

THE DEMOCRAT

"FOR ST. KITTS"

978

SATURDAY, NOVEMBER 18 1967.

PRICE: TEN CENTS

THE LEGISLATURE VERSUS THE COURT

IT WAS WITH feelings of shock and deep shame for our islands that we listened to the meeting of the House of Assembly on Tuesday last. The House was convened for the sole purpose of purporting to pass a resolution of no confidence in the Administration of Justice in this State. In actual fact the motion served as the basis for a complete criticism of the court and the recent decisions with aspersions cast upon Judge, Registrar and Jury:—

The Government seem to be labouring under the misapprehension that they are the highest court of the land. Under a written Constitution such as ours there is only one Supreme Court.

Furthermore, the Judicature stands on an equal footing with the Legislature and should not be interfered with simply because decisions arrived at by due process do not meet the satisfaction of members of the House.

The meeting of Tuesday last will go down as a blot upon the history of this State if ever it is written.

It is now abundantly clear that all the mouthings of the rule of law and democracy mean absolutely nothing in the face of dictatorship and ambition. When one smashes the image and the concept of true justice as is maintained by the Courts one has dropped to the lowest rungs of the ladder of civilization. What is happening now is reminiscent of the shameful attacks of Nkrumah upon the Courts of Ghana.

As a result of our expressed views we are not publishing anything whatsoever of that meeting.

Six deported during week

Mr. John Kelsick, Montserrat-born barrister-at-law who has lived and practised in St. Kitts for a number of years, was deported from the State on Wednesday afternoon this week when he was taken to the airport in a Police van under police escort.

Mr. Kelsick is a partner in the law firm of Kelsick & Kelsick, in which his brother Mr. Fred E. Kelsick is the

other partner.

Deported this week too was Factory worker Mr. Augustus Peters, a native of Dominica who came to St. Kitts at the age of four and who has been residing here for over forty years. He was sent out on Thursday morning.

Both are married men with families.

Another Montserratian, Mr.

New Judge to continue trials

It is notified for general information that His Lordship Mr. Justice Eric Bishop is due to arrive in the State on Sunday morning. It is probable that he will continue the Sessions on Monday morning.

Mr. Justice Ian St. Bernard who has been presiding in this Session until recently left the State last Wednesday.

New members, AYP

On Sunday evening, at evening at St. George's Church 7 candidates (4 boys and 3 girls) were enrolled as members of the Anglican Young People's Association (AYPA).

The preacher was Rev. Fr. Kortright Davis.

His subject was based on "The Parable of the Vineyard".



This is a full-faced picture of Anguillan Collins Hodge, aged 21, who was acquitted on October 25 of being involved in an armed attack on the De ence Force headquarters, St. Kitts, on June 10.

Conspiracy case next Monday

Next Monday the trial of the first and the second cases were dismissed on October 25 and November 13 respectively.

This is the third of five trials in this connection. Both

Walks.

