



OFFICE OF THE
PREMIER
CAYMAN ISLANDS GOVERNMENT

**The Transition from Legislative Assembly to the Parliament.
By Premier Hon. Alden McLaughlin, MBE, JP, MLA
2 November, 2020
Legislative Assembly**

Thank you Mr. Speaker, as Father of this House I think it was only fit and proper that you should regale us in that way with not only some humorous stories but some very poignant ones about those days long gone by, and indeed some individuals who have been called before us. And Mr. Speaker I'm a full sixteen years behind you in seniority in this House but I have been here long enough myself to have a few tales that on the appropriate occasion I hope to be able to share. I hope I have the opportunity before I'm too old and infirmed to do so.

Mr. Speaker, during the past two Administrations that I have had the honour and privilege to lead, several milestones have been achieved in these Hallowed Halls.

Today, sir, as you have noted we mark another most significant milestone. When the gavel sounds at the end of this First Meeting of the 2020/2021 Session of the Cayman Islands Legislative Assembly it will mark the end of a storied era as we say adieu to the institution known as the Legislative Assembly.

When next we meet in these hallowed halls, this place shall be known as the House of Parliament.

Growth and maturity bring with them change. This august institution that is the Legislative Assembly first began in its current form some sixty years ago during a period of much change globally, regionally and indeed change here at home.

Change that brought in our Coat of Arms on 14 May, 1958 - our first symbol of national unity and pride, the design of which was debated and agreed by the Assembly of Justices and Vestry on 5 February, 1958.

Change that also brought our first written constitution that came into effect on 4 July, 1959; the document that has played a

pivotal role in helping guide our further development and prosperity.

And change that remade and renamed the Assembly of Justices & Vestry that began life in 1831 at Pedro St. James they call it now, Pedro Castle we used to call it, to the Legislative Assembly that has existed these past 60 years.

Change that not only modernised the role of this House but did away with the bi-cameral system of Justices and Vestry, and installed a uni-cameral system comprising Members of the Legislative Assembly.

And Mr. Speaker we are about to change again and with that change we in this House will also transition from being Members of the Legislative Assembly to being Members of Parliament. This I am sure is a matter of pride for every one of us here and indeed for every Caymanian. A pride that is not about us as individuals but instead is one of national pride in the advances we are making as a Legislature and as a country.

Mr. Speaker, as we are all aware, the renaming of this institution to Parliament was agreed between a delegation of all Members of this House, Government and Opposition and the United Kingdom Government in a package of important enhancements to our Constitution that are expected to come into effect next month. Those enhancements, Mr. Speaker, acknowledge the growth and maturity of our Islands and provide an important added level of control over our own affairs. These amendments combined with the 2009 Constitution, will not only guide our maturing relationship with the United Kingdom but will also be the foundation for our continued prosperity.

Mr. Speaker before we close this chapter, I would like to delve into a bit of history as to how we evolved from that first meeting of democratically elected representatives on the 31st December, 1831; some 189 years ago to this Legislative Assembly.

In the foreword to her booklet, “1832-1982: 150 Years of Parliamentary Government in the Cayman Islands”, National Hero, and the first Clerk of the Legislative Assembly, The Hon. Sybil McLaughlin wrote, and I quote: “Self-government is a state of affairs that has never come easily to nations. Even today there are tens of millions of people in the world whose every move is governed by alien forces far from their own borders.

“By this measure, then, the Cayman Islands must surely be counted among the blessed lands on this planet since our roots of self-government can clearly be traced back 150 years to the first meeting of democratically elected representatives of the people on the 31st of December, 1831.”

At the time this was written by Ms Sybil as we called her in 1982 we were celebrating 150 years of Constitutional Democracy, and our early and important moves towards self-government; early moves that began with a meeting as recorded in documents found in the Public Records Office in

London that note, “At a meeting held in Saint James’s on the 5th of December, 1831, it was resolved that Representatives should be appointed for the different districts throughout the Island for the purpose of forming local laws for its better Government. The Representatives were accordingly elected on the tenth of the same month, and assembled at George Town, pursuant to Advertisement on the 31st December, 1831, and the 2nd January, 1832.”

