

# Bath Stream Case Ends

## Judgment Reserved

At 2.50 p.m. yesterday the four day trial of the action for trespass and conspiracy came to an end. The case which aroused much interest at the sittings in Nevis last week drew quite a gathering at the Court House at Basseterre on the last day of hearing.

Of the 7 defendants, 3 (Honourable R. L. Bradshaw, Mr. C. A. P. Southwell & Mr. J. N. France) gave evidence last Saturday in Nevis. The others (Messrs. F. T. Williams, J. W. Liburd, A. A. Eddy and J. Wallace) were not called.

Honourable S. T. Christian summed up the case for the defence and Mr. G. P. Boon addressed the court on behalf of the plaintiff. This lasted from 10 a.m. to the close of the sitting with allowance for a luncheon interval.

His Lordship reserved judgment.

On resumption of court on Saturday, evidence was produced to support the answer to the suit.

### FIRST WITNESS

The first witness called for the defence was Mr. Linley Morston French Parris, a civil servant living in St. John's Antigua, from 1944. He said: Prior to that date I lived in Nevis. I was born in Nevis and am 52 years of age. I lived on the land near the bath stream and in Charlestown also and east of the Bath Hotel. I bought the land adjoining the bath stream from Mr. Maloney in 1927 and afterwards sold it. The transfer was made to Barclays Bank in 1947. I sold only a portion of the land (to Barclays Bank) adjoining the bath stream. I negotiated the sale of that land with Mr. Fred Henville. I know the path running down the east of the bath stream. I knew it there as a boy. When my mother lived on that land I was accustomed to walk along that track and bathed in the stream. I was ten years old then. Many people in the island bathe in the stream; so also do people from St. Kitts as well as people coming here in sloops and schooners. I bathed there with Mr. Christopher, former inspector of schools, Mr. Ernest Berridge and Mr. James Claxton, all from St. Kitts.

(Mr. Paris was shown a certificate of title with a plan showing a road running east of the bath stream, which he identified.)

Continuing, he said: There is one part of the

stream at the top and another lower down with a big stone almost in the middle where men bathe. There is another path where women bathe. A foot track leads to where the women bathe and a track to the east leads to where the men bathe. After I became owner in 1927 I continued using it and everybody continued using it. It carried them to the stream. I got the land with the custom of persons bathing there. Women wash clothes in the stream. Clothes from the hospital are washed there. People water their animals there. The sanitary department cleaned it.

Cross-examined by Mr. Kelsick, Mr. Parris said that by buying land near the stream he did not feel that he had an interest in the stream. The land he bought near the stream was formerly part of Stoney Grove estate.

On being re-examined by Mr. Davis, Mr. Parris said the plan just shown to him in court was not the plan which Mr. Stevens had made for him. The original plan was made by Mr. Stevens. The plan shown to him was copied by Mr. Queeley.

Upon the request of Mr. Davis, the Judge relieved Mr. Parris so that he could return to Antigua via St. Kitts by the first opportunity.

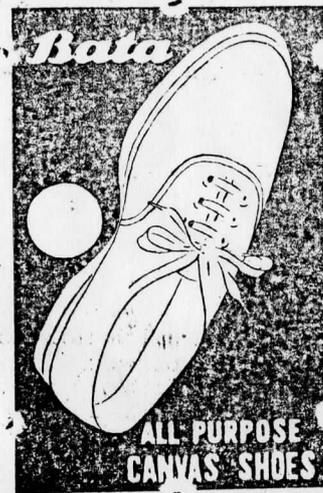
### SECOND WITNESS

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well was the second witness called for the defence. He said he is a retired Government official and lives in Nevis. His age is 62. He knows where the stream is. He had never been to it, but from 1912 he saw people going down the foot path leading from the public road toward the path stream. He was agricultural instructor and the experimental station was at Bath Plain estate. He had to go along the main public road 3 or 4 times a week. Mr. Howell was cross-questioned by Mr. Boon and re-examined by Mr. Davis.

### THIRD WITNESS

Hon. Robert James Gordon was then called to the witness stand. He said he is an Elected Member of the Council for the island of Nevis. He is living at Gingerland and was born in Nevis in the year 1883. Continuing, Mr. Gordon said: I lived at Brown Hill and came to school in town, I bathed in the bath stream as a boy. I walked down the road leading from the bridge. The land was owned formerly by the Briggs, then the Gillespies, then Maloney. I had a conversation with Mr. Barber in 1947. Upon a request from the Administrator, there was an interview between Mr. Barber, Mr. Hubert Henville, Mr. Evelyn (the Warden) and myself a short time after Mr. Barber came. Mr. Barber gave a plan and outline of what he intended to do. He said if he got our

cooperation he would make Nevis "a New Jersey." He was asked about the rights of the people to bathe in the bath stream. He said he would not interfere with them. He would make the place attractive for them. There is a political organisation in Nevis called the Nevis Progressive Party of which I am the leader. There is cooperation between my party and the St. Kitts-Nevis Trades and Labour Union and the St. St. Kitts Workers League, a political party in St. Kitts. Some time ago Mr. Barber interfered with the Government sanitary gang which was cleaning the stream. I had an interview with the Administrator as a result. Mr. Barber called on me at my house and said the people were bathing, naked when he had some guests at the hotel and asked me to persuade the people to put on something while bathing. I told him the people were doing that from time immemorial, but I would try to get them to put on something. I stuck up a notice on my office door in Charlestown asking them to do so. I had a conversation with Mr. Bradshaw in St. Kitts. As a result of this conversation, he and others came over and bathed. I was not there. I was not well at the time.