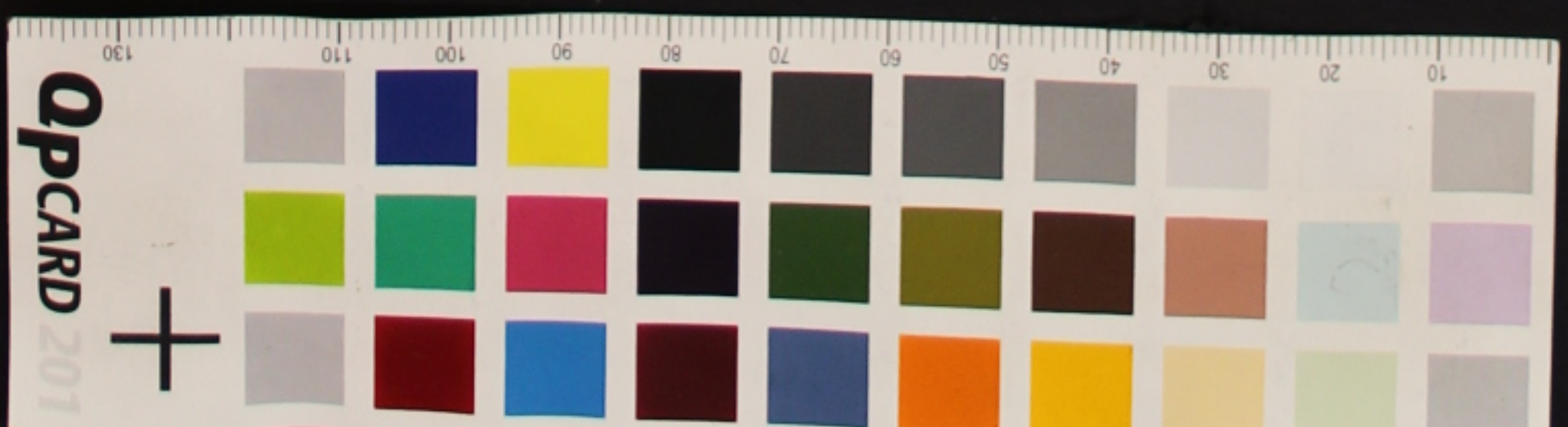
Mr. Massiah had gone to Golden Rock Airport to wish Gadspeed to the other two managers when he was held for deportation.

He then informed Inspector Edgings that he had with him the estate workers' wages which he had just drawn from the bank, but it is understood that the Inspector paid no heed and Mr. Massiah had to take the money to Barbados with him.

The conspiracy trial was expected to open on Wednesday morning this week, but that morning the Judge Mr. Justice St. Bernard informed the jury that the Court would adjourn until Monday, November 20.

Those facing the conspiracy charge are Kittilians Dr. William V. Herbert, Terrence Henry, Cecil Roberts, Michael Powell, Ashley Grant and Basil Marsham, and Anguillan Tonville Harrigan.

It is understood that on Wednesday morning Mr. Malcolm Butt, Q. C. left St. Kitts for London, and that afternoon the Judge left for St. Vincent.



Freed Anguillans re-arrested as they

THREE ANGUILLANS acquitted on Monday afternoon of shooting at a policeman, were re-arrested as they left the Assize Court building, and whisked off to the cells in a police van drawn up in the courtyard.

The men — Mitchell Harrigan, aged 19, Todville Harrigan, 21 and Churchill Smith, 23 were arrested in the presence of Sergeant Roberts who told the policeman making the arrest "Read it to them and get them into the van quick."

As the van left the premises policemen armed with cattle prods dispersed the protesting crowds outside the Court and the police station.

Ball was resisted by the police but it was subsequently granted by Magistrate Mrs. Mona Rigsby-James in the sum of \$3,000 each.

Robbery of arms

The men are charged with robbery of police arms from Wall Blake Airport in Anguilla on May 30, the day on which the police were ordered to leave that island.

Speaker is Ag. Governor

His Excellency Sir Fred Phillips, C.V.O., left the State last Sunday for a brief visit to London and Canada. He was accompanied by Lady Phillips.

On the advice of the Premier in accordance with article 22 of the Constitution, Mr. M. P. Allen, O.B.E., Speaker of the House of Assembly, has been appointed to perform the functions of Governor's Deputy with effect from 12 November and until further notice.

Xmas Cards, Flowers, Toys etc. etc.

As the Xmas season approaches you can now make it a very beautiful, joyous and happy Xmas, by simply buying any of the following:—

CARDS: Of all descriptions at reasonable prices.

FLOWERS: Of Electrical type, Flower arrangements, Roses in pots, and many other varieties.

Toys: A fine assortment, viz Dolls of all descriptions for the girls. Cars driven by batteries operation, and many other lines.

XMAS TREES: In colours of Green and Silver at 24" — 36" high, and ornaments for same, also for the home at this Xmas Season, and many other items, too numerous to mention here.

