Constitution 1963* (Bahamas), s 35(1).

114 Legal Opinion, June 1965, TNA: CO 1031/4471; *The Bahama Islands (Constitution) Order in Council 1963* (United Kingdom), s 7(6).

115 Governor Grey to Commonwealth Office, 24 November 1966, TNA: CO 1031/5221.

116 *Kelly and Bowe v Parliamentary Registrar*, [1966] Bah. SC 426, 20 December 1966, TNA: CO 1031/5221.

117 *Kelly and Bowe v Parliamentary Registrar*, [1966] Bah. SC 426, 20 December 1966, TNA: CO 1031/5221.

Some details of this case remain unclear. In his judgement, Campbell referred to the two plaintiffs, Birchenall Austin Kelly and Winston Montgomery Bowe, as candidates. However, in a telegram to the Commonwealth Office,[118] Governor Grey referred to one as an elector on whose behalf the NDP had filed a writ, and then suggested that the UBP was going to find a supporter – not necessarily a candidate – on whose behalf to file a similar writ.[119] It is probable that the Governor was correct. Genealogical databases on the Internet suggest that both Kelly and Bowe are deceased.[120] However, Winston Bowe's brother Nigel Bowe is still alive. The latter did indeed contest the election for the NDP but insists that his younger brother did not run as a candidate that year.[121] Furthermore, while Birchenall Austin Kelly himself does not appear in any other sources of the time, as might be expected from an active politician, the family name itself was prominent amongst the UBP membership. He reportedly lived in the Out Island settlement of Current, Eleuthera, which would have made him an unlikely candidate.[122]

Hone also shared his written opinion with the Colonial Office, which ultimately arrived at the conclusion that the claims made by the PLP lacked substance. Therefore, in a first draft the clerks in the West India Department recommended "that the Secretary of State should not intervene in any way and that this decision should be conveyed to Mr. Pindling by the governor."[123] A handwritten note then added that the Secretary of State for the Colonies, by now Anthony Greenwood, should nonetheless "declare his

118 N.B.: On 1 August 1966, the Colonial Office and the Commonwealth Relations Office merged to become the Commonwealth Office; the positions of Secretary of State for the Colonies and Secretary of State for Commonwealth Relations merged to become the Secretary of State for Commonwealth Affairs. On 17 October 1968, that position merged with that of the Secretary of Foreign Affairs to become the Secretary of Foreign and Commonwealth Affairs, and the Commonwealth Office and Foreign Office merged to become the Foreign and Commonwealth Office.

119 Governor Grey to Commonwealth Office, 24 November 1966, TNA: CO 1031/5221.

120 "Birchenell Austen Kelly," WikiTree, https://www.wikitree.com/wiki/Kelly-10588 (despite the slightly different spelling of the first and middle names, this appears to be the same person); "Winston Montgomery Bowe," WikiTree, https://www.wikitree.com/wiki/Bowe-432, accessed 21 December 2022.

121 Personal interview with Paul C. Aranha, 26 January 2019.

122 E-Mail from Michelle Smith, 1 February 2019.

123 Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.

willingness to hear both parties when he visits the Bahamas."[124] This was communicated to the Governor, including the added suggestion, and a visit to the Bahamas was announced for October of that year.[125] Pindling's first response was a public rejection of the offer, but by the time of the visit, he had come around and met with Greenwood in the Governor's office.[126]

In anticipation of such an answer, and without waiting for it, the PLP simultaneously reached out to the United Nations' Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, better known as the Committee of 24, requesting permission for a delegation to be received.[127] In August 1965, Pindling then addressed the Committee of 24. His speech amounted to an "indictment of the social, economic, and political condition of the Bahamas under the UBP."[128] He concluded it by asking "the Special Committee to recommend the revocation of the existing Constituencies Order which impedes the free expression of the majority will of the Bahamian people and denies them their right to self-determination."[129] However, the Committee declined to take any formal action.[130]

6.4 Shame and Scandal

The PLP kept the issue alive, and the following year saw some rapid and dramatic developments when the party planned to use the visit by Queen Elizabeth II to the colony as a stage to draw attention to itself and its causes. The party drew up a petition decrying the "unfair delimitation of electoral areas" which caused the "citizens of the Bahama Islands" to be denied "majority rule."[131] It also made serious allegations regarding the conduct of Bahamian cabinet ministers, claiming that

124 Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.
125 Secretary of State for the Colonies Greenwood to Governor Grey, 12 August 1965, TNA: CO 1031/4472.
126 Lynden Pindling, 23–24 August 1965, quoted in: Beardsley Roker (2000) 22; Governor Grey to Colonial Office, 19 October 1965, TNA: CO 1031/4472.
127 United Kingdom Mission to the United Nations to Colonial Office, 29 April 1965, TNA: CO 1031/4471.
128 Craton/Saunders (1998) 341.
129 Lynden Pindling, 23–24 August 1965, quoted in: Beardsley Roker (2000) 23.
130 Craton/Saunders (1998) 342.
131 Petition by the PLP to Queen Elizabeth II, February 1966, TNA: CO 1031/5217.

> the majority of the Ministers of the Government of the Bahama Islands are involved in scandalous and corrupt conflict of interest, and by their public policies have opened the door of our country to the worst criminal elements of this hemisphere, thus endangering our ancient heritage as a god-fearing Christian community.[132]

The petition then culminated in making two requests of the Queen:

> 1– take all necessary steps to establish majority rule in these islands; and
> 2– appoint a Royal Commission to fully investigate corruption and conflict of interest in our Government and advise on the preservation of our cherished Christian heritage.[133]

The petition was submitted to Governor Grey on February 25th, 1966, two days prior to the Queen's arrival in Nassau.[134] Pindling had requested that Grey present it to the monarch during her visit to the colony, but instead the Governor followed the usual channels. This meant forwarding it to the Colonial Office, whence the Secretary of State for the Colonies might pass it on to Buckingham Palace. After waiting for the comments of the Bahamian Cabinet as well as the Governor, the petition was finally forwarded to Buckingham Palace on June 20th, i. e., long after the Queen had concluded her visit to the Bahamas. The Colonial Office had also prepared a brief overview of the issues raised by Pindling. Regarding the absence of majority rule, the Colonial Office recounted in particular the developments that had taken place since the last general election, and stressed that changes had been made to the electoral system, but that these changes had not yet been tested in an election, concluding that there was "no evidence that the provisions of the constitution […] are operating, or will operate unfairly."[135] Regarding the allegations of corruption, the Colonial Office had this to say:

> Some cases have come to our attention where there has been a conflict between Ministers' private interests and the public interest; but we have no reason to believe that in any of these cases such conflict has led to conduct that could be described as "scandalous and corrupt". One of the difficulties that the Bahamas' Ministers have made for themselves is that, while they have agreed amongst themselves on a Code of Conduct to guide them in these situations, they have so far, despite urging from

132 Petition by the PLP to Queen Elizabeth II, February 1966, TNA: CO 1031/5217.
133 Petition by the PLP to Queen Elizabeth II, February 1966, TNA: CO 1031/5217.
134 Governor Grey to Secretary of State for the Colonies Pakenham, 26 February 1966, TNA: CO 1031/5217.
135 Colonial Office to Buckingham Palace, 20 June 1966, TNA: CO 1031/5217.

> here, not agreed to publish it. Their position would probably be much better understood by the general public if they were to do so.[136]

However, Bahamian realities were such that most active politicians were amongst the colony's leading businesspersons and professionals. The 1963 Constitution continued to treat government as an unpaid part-time activity. Thus, in order to secure their livelihoods, neither Members of the House of Assembly nor Cabinet Ministers could afford to divest themselves of their business interests. As Cabinet proceedings were secret, just as the proceedings of the Executive Council had been, even if members recused themselves, suspicions of conflicts of interest were ever-present. In conclusion, the Colonial Office recommended that a reply should be sent to Pindling, through the Secretary of State for the Colonies, "to the effect that the petition has been laid before Her Majesty, but that he was unable to advise Her Majesty that it should be granted."[137] The Palace agreed to this, but added the following in its reply to the Colonial Office:

> The Bahamas Government have certainly taken their time about sending on their comments on this Petition; perhaps it might be advisable to ask them to try and act more briskly in any future case that may arise, otherwise there is a danger that Petitioners may suspect that their Petitions are being unnecessarily delayed in London.[138]

On July 22nd, Governor Grey wrote to Pindling, informing the latter that the petition had been

> laid before the Queen but that the Secretary of State was unable to advise that it should be granted. In tendering this advice, the Secretary of State was mindful, in considering the allegation that majority rule was denied, of the representations that you made about the Constituencies Commission's report and of the reply, to which Mr. Secretary [Frederick] Lee had nothing to add, returned to those representations.[139]

The last sentence was added after Grey alerted the Colonial Office that simply denying to grant the petition was "likely to afford fresh ammunition to Pindling […] in that it can be represented as statement that H.M.G. is unable to advise the establishment of 'majority rule'."[140]

136 Colonial Office to Buckingham Palace, 20 June 1966, TNA: CO 1031/5217.
137 Colonial Office to Buckingham Palace, 20 June 1966, TNA: CO 1031/5217.
138 Buckingham Palace to Colonial Office, 23 June 1966, TNA: CO 1031/5217.
139 Governor Grey to Lynden Pindling, 22 July 1966, TNA: CO 1031/5217.
140 Governor Grey to Colonial Office, 11 July 1966, TNA: CO 1031/5217.

This instance in particular, much like the overall tone of many of the Colonial or Commonwealth Office's internal memoranda during that period in general, demonstrates that Whitehall was no longer willing to exercise oversight over Bahamian affairs as closely as it had done in the past. The existing House of Assembly had been elected under an electoral framework that was the result of the reform process that had taken place during 1958/59, the principles of which the Bahamian opposition had explicitly agreed to. The next House was going to be elected under a framework further reformed along the lines decided by the 1963 constitutional conference. On that occasion, the Bahamian opposition had recorded its dissent, but nonetheless agreed to respect the result and to seek additional reforms only in the case that parliamentary majorities in the Bahamas should shift. The Colonial Office thus accepted the Bahamian House of Assembly as having been democratically elected and therefore as having legitimation to decide the colony's internal affairs, operating within the parameters of the Constitution of 1963.

This carefree attitude did not last long. On October 5th, 1966, the *Wall Street Journal* published an article by Monroe W. Karmin and Stanley Penn in which many of the accusations of corruption and conflicts of interest made by the PLP against the UBP Cabinet were repeated and elaborated upon with great detail.[141] While Whitehall had dismissed the accusations when made by the PLP, it could not dismiss them as easily now. Karmin and Penn, who would go on to win a Pulitzer Prize for investigating and reporting this story, made their allegations as ostensibly independent journalists and not as the UBP's political opponents. Furthermore, the publicity caused by an article in an internationally influential publication such as the *Wall Street Journal*, made a far greater impression on the Commonwealth Office than the words of opposition politicians in a small colony.[142] The British *Economist* picked up the story, too. It accused the British government of having ignored the allegations for far too long and speculated that Prime Minister Harold Wilson had thus far remained passive for fear of a unilateral declaration of independence by the Bahamians.[143]

141 Stanley Penn and Monroe W. Karmin, "Las Vegas East: U.S. Gamblers Prosper in Bahamas with Help from Island Officials," Wall Street Journal, October 5, 1966; Stanley Penn and Monroe W. Karmin, "Kingdom in the Sun: Tough-Willed American Turns a Bahamas Island into Thriving Enterprise," Wall Street Journal, October 19, 1966.

142 Hughes (1981) 116.

143 "Bahamas: Trouble in Paradise," The Economist, October 15, 1966, 99.

London could no longer ignore this scandal. Many contemporary observers naturally expected a formal investigation of the allegations. Accordingly, Frank Pakenham, then Secretary of State for Commonwealth Affairs, sent a personal message to Roland Symonette, the Bahamian Premier, suggesting the appointment of a Commission of Enquiry.[144] The Bahamian government's first reaction, however, was a different one. They hoped that by ignoring it, "the fuss would die down."[145] That was not the case. Hoping to catch the opposition off guard, Roland Symonette decided to take this matter "to 'the highest court in the land – the electorate'."[146] By calling an early election, the government hoped to be rewarded for the ongoing boom: "The economy is buoyant; there is full employment; and a rising standard of living. This arises from the spectacular increase in tourist numbers which is due in no small part to the endeavours of Bahamian Ministers."[147]

Despite the Commonwealth Office's refusal to accept an election as a satisfactory means of dealing with the allegations made by the international press, the election was called for January 10th, 1967. Short of suspending the Constitution, a step considered "unthinkable," they saw no way of disregarding the Premier's wish in that regard.[148] Whitehall already suspected that the radical conduct of the PLP over the past two years was aimed at forcing London to take this step.[149] The 1967 election drew attention at higher levels in London than any previous Bahamian elections had, causing the Chiefs of Staff Committee in the United Kingdom's Ministry of Defence

144 Internal Note, Commonwealth Office, 16 September 1966, TNA: CO 1031/5221. N.B.: While the date written on the document is indeed 16 September 1966, the document references events that took place up to 7 December 1966 and speaks of other events planned for 20 December 1966. In the file it is located after a document dated 9 December 1966. It stands to reason that the date on the document is a mistake and that its real date is somewhere between 10–19 December 1966. Shortly before the election, Roland Symonette did agree to a Commission of Enquiry; one was appointed after the election, albeit no longer by a UBP but now by a PLP government.

145 Internal Note, Commonwealth Office, 16 September 1966, TNA: CO 1031/5221. See fn 144 above.

146 Governor Grey to Commonwealth Office, 24 November 1966, TNA: CO 1031/5221.

147 Internal Note, Commonwealth Office, 16 September 1966, TNA: CO 1031/5221. See fn 144 above.

148 Internal Note, Commonwealth Office, 2 December 1966, TNA: CO 1031/5221.

149 Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.

to deliberate over the internal security situation in the Bahamas, urging a review of contingency plans while still deciding not to take any immediate action.[150]

If the UBP expected the snap election to give them a renewed mandate, this gamble backfired. When the votes were counted, the constellation of the House was as follows: eighteen seats each for the UBP as well as the PLP, one seat for Labour leader Fawkes, and one seat for an independent, Alvin Braynen, who had previously been a member of the UBP. This may have appeared like a hung parliament, but within a few short days, the PLP had successfully brokered an agreement with Fawkes to join a PLP-led coalition government, and Braynen, who was promised the position of Speaker of the House, which contemporaries suggested he had long coveted.[151] The PLP had achieved victory. The UBP's rule, which despite the party's deliberate and perhaps desperate effort to present a decidedly mixed slate of candidates in this election was nonetheless perceived as standing for the continued dominance of the colony's white minority, was broken. To this day, January 10th is commemorated as Majority Rule Day. However, closer scrutiny of the election results casts some doubt on this term. As there were also the candidates of the NDP and additional independents, none of whom won any seats, the new government, despite having a parliamentary majority had not quite managed to win a majority of the popular vote. While both major parties won eighteen seats each, the PLP polled 18,462 votes or 42.8 %, whereas the UBP polled 19,408 votes or 45.0 %. These votes, however, still did not directly translate into voters, because those in multi-member constituencies could still vote for multiple candidates. This point had been severely criticised especially by the PLP leading up to the election. Yet because of an opportune outcome, such contradictions were glossed over in the construction of a national narrative, and the election was *ex post facto* redefined as having been contested on an equal franchise.[152]

1967 was the first election in which the political majority in the House of Assembly had had the theoretical power of gerrymandering. However, even if the peculiarities in the Constituencies Commission's report decried by the PLP had been an attempt at this, gerrymandering did not swing the election.

150 Minutes of Chiefs of Staff Committee Meeting, 13 December 1966, TNA: DEFE 4/209.
151 Fawkes (2013) 381.
152 Lynden Pindling, 12 April 1972, quoted in: Beardsley Roker (2000) 25.

Instead, the elections had yielded results that, given the shape the electoral reforms had taken, neither side had predicted. What the election result does show, is that in comparison to the 1962 election, the PLP had suffered considerable losses in terms of overall votes, whereas the UBP had made significant gains, percentage-wise. There are various possible reasons for this. As we have seen, some observers suspected that the limited plural vote as practised in 1962 had indeed benefitted the PLP, possibly increasing the weight of voters originally hailing from the Out Islands but who had migrated to New Providence, many of whom supported the PLP. Others expected that the more radical strategy the PLP had pursued over the past couple of years could have alienated potential voters. A closer look at the numbers raises an additional question. In 1962, approximately 84.9 % of the adult population had registered to vote, and based on these registration numbers, voter turnout on election day had been approximately 85.6 %. The January 1967 election was a snap election, and the register was closed on November 30th, 1966. The House was dissolved the next day. At that time, only approximately 64 % of potential voters had registered to vote. This, too, could have negatively affected the PLP's result, even if the turnout rate amongst registered voters remained stable, as registration rates were higher amongst likely UBP voters than they were amongst likely PLP voters.[153] Finally, later developments can also be interpreted in yet another direction, namely that voters in 1967 shied away from voting for the PLP for fear of being on the losing side – again.

6.5 New Majority, Additional Reform

The new government had a majority of one vote in the House of Assembly, and that was the vote of Fawkes, who had joined and left the PLP twice before, but who had also endorsed the UBP in the election of 1962. The PLP had little faith in the longevity of this coalition.[154] The new government further depended on the neutrality of the Speaker, Braynen, a former member of the UBP, whose dependability they were also unsure of.[155] Convinced that the PLP had not succeeded in getting all its potential voters to the polls

153 Governor Grey to Commonwealth Office, 9 December 1966, TNA: CO 1031/5221.
154 Governor Grey to Commonwealth Office, 31 August 1967, TNA: FCO 44/1.
155 Governor Grey to Commonwealth Office, 27 February 1968, TNA: FCO 44/11.

in 1967, and further convinced that the upset would lastingly damage the UBP, Pindling, the new Premier, seized an early opportunity to call another general election. He hoped that the Bahamian people would not just renew his mandate but would afford his party a more comfortable parliamentary majority. This opportunity came in 1968, after the new government had laid the groundwork.

First, having so vehemently opposed the 1965 Constituencies Commission report, the new government caused the appointment of a new commission to produce a new report posthaste. It reported before the end of the year and, predictably, recommended increasing the constituencies for New Providence from seventeen to twenty and reducing the constituencies for the Out Islands from twenty-one to eighteen.[156] Furthermore, all constituencies were now to be single-member constituencies. This time, it was the UBP, who protested bitterly. Not willing to commit in answering the question whether or not the new report amounted to gerrymandering, the Governor nonetheless opined that it was done in "indecent haste," and that

> [e]ach of the improprieties alleged against the former Government by the P.L.P. has certainly been committed by the P.L.P. now that they have 'the power'; the only difference one could detect, even if one accepted all the allegations made against the U.B.P. (and I think that some of them were not justified), is that the P.L.P. are more blatant and more heedless of public opinion.[157]

However, while the individual delimitations of some constituencies might raise suspicion, the ratio of twenty to eighteen constituencies for New Providence and the Out Islands respectively was not only within the parameters set by the Constitution, but could also easily be justified by census figures. Furthermore, by now even the UBP, probably recognising the futility of its stance as the minority party, agreed that multi-member constituencies ought to be abolished.[158]

Second, while even former Premier Roland Symonette had, prior to the election, eventually agreed to a Commission of Enquiry to look into the allegations made by the *Wall Street Journal*, it was under the new Pindling-

156 Internal Note, Commonwealth Office, 12 December 1967, TNA: FCO 44/7.
157 Governor Grey to Commonwealth Office, 5 December 1967, TNA: FCO 44/7. Brackets in the original document.
158 Constituencies Commission Minority Report, 1967, TNA: FCO 44/7.

led government that this Commission would convene. While its final report may not have resulted in any indictments, it was nevertheless politically damning for many prominent members of the UBP. Seizing the moment, Pindling pushed the following resolution through the House of Assembly:

> Resolved, that having regard to the Report of the Commission of Inquiry on Gambling, this House is of the opinion that the Members of the Legislature found therein to have received consultant fees and other questionable payments were guilty of a grave crime against the people of the Bahamas, and ought to be and are hereby condemned.
>
> Resolved further, that this House no longer has confidence in such Members and, in the interest of public decency, is of the opinion that such Members should retire from public service.[159]

Then in February 1968, Uriah McPhee, the PLP's Member of the House of Assembly for Shirlea, a constituency in New Providence, passed away, and "[r]elying on the Bahamian people's traditional love of splendid burial ceremonies, the PLP accorded him the first ever Bahamian state funeral."[160] The prevailing narrative is that after McPhee's death Pindling, instead of calling for a bye-election, took a page out of Roland Symonette's playbook and seized the moment to call a snap general election.[161] However, a decision in principle to have a general election at some point in 1968 had already been made at the PLP's annual convention in September 1967.[162] For several months, the new government had been actively encouraging eligible persons to register as voters, so that within fifteen months, the voters' register had grown by nearly 46 %.[163]

The sudden vacancy in the House, in fact, threatened to put Pindling's plan – or at least his preferred schedule – at risk. To avoid having to call for a bye-election, he had to move the election forward to April 10th, 1968. Even this date made it necessary for him to stall by exercising pressure on the Speaker to evade "his clear obligation under S 29(2) of House of Assembly Elections Act […] to send message to Chief Secretary requesting issue of writ."[164] March 10th would have been too soon, but Pindling's as well as his

159 Governor Grey to Secretary of State for Commonwealth Affairs Thompson, 1 February 1968, TNA: FCO 44/41.
160 Craton / Saunders (1998) 348.
161 Craton / Saunders (1998) 348.
162 Governor Grey to Commonwealth Office, 20 September 1967, TNA: FCO 44/1.
163 Craton (2002) 148.
164 Governor Grey to Commonwealth Office, 26 February 1968, TNA: FCO 44/10.

supporters' superstition made a tenth of a month the only acceptable date, hence the need for the delaying tactics. Pindling was the "Black Moses,"[165] and "the 10 January 1967 election had been the flight from Egypt […] on 10 April 1968 was to be the crossing of the Red Sea."[166]

The level of surprise, therefore, was not the same as it had been fifteen months earlier, but this time, the gamble paid off. The PLP won twenty-nine out of thirty-eight seats and could now govern without having to rely on politicians with a track record of crossing the aisle, such as Braynen or Fawkes. The large margin of the PLP's victory was only in part the result of the redrawn constituency borders. The government had succeeded in getting a much larger part of the electorate registered, and turnout amongst registered voters was 85.5 %. Given the abolition of multi-member constituencies, 1968 therefore saw the first general election in the Bahamas where every voter had one vote, and where this one vote amounted to nothing more than marking a single cross for a single candidate. In this election under universal and equal suffrage, the PLP won 62.8 % of the popular vote, giving some weight to the hypothesis that the low numbers of the previous year had not accurately reflected the support the PLP enjoyed amongst the population at that time.

Armed with a renewed and now much stronger mandate, as well as an earlier first interim report of the House Constitution Committee, the PLP requested that Whitehall convene another constitutional conference. While the 1968 election had been based on all single-member constituencies, the Constituencies Commission had not been legally required to produce any such report from which this would follow. It could just as well have retained multi-member constituencies instead. In accordance with the reservation it had noted in the report of the last constitutional conference, the PLP now undertook to abolish multi-member constituencies once and for all by ensuring that the Constitution would mandate single-member constituencies going forward.[167]

165 Belton (2017) 59.

166 Hughes (1981) 138. N.B.: During the twenty-five years that Pindling remained in office (1967–1992), every general election was held either on a tenth or nineteenth – the cross total of nineteen also being ten – of a month.

