THE

SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

THE SENATE

Thursday, 9th March, 1989.

The Senate met in the Senate Chamber, Parliament Buildings, on Thursday 9th March 1989, at 9.30 a.m.

PRESENT

His Honour Senator Sir Frank L. Walcott, K.A., O.B.E., LL.D., (President)
His Honour Senator M. deL. Jordan, (Deputy President)
Senator the Hon. L. V. H. Lewis, (Minister of State in the Prime Minister's Office), (Leader of the Senate)
Senator the Hon. Sir James Tudor, K.C.M.G.
Senator A. Morrison
Senator N. W. Boxill
Senator Mrs. V. C. Fraser, B.S.S., J.P., M.F.C.A.
Senator Mrs. G. L. Eastmond
Senator A. J. N. Phillips
Senator J. C. W. Wickham, M.B.E.
Senator the Rev. Canon I. McK. Jones
Senator L. A. Ward, G.C.M.
Senator C. A. Blackman, Q.C.
Senator Mrs. P. Y. Forde
Senator J. S. Goddard
Senator Dr. L. L. Shorey
Senator the Hon. Dr. C. D. Clarke, (Minister of State in the Ministry of Finance and Economic Affairs)
Senator A. W. A. McClean
Senator Miss V. P. Brathwaite

ABSENT

Senators D. A. Comissiong and T. A. Prescod.

Her Majesty The Queen was announced by the Sergeants-at-Arms

Her Majesty the Queen and His Royal Highness the Duke of Edinburgh took their places in the Senate Chamber.

Mr. President presented to Her Majesty the humble Address from the Senate in accordance with the Resolution of 1st March 1989.

The Address from the Senate was as follows:

BARBADOS

THE SENATE

TO

THE QUEEN'S MOST EXCELLENT MAJESTY

Most Gracious Sovereign,

Members of the Senate are honoured and delighted by Your Majesty's presence in our Chamber today. Accordingly we, together with the House of Assembly, welcome this historic opportunity to celebrate three hundred and fifty years of the establishment of the Parliament of Barbados.

Your Majesty enjoys a position of singular pre-eminence among Heads of State in the world, in addition to being Queen of seventeen sovereign realms. Your Majesty is also the revered Head of a worldwide Commonwealth of nearly one-third of the independent states of the globe. This unique experience has given to Your Majesty a clear understanding of, and deep sympathy with, the problems of many peoples and cultures and most particularly, of those in the developing world.

This historic occasion, Ma'am, calls to mind the origins of elected institutions in our island as conceived by a small group of Englishmen who settled here. It does not mark the beginning of what has now become our constitutional democracy, although, in a sense, there is an important link between both. For almost three

centuries this representative system flourished among a small section of the island's people while the majority of inhabitants, mostly black, were excluded, through slavery, from the enjoyment of that progress which self-government encourages. From that deep understanding of the historical process with which Your Majesty is familiar, it is not difficult to see that the exclusion of a large number of people from their proper role in parliamentary institutions inhibits the rapid and peaceful development of a whole society.

Eleven years before the establishment of our Parliament, the English Parliament went into its long night, but not before the House of Lords had petitioned King Charles I to "take Your (Majesty's) Government out of that sphere which is above the law, into that sphere which the law is above." It is this concept of the Rule of Law, working through the establishment of representative institutions, which we are greatly privileged to celebrate today in the gracious presence of Your Majesty.

FRANK L. WALCOTT
President

Mr. PRESIDENT then spoke as follows:

May it please Your Majesty,

We have come together today in this Senate Chamber to recall the origin of the Parliamentary institutions we now enjoy, and to describe how this Senate traces its origin and its history in the pragmatic arrangements which followed the settlement of Barbados by Englishmen in 1627. This island was given to the then Earl of Carlisle through Letters Patent issued by King Charles I. According to the custom of English society of that day, Lord Carlisle nominally held Barbados as a tenant of the King by the allegiance he owed to his Sovereign.

