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

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[the 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

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." 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.” 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.” The Colonial Office sent Leslie Brian Freeston, who served there from 1919 to 1936 before being appointed to a series of governorships himself. 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. 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.
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

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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

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12 Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/60.
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 continuation 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’.” 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.”

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” who served as a Member for the Western District of New Providence from 1928 to 1938. 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.
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.” 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.” 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, and Owen Platt suggested that, much to Bay Street’s chagrin, Dundas would not reduce himself to “complacently go along with their views.” 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.”

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.
22 CRATON/SANDERS (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.
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.” 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.” 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.” 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. Dundas alluded to this, too, when he reported to the Colonial Office that Butler “seems to have been designedly deprived of funds.”

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.” 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.” 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

27 Governor Dundas to Permanent Under Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/44.
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. 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 resistance [sic!], and two white Officers sustained very slight injuries. Two coloured men were arrested.

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.” 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, 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.

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.

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.
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. 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. 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.” 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 rafl 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.
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.

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.”

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.” 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.” 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.
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.
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.\footnote{Newspaper clipping from The Tribune, 7 July 1928, TNA: CO 23/390/9.}

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.\footnote{Newspaper clipping from The Nassau Daily Tribune, 1 July 1944, TNA: CO 23/798/61.}

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.”\footnote{Internal Note, Colonial Office, 12 July 1946, TNA: CO 23/800/17.}

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,\footnote{Ballot Act 1872 (United Kingdom).} was not cited in the Bahamian context, even though it could
have alleviated these concerns. Upon its introduction there, the number of spoilt ballots had been described as “trifling.” 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.

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. 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.” 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.”

56 Seymou (1915) 433.
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.
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.
tally is the largest Town in the colony” 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. 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,” 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.” 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.”

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.” 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. 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.” This, as well as two other clauses, according to Attorney General John Bowes Griffin, emphasised “[t]he experimental character of the Act.” One was the already mentioned limited duration, which was set at five years. 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.”

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. The House of Assembly, however, decided to adopt the respective provision from Bermuda’s Parliamentary Elections Act of 1928 instead. The Colonial Office duly noted that in Bermuda, despite the secret ballot, the minority white oligarchy had maintained its rule. 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. 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. 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. 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.

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.
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

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.”

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.” 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.

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. 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.” 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.” Furthermore, the time span “between the teste and return of the writs of election” was limited to a maximum of forty days.

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.

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.

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.

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.
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%.\textsuperscript{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.\textsuperscript{109} More importantly, the Out Islands sent twenty-one Members to the House, whereas New Providence only sent eight Members.\textsuperscript{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,”\textsuperscript{111} a trope popularised by none other than Charles Dickens a century earlier.\textsuperscript{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.”\textsuperscript{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).”\textsuperscript{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

\textsuperscript{108} Report of the Commission Appointed to Enquire into Disturbances in the Bahamas, 1942, TNA: CO 23/733/75.
\textsuperscript{110} General Assembly Elections Act 1919 (Bahamas), s 39.
\textsuperscript{111} Internal Note, Colonial Office, 25 July 1938, TNA: CO 23/653/3.
\textsuperscript{112} Dickens (1837) 133.
\textsuperscript{113} Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/12.
\textsuperscript{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.”

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
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

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¹¹⁶ Newspaper clipping from The Nassau Daily Tribune, 13 June 1942, TNA: CO 23/731/97.
¹¹⁹ Aranha (2015b).
was the Riots (Damages) Act of 1943, under which “any person who has sustained loss in respect of damage by riot shall receive compensation.”\textsuperscript{123} A special tribunal to “determine claims for damage arising out of the riots that occurred in New Providence in June, 1942” was constituted.\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{126} Of course, it had been the merchants of Bay Street whose businesses had suffered the most damage during the \textit{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.\textsuperscript{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

\begin{footnotesize}
\begin{enumerate}
\item Riots (Damages) Act 1943 (Bahamas) 1943, s 3.
\item Riots (Damages) Act 1943 (Bahamas) 1943, s 3.
\item Report of Select Committee, 1 March 1943, TNA: CO 23/734/50.
\item Governor Windsor to Secretary of State for the Colonies Stanley, 24 March 1943, TNA: CO 23/734/37.
\item Internal Note, Colonial Office, 1 January 1943, TNA: CO 23/732/9–10.
\end{enumerate}
\end{footnotesize}
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

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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.\textsuperscript{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,”\textsuperscript{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.\textsuperscript{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.\textsuperscript{137} Hence, the Act was now a permanent feature of Bahamian election law.

The \textit{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.”\textsuperscript{138} In the same column, the \textit{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.”\textsuperscript{139} The latter qualifier may have been made in recognition of London’s preoccupation with the ongoing war. However, as certain as the \textit{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.

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

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\text{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-

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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.  
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.
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.
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.” 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.” 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.

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.
to “exercise their right to vote intelligently” were valid insofar as “[s]uch an ideal is hard to attain anywhere.”\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{156} This deliberate offense seems to have strengthened the Colonial Office’s resolve to see through the complete implementation of the secret ballot.\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{159} Furthermore, Stewart warned that this issue had the potential to incite racially motivated civil unrest.\textsuperscript{160} This argument ultimately swayed the Colonial Office, probably not least because of Nassau’s strategic importance during the war.\textsuperscript{161} However, for the time being the Colonial Office’s main concern was not actually the secret ballot \textit{per se}, but to have the Bahamian public continue to believe that both London and Government House sup-

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

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

\textsuperscript{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.

\textsuperscript{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.

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

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

\textsuperscript{170} Craton (2007) 339.
Development Board from 1949 to 1964,\textsuperscript{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.\textsuperscript{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.\textsuperscript{173}

After being momentarily puzzled, the Colonial Office soon saw through this attempt at buying time.\textsuperscript{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

\begin{footnotes}
\item[171] N.B.: The Development Board was the predecessor of the Ministry of Tourism.
\item[172] Governor Windsor to Secretary of State for the Colonies Stanley, 3 March 1945, TNA: CO 23/799/55.
\item[174] Internal Note, Colonial Office, 19 April 1945, TNA: CO 23/799/6.
\end{footnotes}
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.”

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.” 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. 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. 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.

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

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.


\(^{182}\) 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.


\(^{186}\) Notes of Meeting between Secretary of State for the Colonies Hall and Governor Murphy, 10 May 1946, TNA: CO 23/800/117–118.

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. 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. 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.

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.” 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.
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 £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 makes [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-

\(^{193}\) Governor Murphy to Secretary of State for the Colonies Hall, 1 August 1946, TNA: CO 23/800/95.
\(^{195}\) 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.

198 General Assembly Elections Act 1946 (Bahamas), s 56.
200 Seymour (1915) 443; O’Gorman (2007) 34.
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.”

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.”

Open voting was such a restraint. Opponents of the ballot “stigmatized secret suffrage as un-English and accordingly unmanly,” and argued that

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

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. 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.
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.
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