And so Mr. Speaker the first elections in these Islands were held on 10 December, 1831, and then on 31 December the first Assembly of Justices and Vestry met in George Town. This first meeting was ceremonial with the official business meeting being held in January the following year.

That first group of elected representatives were George W. Wood and James Hunter Wood of Bodden Town; James Coe Sr. and William Eden Sr. of Prospect; John Hew of South Sound; James Parsons Sr., William I. Bodden and Thomas L.

Thompson of George Town and Samuel Parsons and William Bodden of West Bay.

The first Magistrates were John Drayton, senior magistrate; Robert S. Watler; Waide W. Bodden; John S. Jackson; James Coe Jr.; Abraham O. Fuertado; Edwin John Parsons; and Nathaniel Glover who resigned and was replaced by William Eden Sr.

At a meeting on 2 January, 1832, legislation titled “An Act to Regulate the Legislative Assembly of the Cayman Islands” was passed formalising the rules and regulations governing the operation of the Assembly of Justices and Vestry. That first sitting of the Assembly was bi-cameral; in other words it was divided into two houses, one senior to the other.

The first, or lower house, was comprised of elected “Vestrymen”, also called “Representatives” who held their deliberations in a different room from the appointed “Magistrates”, which comprised the second or upper house.

Laws passed in the Assembly were required to be sent to Jamaica for assent by the Governor of Jamaica.

In many instances years would pass before the Governor of Jamaica would get around to placing his signature on the Cayman Islands legislation; in fact the first Act of the Cayman Islands Legislature passed in 1832 was not assented to by the Governor of Jamaica until 1865.

I would note for completeness that prior to these events in 1831 and 1832 local public affairs were administered via Justices of the Peace appointed by the British Governor in Jamaica. One of their number was then named as the local Governor. And so with the advent of elected representational government in 1831, Caymanians put an end to the administering power directly appointing those who would not only create the laws, but who also sat as judges, and who administered the affairs of these Islands.

After 1832, the role of the local Governor was changed to that of Custos who was appointed by the Governor of Jamaica, and who served as the head of both the elected and administrative functions.

By 1898 the role of a Custos was changed to Commissioner who, as did a Custos, combined administrative duties with that of a judge of the Grand Court. The Commissioner also presided over the Assembly and as such prepared Legal Reports to the Bills passed in the Assembly. A powerful position indeed on three small Islands with a small population.

Despite the longstanding role of the Governor of Jamaica in the administration of the affairs in the Cayman Islands, it was not until the passage of 'The Cayman Islands Act' on 22 June, 1863, by the United Kingdom Parliament that the Cayman Islands was declared, and administered as, a dependency of Jamaica. With that the Governor of Jamaica had the same powers and authority in respect of the Cayman Islands, as if these Islands had been part of the Island of Jamaica.

The Legislature of Jamaica also had authority to consent to laws passed in the Cayman Islands as well as to make laws for the peace, order and good government of the Cayman Islands. All acts or laws that were valid in Jamaica would be applied to the Cayman Islands. With the direct imposition of the Jamaican Legislature in the affairs of our Islands, the 1863 Act of the UK Parliament could be viewed as a 'stumble' on our journey toward increased self-government. None-the-less, the Caribbean Sea and the distance that separates us from Jamaica, along with our small size allowed us a useful measure of autonomy.

Ms Sybil noted in her booklet on 150 years of government that during the whole of the 19th Century, governors of Jamaica visited the Cayman Islands on only four occasions and representations were made that the Islands were suffering from neglect. But Caymanian lawmakers did not let that neglect stand in their way and they continued to exercise legislative powers without any interference from Jamaica. Over time the

majority of assemblymen came to believe that the local autonomy they enjoyed was a right rather than a privilege conceded by Jamaica.

And so, over the next 90 years we continued our slow march toward nation building; building an economy and building our capacity and our confidence as a people and as a country.

For most of that time our Islands were a fairly quiet place and it was not until events of the 1950s that the national pride of Caymanians was stirred sufficiently to pay attention to the politics of the region and the potential changing future of these Islands.

The West Indies Federation that was promoted by the United Kingdom after the Second World War was eventually formed in 1958, but dissolved in 1962 as Jamaica and Trinidad opted for independence and self-determination rather than Federation.