The Letters Patent did not grant all the authority which was enjoyed at that time by a Bishop of Durham, or any other territorial magnate, in England. They clearly specified that the inhabitants of Barbados should enjoy all the liberties and privileges of Englishmen and that any laws made by Carlisle in and for Barbados must be "as convenient and agreeable as may be to the laws, statutes, customs, and rights of our Kingdom of England". In theory this might suggest that the King could nullify laws made in Barbados, but the stubbornness of the settlers equally suggest that practice differed from theory.

There has always been some doubt, Ma'am, as to whether Barbados was ever a colony in the commonly accepted sense. Two of Your Majesty's Prime Ministers of Barbados held the opinion that it was not.

The late Right Honourable Errol Walton Barrow contended that the uniqueness of Barbados lay in the fact that it was neither conquered nor ceded by treaty, but *settled.* He believed that this island was a 'Colony' only in the Greek sense, that is, an independent territory settled by migrants and not a colony in the Roman sense, which was a garrison settlement or trading outpost in a conquered territory. The late Right Honourable John Michael Adams held a similar, though differently expressed, view, that Barbados is connected to Britain only through the Crown because Barbados started as a separate Realm and is an older Realm than what is usually described as "The United Kingdom" which came into existence much later.

Carlisle's Letters Patent did not identify what institutions of government should be set up. Most likely it was taken for granted that the precedent of the Virginia colony would be looked at and that the Lord Proprietor would rule Barbados through a Governor and a Council. It is possible that the first Governor, Wolverston, may have discussed policy with a few of the settlers to hear their views. He seems to have shared his administrative duties with some of them and we might regard these as a sort of informal Council. The next Governor, Tufton, did not seem to care very much for the wealthier settlers, and resisted having a Council, although his resistance seems to have been overcome.

Governor Hawley had a Council, but we cannot tell whether he was influenced by it. It seems that "the Governor and (or in) Council" enjoyed both executive and legislative authority. There is hardly any evidence of laws being enacted before 1641, when the House of Assembly was two years old, but by this time the Legislature appeared to be bicameral. Research has not yet disclosed whether Council and House sat separately or jointly. The House certainly elected its first Speaker in 1652 and has sat separately ever since, except when invited, as is the case today, to a joint sitting.

We have in the events of 1651, the clearest evidence of how the two Houses pursued a common design. In 1650 Lord Willoughby arrived in the Island apparently with a Commission from King Charles II appointing him the royal Governor. He, together with the House and Council, devised and issued the famous *Declaration Against the British Parliament* which included the famous question –

> *"Shall we be bound to the Government and Lordship of a Parliament in which we have no representatives or persons chosen by us, as also to oppose and dispute all what should tend to our disadvantage and harm?"*

The Legislature then answered its own question thus –

> *"In truth this would be a slavery far exceeding all that the English Nation hath yet suffered."*

At that time, of course, they were starting another sort of slavery.

In 1652 this protest was formalised into the Agreement signed between Barbados and the Commonwealth at the Mermaid Tavern. Under this Charter there was to be Freedom of Conscience, and it was stipulated that –

> "no taxes, customs, imposts, loans and excise should be levied on the inhabitants of Barbados without their consent in a General Assembly".

It appears that from the Restoration onwards the Governor's Council, as a legislative entity, continued to develop. Its senior member became its Chairman and acted as Governor's Deputy when necessary. It seems that a Christopher Codrington may have acted as Governor occasionally. Some evidence exists which suggests that towards the close of the eighteenth century the title of President became the usual designation of the Council's most experienced member. An interesting development took place in the early years of the last century. The minutes of the Council for 14th August 1810 disclose that *"the Governor proposed that in future the Council in its legislative capacity and the Privy Council should be distinct from each other, to which the Board agreed, and the Governor withdrew".*

Until 1876 the same persons were members of the Council in both its legislative and executive capacities. But the Commission issued by Queen Victoria to Governor Pope Hennessy in 1876 announced, among other things:

> "We do therefore....declare that there shall henceforward be within Our said Island of Barbados two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of Our Islands". The British analogy to this development was the division of the King's Great Council into the House of Lords and the Privy Council respectively.

The Legislative Council ceased existence as the Second Chamber in 1964, when the Royal Instructions were withdrawn. A Senate has taken its place and shares, with Your Majesty and the House of Assembly, the high privilege of making laws for the peace, order, and well being of the People of Barbados.

