

Nevis Bath Stream Case

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Mr. Southwell and Mr. Bradshaw made speeches. I took both speeches in shorthand and transcribed them afterward. He had the notes with him. The transcripts were signed by him. He had heard of the bath stream, but had never been there.

At this point Mr. Dinzey started to give an outline of background information leading up to the meeting. He was interrupted and asked to read the transcript.

ANOTHER OBJECTION

Mr. Christian objected to the presentation of the note without the original shorthand record taken at the time the speech was delivered.

Mr. Dinzey was asked whether he had the original script in his possession and replied that he did not.

Mr. Kelsick said that the witness was not going to put in the transcript as evidence, but would only use it to refresh his memory.

Mr. Christian submitted that the witness must endeavour to give evidence independently according to what he remembered.

The Judge asked Mr. Christian for reference in support of his submission. This was given and the defence counsel pointed out that the transcript was not made contemporaneously.

His Lordship observed the original shorthand notes would be of no use to the court.

Mr. Christian said he might have an expert who might find that the transcript differed from the original notes.

The Judge overruled the objection and suggested that, in order to save time, the transcript might be put in evidence.

Mr. Kelsick asked that Mr. Dinzey be allowed to give evidence from memory and to refresh his memory from the notes when necessary. This was permitted.

THE EVIDENCE

Mr. Dinzey told the court what he recollected, as the relevant part of Mr. Bradshaw's

address at the Park, as follows: Mr. Bradshaw said since he returned to the island he understood that things were happening in Nevis where the present owner of the Bath Hotel had been trying to prevent people from bathing in the bath stream. During his absence he understood that Conrade France had attacked the matter. He further understood that arrangements had been made so that persons could continue to bathe in their accustomed spot and that certain individuals had told him that such arrangements were being made. He said that his first reaction to the report would be to call on Nevisians, and such Kittitians as would be willing, to go over on a Sunday;—they would hire launches and go over to Nevis and bathe in the bath stream. The stream had been there for ages and anyone who wanted to bathe in it could do so. "We are going to assert our rights," he said, "& go over to Nevis & bathe in the stream. So, Comrades, lock out for the notice and get your bathing suits ready and we will invade Nevis and bathe in that bath stream."

Mr. Dinzey was not cross examined.

FOURTH WITNESS

The next witness called for the plaintiff was Commander Leslie Taylor. He was examined by Mr. G. P. Boon. The witness after giving his name said: I am a retired Lieutenant Commander of the Royal Navy. On the 10th of June last year I was living at the Bath Village and still live there. I heard something which sounded like a loudspeaker about 4 p.m. on that day. I heard hymns. I heard mention of Mr. Barber and the bath stream in relation to some incident which had happened earlier on the same day. The person who was speaking described a conversation he had with Mr. Barber. He referred to Mr. Barber as an alien and a purchaser of lands who professed to have the welfare of the people at heart, but was preventing them from using the bath stream. He said Mr. Barber was an undesirable alien and that other aliens would shortly be coming to Nevis who might be troublesome. He next referred to somebody who had

come from Barbados to Nevis and had made a nuisance of himself and had to be got rid of out of the island. He told the people they could safely walk on Mr. Barber's land and bathe in the stream. If Mr. Barber intercepted them they can boo and insult him. If they confined themselves to that, there is nothing Mr. Barber could do about it. There were further references to the "grasping nature" of England as well as to the Iranian oil dispute. The speaker said "If the people had any further complaints they should bring them to the Union. He said he might be away in Europe, but the officials of the Union would know what to do."

Cross-examined by Mr. Davis, the witness said: It would be impossible for me to place the words in their exact position after nine months. I discussed the matter with Mr. Barber the next day. I have lived in Nevis a little over 4 years. I was very contented. The people of Nevis are extremely friendly. What the speaker said about walking and bathing, I took to mean walking and bathing where they had been accustomed to walk and bathe before. I know that they are accustomed to walk and bathe there. When Mr. Clarke was acting for Mr. Barber, he took me along the path leading from the Government road to the bath. That was about two and a half years ago. My interest was only aroused because of the mention of Mr. Barber's name. I maintained that I heard the speaker say that if Mr. Barber interfered with their right, they should boo and insult him. I am an Englishman.

On being re-examined by Mr. Boon, Commander Taylor said he had seen people walking along the footpath before he went there along with Mr. Clarke.

MR. BARBER RECALLED

Mr. Barber was recalled to the witness stand upon the request of Mr. Boon in order to put in evidence a document purporting to be a lease for a portion of land made to Mr. Wade, dated 2nd July, 1951. The date for commencement of the lease was the 15th day of June, 1951.

In reply to a question from Mr. Christian, Mr. Barber said that Mr. Wade was rot on the land before the 2nd July.

Mr. Christian: "Would you take rent from him before the 15th June?"

Mr. Barber: "I am 77 years

old and a business man. I would not do that sort of thing."

The witness stated that the date of commencement of the lease was fixed so that the date of termination would be at the end of the cotton season.

The case for the plaintiff ended at 12.20 p.m.

THE DEFENCE

Hon. M. H. Davis opened the case for the defence. He told the court that the defendants and each of them denied the allegations in the plaintiff's statement of claim. They would deny that they are all, with the exception of Wallace, officials of the St. Kitts-Nevis Trades and Labour Union and that in the speeches at Warner Park

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