The years leading up to the formation of the Federation,

through its demise, were pivotal years for Caymanians as our future hung in the balance.

Despite the post-war trend that saw a number of UK colonies opt for Federation and then later for independence, the Cayman Islands was determined to not just be swept along in the wake of our larger neighbours. It was hugely important to Caymanians then, as it is today, to maintain as much of our independence as we could and to protect our way of life and our livelihood.

And so on 7 April, 1955, six Caymanian assemblymen sent a petition to the Colonial Secretary through the Governor of Jamaica. They stated that “we wish to restate as clearly and strongly as we can, three main aims. First, we wish to retain the right to control entry to our Islands. Secondly, we wish to retain our rights to decide what taxes should be imposed upon us. Thirdly, we wish to retain our right to maintain our established channels of trade and employment overseas”.

These matters were not settled immediately, but continued to be debated locally as well as in Jamaica and in London for several years.

Mr. Frank Hill wrote in the *Daily Gleaner* of Jamaica on 19 November, 1956, that “these are real fears that the ordinary man on Cayman’s dusty roads can easily understand and get angry about; and during the past months he has been led into flaming anger that has brought these three Islands a new and dramatic political vitality”.

And so the road that both Jamaica and the Cayman Islands traversed during discussion on the formation of the West Indies Federation was difficult and rocky. But in the end, the matter was resolved in 1962 when, after a heated Assembly meeting, the following resolution was passed by the Legislative Assembly: “To continue Cayman’s association with Her Majesty’s Government in the United Kingdom and to negotiate with Her Majesty’s Government in the United Kingdom for

internal self-government, taking into account the wishes of the people of the Cayman Islands as to timing”.

And so we chose to cut our link to Jamaica and the Federation and take greater control of our destiny by becoming a British Crown Colony in our own right.

Mr. Hill, the same Mr. Frank Hill, in his report in the *Daily Gleaner*, commented that “it is easy to admire and respect the Caymanians. They may be rough and ready, many of their leaders unlettered and inexperienced in political niceties, and their vision may be limited by the debit and credit columns of their trading accounts. But they are a steady, thrifty, diligent people with unbending pride and natural dignity that counts no material costs when they are aroused. We in Jamaica have much to learn from them in the things that concern the spirit of many and the consistent toil and sacrifice that are necessary to keep that spirit free”.

Mr. Speaker, as I have indicated our slow march to increased democracy and autonomy took a giant leap forward with the grant of our first written constitution on 4 July, 1959. The changes brought in under it specifically exempted the Assembly from the control of the Jamaican Legislature and placed it directly under the authority of the Governor of Jamaica. The Commissioner was retitled Administrator and retained almost all the executive, legislative, and judicial powers held by the Commissioner. The Administrator was to be guided by the British Governor of Jamaica and to keep him informed, corresponding directly with the Colonial Office in London only with the Governor's authorisation.

The changes to the Legislature in the 1959 constitution were much more radical. After 129 years, the unique body of Vestrymen and Justices was replaced by the Legislative Assembly and membership was reduced from 35 to 18; 12 elected, three nominated and three official.

The elected members of the first Legislative Assembly in 1959 were Dr. Roy E. McTaggart, E. Ducan Merren and A. Colin Panton of George Town; Arthur H. Ebanks, J. Cadian Ebanks and T. William Farrington of West Bay; Noland B. Foster and Keith P. Tibbetts of the Sister Islands; Malcom Eden and A. James Miller of Bodden Town; William Allen McLaughlin (my grandfather) of East End; and Craddock Ebanks of North Side.

The Official Members were James Rufus Astwood (Stipendiary Magistrate), Ernest O. Panton (Assistant Administrator), and Desmond V. Watler (Treasurer). I should point out Mr. Speaker that Desmond V. Watler is now a National Hero as is Mr. Willie Farrington and Dr. Roy McTaggart. Nominated Members were William Warren Conolly (another National Hero) and Theophilus R. Bodden, who later resigned and was replaced by Ormond L. Panton (another National Hero) in March 1960. The Administrator was Major A.H. Donald, OBE, who functioned as both Chairman and Speaker, or presiding officer as they called the position.

