

*Chambers**11 Duke Street,**Kingston.*6th October, 1958

Mr. Randol F. Fawkes,
P. O. Box 451,
Nassau N. P.,
Bahamas.

Dear Mr. Fawkes,

I have now received your cable of the 4th of October, advising me that the trial of your case has been traversed to Monday the 19th of January, 1959. This date will suit me provided suitable arrangements can be made on the question of fees. In this connection I refer you to my letter of the 2nd of October, 1958. Please understand, however, that the fees therein quoted apply in the event of the trial being completed in five days. For each day that it goes over five, I will require a refresher of 75 guineas. It may well be that the trial will last sometime, especially if the defence proposes to call witnesses.

Meantime I suggest you send me a copy of what you say you said at the meeting, and any statements from witnesses supporting your version of the facts.

I have read the newspaper clippings which accompanied your letter of the 1st of October, and have considered your allegation that they contain matter prejudicial to your trial. I also note that meetings are being held nightly at which utterances are made designed to prejudice your chances of a fair trial.

The Article entitled "BAHAMAS SEDITION TRIAL IS PART OF A DRIVE TO KILL UNIONS THERE", borders in my opinion very closely on a seditious libel. To say the least of it, it is a contempt of Court. Far from tending to prejudice public opinion against you, it seeks to inflame public opinion in your favour, by suggesting that the process of the Courts is being used in order to kill the Trade Union Movement, which you lead.

So far as the Article of September 30th in the Tribune is concerned, I find it difficult to think that it is a contempt of Court, in the sense that it

tends to prejudice your trial. All it does is to say that the part that you played in connection with the general strike and your activities generally, have been roundly condemned by all but a few, and recites the fact that you were arrested on August 14th and charged with sedition. You may, however, bring it to the notice of the Attorney General, but I doubt whether you will succeed in convicting the writer and publisher of this Article for contempt of Court.

If it be the fact that there is an open campaign of hate by both political parties designed to prejudice your trial, you should take notes of these meetings, and in the light of what is gleaned, take steps to deal with the offenders, for contempt.

You mentioned the question of venue in order to secure a fair and impartial trial. I do not know what your Statutes provide in connection with an application for change of venue, nor do I know what other venue you would have in mind. I know that in Jamaica a change of venue can be ordered on good cause shown, and the trial will be removed from one Court to another. Good cause, however, is never shown unless it can be established that prejudice against the accused is rife in the community, and has reached the stage where persons empanelled to try the case as jurors, or a substantial proportion of them, have either expressed hostility to the accused, or been contacted with a view to securing his conviction.

I am afraid you will have to advise yourself whether a case exists for such an application, in the light of your own Laws.

Yours faithfully,

V. O. Blake

V. O. BLAKE

VOB/mw