167 First Interim Majority Report of the Select Committee on Constitutional Advance, 11 January 1968, TNA: FCO 44/3.

A constitutional conference, of course, would consider other matters, too. The PLP's proposals indicated that they intended for the political executive's powers to be increased beyond what London had agreed to in 1963. Some of the proposals included that the service commissions and matters of internal security would come under control of the Cabinet, or even that Cabinet was to have a voice in matters of external affairs in general and in regulating air traffic to and from the Bahamas in particular as well as in selecting the colony's future Governors.[168] The UBP opposed any additional constitutional reforms so shortly after the first Constitution granting a degree of responsible government to the Bahamas had come into effect. It also strongly opposed any proposals that would give Cabinet more authority.[169] Despite their reservations, the conference convened in London in September 1968.

The British government refused many of the PLP's demands, especially where it saw its own geostrategic interests, or those of its international partners, affected. After all, it was the height of the Cold War, and the Bahamas' territorial waters border both Cuban and US waters. The latter also leased several military installations in the Bahamas from the British government.[170] The Commonwealth Office made its view clear, even before the commencement of the conference:

> if the Bahamas want to be independent […] H.M.G. will do nothing to stand in the way. He [Pindling] cannot, however, have his cake and eat it. If, for economic reasons, the Bahamas Government wishes to retain the apparent tourist attraction of being a British Colony, then they must have what goes with it. They cannot have it both ways.[171]

Pindling was, nonetheless, able to save face at home by scoring an unexpected victory. He wanted his title to be elevated from Premier to Prime Minister, even though according to a 1965 policy implemented by then Secretary of State for the Colonies Greenwood, the title of Prime Minister should only be used in dependent territories once a date for their independence had been set. While the lack of opposition to this request from the Bahamian opposition

168 Internal Notes, Commonwealth Office, 19 January 1968, 8 February 1968, 13 February 1968, TNA: FCO 44/3.

169 Press Release of the UBP, January 1968, TNA: FCO 44/3.

170 Bahamas Constitutional Conference: Brief No. 3, Commonwealth Office, August 1968, TNA: FCO 44/13.

171 Internal Note, Commonwealth Office, 29 July 1968, TNA: FCO 44/4.

surprised the Commonwealth Office, it allowed Whitehall to use this vanity item as a bargaining chip at the conference.[172] In fact, even though the title was not conferred until the new Constitution came into effect, Pindling started styling himself as Prime Minister – instead of Premier – immediately after the conference. The Foreign and Commonwealth Office decided to play along, recognising that "he attaches significance" to the title.[173]

There were other changes in the constitutional language. Henceforth, Members of the House of Assembly would be called Representatives instead, but the body itself would not become a House of Representatives. The conference files only show that this was the result of a proposal by the PLP, and while this proposal did not appear to generate any enthusiasm, none of the participants at the constitutional conference were fundamentally opposed to it either. A conference note indicates that the UBP, for instance, was "[p]repared to agree" on the matter; for other points that conference participants genuinely supported rather than merely not opposed, however, the corresponding comment was simply a less ambiguous "[a]gree."[174] As for the Commonwealth Office, the entire discussion regarding this point in the briefing notes for the United Kingdom delegates at the conference consisted of a single sentence: "Although this seems a slightly odd title given the name of the House, we can accept the proposal."[175]

The term Representative suggests a possible American influence, as does the other name change. The colony of the Bahama Islands now officially became the Commonwealth of the Bahama Islands. This was subject of some more debate within the Foreign and Commonwealth Office. Outlining how the Bahamas still fell short of Associated Statehood "as provided for in the West Indies Act 1967," the West India Department compared and contrasted the colony's status and level of constitutional development to that of the British dependencies of Malta and Singapore – as well as that of the Commonwealth of Puerto Rico, a US territory bearing the desired title.[176] In 1961, Malta had been granted internal self-government, and its name

172 Internal Note, Commonwealth Office, 26 September 1968, TNA: FCO 44/5.
173 Internal Note, Foreign and Commonwealth Office, March 1969, TNA: FCO 44/159.
174 Summary of Bahamian Delegations Proposals, 19 September 1968, TNA: FCO 44/17.
175 Bahamas Constitutional Conference: Brief No. 8, August 1968, TNA: FCO 44/13.
176 Internal Note, Commonwealth Office, September 1968, TNA: FCO 44/13; Bahamas Constitutional Conference: Brief No. 1, August 1968, TNA: FCO 44/13.

changed to the State of Malta. The Foreign and Commonwealth Office would have preferred for the Bahamas to adopt that terminology instead, but, speculating that the Bahamians were motivated by the prestige the title of Commonwealth would carry, eventually conceded the point, having reached the conclusion that the name change did "not necessarily imply a new status."[177] From a Bahamian point of view, however, these points also carried symbolic weight. They marked a deliberate effort to create the nucleus of a Bahamian national identity. Similarly, after the conference and during the drafting stages of the new Constitution, the PLP sought to include an identity-generating preamble, which London rejected.[178] Nonetheless, the new Constitution "considerably strengthened the colony's independent authority while augmenting the power of the ruling party within it."[179] The cautiously nationalistic tone was crucial in achieving this objective, given that one opposition party had already adopted the adjective "national" in its name, and Fawkes had already made independence part of his party's platform.[180]

On many points, the various parties were able to reach agreement at the conference. However, much like at the previous constitutional conference in 1963, the issue of delimitation of constituencies caused the main opposition, now the UBP, to object vehemently, and even the Foreign and Commonwealth Office was somewhat uneasy. The PLP wanted to abolish both the prescribed quota of minimum and maximum numbers of seats for New Providence and the Out Islands respectively and the overall maximum number of seats in the House of Assembly. Pindling in fact argued that a larger House with smaller constituencies would improve the representation of the Out Islands.[181] However, not only did the existing ratio already ensure a numerical overrepresentation of the Out Islands, but later developments would demonstrate that the PLP's proposal would not improve the Out Islands' representation. Upon independence in 1973, the ratio and limit on the overall size were abandoned. The constitutional guidelines for the delimitation of constituencies continued to include the following principle:

177 Bahamas Constitutional Conference: Brief No. 1, August 1968, TNA: FCO 44/13.
178 Internal Note, Foreign and Commonwealth Office, 18 February 1969, TNA: FCO 44/154.
179 Craton / Saunders (1998) 349.
180 Craton (2002) 129.
181 Bahamas Constitutional Conference: Record of the Eighth Plenary Session, 23 September 1968, TNA: FCO 44/160.

> the Commission shall be guided by the general consideration that the number of voters entitled to vote for the purposes of electing every member of the House of Assembly shall, so far as is reasonably practicable, be the same and the need to take account of special consideration such as the needs of sparsely populated areas, the practicably of elected members maintaining contact with electors in such areas, size, physical features, natural boundaries and geographical isolation.[182]

While the Family Islands, as the Out Islands are known nowadays, continue to be somewhat overrepresented to this day, the representation in the House of Assembly nonetheless continues to be dominated by New Providence. In the 1967 elections, New Providence constituencies had accounted for 44.7 % of the seats in the House of Assembly, and, based on the 1963 census, New Providence accounted for approximately 62.1 % of the overall population.[183] This marked the last time New Providence constituencies accounted for a minority of all seats. By 1968, New Providence constituencies accounted for 52.6 % of all seats, and following the most recent general election of 2017, 61.5 % of the Members of the House of Assembly represent New Providence constituencies. Based on the 2010 census, New Providence now accounts for a total of 70.1 % of the population.[184]

While the principles by which "the Commission shall be guided"[185] were arguably more democratic by themselves rather than with quotas that were already skewed and that were not flexible enough to adjust to population shifts already underway, these principles were not specific enough to prevent politically motivated gerrymandering, given that the majority party in the House of Assembly also held the majority in the Constituencies Commission.[186] However, whereas in 1963 the parties fought over this point because their respective voter bases had been clearly identifiable in the 1962 election, the 1968 election showed that the UBP's stranglehold on the Out Islands had slipped away. In turn, the PLP realised that conceding the point was unlikely to cost them an election. The quota was left unchanged.[187]

The other reservation the PLP had recorded in 1963, however, was addressed now. The new Constitution banned multi-member constituen-

182 *Constitution 1973* (Bahamas), art 70(2).
183 Bahamas Registrar General Department (1963) [38].
184 Bahamas Department of Statistics (2012) 2.
185 *Constitution 1969* (Bahamas), s 62(2).
186 Bahamas Constitutional Conference: Brief No. 9, September 1968, TNA: FCO 44/13.
187 *Constitution 1969* (Bahamas), s 60(1).

cies.[188] This meant that going forward there would now be a constitutional guarantee that every voter would have one vote, and one vote only. While the 1968 election had already been conducted on this principle, this had only been the case because the Constituencies Commission's report reflected the political preferences of the PLP and accordingly prescribed all single-member constituencies. It had not been legally required to do so.

The upper chamber, the Senate, also saw a change in its composition. As an appointed body, its political majorities depended on who decided the appointments. Under the Constitution of 1963, the majority of Senators were appointed at the Governor's discretion. They were therefore potentially independent of the parties represented in the House of Assembly.[189] Going forward, however, this changed. The Constitution of 1969 effectively gave the Prime Minister the right to decide the majority of Senate appointments.[190] The political majority in the Senate would then reflect the political majority in the House of Assembly. This constellation can be observed in many post-colonial systems modelled upon Westminster, where it has often led to the appointed upper chambers lacking the political independence inherent in the House of Lords in the original Westminster system.

Another fundamental change was the introduction of a new requirement for membership in both the House of Assembly and the Senate. Going forward, it was no longer sufficient to be a British subject. Instead, potential Representatives or Senators had to possess "Bahamian status" in order to qualify for membership.[191] This was defined as follows:

> For the purpose of this Constitution, a person shall possess Bahamian status if –
> (a) he is a British subject and was born in the Bahama Islands; or
> (b) he is a British subject and was born outside the Bahama Islands of a father or mother who was born in the Bahama Islands; or
> (c) he is a person who possesses Bahamian status under the provisions of any law for the time being in force in the Bahama Islands; or
> (d) he obtained the status of a British subject by reason of the grant by the Governor of a certificate of naturalisation under the British Nationality and Status of Aliens Act 1914(a) or the British Nationality Act 1948(b); or

188 *Constitution 1969* (Bahamas), s 60(3).
189 *Constitution 1963* (Bahamas), s 29(2).
190 *Constitution 1969* (Bahamas), s 30(2).
191 *Constitution 1969* (Bahamas), ss 31 and 37.

(e) she is the wife of a person to whom any of the foregoing paragraphs of this section applies not living apart from such person under a decree of a court or a deed of separation; or
(f) such person is the child, stepchild or lawfully adopted child under the age of eighteen years of a person to whom any of the foregoing paragraphs of this section applies.[192]

This so-called Bahamian status replaced the construct of belongership that was first introduced in the Immigration Act of 1963, and it formed the nucleus around which Bahamian citizenship was defined upon independence in 1973.[193] The influence of the United Kingdom's own nationality provisions is still clearly recognisable, such as the still ongoing limited application of *jus sanguinis* or the by now abandoned automatic extension of a husband's status to his wife – but not vice versa.[194] The latter principle, however, continued to exist as a right by application.[195] Under the United Kingdom's British Nationality Act of 1948, *jus soli* was applied unconditionally.[196] Therefore, as long as the Bahamas remained a British colony and as long as the relevant section of British Nationality Act of 1948 continued to have effect, anyone born in the Bahama Islands was automatically a British subject. However, the description in point (a) already points to the future, where this automatic right to citizenship would no longer automatically apply to the children of non-nationals. Thus begins the shift towards an incomplete adoption of both *jus soli* as well as *jus sanguinis*, which characterises Bahamian citizenship provisions to this day.[197]

6.6 One Voter, One Vote

The General Assembly Elections Act of 1959 had introduced universal male suffrage but retained a limited form of plural voting. In 1961 the Votes for Women Act extended the suffrage on these same terms to women, too. Up

192 *Constitution 1969* (Bahamas), s 128.
193 See pages 221–225 below.
194 *British Nationality Act 1948* (United Kingdom), s 9(1); *British Nationality and Status of Aliens Act 1914* (United Kingdom), s 10.
195 *British Nationality Act 1948* (United Kingdom), s 6. For the definitions of automatic acquisition as well as other principles of acquisition of nationality, see: Fransman (2011) 107–108.
196 *British Nationality Act 1948* (United Kingdom), s 4.
197 Aranha (2015a) 9.

to this point in time, the reforms leading to an extension and democratisation of the suffrage had followed a general pattern where results were wrested from the ruling Bay Street oligarchy after the Colonial Office decided to exercise pressure on the Bahamian House of Assembly, and the Colonial Office would only exercise this pressure after it was satisfied that a substantial segment of the Bahamian electorate demanded these changes. Furthermore, key events such as the riotous bye-election in New Providence's Western District of 1938, the *Burma Road* riots of 1942, or the General Strike of 1958 demonstrated to Whitehall that a continuation of the *status quo* would not be tenable. This realisation then marked the moment that strengthened London's resolve to increase the pressure until it reached a tipping point.

Until and inclusive of the General Assembly Elections Act of 1959, the ruling white minority in the House of Assembly had also always succeeded in offsetting, to an extent, democratic gains it had to concede in the reform process with countermeasures that worked in its favour. These were often snuck into the Act unnoticed by the opposition, Government House, and even the Colonial Office. These reforms had been brought about by amendments or revisions to the statutes governing elections. The bills for these Acts had been drafted by the ruling white minority – or on their behalf by hired draftsmen. Nonetheless, London was able to influence the result, either through amendments made by the Legislative Council, or, if necessary, by threatening disallowance.

The two successive rounds of constitutional reform in 1963/64 and 1968/69, both of which again affected the electoral system of the colony, followed a different pattern. After the passage of the General Assembly Elections Act of 1959 and the Votes for Women Act of 1961, the Colonial Office considered the Bahamian franchise sufficiently democratic to shift its focus and entrust the locally elected House of Assembly with more responsibility. It no longer considered it necessary to press for further democratic reforms of election laws. Rather the Colonial Office now actively supported broader constitutional reform, which included the devolution of colonial power towards responsible government. Furthermore, whereas the drafting process for the reforms enacted at the level of statute law had been controlled by the Bahamian House of Assembly, the drafting process at the constitutional level was controlled by Whitehall.

The Constitution of 1969 marked a milestone crowning roughly half a century of political agitation for democratic reforms to the colony's election laws. Most major demands had been met, and to the casual observer the differences in the electoral system of 1969 and that of today are probably not apparent at first glance. There had been proposals made by the opposition prior to 1967 that had not been enacted, but the general elections of 1967 – and especially 1968 – demonstrated that political power could be wrested from Bay Street and the UBP without these additional measures. One person, one vote was sufficient equality as far as the PLP was concerned, though to purists, "[t]he full expression of the democratic principle is […] 'one person, one vote; one vote, one value'."[198]

However, this kind of equality is untenable in a constituency-based electoral system in an archipelagic territory, and moving away from this basic model has never been discussed in the Bahamas. Subsequent electoral reform steps therefore were never again as bold. The forces that had driven reform for decades as the opposition representing the disenfranchised – or at least inadequately enfranchised – masses against the ruling white oligarchy had won the government in 1967. While some had argued for electoral reform out of democratic convictions, others had seen electoral reform as a means to an end, and that end had now been achieved.

Consequently, additional adjustments made to Bahamian electoral law since were not only small in comparison, but were also no longer initiated from below, whether from the opposition bench or even the general population. They therefore did not have to overcome similar levels of resistance. Rather, they were initiatives of successive governments, which consistently controlled comfortable parliamentary majorities. This also meant that the process was much smoother and above all quieter, involving far less public discourse. These smaller reforms and, where applicable, their contrast to the unfulfilled pre-1967 demands will be the subject of the next chapter as well as the conclusion.

198 Robinson (2003) 101.

Chapter 7
Post-Independence Suffrage

Thus far, the recurring theme of this book has been the gradual extension of the franchise, and, until the attainment of universal adult suffrage, the general trend was that the electorate grew. This held true despite various efforts of the Bay Street oligarchy to counterbalance the effects of democratic reforms forced upon them with arguably undemocratic measures hidden in the minutiae of electoral law. This chapter will see a somewhat different development – one in which the composition of the electorate not only changed, but where these changes even led to the disenfranchisement of some persons. However, the principle of universal adult suffrage was not being abandoned here; rather, the citizenry and therefore the electorate were being redefined. At the beginning of the period under examination, being a British subject was one main criterion for being eligible to vote. Soon after independence, the franchise would be limited to Bahamian citizens – a category that only came into existence on July 10th, 1973, the day the Bahamas ceased to be a British colony and attained national sovereignty.

The process of shaping the Bahamian citizenry and thus the future electorate began with the Immigration Act of 1963 and was finalised by the Representation of the People (Amendment) Act of 1975. The constitutional reforms and revisions of immigration and election acts during this period, and in particular their impact on the composition of the electorate, are the focus of this chapter. Apart from determining national citizenship, there were other aspects affecting the franchise, which will be discussed, too, such as the voting age and certain nomenclature used in the democratic framework of the Bahamian incarnation of the Westminster system.

7.1 *Belongers*

As a first and intermediary step during this process of creating a Bahamian citizenry, a category of persons who would come to be known as *Belongers* – or persons "deemed to belong to the Bahama Islands" – was introduced as

part of the Immigration Act of 1963.[1] This category then became a part of the Constitution that came into effect in 1964, when the Bahamas first moved towards internal self-government.[2] As the term *Belonger* may suggest, this was initially thought of as a category for the purpose of regulating immigration, and with it residency and work permits. However, as such it also formed the nucleus of how Bahamians would come to envisage the citizenship of their future nation. Most notably, this new category excluded British subjects with no birth ties to the colony, even if they were permanent residents. It was in fact conceived by the UBP, who argued that it was "essential for economic reasons that the Government should be in a position by legislation and executive action adequately to protect people who belong to the Bahamas against 'outsiders'."[3] The Colonial Office discussed this proposal in less neutral terms as an effort "to prevent lawyers (and to some extent others) from acquiring the right to engage in business in competition with established interests."[4] When British officials began to fathom the consequences this might have, they nonetheless accepted the underlying motive as a legitimate one:

> there is no doubt in our minds that it would be unfair to require the Bahamas Government to de-restrict for employment purposes individuals who have been accepted as permanent residents in the past on a specific condition fully understood by them that they would not (repeat not) be allowed to take up employment or engage in business.[5]

Some of the affected individuals voiced concerns and argued passionately that this constitutional construct, which had reinforced the immigration category of *Belonger* status, was problematic, even if at times it became quite apparent that their main bone of contention were the labour and business restrictions which they had known of all along and which they had originally agreed to as described above. One example cited where this could pose a problem was that, regardless of this new status, such non-belonger British subjects continued to be eligible to serve in the Legislature, yet not having

1 *Immigration Act 1963* (Bahamas), s 13.
2 *Constitution 1963* (Bahamas), s 11(4).
3 Stafford Sands to Governor Stapledon, 22 October 1963, The National Archives, Kew, United Kingdom (TNA): CO 1031/4468.
4 Internal Note, Colonial Office, 10 September 1963, TNA: CO 1031/4385.
5 Governor Stapledon to Colonial Office, 12 October 1963, TNA: CO 1031/4385.

Belonger status could make them vulnerable to deportation should they attract the ire of the government of the day through "the free expression of my views" in such a capacity and thus be deemed "undesirable."[6] The historical record demonstrates that in the past such British subjects and Bahamian residents who would not automatically qualify as *Belongers* were rarely tempted to seek election to the House or an appointment to the Executive or Legislative Councils or later the Senate. Nonetheless there have been prominent exceptions to this rule, most notably Harry Oakes, whose 1938 campaign had been the final straw that convinced the Colonial Office of the necessity to bring the secret ballot to the Bahamas.[7] Furthermore, non-belongers had always exercised their right to express political opinions, both in private and in public. Therefore, the concern that an uncertain immigration status could handicap legislators in the execution of their role was more than a mere academic consideration. In consequence then, even though the *Belonger* category was conceived in an immigration context, it had the potential to at least indirectly influence political discourse in general and future elections in particular – both in terms of which candidates might offer to stand for election as well as in terms of voter behaviour.

The files of the Colonial Office indicate that the British delegates at the Constitutional Conference had not foreseen all the implications that these provisions would have. They attempted to excuse this oversight by claiming that "it would not be unfair to say that the decisions were reached under a certain amount of time pressure."[8] At the same time, even though the Colonial Office was sympathetic to arguments calling for a redefinition of *Belongers*, it realised that such an undertaking had "very little chance of being accepted."[9] Indeed, no solution amounting to a constitutional entitlement was found. Like the Immigration Act of 1963, which had already created a process for obtaining *Belonger* status via application, the Constitution merely stated that *Belonger* status could also be granted to persons "deemed to belong to the Bahama Islands under the provisions of any law for the time being in force in the Bahama Islands."[10]

6 *Constitution 1963* (Bahamas), ss 30, 31, 36, 37; Ralph Seligman to Colonial Office, 6 June 1963, TNA: CO 1031/4385.
7 See pages 52–56 above.
8 Internal Note, Colonial Office, 14 August 1963, TNA: CO 1031/4385.
9 Internal Note, Colonial Office, 14 August 1963, TNA: CO 1031/4385.
10 *Constitution 1963* (Bahamas), s 11(4)(c).

Under the Immigration Act, persons could apply for *Belonger* – later Bahamian – status after five years of residence in the Bahamas. This application process was open not only to British subjects, but to foreigners, too.[11] Because *Belonger* status was at first but an immigration category, the fact that non-British persons were eligible to apply for it was owed to the presence of a considerable number of predominantly US citizens, who had made the Bahamas their home but had no desire to give up citizenship of the United States of America.[12]

The Immigration Act spelled out the criteria that persons had to meet in order to be eligible to apply; these were limited to age and residency requirements, a declaration that the applicant intends to make "the Bahama Islands his permanent home" and the applicant being "of good character."[13] It also prescribed the manner in which the application was to be made, but it explicitly did not state any criteria upon which such applications would be decided. Rather, this was left to the "absolute discretion" of the Board of Immigration.[14] To this day, however, the Immigration Board in the Bahamas is not a politically independent body but merely Cabinet by another name, for since its inception in 1963 the Board "consist[s] of the persons for the time being holding office as Ministers."[15] This constellation put applicants at the mercy of Bahamian politicians, and while it might have provided some solution to their otherwise unchangeable immigration status, it did not, in the case of British applicants, address the paradox of being eligible to vote and stand for election, despite not enjoying a guaranteed immigration status. To an extent, this paradox continued even for those British subjects whose applications for *Belonger* status were approved, for unlike *Belongers* by constitutional entitlement, *Belongers* by application could have their status revoked.[16]

The absence of any discussion regarding this point in the files of the Colonial Office speaks volumes about London's waning interest in their Bahamian colony now that internal self-government had been achieved. In

11 *Immigration Act 1963* (Bahamas), s 14; *Immigration Act 1967* (Bahamas), s 12.
12 Internal Note, Home Office, 13 October 1967, TNA: HO 213/2294.
13 *Immigration Act 1963* (Bahamas), s 14(1).
14 *Immigration Act 1963* (Bahamas), s 12(1).
15 *Immigration Act 1963* (Bahamas), s 11(1).
16 *Immigration Act 1963* (Bahamas), s 15(2); *Immigration Act 1967* (Bahamas), s 13(2).

a colony with an ever-present fear of political victimisation, political activity, the freedom of which was guaranteed under the section on the "Protection of Fundamental Rights and Freedoms of the Individual,"[17] was therefore at least subject to potential self-censorship for the individuals in question.[18] As one affected Bahamian resident put it, this amounted to "H.M.Government […] voluntarily bring[ing] a Constitution into effect which forever relegates the British settlers in the Bahamas into second-class citizens."[19]

With the Constitution of 1969, the phrase "belong to the Bahama Islands" was discontinued and replaced by a so-called Bahamian status, though in everyday language Bahamians continued to use the term *Belongers*. The criteria for a person to have Bahamian status remained the same as they had been for a person to be deemed to belong to the colony. However, as the Bahamas progressed towards independence, this category would now have a direct impact on election law, too, as having Bahamian status became a constitutional requirement for standing as a candidate in an election.[20] Furthermore, it also became a requirement for being eligible to vote with the enactment of the Representation of the People Act later in the same year.[21] Because non-British persons could be *Belongers* or have Bahamian status, this new requirement was in addition to, and not instead of, the already existing requirement of being a British subject to vote or stand for election.