In addition, Mr. Speaker the 1959 Constitution introduced an Executive Council (ExCo), which consisted of the Administrator, two official members, one nominated member appointed by the Governor, the Governor of Jamaica, and two elected Members who were nominated and elected by the Members of the Assembly. Whilst in the minds of many Caymanians the Executive Council was a decision making body, in fact it was not. The 1959 Constitution merely required the Governor and the Administrator to consult with the Executive Council in the exercise of all powers conferred upon them by the Constitution. However, the Governor (that is the Governor of Jamaica) and the Administrator were not required to act upon any advice given following this consultation. Nonetheless the ExCo arrangement was an advance on what previously existed, as it acknowledged that elected members of the Assembly should have a role in the administration of the affairs of the Islands.

Mr. Speaker It is important to note that removing the Assembly from control by the Jamaican Legislature was significant as local legislators now had autonomy over passing its own laws, albeit these had to be consented to by the Governor of Jamaica.

It was the decision by the Cayman Islands to forge our own way as a British Crown Colony that allowed our own people to begin to make what were, clearly in retrospect, fundamental policy decisions and to pass the early laws on which we have built our Tourism and Financial Services industries.

The next significant changes to the Legislative Assembly happened with the 1972 constitution, which did away with the system of nominated members. However, three official members – the Chief Secretary, the Financial Secretary and the Attorney General – together with 12 elected members comprised the Legislative Assembly, over which the Administrator, laterally termed Governor, presided.

The 1972 Constitution did provide for the Governor, as president of the Assembly, to be replaced by a Speaker appointed by the Assembly once this change was voted by a majority of members. But Mr. Speaker as you have spoken about this evening, as late as May 1989, when a private Member made a motion to appoint a Speaker and the vote was tied, the Governor, in his role as presiding officer, used his tie-breaking vote to maintain the status quo. The following year, on the 5th September, 1990, the Assembly voted on Private Member's Motion 20/90 to replace the Governor as presiding officer and appoint a Speaker of the House. Indeed Mr. Speaker, as you have indicated it was you who brought that motion and on that occasion the vote for the motion was successful.

Veteran civil servant and the first clerk of the Legislative Assembly and now National Hero the Honorable Sybil McLaughlin became our very first Speaker. In later years the Hon. Sybil McLaughlin was named a National Hero for her

significant contribution to the development of the work of this Assembly and to democracy in our Islands. And Mr. Speaker I dare say she was the first female clerk in the entire Commonwealth, a fact that is not well known.

Time moved on and membership to the House increased to 15 elected members from 12 when the Constitution was amended in 1992. Amendments in 1994 caused members of the Executive Council to become known as Ministers, with a fifth Minister added to ExCo; and in 2003 the ExCo itself was renamed the Cabinet.

The 2009 Constitution introduced further modernisation of the Legislative Assembly, including the appointment and role of a Premier and the Leader of the Opposition, and an increase in membership of the House. It also allowed for the creation of single-member constituencies.

Under the 2009 document the Cabinet evolved from a mere advisory body to the Governor to become the body with the

exclusive responsibility for all aspects of government except those that remain the special responsibilities of the Governor - defence, internal and external affairs, and the public service.

Mr. Speaker, the last administration that I led introduced single member constituencies with one person one vote rather than a system of multi-member and multi-votes that had gone before.

Mr. Speaker, this Government has worked with the United Kingdom Government to make additional constitutional reforms, which provide unique protections as well as allowing more control of our own affairs, and of course the renaming of the Legislative Assembly to Parliament. Mr. Speaker I wish to pay tribute to all members of this House generally but in particular to those who worked with me and the team including visiting the UK and attending the various meetings with the Foreign and Commonwealth Office to ensure that we have achieved these critically important constitutional reforms. I pay a special tribute Mr. Speaker to the member from North Side Mr. Ezzard Miller and to Mr. Alva Suckoo who formed the

Opposition's part of the delegation and indeed Mr. Speaker to my own team on the Government side including Minister Tara Rivers and Minister Joseph Hew as well as the learned Attorney General and the Cabinet Secretary, my political adviser and essentially Chief of Staff Mr. Roy Tatum, as well as Mr. Jason Webster from the Cabinet Office and my Personal Assistant Ms Jana Pouchie-Bush for the role that they played in those very intense and at times difficult negotiations.

