

Nevis Bath Stream Case

(Continued)

HAVING covered two complete court days, there is still good ground for speculation that the legal conflict to decide the right to use the bath stream may run over into another week. The witness stand was taken this morning (Saturday) by Hon. R. J. Gordon who was giving evidence up to closing time yesterday afternoon. The case for the Plaintiff ended at 12.20 p.m. yesterday after 4 witnesses had given evidence.

THAT FOOT TRACK

Continuing his evidence on Thursday, Mr. Horatio Claude Barber told the court that for two years the defined foot track running from the east did not exist. He spoke to the acting Warden about it in 1950. He posted up signboards which were torn down by the public. The longest period he spent in the island at one time was three and a half months. When he goes away the shortest period he stayed overseas was about eight and a half months.

On the 10th June last year, Mr. Barber said, he heard an extremely loud loudspeaker. From his verandah he saw a great number of people on the north side of the stream. He saw 4 or 5 passenger trucks standing on the main road near the stream. The people and the loudspeaker were on the land north of the stream. He proceeded to the Police station and returned to the scene with the Sergeant-Major. He saw 6 men bathing. He did not think he could recognise any of them. He spoke to the one whom the Sergeant-Major told him was Mr. Bradshaw, saying:

"This is my land. You are trespassing. I order you to go away at once."

Mr. Barber said at first there was only loud laughter, then the Sgt.-Major asked Mr. Bradshaw "When are you going?" The reply was "In due course," whereupon

Mr. Barber said due course means at once. The Sergeant-Major spoke to Mr. Bradshaw again, but there was no reply.

A QUESTION

"I started to leave the scene," said Mr. Barber, "but the Sgt.-Major said to me in the hearing of everybody: 'Mr. Bradshaw says that he wants to say something to you', so I approached nearer to Mr. Bradshaw and he asked me how long it was since I had bought my land in Nevis. I made no reply and proceeded home. The loudspeaker was stopped before I came and spoke. The loudspeaker was terrible. I never heard anything so loud and so discordant in my life."

COMMANDOS

Continuing his evidence, Mr. Barber stated: "At 4 p.m. Mr. Bradshaw and his commandos (that's the name by which his organisation termed them) returned and held a meeting about 700 or 800 feet from the Bath Hotel. First I heard the loudspeaker, then Mr. Bradshaw spoke through the loudspeaker. I was on the top verandah of the hotel. I heard him say: 'This alien Barber is here to take away your rights. Go on his land. He can't do anything. Boo him and insult him wherever he goes. Drive him out of the island. I'm going away to Italy for 9 weeks. My representatives will be here and they will help you. Now I'm going to tell you about Iran where oil comes from....'"

OBJECTION

At this juncture Mr. Christian made an objection to the presentation of any story about Iran. He pointed out that the witness himself had intimated that it might be irrelevant to the case and was hesitant to bring it in.

His Lordship overruled the objection. Mr. Barber continued: ".....The English aliens in Iran have been thrown out of the country. Why did they leave Iran? Because they want no aliens there. He was inciting the people....."

Mr. Christian raised another objection which the Judge overruled. Mr. Barber continued: ".....to throw all of the aliens out of the country. I had very little sleep that night. Great crowds came upon my land, up to the walls of the hotel. They stoned the hotel, damage my ground. I was stoned in Charlestown while driving my car. I was booed and insulted

all of the time, up to the present. It affected my scheme very seriously. Many persons who would come to build winter homes and engage in agriculture, drew back. A servant whom I engaged did not come out to work. I found it more difficult to get servants than before."

\$20,000 DAMAGES

Mr. Barber was asked how much he was claiming as damages. He said he is not a cheap man. The last salary he earned was 50,000 United States dollars a year. He fixed the claim at \$20,000. He added that he had planned to invest in the scheme the sum of one million pounds sterling, less underwriters' commission. He was next shown a copy of "The Union Messenger" for June 2nd, 1951, in which was published a notice by the St. Kitts Nevis Trades and Labour Union relating to a visit to the bath stream on 10th June. Mr. Barber read the notice.

The court was adjourned at 12.37 p.m. and resumed at 2 o'clock.

Under cross examination by Hon. S. T. Christian, Mr. Barber said that he is seventy seven years of age and had retired from business (that is, from serving in an executive position for somebody else) 20 years ago. He said he is experienced as an aeronautical engineer and is an Englishman, his home being in Jersey, Channel Islands. He had lived in Bermuda and the United States. He is a prospector, among other things, and came to Nevis for the first time in 1946 or 1947. He bought the Bath Hotel and other agricultural lands with the intention of developing them by a private company. The financial crisis and devaluation of the pound in 1949 put a temporary end to his prospect of getting money to carry on his project. The hotel company has not yet been formed. Regarding advertisement for the sale of land in Nevis, he said that he never placed an advertisement or paid for one in Bermuda. Ads were placed in the Bermuda Press, but not by his direction. "I gave a selling agent an option to sell land," he said. "When he got a buyer, he exercised his option and got the land from me to effect his sales. About a dozen people agreed to buy lots of land in certain period. Two sales matured and ten persons broke their option up to the end of 1950. Six or seven persons broke their options in 1951."

These options were given and broken by word of mouth.

NO REASON FOR ILL WILL

Mr. Barber said that before the incident he could see no reason why the defendants should have any ill-will against him. He was not sure that Mr. Bradshaw would have the right to support him if his scheme was successful. He could not agree that Mr. Bradshaw had a duty to oppose violently anything that he believed would be against the interests of the people. He conceded the right of Mr. Bradshaw or any other citizen to oppose any violation of the rights of the people—within the law. He spoke with Mr. Gordon and Mr. Henville and made it clear that the people could bathe so long as they didn't create a nuisance. There was no pool at the east of the stream until 1949 when they were scooped cut by individuals. He did not prosecute anyone for trespass. He built an enclosure between July and August, 1950, but it was broken down after the earthquakes. He did not know that the Government cleaned the stream or that the hospital laundry was washed in the stream. He did not think the people of Nevis have a right to bathe in the stream, but he conceded them the right to do so, provided they did not commit a nuisance. He has not abandoned his plan to develop Nevis. He did not ask the servant he had engaged why she had not turned up. With regard to the term "Commandos", Mr. Barber said that he had often heard Mr. Bradshaw's henchmen called commandos and that the term refers to men in charge of a small number of army troops or guerrillas or insurrectionists. Touching the "no trespass" notice boards and the enclosure, he said the people destroyed the boards and broke down the construction before the incident in 1951.

The witness was then re-examined by Mr. Boon. The next witness called for the plaintiff was Mr. Herbert Maurice Dinzey, but he was not present.

(To be Continued)