7.2 Demographic Aspects

While the above was an instance where the electorate shrank, the legislature also lowered the voting age in this Act. The age required for persons to register as voters was reduced from twenty-one to eighteen years. In this sense, the electorate continued to expand. The 1970 census shows that the latter category of newly enfranchised eighteen to twenty-year-olds with Bahamian status was well upward of 7,000 individuals.[22] Detailed data regarding

17 *Constitution 1963* (Bahamas), Part I, especially ss 9, 10, 12.
18 Governor Cumming-Bruce to Foreign and Commonwealth Office, 24 September 1969, TNA: FCO 44/179.
19 Ralph Seligman to Colonial Office, 6 August 1963, TNA: CO 1031/4385.
20 *Constitution 1969* (Bahamas), s 37(b).
21 *Representation of the People Act 1969* (Bahamas), s 8(1)(b).
22 Commonwealth of the Bahama Islands (1972) 113.

persons who were British subjects but did not have Bahamian status, and therefore lost the franchise, is, unfortunately, lacking from the census report. The report merely contains a category for what it terms "recent immigrants," where "recent" spans a period of twenty years.[23] These are listed by nationality. According to this table, the number of immigrants from the United Kingdom was 4,074, the number of immigrants from the Turks and Caicos Islands, a small British colony that had been a part of the colony of the Bahama Islands until 1848 and forms the south-eastern part of the archipelago, was 1,277, and the total number of immigrants from other British colonies was 247.[24] These figures, however, include minors, too. While there is a table showing the immigrant population by age cohorts, this table in turn is not broken down by nationality, but by previous country of residence and is conflated with persons who do possess Bahamian status who returned from living abroad at any point during the previous twenty years. Nonetheless, it shows that the percentage of minors amongst the immigrant population in 1970 was considerably lower than that of the population with Bahamian status.[25] The 1953 census, which included all the immigrants that the 1970 census considered non-recent, also does not provide a detailed breakdown. It lists a total of 3,440 immigrants who might likely be British subjects as either originating from the United Kingdom, the West Indies, or other parts of the Empire.[26] The West Indies category, of course, also includes non-British parts of the Caribbean, and both the West Indies and other parts of the Empire in 1953 include jurisdictions that by 1970 would have become independent nations. Finally, all three groups include persons who, by 1970, were either no longer alive or no longer living in the Bahamas, or who, because the time between the two censuses was only 17 years, are counted twice, or who under the provisions of either the 1963 or 1967

23 Commonwealth of the Bahama Islands (1972) IV.

24 Commonwealth of the Bahama Islands (1972) 251–255.

25 N.B.: Amongst the population with Bahamian status, 58.2% were under the age of twenty years; amongst the immigrant population, only 20.6% were under the age of twenty years; amongst those whose previous country of residence was the United Kingdom, only 19.6% were under the age of twenty years. See: Commonwealth of the Bahama Islands (1972) 113, 257.

26 *Report on the Census of the Bahama Islands taken on the 6th December, 1953* (Nassau, BS: The Nassau Guardian, 1954) 7.

Immigration Acts had in the meantime obtained Bahamian status. Thus, without being able to determine how many British subjects without Bahamian status were disenfranchised by the Representation of the People Act of 1969, it is safe to say that their number was considerably smaller than the total number of 9,038 individuals described by the various census categories in this paragraph.

Neither the lowering of the voting age nor restricting the suffrage to persons with Bahamian status are surprising developments given the general trends of the era. Furthermore, in the Bahamian context both of these developments would serve to bolster the newly elected government, whose voter base were not only Black Bahamians in general, but the Black Bahamian youth in particular – and not the expatriate demographic. Hence it is no surprise that unlike earlier measures of electoral reform expanding the suffrage, a lowered voting age did not have to be wrought from the hands of an unwilling parliamentary majority. In fact, this time around it was the government that initiated the process and not a grassroots movement that had to be mobilised and organised first, and that too often depended on gaining the attention and then subsequently the support of Whitehall.

It is interesting to note, however, that the lowered voting age in the new Representation of the People Act did not mean that eighteen was the age of majority in the Bahamas then. In its 1974 campaign to have the age of majority reduced from twenty-one to eighteen, the National Youth Congress cited the fact that persons were "considered capable of electing a responsible government" as of the age of eighteen as one of their arguments for lowering the age of majority accordingly.[27] The PLP government proved less progressive in this matter; the first resolution to this effect was moved in the House of Assembly by an independent opposition MP, Michael Lightbourn.[28] Two years later, in 1976, the age of majority was then lowered to eighteen, too.[29]

Another new feature included in the new election act aimed in a similar direction. As the opportunities for tertiary education in the Bahamas were limited at best, the new government expanded these by providing scholarships for young Bahamians to pursue tertiary degrees abroad.[30] While pur-

27 "NYC Joins Call on Age of Majority," The Tribune, 12 January 1974, 1.
28 "M.P. Wants Age of Majority Reduced to 18," The Tribune, 16 April 1974, 1.
29 *Minors Act 1976* (Bahamas), s 2(1).
30 Craton/Saunders (1998) 351.

suing programmes of study abroad, these students remained enfranchised – a privilege that had not been extended to Bahamian servicemen during World Wars I and II or to those temporarily working as agricultural labourers in the United States under the so-called *Contract* between 1943 and 1963.[31] However, to this date, exercising the right to vote remains a challenge for many overseas students, as no postal or electronic ballots are available, and even the possibility of casting one's ballot at some of the – very limited number of – non-honourary diplomatic missions was only introduced in 2011.[32]

7.3 Bahamian Status

The passing of the Representation of the People Act 1969 was a remarkably uncontroversial affair during all its stages. Domestically, the new government had just received what people accepted as an overwhelming mandate, when they defeated the UBP in a snap election, and secured twenty-nine out of thirty-eight seats, polling 62.8 % of the popular vote. The UBP would never recover from this defeat. Roland Symonette resigned from the party leadership, ostensibly for health reasons, and another prominent figure, Stafford Sands, even chose exile from the Bahamas. The new party leader was Geoffrey Johnstone, who thus far had kept a low political profile. The Deputy Governor gained the distinct impression that the UBP's "members neither relish the role of Opposition, nor have any appetite for office as 'professional politicians', and Mr Johnstone has not concealed his desire to get out of politics."[33] The remnants of the party would eventually merge

31 *Representation of the People Act 1969* (Bahamas), s 8(2)(c).

32 *Parliamentary Elections (Amendment) Act 2011* (Bahamas), s 49B. N.B.: At the time of the most recent general election in 2017, overseas polling was only available in five US locations, and in Bridgetown (Barbados), Beijing (China), Havana (Cuba), Port-au-Prince (Haiti), Kingston (Jamaica), Port-of-Spain (Trinidad and Tobago), and London (UK). A Bahamian student anywhere in Europe wishing to cast an overseas ballot would have had to do so at the High Commission in London, a Bahamian student in Australia would have had to do so at the Embassy in Beijing, China. From personal experience working on past election campaigns, I know that the major parties are willing to spend substantial amounts of money to provide air transportation to move individuals whom they believe to vote for them and who are registered in presumably closely contested constituencies, from their overseas place of study to a polling station. Those registered in constituencies that are not deemed closely contested, however, are less likely to benefit from this kind of assistance.

33 Note by Deputy Governor W. H. Sweeting, ca. July 1970, TNA: FCO 44/363.

with other opposition groups that split from the PLP to form the so-called Free National Movement (FNM). The FNM first contested the 1972 general election, and after some setbacks eventually asserted itself as the second player in a developing two-party system, but it would have to wait until 1992 to beat the PLP at the polls.

Not only was there not much opposition to the new Act within the colony, but – unlike it had done with previous election laws – the Foreign and Commonwealth Office took a hands-off approach, too. The case of Derek Bishop may serve as an example. Bishop, a British expatriate living in Freeport, complained to his former MP in the United Kingdom that "there is a bill at present being passed through the Bahamas government in Nassau designed to take away from the British residents in the island, the right to vote in local elections. Another measure instigated to curtail the democratic rights of those living here."[34] The Foreign and Commonwealth Office did not entertain any discussion regarding expatriate voting rights. It concluded that "[t]he purpose of the provision in the Bill is […] straightforward. It is to prevent the votes of those who belong to the Bahamas being swamped by the votes of (recent) incomers."[35]

The provisions of the Constitution of 1969 foreshadowed this development. While the expatriate above seems to have felt discriminated against, his concerns were not captured by the Constitution's provisions providing for protection against discrimination. These may have been defined as prohibiting "different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed."[36] However, the Constitution also contained a reservation or exception applicable to election law, which specified that the non-discrimination clause

> shall not apply to any law so far as that law makes provision […] whereby persons […] may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.[37]

34 Derek Bishop to John Boyd-Carpenter, Member of Parliament for Kingston-upon-Thames, 7 August 1969, TNA: FCO 44/179.

35 Internal Note, Foreign and Commonwealth Office, 2 September 1969, TNA: FCO 44/179.

36 *Constitution 1969* (Bahamas), s 12(3).

37 *Constitution 1969* (Bahamas), s 12(4)(d).

The right to vote in the Bahamas had always been restricted to British subjects, a category already attributable mainly to their respective description by place of origin, and already excluding some residents, even permanent ones, of the Bahamas. It is thus tenable that a further narrowing down of this category, again mainly based on place of origin, in a jurisdiction that is still a colony but that has evidently embarked upon a path towards national independence can be reasonably justified in a democratic society, given that all democratic societies define the electorate partly by the exclusion of some of the inhabitants of their jurisdictions and tend to do so mainly because of their respective place of origin. For these reasons, the Foreign and Commonwealth Office recommended an answer to the enquiring British MP culminating in the affirmation that "these matters are the responsibility of the Bahamas Government not of Her Majesty's Government."[38]

Of course, the affair could have become a matter for Her Majesty's Government if London had not been so keen on moving the Bahamas towards independence. While discussing how to respond to the concerns raised in Bishop's letter, the Foreign and Commonwealth Office, seemingly unaware of the conditions placed on persons applying for Bahamian status under the Immigration Act of 1967, noted:

> It was understood that Bahamian status could be acquired by five years residence but this is now in doubt. A telegram has therefore been despatched to ascertain what the provisions of Bahamian law are governing Bahamian status other than those in the Constitution […] If in fact the Bill does more than extend the present residence requirement from twelve months to five years, […] we might […] have to consider a protest.[39]

The Immigration Act, however, not only contained the residency requirement of five years mentioned by the Foreign and Commonwealth Office, it also contained a number of caveats that the government cited when it chose to deny Bahamian status to a considerable number of applicants without a constitutional claim to it.[40]

The Bahamian government felt confident that London would not impose any consequences of a more serious nature. When the PLP were in opposi-

38 Governor Cumming-Bruce to Foreign and Commonwealth Office, 17 October 1969, TNA: FCO 44/179.

39 Internal Note, Foreign and Commonwealth Office, 2 September 1969, TNA: FCO 44/179.

40 *Immigration Act 1967* (Bahamas), s 12.

tion, some of their actions were in fact designed to shatter London's confidence in Nassau's capability at responsible government and force a suspension of the Constitution. Perhaps emboldened by their own failure as an opposition to convince London to turn back the clock, the PLP as a government felt that there was little they could do that might cause London to intervene. Despite – or maybe because of – its palpable dissatisfaction with the PLP's "mis-government"[41] in Nassau, London was not minded to reassume responsibility:

> The Secretary of State could summon Pindling to London and read the Riot Act; we could threaten to take back security and police; or publicly expose graft; or to appoint a commission of enquiry, and so forth. Such an intermediate course might, however, sacrifice the opportunities to bring Bahamas to independence, […] which it was probably desirable that they should achieve rather sooner than the Bahamas Government at present planned.[42]

As relations between London and Nassau deteriorated further over the next couple of months, the West India Department at Whitehall took a most unusual step: "On instructions from Lord Shepherd, W.I.D. has prepared a draft OPD [Overseas Policy Committee] paper proposing that in certain circumstances Britain should be willing to contemplate taking unilateral steps to bring Bahamas to independence."[43] Indeed, London was not about to reassume responsibility, but it is doubtful that the politicians in Nassau considered the possibility of this other extreme – Whitehall's plan for a unilateral declaration of independence. In its dealings with the Bahamas,

41 Governor Cumming-Bruce to Foreign and Commonwealth Office, 24 September 1969, TNA: FCO 44/179.

42 Minutes of Meeting between Deputy Under-Secretary of State for Foreign and Commonwealth Affairs Monson and Governor Cumming-Bruce, 27 November 1969, TNA: FCO 44/362.

43 Internal Note, Foreign and Commonwealth Office, 13 March 1970. TNA: FCO 44/362. N.B.: The main areas of conflict between the PLP government on the one side and Government House and the Foreign and Commonwealth Office on the other side were the PLP's efforts to politicise the police force, using the Board of Immigration as a tool to victimise political opponents, immigration matters, particularly those pertaining to Freeport and other attempts to unilaterally alter the Hawksbill Creek Agreement of 1955, in which the Bahamian government had not only granted land on the island of Grand Bahama to a private investor to develop a free-trade zone, but also granted them considerable tax concessions as well as the right to exercise many functions in that area which are usually the reserve of the state. See: Craton/Saunders (1998) 324–326.

the former Colonial Office now saw it as its mission to rid itself of its responsibility as a colonial power, and while no plan for London to unilaterally declare the Bahamas an independent country ever came to fruition, London nudged a reluctant PLP government towards independence.

The governments in both Nassau and London were uncertain about Bahamians' stance on the issue of independence, but between them it was agreed that the 1972 general election would be a quasi-referendum on the matter. London had convinced Pindling, and Pindling had convinced his party to move for independence. The PLP, which in 1967 had campaigned against independence and had accused the UBP of moving the Bahamas in that direction,[44] now made independence one plank of its platform going into the election.[45] The result, an overwhelming victory by the PLP with 57.9% of the popular vote, was thus accepted as a mandate for independence, even if some suspected that the matter of independence had not been first and foremost on voters' minds. Governor John Warburton Paul, for instance, offered this analysis:

> The over-riding reason for the PLP victory was, I believe, quite simply that throughout the history of the Bahamas from the mid 17th century until 1967 a white minority (the 'Bay Street Boys' as they came to be called) operating under the authority of the British Government and representing something between 10 to 15% of the population, had been in full control of all political and economic power, forming at the same time an exclusive and impenetrable social enclave secured in its hegemony by a very restrictive and unbalanced franchise including a number of pocket boroughs (in the 1962 election the UBP won 23 seats with some 26,000 votes and the PLP only 8 with nearly 33,000 votes), by the absence of any middle class or anything approximating to a proper civil service, by the lack of communication between the Out Islands and the monopoly of property and wealth and the great scope which this gave to bribery and corruption. […] Against this background […] it is hardly surprising that […] a majority declined to vote for the FNM, a party compounded, in part, of their earlier oppressors.[46]

44 Hughes (1981) 118.
45 Craton (2002) 192.
46 Governor Paul to Foreign and Commonwealth Office, 28 September 1972, TNA: FCO 160/9.

7.4 Citizenship in the Independence Constitution

Regardless of voters' motives, and given the tensions between the Bahamian cabinet and the Foreign and Commonwealth Office, the wheels for independence had in reality been set in motion long ago. The relief that the outcome of the September 1972 election could be interpreted as a vote for independence was unmistakable. To facilitate the process, another constitutional conference was scheduled posthaste. It was convened in December 1972. The Constitution, based on the conference report, was then written by legal clerks in the Foreign and Commonwealth Office, much as had been the case in most previous instances of British colonies becoming independent nations. It was also the experience the Foreign and Commonwealth Office had gained during these processes that made London insist on several features in the Bahamian Constitution against the wishes of the Bahamas government, e. g., the provisions in the chapter on Fundamental Rights and Freedoms of the Individual or the entrenchment clauses that were meant to protect the Constitution.[47] The PLP proposed that a 75 % majority in both Houses of Parliament should suffice to alter the Constitution, whereas the opposition, supported by Whitehall, insisted on mandatory referenda as a safety measure. Since the Senate was an appointed body, the government of the day would always command a 75 % majority in this chamber. Furthermore, given the compounding effects of first-past-the-post elections especially in small jurisdictions, such parliamentary majorities for a single political party are not exceptionally rare. The 1972 election had just given the PLP 76.3 % of the seats in the House of Assembly. In this situation, had the PLP proposal prevailed, constitutional change would have required no bipartisan dialogue.[48]

Another area of some dispute between London and Nassau were the rules regarding citizenship. For the most part, the conference agreed that the citizenship provisions of the independence Constitution would follow con-

47 Minutes of the Defence and Oversea Policy Committee of Cabinet, 23 November 1972, TNA: CAB 148/121; Minutes of the Defence and Oversea Policy Committee of Cabinet, 19 December 1972, TNA: CAB 148/121; Foreign and Commonwealth Office Briefing Notes, May 1973, TNA: FCO 63/1176.

48 N.B.: Five out of the last ten general elections yielded a House of Assembly where the governing party controlled 75 % or more of the seats. On one occasion, the party with such a supermajority had won only 48.6 % of the popular vote but 76.3 % of the seats (in 2012).

temporary British practice, especially where they concerned children yet to be born. In other words, where they regulated the acquisition of Bahamian citizenship from independence day going forward. For those who would constitute the Bahamian citizenry upon independence, the government in London hoped to rely on precedent from previous instances of colonies being granted their independence by Britain. Would all or just some of the persons with Bahamian status automatically become citizens upon independence? If there were groups who did not qualify for automatic citizenship, what avenues acquiring citizenship via registration would be made available to them? Would the United Kingdom be prepared to continue to accept as its citizens individuals who would not become Bahamian citizens?

British citizenship law at the time, and therefore the new citizenship provisions of the Bahamian Constitution, too, were part *jus sanguinis* and part *jus soli*. For the transition from *Belonger* to person with Bahamian status to Bahamian citizen this meant that most of those who had a constitutional entitlement to Bahamian status under the 1969 Constitution automatically became Bahamian citizens upon independence. Most notably, the overseas born children of married Bahamian mothers and foreign fathers, as well as all those who had gained Bahamian status through an application process under either the Immigration Act of 1963 or the Immigration Act of 1967 rather than through a Constitutional entitlement were left without an immediate constitutional entitlement to citizenship but were "entitled, upon making application before 19th July 1974, to be registered as a citizen of The Bahamas."[49] For all those who possessed Bahamian status but had to seek citizenship via registration there were a few more caveats, such as residency requirements, but no person with Bahamian status who had to undergo this application process would have been stateless upon independence. Nonetheless, the Constitution could and still can cause the statelessness of some persons born after independence through its incomplete application and combination of both *jus soli* and *jus sanguinis* – both of persons of

49 *Constitution 1973* (Bahamas), art 5(2). N.B.: To this day, children born outside of the Bahamas to married Bahamian mothers and foreign fathers after independence only have a constitutional entitlement to be registered as citizens upon making application after their eighteenth but before their twenty-first birthdays. See: *Constitution 1973* (Bahamas), art 9(1).

Bahamian heritage born overseas and persons of foreign parents born in the Bahamas.

Where *Belongers* of a given colony and others naturalised or registered as citizens of the United Kingdom and Colonies (CUKC) in such a colony were concerned, there was precedent to be found in the independence processes of other former colonies. Given that the United Kingdom's immigration policy had become more restrictive, London wanted these persons to become citizens of these newly independent nations:

> We ourselves have expressed in other settlements that naturalised persons would become citizens of the new country. The Bahamas have made it easy for these people to demonstrate their affinity with the new country. Their citizenship of the UK and Colonies will have been obtained solely by virtue of a connection with the colonial territory of the Bahamas; and, finally, Ministers wish to reduce the number of citizens of the UK and Colonies as much as possible.[50]

This practice, however, proved contentious with the Bahamian government.[51] Naturalisations may have been conducted in the Bahamas, but they were conducted by the London-appointed Governor rather than by locally elected officials. Accordingly, they were perceived as a colonial act, and naturalised CUKCs were often eyed with suspicion. The Bahamian government, however, was not planning to build a nation of citizens of the Empire – far from it: the Bahamian Deputy Prime Minister Hanna was quoted as declaring that "we are building a black nation."[52]

London on the other hand was also acutely aware of international obligations it had requiring it to prevent the creation of stateless individuals, such as the United Nations' 1961 Convention on the Reduction of Statelessness. In the case of the Bahamas, the number of potentially affected individuals was small. The Home Office conceded:

> We believe there may have been only 171 naturalisations between 1949 and 1972 […] and the remainder of the 750 mentioned would presumably be wives who have been registered. We accept that a naturalised person who objects to acquiring Bahamian citizenship must be allowed to retain citizenship of the United Kingdom and Colonies if he has no other citizenship. We do not think, however, that where he has retained the citizenship he possessed before naturalisation […] he has in

50 Home Office to Foreign and Commonwealth Office, 15 March 1973, TNA: FCO 63/1175.
51 Minutes of the Defence and Oversea Policy Committee of Cabinet, 23 November 1972, TNA: CAB 148/121.
52 Note by Deputy Governor Sweeting, ca. July 1970, TNA: FCO 44/363.

> principle a case for being protected from loss of citizenship of the United Kingdom and Colonies. […] Since the numbers are very small, we do not press that naturalised people who are dual citizens should be deprived of their citizenship of the United Kingdom and Colonies, but in view of the risk of establishing a precedent, it seems important that you should know our views on the question of principle.[53]

In the end, the Bahamas accepted as its citizens those individuals registered as CUKCs in the colony who had been so registered prior to and who were resident in the Bahamas on December 31st, 1972 – provided that they did not also possess the nationality of another country.[54] Persons registered as CUKCs in 1973 would remain CUKCs. Persons naturalised as CUKCs in the Bahamas would automatically become Bahamian citizens one year after independence provided that they did not actively opt against Bahamian citizenship, and provided that they did not possess the nationality of another country.[55] In the latter case, they would lose their status as CUKCs and remain citizens of the respective third country. Like most countries, both the Bahamas and the United Kingdom viewed dual citizenship with scepticism and worked to avoid it.[56] Despite this, the British Nationality Acts of both 1948 and 1981 do not outright ban the practice.[57] The Bahamian Constitution, too, whilst requiring some persons to renounce their previous citizenship upon naturalisation or registration as a citizen of the Bahamas, and whilst containing a provision that Bahamian citizens may have their nationality revoked should they become naturalised elsewhere, does not contain a general prohibition of dual citizenship.[58]

Because of the Bahamian government's insistence on this point, London ultimately agreed to allow those who actively opted against Bahamian citizenship and who had no other nationality to remain "United Kingdom passport holders with a right to come here at some point in the future."[59] When Minister of State for Foreign and Commonwealth Affairs Robert Lindsay, then styled Lord Balniel, communicated this in the House of Com-

53 Home Office to Foreign and Commonwealth Office, 13 April 1973, TNA: FCO 63/1172.
54 *Constitution 1973* (Bahamas), art 3(3).
55 *Constitution 1973* (Bahamas), art 4.
56 Hammar (1989) 81.
57 Dummet/Nicol (1990) 87.
58 *Constitution 1973* (Bahamas), arts 7(1), 9(1), 11.
59 HC Deb 15 May 1973 vol. 856, 1395, http://hansard.millbanksystems.com/commons/1973/may/15/bahamas-independence-bill, accessed 21 December 2022.

mons, he stressed that "[t]hey are numerically insignificant."[60] Their number was so small that not only Whitehall considered it to be negligible. In the Bahamas, with its much smaller population, even seemingly small numbers can quickly become consequential. However, the Bahamian government at no point indicated that it was concerned about the impact these potential citizens would have on the composition of the citizenry, or that it thought about the electorate more specifically.