So get your selections early, and remember everything is always the best and cheapest, at

A. E. BONCAMPER
Bath Village
Nevis

leave

Courtroom

Judge makes 3½ hours summation

On Monday afternoon they had been acquitted of shooting at Corporal Vincent Spooner during an armed attack on the Basseterre Police Station on June 10. Sandy Pointers Francisco Browne and Vincent Williams who had been jointly charged with them had also been acquitted.

On Monday morning at about 9.05 o'clock the presiding Judge Mr. Justice St. Bernard began his summation to the jury, which concluded at 12.35 p.m. when the jury left the court to deliberate and to have lunch. They returned at 2.40 p.m. with the unanimous verdict not guilty.

The leading Defence Counsels in the case — Mr. Malcolm Butt, Q.C., and Mr. Frank Henville, Q.C., and the leading Crown Counsel Mr. Fred Wills had addressed the jury on Friday 10th and Saturday 11th.

In his summation the Judge directed the jury to exclude entirely from their minds all that they may have heard outside of the Court, all outside influences, any pressure or sympathy; to be true to their oath by reviewing the evidence without fear or favour and returning a true verdict according to the evidence.

He told them that the onus of proving the guilt of an accused "rests with the Prosecution...it never shifts." "The Prosecution is called upon to prove its case so as

to make you feel certain beyond reasonable doubt of the guilt of the accused.

"The accused persons have nothing to prove."

Identity

The issue of identity, he told them, was a very important one, although not the only important issue in the case.

And he advised them that in order to find whether identity had been proved by the Crown or not, it was necessary for them to examine all the evidence very carefully, particularly the "new" evidence

of identity by Sergeant Gomez Hodge which had not been given in the court below.

He directed them to bear in mind the following two observations when reviewing this new evidence — the words of a Judge Mr. Justice Wills: "I never let evidence of which notice has not been given pass without strong observation" and also the words of an eminent Chief Justice: "In regards to omission from the deposition, the contention of Counsel for the Defence that it was unfair, is well founded."

"If you can't identify men, whom are you going to charge? You can't charge shadows? So identity is one of the most important issues in this case," the Judge stressed.

He told them if they were satisfied with the identification, they would then have to consider another important issue — the *intent* of the accused.

Intent

Intent, he told them, was "an essential ingredient to the crime." And they had to feel certain, first, of the identity of the accused and secondly that the accused shot with

intent before they could convict them.

The intention, he said, is not capable and positive proof and must be inferred from circumstances surrounding the case. Lack of intention, too, could also be inferred from the circumstances.

The Judge also directed the jury to consider separately the statement made by each accused along with the evidence. And to consider the direction of the physical evidence — the bullet marks that appear in the charge room of the Police Station.

He reviewed the testimony of each of the nine Crown and the two Defence witnesses, and the statements of the five accused.

Concerning the evidence given by P/C Bernel Brookes on oath, the Judge said it was "a serious allegation made against a police officer."

He concluded his summation with the explanation that reasonable doubt does not mean any fanciful doubt. It is founded upon taking a reasonable view of the evidence, a doubt such as would make you feel sure.