Mr. Speaker there was a tense period this morning when the Governor spoke to me and said there may be a problem because of the COVID-19 four week lockdown in London with this matter proceeding. But subsequently we were advised that the Foreign Affairs committee has actually sent the draft constitutional amendment order to the Privy Council and the Privy Council will proceed to meet on the 11th of November. So we pray Mr. Speaker that nothing interferes with the process and that in due course and soon, but very soon, the order will be made.

Mr. Speaker, as I stated when I began the renaming of the Legislative Assembly to the House of Parliament is yet another significant milestone in the history of these islands.

The members of this House also effected another milestone change on Friday last when we approved the passage of The Legislative Assembly (Management) Bill 2020 that provides for the administrative independence of the Legislature. Mr.

Speaker for those of us that have been here a while this has been talked about for more years than we can remember and finally Mr. Speaker, finally we have moved this forward. I am incredibly grateful to all members of this House for their contribution in this regard, and Mr. Speaker without them and their cooperation this would not have occurred. Mr. Speaker I ought not to have forgotten the involvement and advice of Professor Jeffrey Jowell, QC, who was – as he has been for many, many years - the Chief Constitutional Advisor to the Cayman Islands Government for the role that he played in ensuring that we did achieve that significant milestone.

Mr. Speaker all of the changes, from 1831 to today, have been made by Caymanians who were looking to the future; who were looking to improve these three jewels in the Caribbean Sea and to improve the lives of our people. That was true in 1831, it was true in 1959, it was true in 1972, it was true in 2009 and Mr. Speaker it is true today.

That sense of purpose, improving the lives of our people, was made clear at the final session of the Legislative Assembly of Justices and Vestry on 3 July, 1959. It is fitting that I draw from the words spoken there as I begin my closing.

Vestryman Edgar Ducan Merren reminisced about the important work of the Assembly, of those serving in it, and the positive impact that work can have on the lives of our people.

He said, and I quote, "Since 1952 we really started moving ahead, and this progress is gaining momentum each year... we undertook to build an airport at a cost of over 105,000 pounds.

As a result of having air transportation we were able to invite

tourists to the Island, which meant the erection of hotels to accommodate them, a great move to improve the economic condition of these Islands.

“To add to the improvement of our little Island, we undertook the rebuilding of our roads where people can now travel comfortably.

“I should also make mention of Cayman Brac, which is sharing with us in this wave of prosperity.

“Both Grand Cayman and Cayman Brac are proud of the elaborate homes built on their Islands by foreigners, but more proud to see the elaborate homes built by Caymanians themselves.

“The Cayman Islands are on the map and are being known throughout the world. There are greater things to come, which will mean the spending of millions of dollars and it will not be long before these developments become a reality.”

Mr. Speaker, those were indeed prophetic words and I can feel the pride in Vestryman Merren's words as he contemplated the progress and promising future of our Islands and our people.

Legislators back then understood well from whence we have come; they understood hardship and they also understood the importance of moving our Islands continually forward. They understood instinctively that while development benefited the developer it also brought real and lasting benefits to Caymanians so that no longer would we be the Islands that time forgot.

Also speaking at that last meeting was Mr. Ernest O. Panton, clerk of the Vestry, a gentleman that I knew well in his latter years, who sagely noted:

“At the end of today's session of the Assembly the President could announce ‘Here endeth the chapter of the book according to the Legislative Assembly of Justices and Vestry of the Cayman Islands’.

“In these words there will be recorded, were the President to say them, a closed chapter, which has been of greatest importance to the Cayman Islands – an honourable body of men will cease to function as Legislators under the Act of 1832.

“...this Assembly should pay tribute to members of this Assembly who are no longer with us, but who served their time and generation in this Assembly faithfully and well... These men... handed down to us a torch that must never be extinguished. They have left us a great heritage.”

Mr. Panton concluded with “I feel that I can end these few words by saying ‘Hitherto has the Lord led us,’ and under His guidance may the future to us be a glorious expectation.”