In 1975, the Bahamas government passed amendments to the Immigration and the Representation of the People Acts, which affected the remaining *Belongers* who had not become citizens. These Acts were the logical consequence of independence. The independence Constitution of 1973 had introduced the category of Bahamian citizen, but election law did not immediately reflect this change. British subjects with Bahamian status as defined by the previous Constitution or the Immigration Act continued to constitute the electorate – theoretically, as there were no elections during that period – until the Representation of the People (Amendment) Act made the necessary adjustments in 1975. Henceforth, only Bahamian citizens were eligible to register to vote.[61] The British High Commission in Nassau noted that these British subjects would henceforth be disenfranchised only matter-of-factly in a routine dispatch to London.[62]

Like the Constitution, these amendments to the Immigration Act also included a path for persons with Bahamian status to apply for Bahamian citizenship. However, the Bahamian government did at times abuse its power as a means of political victimisation when processing applications for registration as Bahamian citizens from those with Bahamian status without automatic citizenship.

7.5 The Case of Thomas D'Arcy Ryan

The most infamous case of such victimisation, which will serve as an example here, is that of Thomas D'Arcy Ryan. Ryan, a Canadian citizen, had been living in the Bahamas since 1947. He was married to a Bahamian woman, and the couple had seven children. After applying under the Immigration

60 HC Deb 15 May 1973 vol. 856, 1395.

61 *Representation of the People (Amendment) Act 1975* (Bahamas), s 2.

62 British High Commission Nassau to Foreign and Commonwealth Office, 8 October 1975, TNA: FCO 63/1389.

Act of 1963, he had received a *Belonger* certificate in 1966. In 1974, he applied for registration as a citizen under article 5(2) of the Constitution. However, despite the constitutional language suggesting that applicants under this article possess an entitlement to citizenship, there is also the following proviso: "Any application for registration under paragraph (2) of this Article shall be subject to such exceptions or qualifications as may be prescribed in the interest of national security or public policy."[63] These prescribed exceptions or qualifications can be found in the Bahamas Nationality Act, sections 7(a) through (e). However, after this list of prescribed exceptions section 7 continues and ostensibly allows the Minister, in his discretion, to refuse the application "if for any other sufficient reason of public policy, he is satisfied that it is not conducive to the public good that the applicant should become a citizen of The Bahamas."[64] Furthermore, the Act includes an ouster clause, which states:

> The Minister shall not be required to assign any reason for the grant or refusal of any application or the making of any order under this Act the decision upon which is at his discretion; and the decision of the Minister on any such application or order shall not be subject to appeal or review in any court.[65]

The Bahamian Ministry of Home Affairs, whose responsibility such applications were at the time, construed this as an absolute discretionary right by the Minister to refuse Ryan's application. As Lester McKellar Turnquest, First Assistant Secretary in the Ministry of Home Affairs, swore in an affidavit, Minister Darrell Rolle "personally considered the whole of the file and application […] and on the 28th day of May 1975 refused the application of the Plaintiff."[66] However, Clement Maynard, who as Minister of Tourism was not only a cabinet member at the time, but who later served as Minister of Home Affairs himself, further explains that this was not Rolle's decision alone. All such decisions were made at Cabinet level:

> Although the Bahamas Nationality Act 1973 specifies that the responsibility for citizenship is the province of the Minister designated to administer the Act, appli-

63 *Constitution 1973* (Bahamas), art 5(4).
64 *Bahamas Nationality Act 1973* (Bahamas), s 7.
65 *Bahamas Nationality Act 1973* (Bahamas), s 16.
66 *Attorney-General Appellant v Thomas D'Arcy Ryan Respondent (Bahamas)*, Record of Proceedings, 24, British and Irish Legal Information Institute at the Institute of Advanced Legal Studies (BAILII): [1979] UKPC 33.

> cations were dealt with by the Cabinet. The Minister having the benefit of the wisdom of his Cabinet colleagues, proceeds accordingly, with no derogation of responsibility.[67]

Relying on the ouster clause, Rolle stated no reasons for doing so. Within the Bahamas, it is generally understood that the reason for the Minister's decision was Ryan's campaigning for the opposition FNM during the 1972 general election.[68] Ryan challenged this decision initially in the Supreme Court of the Bahamas, whence the case went through the appeals process to be decided by the Judicial Committee of the Privy Council (JCPC), which the Bahamas had retained as its highest court of appeal upon independence.[69] The JCPC delivered its judgment in 1979. While the JCPC did not grant Ryan a declaration of an entitlement to citizenship outright, the judgment, in its own words, nonetheless "has in substance been a victory for" Ryan.[70]

The JCPC declared that the final part of section 7 of the Bahamas Nationality Act was *ultra vires* the Constitution, found that the Minister had acted against natural law in his decision-making process, and declared that his rejection of Ryan's application was therefore a nullity. The JCPC therefore concluded that Ryan was "entitled to have his application for registration as a citizen of The Bahamas […] reconsidered by the Minister *according to law*."[71]

In the aftermath of the JCPC judgment, the government went as far as drafting a bill to retroactively change the Constitution. This bill would have altered the constitutional provisions based on which the JCPC had ruled that the last three lines of section 7 of the Bahamas Nationality Act were – and remain to this day – unconstitutional. This was an obvious attempt to not only deny Ryan citizenship, but to allow the government to decide all future cases for registration as a citizen based on its discretion, which could mean political preference or sympathy, rather than on specific criteria prescribed by law. In the end, the government shied away from going forward

67 Maynard (2007) 435.

68 Nassau Institute, "The Bahamas: Democracy or Autocracy," 12 August 2006, https://www.nassauinstitute.org/article613/, accessed 21 December 2022.

69 *Constitution 1973* (Bahamas), art 105.

70 *Attorney-General Appellant v Thomas D'Arcy Ryan Respondent (Bahamas)*, BAILII: [1979] UKPC 33, Judgement, 10.

71 *Attorney-General Appellant v Thomas D'Arcy Ryan Respondent (Bahamas)*, BAILII: [1979] UKPC 33, Judgement, 10. Emphasis added.

with this plan for fear of being defeated at a constitutional referendum, without which such changes could not be made.[72]

Only after the PLP lost the 1992 general election, did the new government reconsider Ryan's application, and it approved it the following year. As part of a series of articles that accompanied the work of the Constitutional Review Commission in 2012, one of the commissioners, Alfred Sears, who had served as Attorney General in a later PLP Cabinet, concluded that Ryan's "case illustrates the need for citizens in a democratic society to be vigilant to ensure that the guarantees enshrined in the Constitution are in fact observed by the state."[73] Also citing the same case as an example in its final report, the Commission, whose chairperson was Sean McWeeney, who served as Attorney General between 1989 and 1992 and was thus part of a Cabinet that continued to deny Ryan's registration as a citizen, conceded that there were indeed issues in Bahamian citizenship law that "can be misused by the executive for political or other reasons to deny registration to persons who are entitled to be registered as citizens."[74]

Much like the larger discussion about Bahamian *Belonger* status and later formal citizenship or nationality, the *Ryan* case, too, was not primarily about voting rights. Neither Bahamian politicians, nor the Bahamian public or the Foreign and Commonwealth Office in the process of Bahamian independence, nor the judiciary concerned with the *Ryan* case afterwards interpreted citizenship in such an encompassing manner with its "deep, more-than-rhetorical fuzziness."[75] Rather, most Bahamians never even considered the possibility that the Bahamas they were creating would be anything but a nation state, and as such they continue to use the terms "nationality" and "citizenship" interchangeably to denote a "national citizenship"[76] meaning the "membership of a nation-state."[77] This is also reflected in Bahamian legislation. The 1973 Bahamas Nationality Act's full title is, "An Act to pro-

72 Craton (1986) 295.

73 Alfred Sears, "Constitutional Reform Pt. 11," Bahamas Local, 1 November 2012, https://www.bahamaslocal.com/newsitem/59103/Constitutional_Reform_pt_11.html, accessed 21 December 2022.

74 Commonwealth of The Bahamas (2013) 99.

75 Pedroza (2019) 21.

76 Karatani (2003) 19–21.

77 Brubaker (ed.) (1989) 3.

vide for the acquisition, certification, renunciation and deprivation of citizenship of The Bahamas and for purposes incidental thereto or connected therewith."[78] In the Act itself, the word "nationality" appears only twice outside of its title – both times in the interpretation section: once in a reference to the British Nationality Act of 1948 and once in a reference to the Bahamian "Minister responsible for Nationality and Citizenship."[79] Throughout the rest of the Act, the term "citizenship" is used.

Nonetheless, in the various judgments of the *Ryan* case before reaching the JCPC, the justices of the Supreme Court and the Court of Appeal had considered how becoming disenfranchised by being denied formal citizenship – and by the expiration of the late colonial construct of Bahamian status – would affect Ryan's situation.[80] In this context, Justice Graham-Perkins of the Bahamian Supreme Court entered into a discussion of British subject as a quasi-transnational concept rooted in the particular history of British colonialism on the one hand and citizen of a particular Commonwealth country on the other hand, which he concluded as follows:

> [U]nless a self-governing country ordains otherwise in the exercise of its sovereign powers, both its Citizens and the Citizens of the United Kingdom and Colonies remain British subjects. […] Now the status of British subject, embracing as it does persons born in so many different countries of the Commonwealth enabled the holders thereof from time to time, and at various places, to meet one of the basic fundamental [sic!] usually required of persons who wish to vote at elections. […] The right to vote is usually attached to citizenship but the unique history of the Commonwealth producing a dual concept in the status British subject enabled the Plaintiff, who is a Canadian citizen, to enjoy the right to vote here previous to 1973. Henceforth, unless he becomes a citizen of The Bahamas, he will have no right to vote.[81]

7.6 Parliamentary Nomenclature

As the electorate was transformed in the process of decolonisation, we have witnessed this being accompanied by a change of the terminology the Con-

78 *Bahamas Nationality Act 1973* (Bahamas).

79 *Bahamas Nationality Act 1973* (Bahamas), s 2.

80 *Attorney-General Appellant Thomas D'Arcy Ryan Respondent (Bahamas)*, BAILII: [1979] UKPC 33, Record of Proceedings, 32, 103–104, 158, 161, 238.

81 *Attorney-General Appellant v Thomas D'Arcy Ryan Respondent (Bahamas)*, BAILII: [1979] UKPC 33, Record of Proceedings, 104.

stitution and statute law applied to various categories of Bahamian residents. During the same period, other terms in the law that defined the political system in general and the electoral process in particular changed, too. A brief examination of these changes, however, suggests that they would prove far less consequential than the changes that defined citizenship, because it appears that they were not primarily the result of conscious and purposeful deliberation. Had they been, they would have had the potential to alter the relationship between voters and their democratic institutions. Instead, these changes were short-lived.

The Bahamas has a long parliamentary history. Apart from an elected General Assembly there initially was a single Council fulfilling both an executive and a legislative role – or advising the Governor as he fulfilled these roles. Their legislative role was akin to that of an upper chamber in a bicameral parliament. Then in 1841, these functions were split, and henceforth there were an Executive and a Legislative Council.[82] The latter took on the role of the upper chamber. Its members were wholly nominated at the Governor's discretion, and unlike the Executive Council it had no *ex officio* members. With the Constitution of 1963, the Legislative Council ceased to exist, and an appointed Senate replaced it. The mode of appointment changed over time. From the beginning, the Premier could influence the composition of the Senate. However, at first, he could only influence a minority of appointments, whereas today, the Prime Minister effectively controls the majority of the Senate. Thus, the majority party in the upper chamber today is, by design, the same as the majority party in the lower chamber.

Historically, this lower chamber had been called the General Assembly. With the Constitution of 1963, however, it became the House of Assembly. This is its name today, too, and the name change was to mark the transition from representative to responsible government as a first step towards independence. However, as a curious sidenote, the members of this lower chamber have seen changes in their titles, too. The elected chamber of the Bahamian legislature has always perceived itself to be modelled upon the Westminster example. Therefore, the term "Member" for any member of this

82 Malcolm (1956) 65.

chamber seemed natural. Nonetheless, there was a brief interim period during which this nomenclature was abandoned.[83] Perhaps this was the result of a misunderstanding, as is illustrated by the following introduction to a proposal made by the PLP government ahead of the 1968 constitutional conference: "Whereas the Constitution gives a name to members of the Senate, no such consideration was given to members of the House of Assembly."[84] The noun "member," lacking definition in the Constitution's interpretation section, was understood as being descriptive of the function. Persons so described ostensibly had no title. Arguably "Member" could have been understood as a proper noun, and, following British custom, could have served as the very title that was allegedly lacking. The proposed remedy then, was to rephrase the relevant article in the Constitution as follows:

> The House of Assembly shall consist of thirty-eight members (in this Constitution referred to as 'Representatives') who […] have been elected in the manner provided by or under any law for the time being in force in the Bahama Islands.[85]

Four years later, in the independence Constitution, the title "Representative" was abolished again, and once more this was not the subject of any noteworthy discussion. The Bahamas reverted back to British custom, this time with the title "Member of Parliament," in which the now capitalised word "Member" was used as a proper noun, and as a title was constitutionally entrenched.[86] All of this suggests that the name change was not necessarily the result of discussions or debates adopting what could be seen as aspirational language. As is often the case in the Bahamas, even if the political system is modelled upon the Westminster system of the metropole, much of the thinking is subconsciously shaped by the United States, who, through sheer proximity, have historically had very strong influence on the islands, and whose lower chamber of its own bicameral parliament is named the House of Representatives.

Despite calling the elected parliamentarians Representatives, the Constitution of 1969 retained the name House of Assembly for the lower chamber

83 See page 214 above.

84 Proposal of Bahamas Government for Constitutional Reform, 23 August 1968, TNA: FCO 44/3.

85 *Constitution 1969* (Bahamas), s 36.

86 *Constitution 1973* (Bahamas), art 46(2).

of the Bahamas' parliament. When that name had been introduced by the Constitution of 1963, the Legislature decided to amend the colony's election law accordingly. The legislation for the election of a General Assembly existed, and while its language knew no House of Assembly, the Constitution Order in Council had made the necessary provisions that

> existing laws shall continue in force after the commencement of this Order as if they had been made in pursuance thereof and notwithstanding the revocation of the existing Letters Patent but the existing laws shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.[87]

Nonetheless, in March 1965 the House of Assembly passed the House of Assembly Elections Act, which was backdated to January 7th, 1964 – the day the Constitution had come into effect.[88] While the name might suggest an entirely new substantive act, it amounted to an amendment act renaming the General Assembly Elections Act 1959 the House of Assembly Elections Act 1959 and changing its terminology, where necessary, to reflect the new constitutional framework and nomenclature of the colony. Again, no such change would have been necessary with the commencement of the new Constitution in 1969, but the House of Assembly nonetheless passed an entirely new substantive act the same year. In a similar vein, this new election law broke with the longstanding tradition whereby Bahamian election laws were called General Assembly or House of Assembly Elections Acts. This language customarily gave these laws titles describing their mechanical function. Instead, the new law was now called the Representation of the People Act. While such a title could be interpreted as somehow aligning the name of the Act with the title of the persons whose election it governs, or even as symbolic or aspirational, the most likely explanation is that the Bahamas legislature simply followed the United Kingdom's example.

In 1992, however, the Representation of the People Act was repealed and replaced by the still existing, though many times amended, Parliamentary Elections Act. The new Act's name may not be symbolic, but one detail of its enactment was heavy with symbolism. It received assent on January 10th, 1992 – the twenty-fifth anniversary of the election that brought the PLP to

87 *The Bahama Islands (Constitution) Order in Council 1963* (United Kingdom), s 4(1).
88 *House of Assembly Elections Act 1965* (Bahamas), s 1(2).

power. On January 10th, 1992, the PLP was still the governing party, and Pindling was still Prime Minister. The assenting Governor-General was Clifford Darling, a PLP veteran, who had been leader of the Bahamas Taxi Cab Union during the general strike of 1958 and served as PLP member of the House of Assembly, Representative and Member of Parliament respectively from 1967 – as well as as Minister for various portfolios, Deputy Speaker and Speaker of the House – until his appointment as Governor-General only eight days prior. This was no coincidence. While January 10th only became an official public holiday in the Bahamas in 2014, the PLP and many other Bahamians, too, nonetheless have always commemorated the day as Majority Rule Day.[89] Any general election Pindling called while Prime Minister was always either on the tenth day of a month – or on the nineteenth, for one and nine add up to ten. Based on a professed divine prophecy and a Bible verse from the book of Exodus, the PLP's supporters had used the date to construct "a Moses-type mythology around Pindling."[90]

7.7 A Step Backwards

There were a number of minor changes in the new Act making minor adjustments to routine processes, but, apart from that, there were some important new features, too, some of which affected political parties' – and especially opposition parties' – ability to reach voters via print and broadcast media. The most notable new features of the 1992 Act were: (1) the introduction of a politically controlled Electoral Broadcasting Council at a time when all radio and TV in the country was state-owned and politically controlled; (2) a mandatory declaration of assets, income and liabilities by all candidates; (3) the prohibition of using foreign radio and/or TV for campaign purposes, which has traditionally had greater reach in the more populated northern Bahamas than the state-owned network; and (4) the requirement for all printed campaign items to not only have the name and address of the person editorially responsible but of the actual printer on it,

89 See page 208 above.

90 Rupert Missick Jr., "'Religion was Used to Bring about First Black Government.'" The Tribune, March 13, 2014, http://www.tribune242.com/news/2014/mar/11/religion-was-used-bring-about-first-black-governme/, accessed 21 December 2022; Cooper (dir.) (2012), Film, 0:33:45.

too.[91] While all of these points would deserve individual attention and academic analysis, these aspects do not affect the composition of the electorate and are therefore not the immediate subject of this book. Nonetheless, in conclusion one cannot help but note the irony that an election law assented to on the twenty-fifth anniversary of so-called *Majority Rule* marked the only election law during this book's period of investigation that was not only not progressive but actually contained a number of regressive provisions in direct comparison to the superseded Act.

Nonetheless, the Parliamentary Elections Act of 1992 neither expanded nor shrank the electorate, and the changes made to the registration process were hardly noticeable from a potential voter's perspective. Therefore, as far as Bahamian voters experience their elections, the amendments of 1975 marked the end of a process that transformed an electoral system in which only propertied British males residing in the colony had the right to publicly vote, perhaps multiple times, to one of universal adult franchise amongst the citizens of an independent Bahamas now exercised by secret ballot.

Unlike many of the reforms that had to be wrested from the hands of the Bay Street regime up to and including women's suffrage, these later developments originated with the respective majority parties in Nassau. This is true for the introduction of the so-called *Belonger* status under the UBP, and it is true for the lowering of the voting age under the PLP. The final change of 1975, which limited the franchise to Bahamian citizens by disenfranchising those remaining persons with Bahamian status who had opted against or who been denied citizenship, was hardly a surprise in a newly independent nation. In any case, Bahamian status was being phased out, with the closest approximation for those remaining persons being permanent residency. However, while London took only very limited interest in Bahamian election law once internal self-government had been achieved in 1964, Whitehall continued to ensure that safeguards guaranteeing fundamental rights in a democratic society were entrenched in the Constitutions of 1963, 1969 and 1973 – even if Bahamian politicians generally appeared less aware of their necessity, or at times even proved opposed to them.

91 *Parliamentary Elections Act 1992* (Bahamas), ss 29, 30, 31, 37(1)(a), 98(2), 100(3).

Chapter 8
Conclusion

The primary focus of this book has been a Bahamian one. Apart from an examination of the development of the suffrage in the Bahamas, it also included a scrutiny of the prevailing broader narrative of the country during the twentieth century. However, given the colonial context in which electoral law developed, some overarching imperial themes were invariably touched upon, too. While the Bahamas is a group of islands geographically set apart from most other jurisdictions of the British West Indies, Bahamian election law did not develop in isolation. As has been demonstrated, all stakeholders in the Bahamian legislative process selectively drew upon the experiences of other parts of the British Empire and even beyond. It is the discussion of these experiences with which I will begin this conclusion.

In a second step, I will focus more narrowly on the Bahamian aspects of this book. This Bahamian part in turn will begin with a concluding analysis of the twentieth-century developments whose examination has formed the core of this book. After that, I will provide an outlook, in which I highlight some of the remaining deficiencies in present-day Bahamian election law as they continue to affect voters today, and which may cause them at times to experience their electoral system as an impediment to full democratic participation. This will not be a comprehensive examination of these areas, though. Rather, I am on the one hand identifying areas requiring additional academic research, and on the other hand I intend to encourage a public debate to raise awareness of the need for further reforms.

Finally, I will close by placing the findings of this book in a broader Bahamian context. My aim is to demonstrate that this micro-examination of twentieth-century Bahamian election law holds lessons for a more general understanding of Bahamian history and indeed for current developments in Bahamian society, too.

8.1 The Actors and Their Networks

For most of the twentieth century, electoral reforms in the Bahamas were the result of three separate forces interacting. Until 1967, there was on the one hand the ruling clique, often nicknamed the Bay Street Boys or simply Bay Street, representing the mercantile elite of the colony's white minority. However, while this group may have formed a conservative block potentially hostile to democratic reforms, as Members of the General Assembly they were not just nominally independents before the formation of the so-called United Bahamian Party (UBP) in 1958. Even afterwards, the UBP was not the monolithic reactionary organisation as which it is sometimes imagined and whose memory is defined by hardliners such as Stafford Sands and Robert Symonette. On the other end of the UBP's spectrum were more moderate and compromising politicians such as Roland Symonette, who – to be clear – was no progressive, but who was pragmatic enough to ensure that under his leadership Bay Street worked alongside Whitehall and Bahamian opposition groups, thereby taking control of the reform process, rather than opposing it and thus risking having reforms imposed upon the Bahamas by Parliament at Westminster without any chance of having input at all.

On the other hand, there were local actors in opposition to the *status quo*. Sometimes such individuals joined together to address a particular issue and express grievances, in which case they gained the attention of the third force to be considered – the British colonial administration. This local opposition is arguably the force most difficult to grasp. Before the advent of party politics, individuals or groups would rally around a cause, but the levels of organisation and coherence varied. In 1953, the so-called Progressive Liberal Party (PLP) was founded and eventually became the largest opposition party. However, there were other opposition groups of varying levels of organisation, too. At times they also had a seat at the negotiating table. By the time the PLP eventually won the government as a result of the 1967 general election, all major electoral reforms had been implemented with the exception of the adjustments necessitated by independence and the creation of Bahamian citizenship.

The third actor was the colonial power. Represented locally by a London-appointed Governor but drawing on the resources of the Colonial – as of 1966 Commonwealth, and as of 1968 Foreign and Commonwealth – Office at Whitehall. It is hardly surprising that Whitehall and the appointees in the

Colonial Service – as of 1954 Her Majesty's Overseas Civil Service – drew upon experiences from throughout the British Empire. Yet the Bahamian actors, too, relied on networks that extended far beyond the shores of their archipelago.