Kittitian is Mr. Virgin Islands

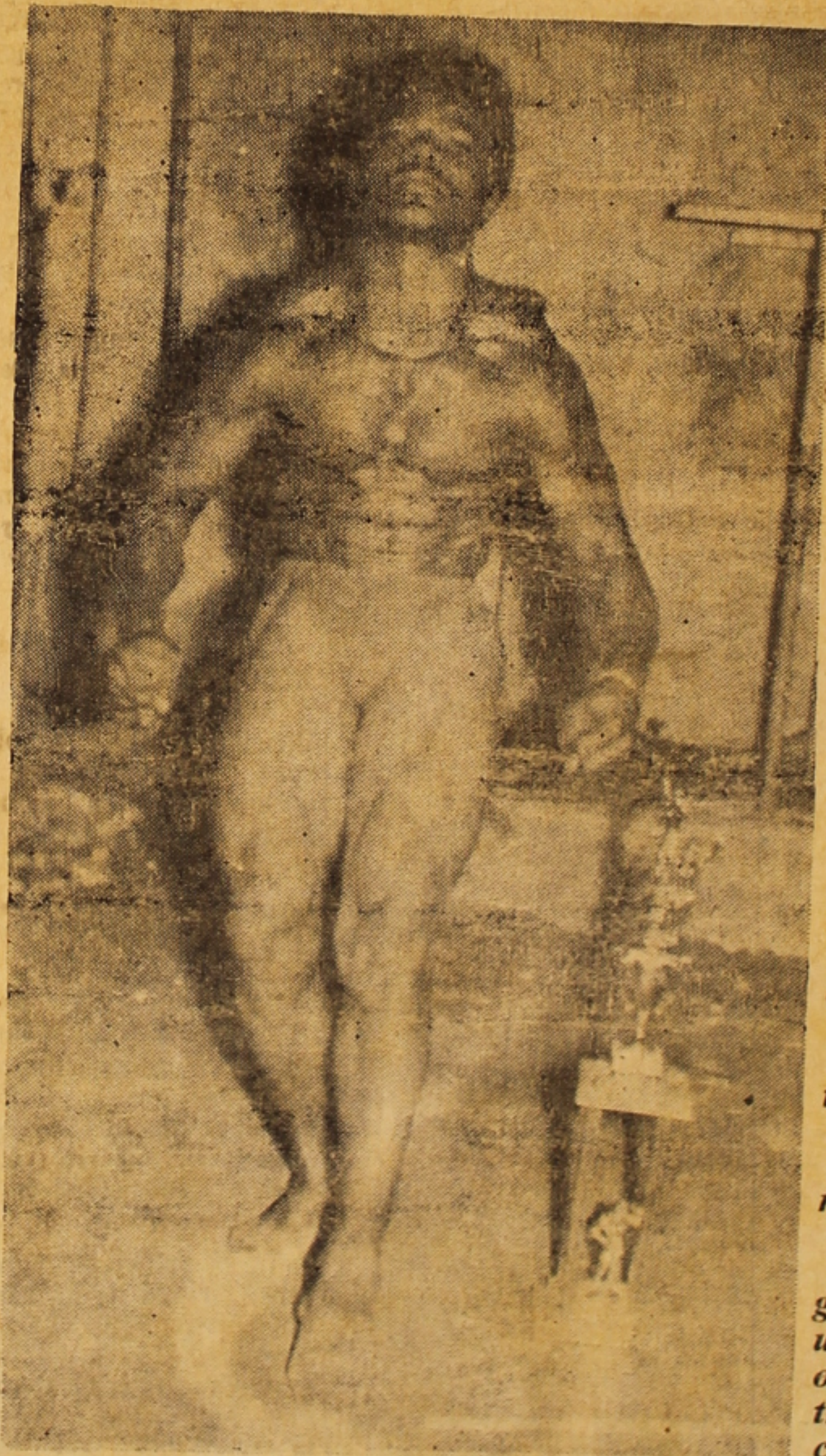
Mr. Essington Veira of St. Kitts now residing in St. Thomas competed amongst a twenty-four-man competition, entering for the Virgin Islands championship.

Essington Veira won triumphantly, capturing the two titles of same competition, bearing the Mr. Virgin Islands title, and the Mr. Muscular title. He gained the championship by having:—

1. The best shaped legs.
2. The best built abdominals.
3. The shortest of all the competitors
4. He was the most muscular man.

This is said to be the greatest record ever set up in the Virgin Islands; one man having claimed the two titles of same competition.

He was rewarded with five trophies.



LETTERS TO THE EDITOR

A toast to Bernell Brookes

By NEVISIAN

Twenty three years ago, our good friend Mr. Beston Brookes had a son added to his family. No doubt, he and his friends drank a toast at the birth or at the christening of the child.

Now, the writer is calling on the whole Brookes family, which is a large clan living mainly in Glaxland, Nevis, and all their friends and acquaintances, no matter their political leaning, to rise and drink a toast to Bernell Brookes, presently a constable in the Royal St. Kitts-Nevis-Anguilla Police Force, and a brave son of Nevis.