The people of a country seldom contribute to its development at the same time or in the same way. This is a common historical experience, as Your Majesty well knows. It is also a common historical experience that nothing will last if it is enjoyed only by an oligarchy. Magna Carta conceded liberties to a handful of nobles but these liberties are now enjoyed by hundreds of millions of people whose existence King John could scarcely have imagined. It's the same with Barbadian institutions which were devised for an oligarchy and are now the cherished possession of an entire nation. It is this enduring experience of a goodly heritage which unites us at this time with Your Majesty.

Then Mr. Speaker, on behalf of the Honourable House (also assembled in the Senate Chamber), presented to Her Majesty an Address from that House.

HER MAJESTY'S REPLY

Her Majesty's gracious speech in reply to the Addresses, delivered to the Members of both Houses, was as follows:

Mr. President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,

Thank you for the Loyal Addresses you have just presented and for the kind words with which you accompanied them. It is always a great pleasure to be in Barbados. I can truly say that I feel very much at home here. Other members of my family too are always pleased to come here to enjoy that generous hospitality for which this island and its people have long been famous.

I share your pride in this great occasion, and applaud the industry of all those who have worked so well and so hard to make your historic Parliamentary Buildings so attractive. Incidentally, they must be more comfortable and efficient for those who work in them.

Any nation which can boast of the continuous existence of a Parliament for three hundred and fifty years has sure grounds for pride. As we have just heard, the Mother of Parliaments began in its present form in 1265. I joined in the 700th anniversary celebrations in Westminster Hall in 1965. That Parliament has therefore been in existence for rather more than twice as long as this one, but its history has not been untroubled. In 1639, when the Assembly was created in Barbados, the King of England and the Parliament were shortly to become involved in a state of Civil War. Not until 1660, was the system of the Monarchy in Parliament restored, and the "Westminster model", on which so many Commonwealth Parliaments have been based, began to take shape.

The Barbadians who established their House of Assembly were a small band of expatriate Englishmen, who believed strongly in individual liberty and their right to worship God in their own way. They believed that a self-governing system, formed according to these principles, would bring more order and comfort to their lives in an unfamiliar environment. But contained in their creation were the seeds of constitutional government and parliamentary democracy.

The concept of human rights, now enshrined in the United Nations Declaration, was in its infancy and was

not, by any means, thought to be of universal application. It was another two centuries before slavery was abolished, and the idea of some men owning others was condemned as abhorrent.

In 1651, the declaration against the British Parliament issued by Governor Willoughby and the Legislature of Barbados, carried the statement of principle that no people can truly be free unless they can organise and choose the way in which they wish to govern themselves and their society.

From the Charter which was signed in the following year, Thomas Jefferson found inspiration, and borrowed some of its principles for The Declaration of American Independence.

We are all of us inheritors of our history, and this burden may sometimes confuse or depress us. Through faith and goodwill we must use the errors of the past to redeem the present and safeguard the future. Courage, tolerance, humility and a willingness to share our blessings with others can make our world a better place.

Mr. President and Members of the Senate: Mr. Speaker and Members of the House of Assembly, on 26th June Parliament assembles in a Special Session to mark an historic day in your constitutional development. I understand that a small parcel of land, not very far from this Chamber, has been identified as the site of the tavern where the House of Assembly started its business in 1639. Thirteen years later the historic Charter of Barbados was also signed at the Mermaid Tavern in Oistins. It would appear that Barbadian hostelries of the seventeenth century had more to offer than mere hospitality.

This small nation is admired for many things, apart from its natural beauty and its world famous cricketers. Its people have a great passion for education and spend almost the largest part of their resources on the young. Much concern is also devoted to the senior citizens, and those who are unfortunately afflicted by disabilities of various sorts. There is also a welcome upsurge of interest in Barbadian history and in the spread of an authentic culture.

Most significant of all your achievements, is the success with which you have nourished and brought to maturity, through many painful experiences, a constitutional system of democratic government, from which others hav much to learn. For these reasons I am proud and happy to be your Queen, and I pray that God may bless your national endeavours.

The Senate then adjourned at pleasure.

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