8.1.1 The Metropole

The Colonial Office was not only a link in the British government's chain of command when it came to issuing orders to colonial administrators around the globe, nor was it just the agency tasked with keeping tabs on these administrators and the colonies to which they had been dispatched. The Colonial Office was also a support mechanism possessing resources and expertise that was not always readily available in a given colony. Local administrators could draw on these resources. As I have shown, the Colonial Office – throughout the period of investigation – was acutely aware that the Bahamas' election laws were outdated, even in comparison to other, otherwise less developed colonies. However, Whitehall also realised that the Bahamas' suffrage at the beginning of the twentieth century was decidedly different to Britain's at the beginning of the nineteenth century, when her own election system began to see far-reaching reforms, and that the starting point for any reform process as well as the reform process itself would therefore be different ones, too.

The Colonial Office believed that it had to play a facilitating or advisory role in this process, even if it did not take the initiative to act on its own when it recognised deficits in the colony's laws but rather waited for local actors to identify these deficits and not only demand reform accordingly but to organise politically for such a reform movement to gain momentum, thereby demonstrating relevance and urgency. Unlike most other jurisdictions of the Commonwealth Caribbean, which consisted either of a single island, or at least one main island with but a few satellites, the Bahamas' geography resulted in settlements scattered over dozens of islands separated by vast swaths of ocean and impeded efforts to organise popular causes. This in turn was one factor why the Bahamas lagged behind in its development towards a democratic suffrage.

Once this mechanism was set in motion, however, the clerks at Whitehall supplied the local Governor and other interested parties with information from throughout the Empire and sometimes Britain itself, comparing the

respective conditions and challenges, thereby making the knowledge about legislative solutions that these various jurisdictions had implemented to address these available to the colony, at times with direct recommendations which example it might want to follow.[1] In a sense, the Colonial Office functioned as a hub for the dissemination of information at the centre of spokes connecting it to the edges of the Empire. This required the cooperation between the various departments within the Colonial Office, which was organised by geographic region, yet suggestions made to Bahamian actors often originated in African or Pacific jurisdictions. Within Whitehall, this dissemination of information was facilitated by the Colonial Office's librarians who connected its various departments like the Colonial Office connected the various parts of the Empire.

The Colonial Office also cooperated with the Commonwealth Parliamentary Association in the organisation of its annual Parliamentary Training Course. The focus of this course was primarily on parliamentary procedure and practice. However, while colonial parliamentarians would typically only communicate with London through their respective Governors, this training course gave participants more direct access to representatives of the Colonial Office, and they used this opportunity to lobby for their causes without an intermediary.[2] Furthermore, it provided a venue for direct contact of legislators from around the Empire, and thus enabled the creation of such networks, too.

Regardless of the assistance Whitehall was prepared to lend, the Governor in Nassau, for the most part, could do no more than share such information with the Members of the House of Assembly. While London could – and at times did – threaten the Bay Street Boys with legislation by Parliament in Westminster to implement reforms it deemed essential but was under the impression that they were stalling on, this would have been an extreme course of action. Even the mere threat of it was used sparingly. In reality, reforms depended on Bay Street, who took note of the information the Colonial Office shared, but who also viewed it with suspicion, as their interests rarely aligned with Whitehall's comparatively more progressive agenda. Most of the Bay Street Boys were conservative, some even reaction-

1 Internal Note, Colonial Office, 18 November 1939, The National Archives, Kew, United Kingdom (TNA): CO 23/659/2.

2 Internal Note, Colonial Office, 11 May 1959, TNA: CO 1031/2235/9.

ary, yet electoral reform depended not only on these men's votes but depended on them drafting the legislation. To this end, Bay Street did not solely rely on the Colonial Office, which regularly offered technical assistance, too, but utilised its own networks.

8.1.2 Bay Street

The Bahamas' white oligarchy revelled in colonial pomp and circumstance. Many of the colony's pre-eminent families traced their lineage back to the Loyalists who sought refuge in the Bahamas after the American War of Independence in the 1780s. Nonetheless, while it celebrated imperial symbolism, it is important to remain aware of the fact that this local ruling class staunchly defended its interests against London, whose policy agenda throughout most of the period of investigation was far more progressive than that of the Bahamian ruling class. In practically all matters of electoral reform, Bay Street and Whitehall were on opposing sides of the aisle. Therefore, rather than trusting and relying on any assistance the Colonial Office might offer, Bahamian legislators nurtured their own networks whose expertise they could draw on when needed. For example, when Whitehall recommended a Kenyan Ordinance as the blueprint for a Bahamian ballot act,[3] Bay Street instead chose to follow Bermuda's example for their own legislation.[4]

Of course, Bermuda was much closer to the Bahamas, and like Bermuda, the Bahamas was one of the few remaining colony's where the Old Representative System had survived, and a locally elected Assembly constituted the lower chamber of parliament. Originally, the upper chamber and the executive had been a single council, but those functions were separated into a Legislative and an Executive Council in 1841. The Governor – and thus London – had no means of directly appointing Members to the Assembly, and thus no direct means of influencing that body's votes. In an attempt to gain influence there, the Governor could – and did – appoint Members of the Assembly to the Executive Council. In reality, it depended upon both the goodwill and diplomatic skills of such appointees on whether this gave

3 Internal Note, Colonial Office, 18 November 1938, TNA: CO 23/659/2.
4 Legal Report by Attorney General Griffin, 8 July 1939, TNA: CO 23/680/31.

Government House a voice in the Assembly, or whether this extended Bay Street's control into the executive.

With the Assembly being the only elected body, the initiative for changing election laws lay with the Assembly. Within the Assembly, it lay with the Constitution Committee. This committee, for the longest time during the period of investigation, was chaired by Stafford Sands, who would prove to be a key figure in the development of election law during the late colonial era. Because Sands was not only a member of the already conservative Bay Street bloc, but rather he was the personification of Bay Street's most reactionary impulses, he was responsible for delaying reforms on more than one occasion. Yet, when stalling became unfeasible, because Bay Street feared that London would eventually intervene, Sands was also instrumental in steering the reform process. Sands, a lawyer by training, at times drafted the necessary legislation himself. At other times, Bay Street would use the resources at its disposal to hire advisors as draftsmen, the most notable example being Ralph Hone, who, after a distinguished career in the Colonial Service, proceeded to work as a legal advisor for the governments of several colonies.[5]

Initially, the UBP had hired Hone as their advisor in constitutional matters whilst preparing for the 1963 constitutional conference. However, on Bay Street's request his services were then retained by the Colonial Office's legal department to draft this Constitution based on the conference's outcome. Even though it was the UBP that had first recommended Hone for this task, he remained neutral and true to the agreement reached at the conference – sometimes even to the point of frustrating the UBP. His professional allegiance was to his employer, even if the constellations changed in quick succession, from advisor to the UBP to draftsman for the Colonial Office.

A few years earlier, the UBP had retained the services of Kenneth Potter, an English barrister and draftsman-for-hire. In the House of Assembly, the UBP majority voted that the colony pay him for his services in drafting legislation agreed to in negotiations in the aftermath of the general strike of 1958. However, Potter, realising which parliamentary majority he owed his pay cheque to, drafted the legislation along the UBP's wishes wherever

5 Matthew / Harrison (eds.) (2004) 901–902.

possible, only resorting to the agreement negotiated between Bay Street and the opposition and mediated by Secretary of State for the Colonies Alan Lennox-Boyd wherever inevitable. Additionally, while technically working for the House of Assembly and while on the proverbial clock, he advised the UBP faction in the House in a "wrangle against the P.L.P. over the House Rules" and even anonymously contributed to a number of blatantly partisan editorials in the *Nassau Guardian*, one of the Bahamas' two main daily newspapers, which in those days functioned as the UBP's mouthpiece.[6] These editorials attacked not only the local opposition but also Lennox-Boyd. When Potter returned to London, the Governor therefore warned the Colonial Office to be alert in their dealings with him, as his services in Nassau had been renewed for yet another bill to be drafted.

The UBP's retaining of the services of draftsmen such as Potter or Hone demonstrates an eagerness of the Bahamas' white ruling class to develop Bahamian law following the metropolitan example, but, because of the conflicts described, to do so independent of London's government of the day. Both of these collaborations, however, occurred after the advent of party politics in the Bahamas. No such direct connections can be proven for earlier periods. One of the most striking election laws in the twentieth-century Bahamas, however, was arguably the General Assembly Elections Act of 1946, which was presumably drafted by Sands. This act was remarkable for a number of reasons. It was the act that finally made the secret ballot permanent and colony-wide, but it also quietly introduced one of the most despised features of Bahamian election law that would become the cause of conflict in the years to come – the company vote. Furthermore, the act came at a surprising time, when, after years of campaigning and pressuring for the secret ballot, neither ordinary Bahamians nor the Colonial Office expected that movement on that front was imminent. However, earlier the same year, the Ulster Unionists in Northern Ireland passed the Elections and Franchise (Northern Ireland) Act, which introduced the company vote in local government elections.[7] In the Bahamas, the company vote counterbalanced the secret ballot's democratising effect, and, because there was no local government level, it did so at the only level of elections the colony knew. The archival record shows that, when the abolition of the company vote in the

6 Governor Arthur to Colonial Office, 12 March 1959, TNA: CO 1031/2234/330.
7 Extract of the Northern Ireland Statutes, n. d., TNA: CO 1031/2233/242–243.

Bahamas was on the agenda, Whitehall analysed the Northern Irish legislation to gain a better understanding of its mechanics.[8] However, no archival evidence proving a connection between the two prior to its enactment in the Bahamas has surfaced.

8.1.3 The Opposition

The opposition's international network differs notably from that of the Bay Street Boys. The latter's depended on imperial ties and was, above all, Anglocentric. The former's was primarily – and I am using the term loosely – regional, i. e., relying on connections to the – especially anglophone – Caribbean as well as North America. In the Caribbean, Bahamians found natural allies amongst groups who found themselves in a similar situation fighting for reform or abolition of the colonial regime. Because the Bahamian fight for reform and ultimately independence was also seen as a race conflict, and because the Bahamas' unique geographical location between the continental mainland and the Caribbean proper, Bahamians turned to the United States, too, where they, for instance, found allies amongst members of the civil rights movement.[9] In addition to informal networks with like-minded neighbours, the Bahamian opposition also had ties to individuals or groups in the United Kingdom. For instance, the Women's Suffrage Movement received support from British women's rights groups, and progressive causes were often brought to the attention of the imperial parliament by sympathetic MPs, often more radical Labour backbenchers.

The function of these networks, however, was less to provide aid in the drafting of legislation across jurisdictions, but rather to facilitate the exchange of perhaps less specific – but for the pursuit of the movements' goals far more important – policies or strategies of organisation. Rather than on these networks, after so-called *Majority Rule*, the new government relied to an extent on the legal training of some of its leading members, many of whom were originally trained in the United Kingdom, on the expertise of a limited number of members of the Bahamian civil service, and – hesitatingly – on London-appointed administrators such as the colony's Attorney General or even the Commonwealth Office itself.

8 Home Office to Colonial Office, 4 February 1959, TNA: CO 1031/2233/238.
9 Saunders (2003) 198.

In summary, the Bahamian actors, if they relied on examples from abroad to draft Bahamian legislation, relied largely on legislation from throughout the British Empire. The information frequently passed through London, where the Colonial Office functioned not only as a hub for its dissemination, but also as a gatekeeper, as it compiled far more data than it eventually shared.

8.2 Patterns

In this part, I will address three aspects in particular. The first one is the recurring pattern that has characterised the process of electoral reform in the Bahamas throughout the twentieth century, whereby reluctantly implemented progressive measures were often offset by other, less progressive or even outright undemocratic measures, also built into the same legislation. The second aspect is the alleged pattern of gerrymandering, which has often been identified as the main reason why a colony with such a relatively wide franchise continued to vote for candidates or a party arguably representing only a minority of the electorate until 1967. The third aspect is the recurring pattern of alleged corrupt practices. In the archival record, there are a couple of examples that illustrate how bribery and treating characterised Bahamian elections in the past, and how attempts to curb such practices remained futile.

8.2.1 Hedging against Reform

As we have seen, the electoral reform process in the last few decades of the colonial Bahamas was won by ordinary Bahamians campaigning for these reforms and the Colonial Office, once it took notice of and eventually signed on to their demands, pressuring the colony's political elite to implement them. The Bay Street Boys in control of the Assembly ultimately complied, albeit reluctantly. At first glance paradoxically, the effect of democratic reforms in the electoral system, however, had far less of an immediate impact on election outcomes than people expected, or rather – depending on their position – hoped for or feared.

At second glance, the most obvious reason for the relative continuity of election results is arguably the tendency of Bay Street to offset progressive reform measures with countermeasures. The most infamous example of this

practice was the company vote, introduced at the same time the secret ballot was made permanent in 1946.[10] However, other measures, such as the cumbersome voter registration procedure, which Bay Street introduced when universal adult male suffrage was passed in 1959, and which was a deliberate effort to discourage voters from registering, also fall into this category.[11] These measures were generally approved by the Assembly without the parliamentary opposition voicing concerns. That these measures could hide in plain sight speaks to the lack of professionalism amongst Bahamian legislators of the era.

Another factor was that some of the reform measures adopted were not adequate solutions to the problems they were supposed to address. The most obvious example of this is the introduction of the secret ballot. Its proponents had pushed for its implementation as a means to put an end to corrupt practices such as open vote buying. However, as had been demonstrated in other jurisdictions where corresponding reforms had been implemented decades earlier, the secret ballot may make elections appear more orderly and less corrupt, but that is mainly the case because it moves bribery out of plain sight. Corrupt practices continued almost unabated. It had been shown that campaign finance laws were a more adequate tool to this end, and at least the Colonial Office drawing on the institutional memory of the British government must have been aware of this, because in England, too, the fight for the secret ballot had been a long one. Jeremy Bentham had called for it as early as 1819, more than a decade before the Representation of the People Act, better known as the Great Reform Act, of 1832, but it took until 1872 before the British Parliament implemented it.[12] Shortly afterwards, it became clear that it alone did not have the desired effect, and Westminster passed the milestone Corrupt and Illegal Practices Act in 1883, which placed restrictions on the amount and regulations on the kind of campaign expenditures permissible.[13]

However, as the Bahamian opposition did not push for further measures, and in light of the resistance that could be anticipated from Bay Street, the Governor and Whitehall settled, in this case, for the mere appearance of a

10 Legal Report by Acting Attorney General Johnson, 6 September 1946, TNA: CO 23/794/11.
11 Attorney General Orr to Colonial Office, 10 April 1959, TNA: CO 1031/2234/160–161.
12 Park (1931) 51.
13 Orr (2006) 300.

problem solved.[14] To this day, there is no legislation in place in the Bahamas regulating political parties and their finances.[15] No party while in government has had the intestinal fortitude to pass such legislation, thus keeping one more tool for the manipulation of democracy at their disposal.

Of the progressive reform steps in twentieth-century Bahamian election law, all major milestones were passed prior to 1967 by the parliamentary majority of the white minority. That this group remained in control of the process was inevitable due to the constitutional design of both the Old Representative System prior to, as well as the Westminster imitation after the achievement of internal self-government as of 1964. Whitehall could have changed this, and repeatedly threatened to do so, but ultimately shied away from such drastic a step time and again. Politically, Bay Street was conservative. Its representatives ranged from moderate to reactionary. They passed these measures neither voluntarily nor speedily, and as we have seen have attempted to protect themselves from their impact by introducing other measures they believed to work in their advantage. As such, they only stayed true to themselves.

We have seen that at times, the Bahamian opposition, which supposedly constituted the progressive driving force behind these reform steps, could not live up to this ideal due to a lack of professionalisation causing it to miss the mischief Bay Street snuck into its legislation. Eventually the opposition became more organised, both in Bahamian society in general as well as in parliament in particular, and after the election of 1956 opposition members formally organised in political parties such as the PLP and BDL were represented in parliament. However, this bore a new risk when they at times sacrificed democratic reform for political expediency. The most striking example of this was the introduction of women's suffrage. The UBP had long been opposed to women's suffrage. The PLP officially supported the cause, but it did so "contrary to their own inclinations" and only because it was an issue that allowed it to stand in clear contrast to their political opponent.[16] However, when the bill introducing women's suffrage came to a vote in the House of Assembly in 1961, it was passed with the votes

14 Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/11.

15 Commonwealth of The Bahamas (2013) 167.

16 Bahamas Intelligence Report, February 1961, TNA: CO 1031/3082/23.

of the UBP, while the PLP threw the women it had purported to support under the proverbial bus by voting against their enfranchisement. They had calculated that by adding an amendment to give women not just the right to vote but to stand as candidates, too, there would be enough dissenters amongst the UBP to defeat the bill. The PLP believed that they were poised to win the next general election with a male-only franchise, and they thus plotted that after this anticipated victory they would then be the ones to introduce women's suffrage with their own parliamentary majority and thus lock in the future votes of Bahamian women as a debt of gratitude.[17]

In a sense, the male politicians publicly espousing the cause of women's suffrage did come full circle with this move. After all, the women's suffrage movement had been started by the wife of an unsuccessful male candidate because he opined that it was the absence of the female vote that had cost him the election.[18] Throughout the history of the movement in the Bahamas, there have repeatedly been instances of male politicians propagating women's suffrage but merely using women as pawns. For these men then, women's suffrage was a means to an end – breaking Bay Street's rule.[19] Similarly, the introduction of universal male suffrage also nearly failed, when detailed demands for new electoral boundaries were intertwined with the broader question of the franchise. At the political level, these electoral reforms were rarely discussed as worthy ends in themselves for their democratic merit alone.

8.2.2 Gerrymandering

The authoritative literature on the twentieth-century Bahamas identifies gerrymandering by the Bay Street Boys as the reason why they remained in power until 1967.[20] However, this verdict is more likely rooted in the mythology created around *Black Tuesday* than in fact. Prior to internal self-government brought about by the Constitution of 1963, the colony's electoral districts were defined in a schedule to the substantive act. As such, they changed very rarely. Furthermore, changes to the substantive acts were not solely the domain of the Assembly. Rather, they required the approval of the

17 Bahamas Intelligence Report, February 1961, TNA: CO 1031/3082/23.
18 Bethel / Govan (dirs.) (2012), Film, 0:17:12.
19 Bethel / Govan (dirs.) (2012), Film, 0:33:15.
20 Craton / Saunders (1998) 314; Hillebrands / Schwehm (2005) 73.

Legislative Council, which by extension ultimately meant London. The Assembly simply did not have the constitutional authority to draw constituency borders to suit the political agenda of the majority party and thus to actively gerrymander without the active approval of Government House.

Granted, by the mid-twentieth century the distribution of seats was skewed in favour of the smaller Out Islands at the expense of the more densely populated island of New Providence with the capital city of Nassau. Contrary to this recent development, however, historically New Providence had sent more Members to the House of Assembly in relation to its population. Despite a process of internal migration and gravitation towards Nassau that had begun decades ago,[21] New Providence retained an above average degree of per capita representation when the General Assembly Elections Act of 1919 reaffirmed the historical seat distribution.[22]

The internal migration towards the urban centre of Nassau would increase almost exponentially in the decades after World War I, but the House of Assembly failed to reflect this new demographic reality in the General Assembly Elections Act of 1946. The resulting disparity between the various electoral districts, especially the underrepresentation of New Providence, which by 1943 accounted for 42.7 % of the population but only 27.6 % of the seats in the House of Assembly,[23] became a bone of contention in the 1950s. This distribution, however, was historically rooted and inherited. It had been demographic developments – and political neglect and disinterest to react to them, but not deliberate political mischief – that allowed this phenomenon to develop during the twentieth century.

At first glance, this is reminiscent of the phenomenon of rotten boroughs in the United Kingdom up to the nineteenth century. However, one must bear in mind the archipelagic nature of the Bahamas, where such distortions were and still are – to an extent – necessary to guarantee that some of the smaller Out Islands receive parliamentary representation at all. Furthermore, the notion that in a democratic society constituencies ought to be of the same, or at least a very similar, size also developed fairly late. Thus, when serious complaints about the delimitation of electoral districts were raised in

21 *Report on the Census of the Bahama Islands taken on the 14th April, 1901* (Nassau, BS: The Nassau Guardian, 1901) [14].

22 See figure 2.

23 *Report on the Census of the Bahama Islands taken on the 25th April, 1943* (Nassau, BS: The Nassau Guardian, 1943) [6].

the aftermath of the general strike of 1958, they were addressed in the ensuing compromise, which added four new seats for New Providence.

During the so-called *Black Tuesday* protests, the PLP accused the UBP of abusing the constitutional power now in the hands of the House of Assembly, which, if abused, would constitute deliberate and active gerrymandering.[24] Upon closer examination, however, the constituency borders proposed by the UBP-dominated Boundaries Commission were quite innocuous. In hindsight, it appears that the PLP was looking for something to protest, because they needed a spectacle to mobilise the masses. The 1967 general election was the first election for which a Boundaries Commission controlled by the majority party in the House of Assembly – in this instance the UBP – had drawn the constituency borders, i. e., the first election where the Assembly had the *de jure* power to actively gerrymander. Given that the UBP polled more votes in total than the PLP, but both parties won eighteen seats each, it stands to reason that, if the Boundaries Commission's report had been an attempt at gerrymandering, it backfired. In fact, since then there have been repeated allegations that the governing party engaged in gerrymandering. However, while the first-part-the-post, winner-takes-all system inevitably distorts the composition of the parliament, there have been no obvious instances where an incumbent government owed its return to power to gerrymandering. In fact, the closest election in Bahamian history since independence occurred in 2007, when the opposition FNM won less than 3 % more votes than the incumbent PLP – but nonetheless won a comfortable parliamentary majority of twenty-three to eighteen seats. If there had been attempts at gerrymandering, they were *de facto* inconsequential.

Whilst opposition parties have regularly accused the governing side of abusing its powers to gerrymander constituency boundaries, there has never been a comprehensive proposal to reform the system to protect it from political influence. When asked for a constructive contribution to the delimitation question in the aftermath of the *Black Tuesday* protests of 1965, the PLP's response was dismissive:

> With respect to your suggestion that we inform you as to how our Party would go about the delimiting of electoral constituencies under the existing Constitution, I

24 *Constitution 1963* (Bahamas), ss 61–63.

> would like to say that my Party feel that such proposals might appear to compromise our position on the principle of majority rule."[25]

More recently, in 2013, the Constitutional Review Commission recommended:

> The Constitution should be amended to create a truly independent Electoral and Boundaries Commission, with constitutional autonomy and protection similar to the other service Commissions […] Judges, parliamentarians and public officers should be ineligible for service.[26]

However, the then government, which had established the commission, did not act on this particular recommendation, and the current government has never shown much interest in general in the work of this Constitutional Review Commission which it had not appointed.

In conclusion then, it cannot be denied that the distribution of seats was not representative. However, this defect was an historical relic rather than the result of a conscious effort to actively manipulate boundaries in order to improve the chances of a particular desired political outcome at elections. Therefore, the term gerrymandering in its proper meaning cannot be applied to describe the Bahamian situation prior to 1964, even if that situation not only fell short of modern definitions of being representative but was arguably outright unjust.[27] Rather, a stark contrast between the most densely and most sparsely populated islands continues to this day, where New Providence's constituencies have on average a population approximately five times as high as the southern constituency of Mayaguana, Inagua, Crooked Island, Acklins and Long Cay.[28] After 1964, the theoretical possibility existed, but as I have shown gerrymandering had no significant impact on election results since, either.