Mr. Gordon was cross-examined by Mr. Kelsick.

The court was adjourned at 4.30 p.m. until 9.30 a.m. on

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### Nevis Bath Stream Case

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Saturday 5th instant.

On resumption, the cross-examination of Mr. Gordon by Mr. Kelsick continued, after which Mr. Gordon was re-examined by Mr. Davis.

#### FOURTH WITNESS

Mr. Hubert Bedford Henville was the next witness called for the defence. He said he is a merchant and lives in Charlestown. He was born in Nevis and gave his age as 69 years less 3 months. Continuing, Mr. Henville said: I know Mr. Barber. I am a member of the Legislative Council and was also a member of the Executive Council in 1947. I had a conference at the Bath Hotel with Mr. Barber in that year. The persons present were the Warden (Mr. Evelyn), Mr. Gordon, Mr. Barber and myself. On the request of His Honour the Administrator, I was there to have an interview on the hotel scheme. I told Mr. Barber I did not want the people's rights to the baths interfered with. (I meant the covered bath and the stream). As a member of both Councils I was privileged to see a letter from Mr. Barber in which he stated.....

#### MR. BOON OBJECTS

At this juncture Mr. Boon objected to the contents of the letter being made known. His Lordship upheld the objection. **FEARED DISCRIMINATION**

Proceeding with his evidence, Mr. Henville said: I felt that coloured people might be discriminated against in the use of the Bath Hotel. A fee of one shilling is charged to bathe in the bath house. I told Mr. Barber that people always bathed in the bath stream without paying any fee. He said it was not his intention to interrupt the people there and added that he would make it more comfortable for them by erecting a house to be divided, one portion to be used by males and the other by females. I felt those were fair conditions. I have seen people bathing in the stream. I live north of Grove Park, over 300 yards from a bridge near the bath stream. There is a track near the bridge leading down to the bath stream. When I was a boy, I saw people bathe there. I was taken in the women bath in my boyhood by an aunt.

Cross questioned by Mr. Boon, Mr. Henville said that he had no discussion with Mr. Barber about a nuisance developing. He said he realised that a nuisance could develop. He was at home on the Sunday when Mr. Bradshaw and others bathed in the bath stream, but he did not hear Mr. Bradshaw make a speech. He said his house is about 30 yards

to the nearest point of the park. He might have heard the sound of the loudspeaker, but did not hear what was said. According to the construction of his house, he does not hear what goes on outside from his bedroom where he usually rests on Sundays. He said he did not know what Commander Taylor heard, but he did not hear Mr. Bradshaw's speech.

#### FIFTH WITNESS

Mr. Algernall Belle next took the witness stand. He said: I am a retired sanitary officer and live in Nevis. I am still doing some work for the Government. My age is 68. I joined the service from 1915. I know the bath stream. The cleaning of the stream was first done by 2 women and afterward by a man under my direction. The Public Health Department paid for the cleaning. The stream is still being cleaned presently by Victor Walwyn who is paid by Government. I went there on Saturday last week to bathe my skin and to look around. I bathed in a pool which is used by men all the time. I noticed a concrete structure put up below. I bathe in the pool above. I bathed there before, more than 12 years ago. I walked down a customary track at the end of Mr. Parris's land running along the main public road, then turning down. Other people usually used that road. Near the pool was a sand-box tree which was blown down.

Mr. Belle was cross examined by Mr. Boon.

#### SIXTH WITNESS

Mr. William Hanley of Bath Village, a shoemaker and planter, then gave evidence. He said he was born in Nevis and lived there all his life. His age is 70. He said he knew the bath stream and from since he was a boy he knew that everybody used it for bathing, washing clothes and giving stock water. He corroborated what other witnesses had said about the existence of

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separate pools for men and women and that Mr. Barber had put up a concrete structure in the stream. that people booed Mr. Barber, but I can't prove that." Mr. Davis re-examined the witness.

#### SEVENTH WITNESS

Mr. Charles Frederick Henville, a merchant in Charlestown, was the next witness called. He said: I was born in Nevis. My age is 58. I know some land which belonged to Mr. Linley Parris. Part of the land was sold to Barclays Bank. I negotiated the sale on behalf of Mr. Parris. I know Mr. Barber. He was away at that time, but had been here previously. There were two lots on the northern end and one on the southern. I know a track existed there as far back as 50 years. All my life I know people using that track and using the stream. Two different pools were used by men and another pool by women.

Cross-examined by Mr. Kelsick, the witness said: I remember Mr. Graham Briggs who formerly owned Stoney Grove estate. He owned where Mr. Parris bought, it being part of Stoney Grove estate. That piece of land might have been cultivated.

In answer to another question, the witness endeavoured to make himself clear.

Mr. Kelsick: "I am not trying to tie you up."

Mr. Hanley: "But you can't."

The witness continued, unaffected: "People bathed there morning, noon and night. I might have heard

Mr. Henville said he saw the transfer. It was made out to Barclays Bank. He did not know for what reason. To his way of thinking, the general public had the right to use the entire stream at any time, but for the sake of decency the men bathed in one part and the women in another. The general public can come from St. Kitts or any other island.

He was re-examined by Mr. Davis.

(To be Continued)