Why this appeal? Because this young man had the courage and the Christian faith to stand up for Justice, Freedom, Truth and the Rule of Law in the Supreme Court on Thursday, 9 November, 1967.

After about four months in prison, two Sandy Pointers were being tried for allegedly shooting at Coporal Spooner

QUESTIONS

IS IT TRUE?

- 1. That "Abide with me" will be played for the Sugar Industry as soon as the hand of death touches it?
2. That the 11th Commandment is "Thou shalt not lie or else thou shalt faint?"
3. That the white wife of a coloured Civil Servant is embarrassed by Lee Moore's lectures?
4. That Paul would have been more welcome at the celebrations in Dominica?
5. That the hearse needs a record player?
6. That when the Roman Emperor was approached he said I ain't going jail for anybody?
7. That the Deputy Speaker heard for the first time over ZIZ about the House of Assembly Meeting that he was supposed to have summarised?
8. That Paul waited near the Democrat Printery until about 10 p.m. on Friday in the hope of getting something worthwhile reading, hot off the press?
9. That three November poppys shows were around town on Thursday?
10. That a Labour stooge broke a Juror's show case?
11. That since the Fly Catcher has come home it is hard to see a fly in Court?

of the Police Force with intent to cause grievous bodily harm, while he was on guard duty at the Basseterre Police Station during the early morning of June 10, 1967.

Immediately after this alleged shooting, Ag. Serg't Gomez Hodge and Constable Brookes were patrolling along Central Street in a westerly direction, in a police van, when they met the two Sandy Pointers, Hodge, for

Mishandling of mails

Please allow me space in your valuable paper to ask—Why is it that so many complaints of the mishandling of mails are being made about our Post Office in St. Kitts now?

This is my fourth case in which I can say my family has suffered owing to the fact that they have not received my letters.

Now when one has to come out to make a living and try to help his family, it is real hard for him when he realises his labour has to go in such a dishonest way. Hundreds of us down here are complaining about the same thing especially when we have to hear of the hardship facing our families and also our country.

I do not want to believe that workers in our Post Office are running a racket out of our mails but let me say for the benefit of my people and my country I appeal to whom it may concern to look into this matter and to do the thing that is best to do in the sight of God.

"KEP" (Tabernacle Man) St. Thomas, U. S. V. I. 11th November, 1967.

Defence Counsel deported

It is clear that the purge has started again. After the House of Assembly Meeting everybody was awaiting some fresh persecutions by Government.

Nobody would have believed that they would have deported Mr. John Kelsick a barrister at law engaged in the defence in the recent series of cases.

We have not been given any grounds at all for such a disgraceful step and can only deduce that this is power gone mad.

The prosecution, said that they were running and that he saw one of them throw away a revolver, which he searched for but could not find. The men were searched, taken to the Police Station and arrested.

Constable Brookes, subpoenaed by the accused, said that the men were not running when met, in fact, they were standing up. He said both were searched, but no arms were found on them. He stated that neither man carried a revolver, or threw a revolver away.

Cross-examined by Mr. Wills, for the prosecution, Brookes admitted that he gave a statement to his superior officer, on the 10th June, 1967, which was untrue. He maintained that his evidence on oath in the Court was a true statement of the facts.

Re-examined by Mr. F. Henville, Q.C., Brookes said that Hodge and himself had been called to a room in the Police Station, where a superior officer showed them a revolver and directed them to prepare and hand in a report connecting the Sandy Pointers with the revolver. Both of them obeyed this instruction.

Mr. F. Henville, in his address to the Jury, submitted that Bernell Brookes did write and sign a false statement, but when he realized that this statement might result in the conviction and imprisonment of innocent men, his conscience would not allow him to remain silent, and he resolved to speak the truth when he was subpoenaed.

Mr. Henville ended his address with these words: "Thank God for Bernell Brookes, and thank God that there are still some conscientious and courageous men in the Police Force".

Also deported was Mr. "Guss" Peters and Mr. George Robinson. Here again no cause has been given. We can only deduce that these persons have clearly expressed their dissatisfaction with Government.