8.2.3 Bribery and Treating

At the time the secret ballot was introduced in the Bahamas, it was already common knowledge that the secrecy of the vote alone would not curb corrupt practices. Furthermore, modern-day studies suggest that with the

25 PLP to Secretary of State for the Colonies Greenwood, 16 October 1965, TNA: CO 1031/4472.

26 Commonwealth of The Bahamas (2013) 172.

27 Nohlen (2014) 96.

28 See figure 6.

secret ballot, vote buying may actually occur more frequently and cost the bribing candidate less money per vote.[29] It is therefore hardly surprising that bribery and treating continued to be a bane on Bahamian elections even after the introduction of the secret ballot, and whereas the practice of bribery was acknowledged as problematic, the ubiquity of treating was seen not only as inevitable but indeed as somewhat necessary. In 1949 Acting Governor F. A. Evans illustrated this when he described the challenges the voters of Colonel Hill on Crooked Island had to overcome before being able to cast their ballots. These involved not only long walks "over rugged rock paths" but also boat journeys, and took upwards of two days, causing him to conclude that "some form of treating" was not just tolerable but in fact necessary.[30] Ten years later, members of the Governor's Legislative Council objected

> to treating being included in the serious charges or corrupt practice. They point out that in the Out Islands election time is carnival time and in fact it appears that when a candidate and his supporters arrive at a settlement friend and foe alike turn out in expectation of a glorious party. This does not apply only to one candidate but all candidates are expected to provide parties.[31]

In a sense then, the mid-twentieth-century Bahamas displayed a political culture similar to that of the United Kingdom before its century of electoral reform, where "electoral bribery and treating was configured more as a communal ritual than as a corrupt evil."[32]

Bahamian law defined treating as either providing or paying for the expenses of others who provide "meat, drink, entertainment, or provision […] for the purpose of corruptly influencing" voters.[33] While there has been no change in what constitutes treating over the course of the twentieth century, there has been an important change on defining the times during which treating was prohibited as a corrupt practice – and consequently the times during which it was acceptable. Whilst the 1919 and 1946 Acts banned

29 Morgan/Várdy (2012) 820.
30 Acting Governor Evans to Secretary of State for the Colonies Jones, 31 October 1949, TNA: CO 23/861/27.
31 Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 6 May 1959, TNA: CO 1031/2135/220.
32 Orr (2006) 290.
33 *General Assembly Elections Act 1919* (Bahamas), s 11.

the practice "before, during, or after any election,"[34] this changed with the Act of 1959, when the word "before" was deleted.[35] While politically, after one election may be before the next election, this period can, however, be narrowed down decisively, because the Act limited the period during which election petitions could be presented to three weeks after the first sitting of the House after the election.[36] This timeline continues to apply today.[37]

Because vast improvements have been made regarding the accessibility of polling stations throughout the archipelago, election-day treating as described by Evans in 1949 may no longer be as prevalent in today's Bahamas. However, by limiting the period during which treating is considered a corrupt practice, far more prevalent practices of modern-day Bahamian politics, e. g., the distribution of foodstuffs especially during the holidays or the hosting of so-called fun days, now have the tacit approval of the law.

Bribery by definition in the Act encompasses inducements of a more direct, though not exclusively, monetary nature. Unlike as is the case with treating, the Act knows of no period during which bribery is permitted. However, certain practices that frequently occur and define the relationship between Members of Parliament and their constituents not only in the Bahamas, such as providing references or arranging job interviews, could easily be understood as bribery if the Act were to be applied verbatim. In their defence, politicians and civil servants alike will argue that such practices might constitute bribery if engaged in by a candidate, but when they occur, they are not the actions of a candidate but rather the actions of an already elected representative who is doing their part of caring for the citizens in their constituency.[38]

As most Bahamian protagonists seem to have worked with a very narrow definition of what constitutes bribery, most accusations therefore concerned money payments, usually through agents, from candidates to voters. As the records of the Colonial Office show, the colonial administrators in Nassau

34 *General Assembly Elections Act 1919* (Bahamas), s 11; *General Assembly Elections Act 1946* (Bahamas), s 88.

35 *General Assembly Elections Act 1959* (Bahamas), s 84.

36 *General Assembly Elections Act 1959* (Bahamas), ss 62, 71.

37 *Parliamentary Elections Act 1992* (Bahamas), ss 77, 84, 97.

38 4th Clerk of the House of Commons Gordon to Colonial Office, 6 December 1962, TNA: CO 1031/3079/90–92.

and London were not only aware of the problem in general, but were aware of particular instances, too. The events unfolding after the 1949 and 1956 general elections, however, illustrate the difficulties in prosecuting the offences, thus allowing the culprits to get away with it in broad daylight.

After the 1949 election, Colonial Secretary F. A. Evans, as Acting Governor, and Attorney General J. S. R. Cole had concrete evidence of bribery. Cole informed Evans that he was "strongly of opinion that a series of prosecutions should be commenced as soon as possible."[39] And strong his opinion was indeed:

> [T]he whole conduct of elections in this Colony is so uncivilised and dishonest that the sooner it is exposed to the light of day the better, whatever the consequences may be. It seems to me that a constitution which relies for its survival on universal and cynical contempt for the election laws is founded on treacherous and shifty sand in which it would be folly for the Government at this time to bury its head. I would go further and suggest that any compromise would savour of connivance, and would detract sadly from the confidence which the people should have in the Government.[40]

However, Cole also conceded that this situation was not just a case of

> the rich and powerful candidates descending upon the unsuspecting electors […] and corrupting them by a systemic campaign of bribery […] All through the statements there are instances of the electors demanding money either in order to vote for a particular candidate or in order to vote at all."[41]

Confident that in particular the evidence relating to events in the constituency of Crooked Island would hold up in court, Cole and Evans felt that this might make a suitable test case.[42] The details of bribery in that constituency became known, because the losing candidate, Eugene Dupuch, testified not only against his opponent, Artemas Pritchard, but also incriminated himself by admitting that he paid voters eight shillings for attending his campaign events "as compensation for loss of wages."[43] Bahamian officials were aware

39 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/33.
40 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/33–34.
41 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/32.
42 Acting Governor Evans to Secretary of State for the Colonies Jones, 31 October 1949, TNA: CO 23/861/29.
43 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/32. N.B.: The Bahamas' law school is named in honour of Eugene Dupuch.

that this was not a new phenomenon, but in the past even the losing candidates did not come forward with concrete evidence. Instead, it was rumoured that, if necessary, they, too, would be paid off.[44]

Both Evans and Cole were aware that, despite overwhelming evidence, prosecuting the Crooked Island case bore considerable risks. Artemas Pritchard was the brother of Asa H. Pritchard, then Speaker of the House, and a member of an immensely influential Bay Street family. As the Attorney General expressed it, "If money can buy votes it can certainly buy evidence."[45] Evans and Cole also pondered whether or not the impartiality of juries could be relied upon if the defendant was a member of the Bay Street elite, whether the bribed voters turned witnesses might not be enticed to take the fall instead thus ensuring that the bribing candidates get off scot-free, how the political fallout might further taint the relationship between Government House and Bay Street, how such a trial would impact racial tensions in the colony, and whether the publicity caused by such a trial would negatively impact the tourist trade. These considerations Evans relayed to London, as he asked Secretary of State for the Colonies Arthur Creech Jones for "guidance in an issue which is as perplexing as any I have met in this Colony."[46] However, Jones' reply lacked the "more positive indication as to the line they ought to take."[47] Therefore, the Acting Governor did not feel confident to encourage the Attorney General to prosecute the matter, and accordingly he did not.

In 1956, one election cycle later and to no one's surprise, bribery occurred again. This time, the most flagrant violations of the law occurred on the northern island of Abaco, where the Bay Street candidate, Frank H. Christie, according to the records of the Attorney General, paid out in excess of £450 in bribes to voters across the constituency. However, not only Christie was charged, but also four of his agents whom he had hired to distribute the money amongst voters. Their cases went to the Magistrates Court on July 10th and 11th respectively and were committed to trial before the Supreme Court, where they were scheduled for October 1956. Christie's trial before

44 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/34.
45 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/33.
46 Acting Governor Evans to Secretary of State for the Colonies Jones, 31 October 1949, TNA: CO 23/861/29.
47 Internal Note, Colonial Office, 7 December 1949, TNA: CO 23/861/14.

the Magistrates Court began on July 23rd. The four agents were not available to testify as they awaited their own trial. An application by the prosecution to move the Supreme Court trial forward was denied, because the Chief Justice held "that it would not be in the interest of justice […] to fix a special session" despite this having been regular practice in the past.[48] An application to adjourn the proceedings before the Magistrates Court until after the completion of the October trial was denied "on the grounds that an adjournment to the 20th October was too long."[49] In absence of the prosecution's key witnesses, the Magistrate discharged Christie.

By the time Christie's agents went to trial in October, the voters who had testified before the police and the Magistrates Court had changed their tune. None of the voters who had initially admitted to receiving bribes were willing to testify to this effect before the Supreme Court, because by doing so they would have incriminated themselves, as the law made both giving and receiving bribes equal offences.[50] Nonetheless, all four agents had previously confessed to bribing voters.

The first one, Jonathan Rolle, had confessed to his involvement in voter bribery after the losing candidate, Colyn Rees, had encouraged him to do so and suggested that he would likely not be prosecuted. The defence argued that this confession should be inadmissible as evidence. The Evidence Act states that "[n]o evidence shall be given of any confession in any criminal proceeding if the making of the confession appears to the court to have been caused by any inducement, threat or promise proceeding from the prosecutor of from some other person having authority over the prisoner with reference to the charge."[51] According to the defence, Rees, the candidate, was such a person in authority. The court did not follow the defence's argument and ruled that Rees was not a person in authority in the sense of the statute, and therefore admitted the confession as evidence in the trial. However, Rees himself then appeared as a witness for the defence and testified

48 Report on Abaco Election by Attorney General Orr, December 1956, TNA: CO 1031/1294/52.

49 Report on Abaco Election by Attorney General Orr, December 1956, TNA: CO 1031/1294/51.

50 *General Assembly Elections Act 1946* (Bahamas), s 87.

51 *Evidence Act 1904* (Bahamas), s 23.

that regardless of his not holding any office of the state, Rolle would have perceived him as such a person in authority, and that therefore "no weight should be attached to the confession."[52] The jury acquitted Rolle.

The second agent, Bartholomew McIntosh confessed after the Local Constable told him that, since Rolle had already confessed, he better follow suit. Additionally, the defence alleged that the police must have rearranged McIntosh's statement. His lawyer argued that McIntosh, a Baptist minister, would not have been "capable of expressing himself in the manner in which the statement was written," because he was "not 'very bright.'"[53] As a result, the court ruled that McIntosh's confession was inadmissible as evidence because of an inducement by a person in authority and consequently ordered the jury to acquit the defendant. As the evidence in the cases of the remaining two agents, Joseph Cooper and Wilton Sawyer, was the same as in that of McIntosh, the Crown then entered a *nolle prosequi* in their cases.[54] In light of this fiasco, the Attorney General decided not to recharge Christie. Thus, Christie suffered no consequences at the hand of the law. He retained his seat in the Assembly, although he did resign as Deputy Speaker.[55]

There was another Supreme Court trial for bribery in the aftermath of the 1956 election. Percy Charlton, an agent for Geoffrey A. Bethell, was accused of bribing voters on the island of Mayaguana to vote for his candidate. However, because one of the key witnesses' credibility was in doubt, and because some of the evidence, two notebook entries allegedly containing the confession of a bribed voter, appeared to have been forged, Percy Charlton was acquitted. The Local Constable, Arlington Charlton, later admitted that he had the island's wireless operator write the journal entries in question from memory. However, Arlington Charlton was not charged as a result, because the Solicitor General concluded that he had "lied more to shield his illiteracy than for baser motives."[56]

The political elite had used bribery to their advantage, and it had done so with impunity. A number of prominent examples from Bahamian history

52 Report on Abaco Election by Attorney General Orr, December 1956, TNA: CO 1031/1294/53.

53 "Election Case Defendant Acquitted," The Nassau Guardian, 31 October 1956, 12.

54 Report on Abaco Election by Attorney General Orr, December 1956, TNA: CO 1031/1294/55.

55 Extract from Royal Gazette (Bermuda), 26 October 1956, TNA: CO 1031/1294/62.

56 Report on Inagua and Mayaguana Election by Solicitor General Isaacs, 1956, TNA: CO 1031/2138/471.

demonstrated that the House of Assembly had in the past succeeded in ousting members of the judiciary, and having them recalled from the colony, if in the execution of their duties they rocked the boat too much. In *An Empire on Trial*, Martin Wiener concluded that "the Colonial Office ceased to concern itself with the rule of law in the Bahamas" after the episodes of Magistrate Louis Diston Powles, and Chief Justices Henry William Austin and Roger Yelverton in the 1880s and 1890s.[57] Even if the Colonial Office was now, more than half a century later, sending signals of a renewed commitment to the rule of law, as opposed to a contentment with the mere appearance of the rule of law, the fate of these men may very well still have been present in the minds of the Magistrate and Chief Justice when they proved inflexible with either adjourning or fast-tracking the different defendants' trials in the aftermath of the 1956 election. Furthermore, voters as would-be witnesses were effectively silenced by a law that had the same punishment in store for them accepting bribes as it did for the candidates who offered them.

To this day, the state appears to lack the tools to ensure that corrupt practices will not unduly influence elections. The secret ballot may have improved the overall orderly appearance of elections, but the prosecution of corruption has always fallen short for reasons such as the ones described above. Additionally, the total lack of any regulation of political parties and their finances perpetuates the possibility of undue influence of money on Bahamian elections.

8.3 Future Developments

Some of the following topics, loosely described as future developments, follow – perhaps obviously so – from things described earlier. Certainly, the first topic, campaign finance reform, might be a logical consideration when faced with corrupt practices. Other aspects in this part include the existing situation of politicians acting as patrons who view their constituents as clients, the absence of a system of local government, the questions of voter registration and absentee voting, both of which have recently gained

57 Wiener (2009) 109.

renewed attention due to the Covid-19 pandemic, and finally the question of denizen voting.

8.3.1 Campaign Finance Laws

Political parties themselves are not regulated in the Bahamas; this is also the case in the United Kingdom. Therefore, no incentive to enact such legislation could have been expected to come from Whitehall prior to independence.[58] However, most Bahamians are unaware of their parties existing outside any legal framework. The constitutions of all major parties are essentially undemocratic and leader-centric; some smaller parties have no constitutions at all. Nonetheless, the question of campaign finances has gained some attention in the Bahamas in recent years. Election observers of both the Organization of American States (OAS) and the Commonwealth have strongly recommended the introduction of campaign finance legislation in their reports following the last two general elections. In 2012, the OAS wrote:

> The Mission considers that the current system, in which campaign finance is entirely of private origin and essentially unregulated, has the potential to affect the equity of electoral competition. Such a system also exposes the country to the possible infiltration of illicit funds into politics. The lack of reporting requirements for political parties combined with the fact that the legal framework does not endow the electoral authority with supervisory functions in the area of political financing or delegate this function to another organism leads to a deficit of accountability in the area of political financing. Lastly, the Mission notes with concern that the absence of guaranteed access to information on campaign spending leads to a lack of transparency that has a potentially negative impact on the ability of voters to make informed decisions.[59]

In fact, the FNM went into the 2017 election promising the introduction of such campaign finance legislation. However, the Commonwealth's election observers recommended not only campaign finance reform. They also recommended the adoption of a code of ethics for political campaigning on social media and "legislation regulating the registration of political parties."[60] They further recommended a revision of the Public Disclosure Act

58 Margetts (2011) 45.
59 Organization of American States (2012) 15.
60 The Commonwealth (2017) 21.

and a "robust Freedom of Information Act."[61] Despite the election observers' urgent recommendation that all these measures be in place before the next general election, and despite the offer by regional bodies to lend technical assistance in the process, none of these areas have been addressed. A Freedom of Information Act had in fact been passed before the 2017 election, but, regardless of whether or not it would meet the Commonwealth's definition of "robust," it remains only partially enacted. The current government had also proposed an Integrity Commission Bill to replace the existing Public Disclosure Act, but not only has this not been passed, but it would also, arguably, be a weaker tool than the existing one, as the proposed maximum sentence for parliamentarians in violation of the act would have been lowered – below the threshold where, according to the Constitution, they would be required to vacate their seats.[62]

However, while to date no bill to that effect has been introduced in Parliament, recent events have brought the topic back into the public's attention, following a series of allegations of donations to political parties by dubious donors such as Canadian fashion mogul and alleged sex trafficker Peter Nygård.[63] This caused the government to issue a statement that such a bill could still be introduced before the next election, while at the same time confirming that it no longer planned to deliver on other campaign promises regarding electoral reform, such as term limits, fixed election dates or a recall system for underperforming MPs.[64] Whereas a number of measures were ruled out explicitly, while campaign finance legislation was not, the statement of Attorney General Carl Bethel was nonetheless made in the subjunctive mood. Bethel thus described a theoretical possibility, maybe even an intention, but he did not make an actual announcement.

61 The Commonwealth (2017) 21.

62 *Constitution 1973* (Bahamas), arts 42, 43, 48, 49; *Public Disclosure Act 1976* (Bahamas), s 13; *Integrity Commission Bill 2017* (Bahamas), s 54.

63 Malcolm Strachan, "Insight: Are We Doomed to Always be a Nation for Sale?," The Tribune, 21 December 2020, http://www.tribune242.com/news/2020/dec/21/insight-are-we-doomed-always-be-nation-sale/, accessed 21 December 2022.

64 Candia Dames, "Campaign Money Bill still in the Cards," The Nassau Guardian, 8 January 2021, https://thenassauguardian.com/campaign-money-bill-still-in-the-cards/, accessed 21 December 2022.

8.3.2 Paternalistic Patronage

The Bahamas' election laws have seen substantial reform during the last decades of the islands being a British colony. The country has the basic mechanisms for democratic elections. However, the Westminster system, imposed upon or adopted by the Bahamas and many other former colonies, has some inherent flaws that reduce its democratic merits, and this effect becomes particularly apparent in small jurisdictions.

For the last general election, there were only a little more than 180,000 voters registered in thirty-nine constituencies. The smallest constituency, MICAL,[65] had 1,348 registered voters, and the largest constituency, Golden Isles on the island of New Providence had 6,711 registered voters. The House of Assembly is the only popularly elected body in the Bahamian state. There only is a national level of government – no states, provinces, or local government. Members of Parliament are elected as national legislators. However, given the responsibility of the national government even for everything public, they rarely function as such. Bills are drafted by technocrats in the civil service and there is rarely serious, informed debate on them in Parliament.

Rather, Members of Parliament understand their role to be that of a patron to their constituency – and most voters, content to be their respective patron's client, expect them to assume this role. Your MP is whom you call, when the potholes in the road get too deep, or when the garbage truck fails to show up.[66] When an MP is appointed as the chairperson of a government corporation, they are expected to focus in particular on their own constituency for infrastructure improvements carried out by the corporation in question during their tenure. In fact, many Bahamian voters consider this one of the hallmarks of a good MP. Even while in opposition, without the tools of executive government at one's disposal, MPs are expected to provide their constituents references for job interviews, bank loans, insurance policies, passport applications, etc.[67] In many constituencies, politicians are

65 N.B.: MICAL is an acronym for Mayaguana, Inagua, Crooked Island, Acklins and Long Cay, which are remote, sparsely populated islands located in the south-eastern Bahamas.

66 Advisory Committee on the Introduction of Local Government to New Providence (2020), Local Government Part I, YouTube Video, 1 July 2020, https://youtu.be/kMD0Jv7X3og?t=330, accessed 21 December 2022.

67 4th Clerk of the House of Commons Gordon to Colonial Office, 6 December 1962, TNA: CO 1031/3079/90–92.

furthermore expected to treat residents to things such as ham and turkey during the holidays.[68]

Examining the expectation voters in the United Kingdom have of their representatives, Helen Margetts observed that "[i]n the early days of enfranchisement, local MPs played a prominent role as local dignitary and benefactor."[69] This might suggest that the Bahamas' experience today does not differ much from Britain's historical precedent. However, the consequences of this relationship between voters and representatives, which is antithetical to the latter's supposed primary function as national legislators, are exacerbated by the comparatively smaller size of Bahamian constituencies on the one hand, and by socioeconomic conditions on the other hand. In the Bahamas, relatively more voters live in precarious conditions and are therefore susceptible to getting caught in or being exploited by such dependencies.

This aberration of the Westminster system is further intensified by the tendency towards bloated cabinets, which has been dubbed the "tyranny of cabinet."[70] After the last general election, the FNM won the government after winning thirty-five out of the House of Assembly's thirty-nine seats. Of the thirty-five Members on the government side, one became Prime Minister, one became Speaker of the House, and the other thirty-three all received appointments either as Minister, Minister of State, Parliamentary Secretary, or Chairperson of a government corporation. Thus, that entire group served not only as representatives of their respective constituencies but also in another capacity at the Prime Minister's pleasure. At the same time that these mass appointments create MPs dependent on the Prime Minister, they also provide them in many cases with an additional tool to exercise their role as community patron in their respective constituencies, for instance by favouring their constituencies in the operation of their ministries or corporations. The Speaker of the House may enjoy independence from the Prime

68 "Davis Organizes a Shipment of Ham and Turkeys for his Constituency," The Bahamas Weekly, 21 December 2018, http://www.thebahamasweekly.com/publish/bahamian-politics/Davis_organizes_a_shipment_of_ham_and_turkeys_for_his_constituency60465.shtml, accessed 21 December 2022.

69 Margetts (2011) 42.

70 Prasser (2009) 45. N.B.: The term was coined in 1950s Australia, where cabinet members were nowhere near as dominant in the lower house as they are in the present-day Bahamas, where they represent a majority of MPs.

Minister under the Constitution, but as the Prime Minister is, by default, the leader of the governing party, the Speaker, too, remains dependent on the Prime Minister's goodwill when seeking the nomination on that party's ticket in a bid for re-election, given the leader-centric organisational structure of Bahamian political parties.

Since 2017, several MPs have broken ranks with the governing party or fell from favour and were stripped of their appointments. However, the majority of MPs continue to serve as appointees at the Prime Minister's pleasure – and depend on their appointments for at least part of their income. Neither the bloated cabinets nor the defection of MPs mid-term is a new phenomenon in the Bahamas. MPs regularly cross the aisle to the other party in Parliament, underscoring the basic interchangeability – or even actual lack – of their political positions. To an extent, this is also illustrated by the genesis of the party landscape. The PLP is the oldest still-existing party in the Bahamas, founded in 1953. Their main rival is the FNM, a party formed out of disgruntled former PLP members and those members of the UBP who chose to remain politically active after the party's ultimate rejection in the 1968 general election. The only other party to ever win seats in the House since independence, the so-called Bahamian Democratic Party, as well as the so-called Democratic National Alliance, which never won any seats but arguably functioned as a spoiler in the 2012 election, were both creations of disgruntled former members of the FNM.

In the upper house there are sixteen Senators, nine of whom are appointed "in accordance with the advice of the Prime Minister"[71] and an additional three "in accordance with the advice of the Prime Minister after consultation with the Leader of the Opposition."[72] The governing side in parliament has no backbenchers, and two-party first-past-the-post systems in small jurisdictions often result in supermajorities. As a result, parliament does not control the executive, rather the executive controls parliament. Both the phenomenon of democracy being undermined by patronage and the tyranny of cabinet stem from the uncritical and expedited adoption of the Westminster system, which had evolved over centuries in a relatively large jurisdiction, by much smaller jurisdictions, where, despite a seemingly democratic franchise, it remains an ill-fitted knock-off.

71 *Constitution 1973* (Bahamas), art 39(2).
72 *Constitution 1973* (Bahamas), art 39(4).