Mr. Speaker I pause to interject, I should realise as I get older that my memory is now more fallible than once it was and when I try to remember the names of people who contribute off the top of my head I inevitably leave someone out and get in trouble. I do not know Mr. Speaker how I could have omitted

from my little vote of thanks, Mr. Eric Bush who was Head of the Cayman Islands Government Office in London and without whose organisational skills, ability and great advice we would have struggled much more than we did in those negotiations. It is even worse Mr. Speaker as he is now one of my Chief Officers but I beg his forgiveness, a slip of the tongue no fault of the brain.

Mr. Speaker I know that we are facing many challenges with the onset of the global COVID-19 Pandemic but I know that each of us here believes that with hard work, perseverance and the help of almighty God, our best days are still ahead of us.

There are indeed greater things to come; and much of that will be guided by the work that we do in the halls of this Legislative Assembly and in the offices of Government. I urge all members here to never lose sight that the reason we are here is not only to serve those who elected us, but to also leave a strong foundation for those who follow us to build upon.

So my fellow Members of the Legislative Assembly, the next time we meet here we shall be meeting in the House of Parliament and I shall greet you as fellow Members of Parliament.

I sincerely trust that you are as proud as I am that we are here together at this historic moment at the closing of one chapter and preparing to begin another. All of the United Kingdom's Overseas Territories share a long and storied history of parliamentary democracy. Our paths over the centuries have been different, but in many respects we are more similar than we are different. We all have similar forms of government and constitutions though some are more advanced than others. As I stand here today there are only two of our Sister Territories' legislatures that are Parliaments, but when we next meet in this House there shall be three, as we join with Bermuda and Gibraltar.

Mr. Speaker I look forward very much to this next chapter. As you know I have devoted much of my working life and much of

my time here to advancing the affairs of our Islands, including advancing our constitutional and political affairs. I have held almost every role that is possible in this House save that of Speaker and I am grateful, more grateful than they will ever know, to the people of George Town who first elected me almost twenty years ago and who have supported me over all these years. It is because of their trust and support that I have proudly been allowed to contribute to the development of these Islands and our people by the work that we do within these honourable walls and outside them.

Mr. Speaker, this final meeting of the Legislative Assembly is not only historic; it has been incredibly productive and successful, all to the benefit of the people of these Islands. As I have indicated, not only have we passed legislation to make this Honourable House independent of the Executive, but we have also passed legislation that undergirds the newly formed Cayman Islands Regiment, an institution that I know will over

the years come to be one of significance in these Islands.

These are achievements of which we can all be truly proud.

I wish to put on record, Mr. Speaker, my thanks to my colleagues on the Government bench for their hard work and support and I also wish to thank members of the Opposition for their cooperation and support over the course of this Meeting.

Thank you too, Mr. Speaker, for all that you do to keep order in this Honourable House and I look forward to when we next meet to welcome you as the first Speaker of the Parliament.

Mr. Speaker, I also want to thank the clerk and all our staff for the tremendous work they do not just on this occasion but all the time to help make this place function and to make members comfortable. Mr. Speaker as this Honourable House prepares to close this Legislative Assembly and turn the page to welcome with pride a new era as the House of Parliament, I reflect on the challenges and hurdles we faced to reach this point. Over the past few years there have been obstacles,

missteps and missed opportunities. But finally here we are. As most people know I am fond of poetry and prose and have derived much inspiration from them over the years. One of my favourite poems is Longfellow's "A Psalm of Life", which I find apropos to this occasion.

Tell me not, in mournful numbers,
Life is but an empty dream!
For the soul is dead that slumbers,
And things are not what they seem.

Life is real! Life is earnest!
And the grave is not its goal;
Dust thou art, to dust returnest,
Was not spoken of the soul.

Not enjoyment, and not sorrow,
Is our destined end of way;
But to act, that each to-morrow
Find us farther than to-day.

Art is long, and Time is fleeting,
And our hearts, though stout and brave,
Still, like muffled drums, are beating
Funeral marches to the grave.

In the world's broad field of battle,
In the bivouac of Life,
Be not like dumb, driven cattle!
Be a hero in the strife!

Trust no Future, howe'er pleasant!
Let the dead Past bury its dead!

Act, — act in the living Present!
Heart within, and God o'erhead!

Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time;

Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.

Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.

Mr. Speaker may God continue to guide us all and may he
continue to bless our beloved Cayman Islands.

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