There are some of us from other islands living here who have been backing the Government. How must we feel now when it is clear that the day will come when the Government will send us home too?

ALIEN

Tobin to Bradshaw

Central Street, Mc. Knight Basseterre, St. Kitts, W. I. 15th November 1967.

Hon., Mr. R. L. Bradshaw Premier of St. Christopher-Nevis-Anguilla, Basseterre, St. Kitts, W. I.

Dear Sir,

It is now six months since the State of Emergency has been imposed upon the State of St. Christopher - Nevis - Anguilla, which has brought us into a 'Labyrinth' from where we have to ponder the pain of our feet before moving any further into circumstances.

Sir, I want you to understand clearly, that when I use the word 'circumstances' I do not mean a one-sided area, but on the whole, the subject of 'vicissitudes', which must be taken into account with the existing conditions in the State of St. Christopher - Nevis - Anguilla. The volition or authority must be exercised mentally into the mind's eye as to both see and understand the social and economic astringency in our State before we reached the point of death technically.

It is quite clear to your capacity of thinking, that things have taken a shape for the worst, and that the State of Emergency has done no good for the islands of St. Christopher - Nevis - Anguilla.

(b) That the State of Emergency served one purpose within the islands of St. Christopher - Nevis, and that is: -

Public awaits Inquest findings

On August 14 the sad death occurred of Mr. Robert Crawford, Barrister, and the public understood that a Coroner's Inquest was about to be held at the Magistrate's Court some days later. Reports said that the Attorney-General put forward some objections to Mr. James presiding over this inquest. Since that time Mr. Arrindell returned to the State and resumed his duties. It was expected that due to the many rumours surrounding the death of Mr. Crawford the Attorney-General would have seen to it that this inquest would have been held in order to dispel, if possible, these dark rumours.

To date, however, the public is not aware of the fact as to whether this inquest was completed and if so what are its findings. It is true that the Government has the power to dispose of bodies without any Coroner's Inquest during the state of emergency but to see these powers used in this way is shocking indeed.

INTERESTED.

an economic stagnation.

(c) That the budget of St. Christopher & Nevis, days are numbered, while that of Anguilla, has taken shape of growth and success.

(d) That the world is watching us with the eye of fear knowing that the outcome might be bloodshed, starvation, piracy and political upheaval within the State of St. Christopher - Nevis - Anguilla.

Mr. Bradshaw, are you as Premier of this State waiting to see these things happen? Then if this is your wish, keep on the State of Emergency, and you would see that Her Majesty the Queen will have to exercise the authority vested in her hand as to command order in this State. We have not been granted full autonomy, but a partial one; and the very first gift of success from you as a leader, is the declaration of State of 'Perdition'!

Your act of State Exigence, should be bowdlerized on reasonable grounds, and permit me to say: - that all this could have been done if you took the advice given to you from the very beginning. I am constructive, and will not impugn from the points raised, but will remain adamant. firm and will not be reluctant to say that you should study the constitution of St. Christopher - Nevis - Anguilla, by reading Chapter 4 on page 35 Section 1, 2 which reads as follows: - "That the executive authority of Saint Christopher-Nevis-Anguilla is vested in Her Majesty. Section 2. Subject to the provision of the executive authority of St. Christopher-Nevis-Anguilla may be exercised on behalf of Her Majesty. by the Governor, either directly or through subordinate officers to him." You have declared openly, that the Legislative Body is the Highest Court in St. Christopher - Nevis - Anguilla. According to Section 2 on page 35 of our constitution you would have to admit, that you are a servant of Her Majesty the Queen, and all other ministers including yourself are hired minions, and can be abdicated.

A minister may make only such Rules or Regulations as are within the limits provided by the enabling Statute. Any purported Regulation outside such limits is said to be 'Ultra Vires' or beyond his power, and will be declared void by the Court. Sir, do you understand where the highest court of the land lies? Not in the Legislative Body. But in Her Majesty's Court of justice. Sir, you should realize that your power is limited, and that the islands of Antigua, Dominica, and St. Christopher-

(Continued on page 12)