The personalised politics of small single-member constituencies in a first-past-the-post system perpetuate the patronage system. However, there are currently no signs that a conversation about changing this system could gain traction. Prior to first winning an election, the PLP had called for proportional representation, without providing any details as to what kind of proportional system they envisioned.[73] However, that was over sixty years ago; since then, a two-party system has developed in the Bahamas, in which PLP and FNM have successfully prevented challengers from establishing themselves as more than – at best – temporary phenomena.

More recently, the Constitutional Review Commission considered the topic in 2012/13. Much like leading British politicians, when reform of the first-past-the-post single-member constituency system of elections was proposed for the House of Commons in 2009, it subscribed to a nostalgically romanticised view prizing the link between MPs and constituents allegedly born out of this personalisation.[74] Consequently, whilst acknowledging that a reform could potentially bring about certain benefits, the Commission declared that it

> cannot gainsay that some form of proportional system would be perceived as a step that would deepen representative democracy However, it is not prepared at this point in time to recommend such a system. The examples of the few Caribbean countries which have implemented such system [sic!] do not suggest additional democratic dividends to be derived from a mixed system. […] There is a particular political synergy which develops between a constituency and its directly elected representatives.[75]

Looking at the election results of this century, all of which have seen governments voted out of office in ever increasing landslide defeats, I doubt this interpretation. As even otherwise fairly popular individuals lose their bids if affiliated with the wrong party, and as in turn candidates without discernible qualities or track records, or even candidates associated with past scandals win theirs if their party is doing well, this suggests to me that party affiliation is the most important criterion for Bahamian voters. While no research examining the validity of this hypothesis in the Bahamian context exists, it has been shown that in the United States of America, party identification is

73 Fawkes (2013) 122.
74 Quoted in: Margetts (2011) 41.
75 Commonwealth of The Bahamas (2013) 159.

not only the core determinant in partisan elections, but even in supposedly non-partisan, e. g., judicial, elections, because "voters are able to identify the partisan identification of candidates […] even when candidates' explicit partisanship is omitted from the ballot."[76] Regardless, given the Constitutional Review Commission's verdict, and with large parts of the electorate expecting their politicians to act as patrons, as well as two parties having learned to use this to their advantage, a system of proportional representation would not appear to be on the horizon.

8.3.3 Local Government

A degree of local government with municipal autonomy could push back this system of patronage by national legislators. A Local Government Act was passed in 1996, but the system of local government established under that act brought no real autonomy to the so-called Local Government Districts. To this day, the whole system "remains in an infantile state," and "an extremely large portion of our citizenry and local government practitioners are publicly calling the system a charade."[77] In fact, the responsible Minister at the national level could, at his discretion, declare, alter and abolish local government districts.[78] Additionally, most of the authority typically exercised by autonomous local government bodies and officials continues to be vested in Family Island Administrators appointed by the Minister.[79] However, not only does Bahamian local government not account for much, but, while the Act would allow for it, no Minister has ever extended this regime to the island of New Providence, and therefore more than 70 % of the country's population live in a place with no form of local government whatsoever.

Before the 2017 general election, the then-opposition FNM vowed to change this, promising that it would "introduce Local Government to New Providence during its next term in office."[80] The FNM won the elec-

76 Bonneau / Cann (2015) 61.
77 Advisory Committee on the Introduction of Local Government to New Providence (2019) 11.
78 *Local Government Act 1996*(Bahamas) 1996, ss 3–4.
79 *Local Government Act 1996*(Bahamas) 1996, ss 37–38.
80 Advisory Committee on the Introduction of Local Government to New Providence (2019) 7.

tion, and the new government appointed an Advisory Committee on the Introduction of Local Government to New Providence. This committee submitted a report in 2019. In the report, it recommended a "Mayor and Council model."[81] However, the government sat on the report without taking further steps to implement its proposals, and almost immediately before the Covid-19 pandemic inevitably hit the Bahamas, too, Renward Wells, the responsible Minister, hinted in a television interview that he considered these recommendations to be problematic, demonstrating either a lack of understanding of the separate areas of responsibility between local and national levels of government, or perhaps even the fear of the creation of a new space in which potential political challengers could rise to popularity.[82]

Wells has since moved on to a different ministerial portfolio, and his successor, Dion Foulkes has been quiet on the matter, at least in public. However, given the challenges caused by the pandemic as well as the impending silly season leading up to the next general election, it is unlikely that local government will be introduced to New Providence or that the system will be reformed in the Family Islands during this government's term.

8.3.4 Voter Registration

Registering as a voter in many former or current British colonies has traditionally been a cumbersome process. These deficiencies had been identified as potential sources of "trouble which may occur in operating the electoral system" many decades ago.[83] In the Bahamas, in order to register, eligible persons until recently first had to personally visit a registration site of the Parliamentary Registration Department once every five years. Arguably, the Department for many years now has made a laudable effort to have locations set up in convenient spots, such as post offices, shopping malls or even the main university campus, and as a result, reaching a registration site has not been a significant challenge for most voters. It could nonetheless be a time-

81 Advisory Committee on the Introduction of Local Government to New Providence (2019) 11.

82 Eyewitness News Bahamas, "Local Government Commission Report Recommends Mayoral System for New Providence," Facebook, 24 February 2020, https://fb.watch/3179htgXAE/, accessed 21 December 2022.

83 Smith (1960) 255–256.

consuming exercise. If nothing else, it involved going to a usually already busy place, standing in line, and interacting directly with a number of employees of the Department, who would take the voter's photograph and enter their information – by hand – into ledgers. In a second step, usually shortly before a general election, those persons who registered had to collect their new voter's cards, which are cardboard forms completed in handwriting. While this required less time directly interacting with Department employees, the time window to collect the cards was much smaller than that to register, and there were fewer central locations for the voters of one or more constituencies. This usually resulted in very long lines.

When this system was adopted by the UBP as it was forced to agree to universal male suffrage in 1959, this was by design, in the hopes that some voters would be discouraged from registering – and thus voting. Despite this, the process was never revisited, neither by a government nor by an opposition party as a campaign promise. However, whereas the Covid-19 pandemic may have dealt a fatal blow to the reform of local government, it also forced the government to revisit the question of voter registration. For regardless of what the situation may be like by the time of the next election, registration cannot wait for the pandemic to be over. However, the amount of personal interaction required between voters and employees of the Parliamentary Registration Department, and the long lines would both create an unnecessary public health risk in the times of Covid-19. With their hand forced, the government therefore introduced amendments to the substantive act in parliament in December 2020 to create a permanent register, requiring only new voters who had not registered for the 2017 election or whose place of residence has moved to another polling division or constituency since to undergo the process described above.[84] Nonetheless, voters will most likely still be required to vote in person. This, of course, can also mean long lines at the polls on election day. There has never been a system of mail-in ballots in the Bahamas, and the government has given no indication that it has any plans to offer an alternative to in-person voting at a polling station.

The amendments of 2020 will ensure that the lines for voter registration will be shorter, because considerably fewer people will have to register. However, the process will remain cumbersome. In a sense, voter registration

84 *Parliamentary Elections (Amendment) Act 2020* (Bahamas), ss 11, 13.

is the functional equivalent of restrictive voter ID laws often debated in the United States. In the Bahamas, in order to register to vote in 2021, a potential voter has to produce either a passport, or a voter's card from a previous election in combination with a Bahamian birth certificate, or a voter's card from a previous election in combination with a foreign birth certificate and a Bahamian Citizenship Certificate or Registration of Naturalization, or a Bahamian birth certificate in combination with some other form of government ID and their mother's Bahamian passport voter's card, or their mother's Bahamian birth certificate and government ID.[85] Especially the last provisions which require documentation of a potential voter's mother are problematic, as Bahamian citizenship is not passed on matrilineally, except in cases of children born out of wedlock, to whom the rule of *filius nullius* applies. Even if this does not take Justice Ian R. Winder's 2020 ruling in *Rolle et al. v AG* into account, because the government has chosen to appeal it and the appeal is pending, these provisions fail to accommodate, for instance, Bahamian-born first-time voters, who do not have a passport, and whose Bahamian mother was born overseas or whose Bahamian father was married to their non-Bahamian mother at the time of their birth.[86] There are numer-

85 Parliamentary Registration Department Press Conference, 15 February 2021.

86 N.B.: Article 14(1) enshrines the principle of *filius nullius* in the Constitution's chapter on citizenship. Article 8 applies it to children born outside of the Bahamas to unmarried couples where the woman is not a Bahamian citizen, but the father is. Historically, the principle was also applied to article 6, which applies to children born in the Bahamas to unmarried couples where the woman is not a Bahamian citizen, but the father is. However, because article 6 uses the phrase "either of his parents" instead of "father or mother," Winder, citing *Bennion on Statutory Interpretation*, concluded that, because different words were used, they must have different meanings, and ruled that, because article 14 does not use the word "parents," *filius nullius* does not apply to children born in the Bahamas. "Whilst father or mother may be the ordinary grammatical meaning for parents, the draftsman of the Constitution did not use 'father or mother' but chose to use the word parents. The voice of the word parents instead of 'father or mother' is intentional. It must mean that, by this use of different words, the draftsman clearly intended to convey a different meaning, the biological father or mother of the child and unaffected by the artificial construct envisioned by article 14(1)." (*Rolle et al. v Attorney-General* [2019], Bah. SC 2017/PUB/con/00014 and 2019/PUB/con/00021, 25 May 2020.) However, if Winder had had a stronger "spirit of adventure" to catch more than "a glimpse of […] 'external aids of construction'" [Vogenauer (2005) 630.], he could have consulted the archival record containing the legislative history of these provisions. In the discussions around the drafting of this chapter it becomes clear that the draftsman, the British cabinet, and the Bahamian politicians from both sides of the aisle involved in framing the Constitu-

ous other possible constellations, none of which are far-fetched, in which these regulations present serious obstacles given many potential voters' real-life conditions.

Graeme Orr came to the following conclusion on voter ID laws:

> When constructed as a strait-jacket, (voter ID) laws are not only constitutionally dubious, they are potentially self-defeating. […] That kind of rule risks turning the franchise, a freedom designed to place citizens at least momentarily above government, on its head by signifying government control and mistrust of citizens. But […] a law which […] does not deny voting rights […] may even symbolically add to the understanding of the ballot as a valuable public right and not merely another instance of form-filling.[87]

Arguably, the requirements put in place by the Parliamentary Commissioner are on the stricter end of the spectrum, and if applied as rigorously as they were announced go beyond what is sanctioned by the Act, which requires an applicant "to produce a passport or a birth certificate or in lieu thereof a baptismal certificate or such reasonable evidence, whether documentary or otherwise, as the revising officer shall consider necessary, to prove that he is qualified to be, and is not already, so registered."[88] Not only does this provision allow for alternative documentation to be provided in the absence of the ones described above, it also allows the revising officer to exercise discretion to a certain extent, given that the Bahamas has no laws requiring citizen residents to possess any kind of government ID as long as they choose to abstain from certain activities, such as travelling internationally, which would require a passport, operating motor vehicles, which would require a driver's licence, or seeking formal employment, which would require regis-

tion indeed meant for "parents" to mean exactly the same as "father or mother," because they very much intended for *filius nullius* to apply to article 6, too. A briefing note for the Minister of State for Foreign and Commonwealth Affairs for a meeting with Bahamian politicians to discuss the draft proves this point. The different terminology is said to be but "a drafting point." (Briefing Note, Office of Foreign and Commonwealth Affairs, May 1973, TNA: FCO 63/1176.) Nonetheless, the Court of Appeal upheld Winder's ruling in a 3–2 decision. See: *Attorney-General Appellant v Rolle et al. Respondents*, [2020] Bah. Ct. App. SCCivApp. 62, 21 June 2021. The government is appealing this decision at the Judicial Committee of the Privy Council. See: Sloan Smith, "Go Right Ahead: Court of Appeal grants Leave for Govt to take Citizenship Battle to Privy Council," Eyewitness News Bahamas, 1 July 2021, https://ewnews.com/go-right-ahead-court-of-appeal-grants-leave-for-govt-to-take-citizenship-battle-to-privy-council, accessed 21 December 2022.

87 Orr (2015) 26.

88 *Parliamentary Elections Act 1992* (Bahamas), s 19(1)(a)(ii).

tration with the National Insurance Board. Additional problems arise because applications for passports require national insurance numbers – and registrations for national insurance require a passport or voter's card.[89]

Also, while the Parliamentary Elections (Amendment) Act of 2020 will hopefully alleviate the long lines and large crowds which may under ordinary circumstances be but an inconvenience, but which pose a genuine problem during a public health crisis, the government squandered the opportunity to proverbially kill a second bird with the same stone, which also had negatively impacted voter registration in the not-so-distant past. Prior to the general election of 2017, there were numerous reports of would-be voters being denied registration for failing to meet an unwritten and arbitrarily enforced dress code. Then chairman of the FNM, Sidney Collie accused the PLP government of voter suppression:

> Under the Constitution and under the Penal Code, a woman could dress any way she wishes unless it offends public decency. If it offends public decency, it is for the police or the court. […] But no government agency has any constitutional or penal right to deny a Bahamian citizen the right to exercise their franchise and that is what it amounts to.[90]

While one could argue that Collie's interpretation would render a provision in statutory law explicitly guaranteeing that citizens will not be denied their right to register as voters regardless of their attire redundant, the general problem of citizens being denied access to government services because of arbitrary dress codes persists. For despite the fact that the FNM has won the government, there have been recurring complaints about such instances at the Department of Immigration, which most recently resulted in one of the Bahamas' leading journalists being denied entry to the public area of their headquarters on Hawkins Hill.[91]

89 "Individuals," The National Insurance Board of the Commonwealth of the Bahamas, https://www.nib-bahamas.com/_m1740/Individuals, accessed 21 December 2022; "ePassport Online Renewal Services," Ministry of Foreign Affairs (Bahamas), https://mofa.gov.bs/passportrenewal/, accessed 21 December 2022. N.B.: Quandaries such as these are usually resolved by officials exercising discretion, whether motivated by common sense or other incentives.

90 Khrisna Virgil, "Collie Suggests Turning Away Women Registering to Vote is Suppression," The Tribune, 3 January 2017, http://www.tribune242.com/news/2017/jan/03/collie-suggests-turning-away-women-registering-vot/, accessed 21 December 2022.

91 Candia Dames, Facebook, 4 January 2021, https://www.facebook.com/candia.dames/posts/10158938757062258, accessed 21 December 2022.

When the issue of arbitrary dress codes preventing voters from registering arose in 2017, a local protest movement organised on social media using the hashtag #TooSexyToVote.[92] Because of public pressure, the Parliamentary Registration Department ceased the controversial practice almost immediately, though neither Commissioner Sherlyn Hall nor Minister for National Security Bernard Nottage, whose portfolio included responsibility for elections, ever articulated a policy defining clear attire rules for voter registration as #TooSexyToVote had demanded. After the election, the matter disappeared from public attention, and thus there was no pressure to address it further. Hence, it did not enter the conversation when the Parliamentary Elections Act was amended in 2020.

As the examples have shown, civil servants in the Bahamas have denied citizens access to different services of the state based on their individual perception of these persons' attire. Arguably then, an amendment to the substantive election act only may be insufficient, but a broader legislative solution that nonetheless also explicitly applies to the process of elections and guarantees a voter's right to register and vote, and clearly communicates what constitutes acceptable clothing for the occasion, may be needed. For otherwise, the risk persists that similar situations keep repeating themselves. While thus far such practices were quickly ceased once they were reported in the media, that does not ensure that the damage may not already be done. It is perceivable that ordinary citizens, intimidated by civil servants whom they regard as authority figures, accept the denial of service, do not share their experience with the press or on social media, and – in the worst case – suffer disenfranchisement as a result.

8.3.5 Absentee Voting

Absentee voting in this context refers only to Bahamian citizens who are also resident in the Bahamas. That is because Bahamian citizens residing outside of the country are not eligible to vote, with the sole exception of persons absent "in pursuance of a course of study as a *bona fide* student."[93] If after

92 Ricardo Wells, "#TooSexyToVote Campaign Calls for Clear Rules on Attire," The Tribune, 5 January 2017, http://www.tribune242.com/news/2017/jan/05/toosexytovote-campaign-calls-clear-rules-attire/, accessed 21 December 2022.

93 *Parliamentary Elections Act 1992* (Bahamas), s 8(2)(c). Emphasis in original document.

graduation they fail to return to the Bahamas, they also lose the franchise. While there is occasional talk about a brain drain posing a serious challenge for the country and its prospects for future development, this conversation has remained superficial thus far, and no incentives exist for Bahamian professionals to return home. Some may argue that being re-enfranchised upon returning to the Bahamas could be such an incentive. It may be insufficient, however, to overcome the initial disconnect that inevitably occurs after losing the right to vote whilst residing overseas.

Overseas students have formally enjoyed this exemption from residency requirements since 1969. Remarkably, members of the diplomatic service and other employees of government agencies or international organisations to which the Bahamas is accredited and their spouses, if serving overseas, were originally not exempted from the residency requirement. Only an amendment in 2011 made it possible for them to vote for the first time in the general election of 2012.[94]

All voting in Bahamian elections must occur in-person at a polling station. There also do not appear to be any plans to change this for the next election, despite the unforeseeable development of Covid-19 or as preparatory measures for similar scenarios in the future. There has been some change during the last decade to just how much of an inconvenience this might be for voters. In the past, voters had to cast their ballot at a designated polling station in the constituency for which they were registered on election day. In many cases, this amounted to the *de facto* disenfranchisement of overseas students who were not able to return to the Bahamas. Furthermore, with governments often calling elections a mere couple of weeks in advance, this also confronted voters who, for instance, had booked travel with the choice to either forfeit their vote or change their plans.

The major political parties would regularly spend vast amounts of money to move people they believed would vote for them to their designated polling place – especially if they were registered in constituencies they expected to be a close race. This included moving voters from one end of the country to the other, as well as flying students in from their universities abroad. It is worth noting that the General Assembly Elections Act of 1959, the first new substantive election act after the advent of party politics, contained a new clause, which explicitly exempted this practice from being considered as

94 *Parliamentary Elections (Amendment) Act 2011* (Bahamas), s 2.

bribery or treating; both subsequent substantive acts since then have retained this provision.[95]

However, many voters would conceivably fall through the cracks, for instance, if neither party was confident enough that they could rely on that individual person's vote, if the race in a particular voter's constituency was not seen as close enough to justify the expense, if the logistics proved too difficult, or if the respective voter simply did not know that they could resort to this very informal kind of assistance. Also, to the best of my knowledge, during the referenda of 2002, 2013, and 2016 neither party offered voters such assistance.

In order to facilitate those Bahamians overseas who are eligible to vote, absentee voting has recently been made possible, albeit in a very limited fashion. Voting must still take place in-person at a polling station. To that end, the law was amended in 2011 to allow some diplomatic missions to serve as overseas polling places.[96] However, as the Bahamas does not have an extensive network of such, there are still overseas students for whom this continues to pose a problem, much like the need to return to the Bahamas to cast a ballot had posed in the past.[97]

Voters who would usually be in the Bahamas but are unable to cast their ballot on election day, an advanced poll is held at a few central locations in the country. However, the advanced poll is primarily for the benefit of the uniformed forces that are on duty on election day. Therefore, the advanced poll is very close to election day, and while persons travelling on election day are also eligible to cast their ballot at the advanced poll, it is conceivable that that day also poses the same dilemma for them.

The obvious solution might appear to be mail-in ballots, and in fact the Colonial Office had – many decades ago – offered its assistance in creating such a system for the Bahamas, especially as the preparatory work required had already been done "for use elsewhere."[98] This again illustrates the hub-and-spoke function of Whitehall in disseminating knowledge throughout the Empire in the process of administering the colonies. The Colonial Office's plans may have been acceptable to Bahamian voters in 1956, but, given

95 *General Assembly Elections Act 1959* (Bahamas), s 89; *Representation of the People Act 1969* (Bahamas), s 97; *Parliamentary Elections Act 1992* (Bahamas), s 102.

96 *Parliamentary Elections (Amendment) Act 2011* (Bahamas), s 18.

97 See page 228, fn 32 above.

98 Internal Note, Colonial Office 12 March 1956, TNA: CO 1031/1294/8.

the notorious unreliability of the Bahamian postal service in recent years, voters today would not be likely to have the necessary confidence in such a system. Furthermore, when considering any such scheme for the Bahamas, one must bear in mind recent events in the United States of America, because the influence of its news media, including the right-wing outlets, on the Bahamas must not be underestimated. Already before, but especially after losing the 2020 presidential election in the United States, former President Donald Trump and his allies have actively and wilfully sabotaged public confidence in the integrity of voting by mail. It is conceivable that this would negatively affect Bahamians' perception of any such system, if its implementation in their country were to be discussed.

As long as no sufficiently reliable system of absentee voting is introduced, there will continue to be eligible voters who are going to be hindered in exercising their right to vote. However, by opening the advanced poll to regular voters and by implementing at least limited overseas voting options, it is likely that this aspect has at least been recognised as one needing further reform.

8.3.6 The Voice of Non-Nationals

For the most part, Western democracies have avoided the question of denizen enfranchisement by shifting their attention to the process of naturalisation as the desirable way of societal and political inclusion of long-term non-national residents.[99] However, some states have also made moves to enfranchise denizens, at least for elections at the local level. In the Bahamas, neither the path to naturalisation nor the non-existent enfranchisement of denizens provide an effective tool of integrating long-term resident non-citizens into the democratic process and general life of the society around them. At the current point in time, discussions about either a path towards naturalisation offering immigrants a clearer perspective or their enfranchisement would in fact be a non-starter. Scapegoating of immigrants has been an integral part of election campaigns since the beginning of party politics in the Bahamas across the political spectrum. The overwhelming attitude towards immigrants is accordingly negative, and proposals to strip them of existing rights are likely to find far more favour with the majority of

99 Pedroza (2019) 31.

the electorate than proposals to grant them additional rights. Arguably, the failures of the 2002 and 2016 constitutional referenda, which were supposed to remove some of the constitutional bias in the citizenship provisions against the children of multinational couples, were as much caused by xenophobia as they were by misogyny.

Nonetheless, a mature conversation about this issue would be important for Bahamians to have, because it speaks directly to the participation of future citizens in the democratic process. A large number of non-nationals born in the Bahamas have a constitutional entitlement "upon making application on his attaining the age of eighteen years or within twelve months thereafter […] to be registered as a citizen of The Bahamas."[100] Many of the persons in this category have never known any other home, yet they have experienced nothing but alienation at the hand of the Bahamian state. Most such applications for registration as a citizen take years to be processed, potentially causing the applicant to remain ineligible to vote for multiple election cycles.[101] While many are eventually registered as citizens, their identification as Bahamians and as participants in the democratic process to exercise active stewardship for their country may by then have already suffered irreparably.

8.3.7 The Right to Vote

Passing reform in statutory law is, provided the political will is present, a relatively straightforward process. Most of the areas of concerns I have highlighted in this section fall into that category. When constitutional amendments are required, however, the situation becomes more difficult, as the two failed attempts at constitutional reform in 2002 and 2016 have demonstrated.

As has been noted, the Bahamas' Constitution does not include a constitutional right to vote, even if "[i]t might be generally accepted that elec-

100 *Constitution 1973* (Bahamas), art 7.

101 N.B.: There is no publicly available official data measuring the average time for citizenship applications to be processed, but from conversations with affected persons, one must assume a wide range, with fast cases being decided in less than a year, while others are still pending after more than a decade.

tions are central to democracy."[102] The Constitution defines the Bahamas as a "democratic State,"[103] and stipulates that the Members of the House of Assembly are elected in general elections.[104] However, these elections are conducted in a "manner provided by any law in force in The Bahamas."[105] To any democrat these provisions might already imply the right to vote. However, do they sufficiently protect a democratic franchise? All democracies define certain factors, such as age, citizenship or criminal record, to place limits on a genuinely universal franchise. Therefore, an explicit constitutional entrenchment of the universal adult suffrage as we understand it today, would not only remove any ambiguity, but it would also be an aspirational and declaratory commitment to democracy.

8.4 *Denouement*

Electoral reform towards a democratic suffrage in the Bahamas may appear to have been slow and piecemeal. However, the incremental nature of the reform process was not unusual but rather had been the norm in other countries, too. In what has become known as the "Whig interpretation of British history," British historiography often focusses on the "gradual expansion of liberty and political rights" as a hallmark of British exceptionalism.[106] However, Orr notes that in "the evolution of voting rights […] an expanding franchise was never a given. Nor was it a gift from liberal gods. It was a struggle."[107] The Bahamas implementing these reforms not only later than the United Kingdom but also later than similar jurisdictions in the Commonwealth Caribbean, however, meant that, to a degree, there was already a blueprint that it could follow, that it was indeed expected to follow.

The continuous operation of the Old Representative System throughout the nineteenth and twentieth centuries until the introduction of responsible government in 1964 meant that it was the local elite that held the power to hamper this process, as well as to ultimately move it along. Because the laws

102 Vasciannie (2018) 39.
103 *Constitution 1973* (Bahamas), art 1.
104 *Constitution 1973* (Bahamas), art 67(1).
105 *Constitution 1973* (Bahamas), art 46(2).
106 Bateman (2018) 202.
107 Orr (2015) 68.

were ultimately passed by the oligarchy itself after it reacted to the largely peaceful expression of the people demanding change, there continues to be the temptation amongst some Bahamians to mischaracterise the white minority's rule of the late colonial era as ultimately benign.[108]

This view ignores the role of the Colonial Office, which, when it asserted imperial authority, worked as a catalyst alongside local progressives. Together they placed enough political pressure on the white ruling class to cooperate, albeit reluctantly, and implement reforms to extend the franchise. In 1967, when the Bahamian franchise had become universal and equal, this culminated in the old guard's electoral defeat. However, during this protracted process, Whitehall often shied away from exerting its authority to accelerate the reform process. Thus, it was at the same time a powerful and essential, but also hesitant and therefore erratic ally for the disenfranchised of the late colonial Bahamas in the struggle for free, fair and equal elections – and in the broader development of a dependent territory and its people.

Most importantly, however, revisionist attempts to characterise Bay Street rule as benign neglect that Bay Street only reacted to pressure once Whitehall began to exert it, regardless of how long it had been aware of local demands for reform, and that the Colonial Office only began to exert this pressure after local demands for reform reached a level that could potentially pose a threat to the stability of colonial rule.[109] The latter was true even in instances when London had already concluded that Bay Street's rule was not benign and that democratic reforms were needed – but decided to wait for the oppressed to find their voice first.[110]

The reverse narrative, however, which paints Bay Street as a monolithic bloc of reactionary oppressors, is not helpful to our understanding of twentieth-century Bahamian history either. Before the UBP, Bay Street was a loose coalition of independents. With the advent of party politics, the UBP was Bay Street's reaction. Not being born out of an original idea, the party proved to be an at times uneasy coalition, in which reactionary forces no doubt existed, but which also had moderate, even moderately progressive

108 Russell (2009) 4.

109 Governor Dundas to Permanent Under-Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/49.

110 Internal Note, Colonial Office, 25 November 1938, TNA: CO 23/659/5; Statement by Secretary of State for the Colonies Lennox-Boyd, 13 April 1958, TNA: CO 1031/2233/128.

elements. Perhaps the most striking example of this was Roland Symonette's sidelining of his son Robert Symonette and long-time chairman of the House's Constitution Committee Stafford Sands in the aftermath of the general strike to not only dutifully give effect to the compromise brokered by Secretary of State for the Colonies Alan Lennox-Boyd but also to pave the way for future reforms such as the introduction of women's suffrage.[111] The nuance needed has been absent from the national conversation thus far.

Yet, while it may have been Bay Street that facilitated the reforms, and while it may have been the Colonial Office that nudged Bay Street in that direction, it was nonetheless a grassroots movement that had to provide the initial spark and build momentum. Their demands eventually found allies in the House of Assembly, who sought to reap benefits from these reforms, but the spark originated outside of parliament. Without the reforms described in this book and the increasingly democratic elections of the 1960s, neither so-called *Majority Rule* nor national independence would have happened.

However, these groups were not as homogenous as the national narrative remembers them, and their memory belongs to no single political party. Furthermore, the nominally progressive forces that may have publicly supported the reform agenda were not as steadfast in their support as they wanted voters to believe. Politically, electoral reform was at times a means to an end and not necessarily a matter of principle. Despite voting against women's suffrage, Randol Fawkes, in his memoir, blames women's ungrateful voting behaviour for the UBP's victory in the 1962 election, even though at the time, he himself had endorsed that party because of his personal quarrels with the leadership of the PLP.[112] During the campaign for the 1967 election, the PLP tried to scare voters into believing that the UBP would seek independence from the United Kingdom, claiming that it was the PLP that stood for continuity.[113] However, the PLP and Pindling, whose term in office would last for an uninterrupted twenty-five years, in creating a Black Moses mythology around him subsequently rewrote the story of their *Quiet Revolution* to be a proprietary one of a few bold men and even fewer bold women who led an oppressed people out of Egypt and into the Promised Land. In contrast to the rhetoric, however, the "wresting away of control

111 Internal Note, Colonial Office, 26 June 1961, TNA: CO 1031/4120/68.
112 Governor Stapledon to Colonial Office, 6 December 1962, TNA: CO 1031/3079/83.
113 Etienne Dupuch, "The Scramble for Votes," The Tribune, 10 December 1966, 3.

[…] from the colonizer" remained limited to taking over the existing "bureaucratic structure, with little interrogation of its underlying premises."[114] As a result, the nominally progressive forces at the forefront of this movement ultimately shaped the postcolonial Bahamas into a fundamentally conservative state that is supposed to be seen not as a work in progress but rather as a finished masterpiece.

With independence then, not only was the Foreign and Commonwealth Office no longer available to continue in its role as catalyst for reform and as a hub for the dissemination of knowledge and technical expertise, all of which could have been compensated for by various multilateral organisations, but there were also no longer groups in the Bahamas to play the part of progressive opposition providing an impetus for an ongoing democratisation of the Bahamian state and society. Bahamians who had exercised their citizenship actively as colonial subjects would cease to do so as citizens of an independent nation. Bahamian democracy has accordingly stagnated. The generation who dominated Bahamian politics during the *Majority Rule* era and independence was responsible for this stagnation and has only reluctantly let go of the reins of power so that the passing of the baton to a next generation has not yet been fully completed. This is most apparent in the office of the Governor-General, which until 2019 was held Marguerite Pindling, the widow of former Prime Minister Lynden Pindling, and which is currently held by Cornelius A. Smith, who was already eighty-two years of age upon assuming office.

The century of reform I have described has given the Bahamas a passably democratic franchise, but legislative reforms alone do not make a democratic society. While I have outlined some areas where further legislative measures could provide additional democratic gains, it will require additional social reforms and a cultural transformation for the Bahamian people to become empowered to sovereignly exercise their power as citizens.

114 Kamugisha (2019) 42.

Epilogue

A snap general election was held in the Bahamas on September 16th, 2021. The pendulum swung back. The PLP won more than 52 % of the popular vote, which yielded them thirty-two seats in the House of Assembly (up from four in 2017). The FNM received a little more than 36 % of the popular vote and is left with a mere seven seats (down from thirty-five in 2017). The DNA was relegated to an irrelevant fourth place by a so-called Coalition of Independents, which won 6.75 % of the vote campaigning on a phenomenally populist platform of phantastic promises, such as annually issuing every Bahamian citizen a cheque for $ 100,000.[1] Given the outgoing government's unpopularity and parts of the electorate's susceptibility to political showmanship, this outcome can be described as an expected one.

For the context of this book, it is moot to analyse precisely why Bahamians were dissatisfied with their government, but three points may serve as an example to illustrate their frustration. First, there is the personality of the Prime Minister, Hubert A. Minnis, whom many perceived as arrogant and dismissive of the citizens. Second, there was Hurricane Dorian, which since 2019 has continually overwhelmed the state's ability to adequately respond to the consequences of a natural disaster of that magnitude. Third, there was the Covid-19 pandemic, which posed many challenges to the world at large, but which in the Bahamas triggered a particularly socially imbalanced response. The last two points, I posit, not only fundamentally influenced the political outcome of the election, but also further highlight existing deficiencies in the Bahamas' electoral system for they directly affected some voters' access to the ballot.

This problem becomes visible when we look at the voter turnout, rather than popular vote or seat distribution, which was 65 %. In comparison to some other jurisdictions in the region, this may be unremarkable, perhaps even high, but it is down 23 % from the previous election, down 28 % from a

1 Bahamian Evolution, "Prologue." Facebook, 13 April 2021, https://www.facebook.com/101844078707340/posts/101858525372562/, accessed 21 December 2022.

peak in 1997, and still down more than 20 % from the previous lowest voter turnout in 1968 – which was not only the first election in which every voter had one vote and one vote only in all single-member constituencies, but which, like 2021, was also a snap election. However, given that the last time Bahamians deemed an incumbent government worthy of being returned to office was 1997, and that for the past twenty-four years they have repeatedly and in high numbers returned to the polls in order to, as Bahamians revel in saying, "vote them out," the seemingly apparent explanation which would attribute this decline to voter apathy or disillusionment does not suffice – at least not alone, especially because voter registration was in fact up by more than 7 % over 2017.[2]

An examination of the voter turnout in the various constituencies across the country shows that, while it had decreased everywhere, it was lowest in those areas with a high population density and in the two northern islands of Abaco and Grand Bahama, which were the ones most affected by Hurricane Dorian. For example, the turnout in the constituency of Central and South Abaco was only 56 %. Herein, I argue, lie two additional reasons for the drastic decline in voter turnout.

First, people were concerned about risking their health. In the weeks and days leading up to the election, there was debate about whether or not quarantined persons should be allowed to participate in the election. The government had not adequately prepared for the voting process under pandemic conditions and was thus hesitant. However, it also feared lawsuits should it disenfranchise quarantined voters. Therefore, less than a week before the poll, it conceded that such voters would be allowed to come to a polling site and cast their vote.[3] Yet neither the Cabinet nor the Parliamentary Registration Department communicated that there would be additional health or hygiene protocols in place to accommodate this. Renward Wells, the Minister of Health, Marvin Dames, Minister of National Security, and other officials continued to emphasise the infection risk that this con-

2 Parliamentary Registration Department. "General Election Registration Data Report," https://www.elections.gov.bs/genral-election-registration-increase-data-report/, accessed 12 October 2021.

3 "Quarantined People will be Allowed to Vote." The Nassau Guardian, 13 September 2021, https://thenassauguardian.com/quarantined-people-will-be-allowed-to-vote/, accessed 21 December 2022.

cession posed to the general public.[4] This can explain why densely populated areas with polling stations that tend to get rather more crowded saw an above average decline in voter turnout. It could also be a reason why perhaps more would-be FNM voters refrained from casting their ballots than PLP voters, as it was the representatives of their party who stoked the fear of Covid-19 at the polls.

Second, as a result of Hurricane Dorian, many residents of the northern islands are still displaced, and certain crucial infrastructure has not yet been rebuilt. This means that at least some voters in those islands currently do not live where they are registered. Additionally, many sites traditionally used as polling stations are not available. Yet as we have seen, the limited options available for absentee voting are inadequate.[5]

Finally, a third reason for the low voter turnout may be the fact that this was a snap election, which occurred approximately seven months earlier than expected. The Prime Minister offered no explanation for his decision to call the election early, or to do so during the thus far worst wave of the Covid-19 pandemic to hit the country.[6] While the amendments to the Parliamentary Elections Act, which were passed in December 2020, made voter registration somewhat more pandemic-compatible, they also constituted the first substantial change to that process in the Bahamas since the General Assembly Elections Act of 1959. Most Bahamian voters, for most of their lives, were used to having to actively go and register to vote before every general election. This they usually did just weeks or maybe a couple of months, but not many months or even years prior to an anticipated election. In 2021, as always, the voters register was closed the moment the election was called. Therefore, because of the surprise nature of a snap election, and regardless of the fact that now voters only needed to actively register, if they moved their place of residence, or if they had not been registered to vote

4 Leandra Rolle, "Dames Warns Voters Must Follow Protocols as Election Day Nears," The Tribune, 15 September 2021, http://www.tribune242.com/news/2021/sep/15/dames-warns-voters-must-follow-protocols-election-/, accessed 21 December 2022.

5 Denise Maycock, "GB Attorneys Fear Voter Disenfranchisement," The Tribune, 6 September 2021, http://www.tribune242.com/news/2021/sep/06/gb-attorneys-fear-voter-disenfranchisement/, accessed 21 December 2022.

6 Khrisna Russell, "PM Coy on Reasons for Early Election: 'I Think as We Progress You Would See,'" The Tribune, 29 August 2021, http://www.tribune242.com/news/2021/aug/27/pm-coy-reasons-early-election/, accessed 21 December 2022.

before, it is easily possible that many voters missed this finer point of law, and simply did not realise that they were in fact duly registered to vote. Consequently, they may have abstained from voting out of ignorance. This is echoed by the criticism over the absence of a public education campaign for the amendments, which was voiced by election observers in the aftermath of the 2021 election.[7]

It is time for the Bahamian legislature to commit to strengthening democracy and providing the country with a robust and modern legal framework that ensures the integrity of the democratic elections process would seem preferable over tinkering with a system that is still based on the Bay Street Boys' mid-twentieth-century design. Whether it is pandemics, natural disasters amplified by climate change, or just the increased mobility of citizens in the age of Globalization – the rigid electoral system, which in the Bahamas leaves but limited room for absentee voting, does not meet the demands of the electorate in the twenty-first century. Such an overhaul of the Parliamentary Elections Act must then also give effect to the recommendations election observers had made in the past, and which both the representatives of the Commonwealth and the Organization of American States repeated after the 2021 election. These included, apart from aspects of gender parity, media access, registration and voting procedures, once again the issue of party transparency and campaign finance regulations.[8]

7 Leandra Rolle, "More Reform Needed, Say Vote Observers," The Tribune, 20 September 2021, http://www.tribune242.com/news/2021/sep/20/more-reform-needed-say-vote-observers/, accessed 21 December 2022.

8 Leandra Rolle, "More Reform Needed, Say Vote Observers," The Tribune, 20 September 2021, http://www.tribune242.com/news/2021/sep/20/more-reform-needed-say-vote-observers/, accessed 21 December 2022.

Appendix: Boundaries, 1919–2017

The following maps show the distribution of parliamentary seats in the Bahamian House of Assembly in relation to contemporary census figures. They must be interpreted with caution for several reasons. When the boundaries of electoral districts or constituencies are being changed, this is done on the basis of voters' registers. However, not only are historical registration numbers not available, but because of the changes in the suffrage the registration numbers for the various stages of this book's period of investigation are not comparable. Furthermore, as we have seen when the system of voter registration was changed in the wake of the introduction of the secret ballot, it became apparent that the earlier voters' registers had been flawed and bloated, containing the names of scores of ineligible persons.

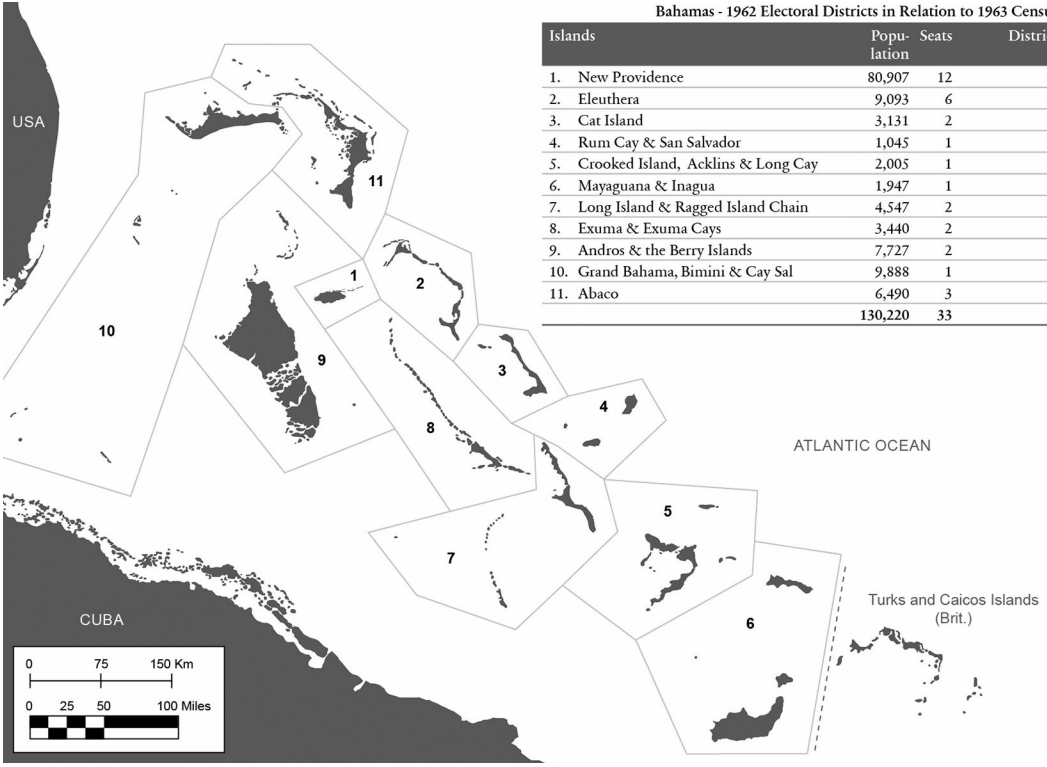
Nonetheless, even if changes in the franchise meant that the composition of the electorate changed, the relative distribution of the population still remains relevant, as the actions of the national legislature affect all residents, enfranchised or not, and even unenfranchised residents would at times turn to the Members for their districts with political petitions. In this sense, the methodological continuity provided by census figures offers an advantage in highlighting the progress made towards more equitable representation during the period of investigation. These census figures, however, will at times demonstrate a noteworthy discrepancy between the number of residents and the number of eligible voters in certain parts of the country that goes beyond the discussed suffrage criteria of sex and property qualifications, e. g., the prevalence of sizeable communities of non-nationals in certain areas of the Bahamas at certain times in history. The most striking example of this are the numbers for the island of Grand Bahama during the 1960s, which included a large contingent of international residents.

The maps shown here depict the delimitation of electoral districts of constituencies for the years 1919, 1962, 1967, 1968, and 2017, in relation to the chronologically closest available census data. I chose these dates to not only contrast the beginning of this book's period of investigation with the

present, but to also highlight the era when, in quick succession, the most consequential changes in terms of seat redistribution occurred, which were the three general elections of the 1960s.

Figure 2: Boundaries, 1919

Figure 3: Boundaries, 1962

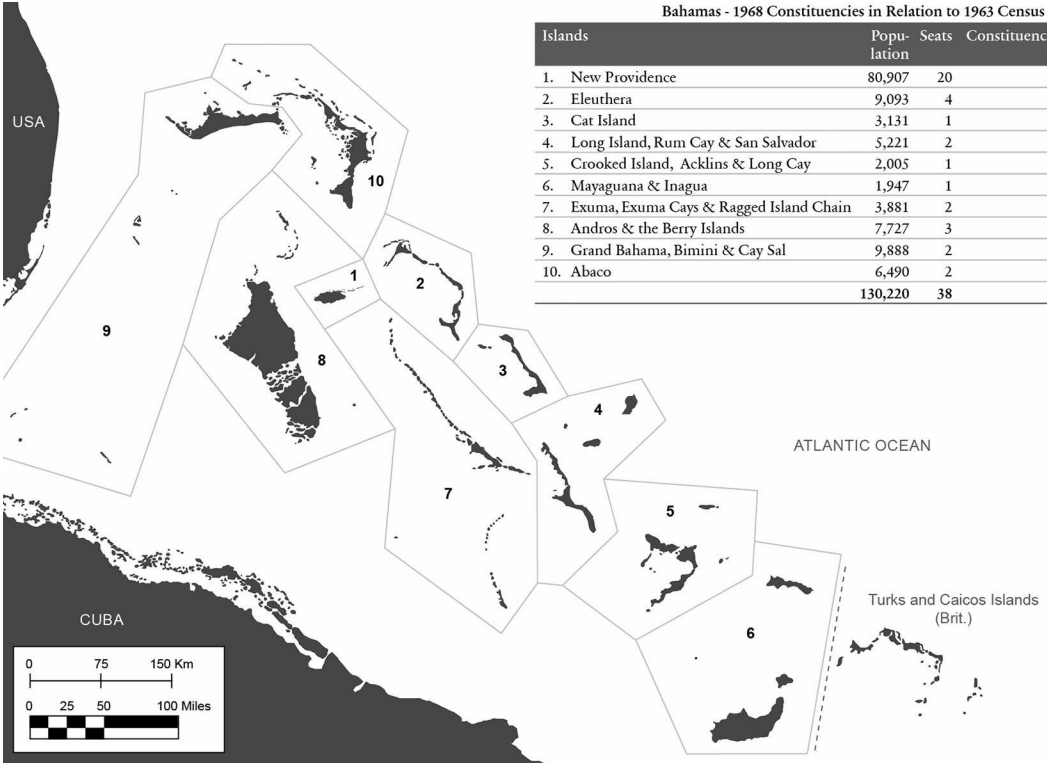


Bahamas - 1962 Electoral Districts in Relation to 1963 Census

Islands	Popu-lation	Seats	Districts	Avg. popu-lation per MP
1. New Providence	80,907	12	6	6,742
2. Eleuthera	9,093	6	2	1,516
3. Cat Island	3,131	2	1	1,566
4. Rum Cay & San Salvador	1,045	1	1	1,045
5. Crooked Island, Acklins & Long Cay	2,005	1	1	2,005
6. Mayaguana & Inagua	1,947	1	1	1,947
7. Long Island & Ragged Island Chain	4,547	2	1	2,274
8. Exuma & Exuma Cays	3,440	2	1	1,720
9. Andros & the Berry Islands	7,727	2	1	3,864
10. Grand Bahama, Bimini & Cay Sal	9,888	1	1	9,888
11. Abaco	6,490	3	1	2,163
	130,220	33	17	ø3,946

Figure 4: Boundaries, 1967

Figure 5: Boundaries, 1968



Bahamas - 1968 Constituencies in Relation to 1963 Census

Islands	Population	Seats	Constituencies	Avg. population per MP
1. New Providence	80,907	20	20	4,045
2. Eleuthera	9,093	4	4	2,273
3. Cat Island	3,131	1	1	3,131
4. Long Island, Rum Cay & San Salvador	5,221	2	2	2,611
5. Crooked Island, Acklins & Long Cay	2,005	1	1	2,005
6. Mayaguana & Inagua	1,947	1	1	1,947
7. Exuma, Exuma Cays & Ragged Island Chain	3,881	2	2	1,941
8. Andros & the Berry Islands	7,727	3	3	2,576
9. Grand Bahama, Bimini & Cay Sal	9,888	2	2	4,944
10. Abaco	6,490	2	2	3,245
	130,220	38	38	ø3,427

Figure 6: Boundaries, 2017

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Nicola Camilleri

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Global Perspectives on Legal History 19

Frankfurt am Main: Max Planck Institute for Legal History and Legal Theory 2021.
316 p., € 23,94 D
ISBN 978-3-944773-36-0
eISBN 978-3-944773-37-7
Open Access Online Edition:
http://dx.doi.org/10.12946/gplh19

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ISBN 978-3-944773-38-4