

Court's Decision in Randol Fawkes' Case

The Nassau Herald Saturday August 9th, 1958

Following is the decision handed down today by Mr. Maxwell Thompson in the Randol Fawkes' case.

This case arises out of an incident which took place at Stafford Creek, Andros, on the 28th June last.

The defendant is The Bahamas Federation of Labour.

On the said date, he went to Stafford Creek where The Bahamas Lumber Co., Ltd. operates a lumber mill, apparently to form a union among the company's employees.

On arrival, he quite properly went to see the manager of the company. The interview, up to this point, was a cordial one.

The defendant with Garth Wright and the manager with the assistant manager held the interview in the company's office. The defendant began by stating that he was there to promote better relations between the management and the employees. The manager replied that it was not quite clear to him what the defendant meant because the existing relations between the company and the employees was quite good.

The defendant then asked the manager to permit him to hold a meeting on the premises. The manager replied that he could give no such permission. That such permission would have to be obtained from the Company's Board of Directors.

At this stage the defendant shook hands with the manager and as he left the room he said, "Now we understand each other."

The manager went on to say that sometime later he had an occasion to go to the dock where a boat was being loaded and to his surprise he saw the defendant addressing a crowd from a boat which had hauled up on the company's premises for repairs. Mr. Russell said he went up to the boat and said to the defendant, "Mr. Fawkes may I remind you of what I told you a short time ago?" This is private property – you have no permission to hold a meeting here – unless you leave at once you will be liable to be prosecuted for trespass." The defendant replied "Go right ahead – I will do as I wish." Continuing Mr. Russell said he then left the scene of the meeting.

Four other witnesses were called in support of the case for the police. The witnesses testified as to what was said by the defendant at the meeting.

It comes out in evidence that the defendant called Mr. Russell “A Georgia Cracker” – a “Negro hater.” It was also stated that the defendant said that Mr. Russell had more sympathy for a tree than a Negro. The defendant also attacked the company’s wage scale.

On these facts the police on complaint of Mr. Russell brought two charges against the defendant.

1. That the defendant misconducted himself by behaving in an insulting manner.
2. That the defendant remained upon the company’s premises after having been lawfully required to depart there from.

In his defence, the defendant denied all the salient facts. He said Mr. Russell told him he could speak to whomsoever he wished. He was supported in this by Garth Wright. He denied he called Mr. Russell “Georgia Cracker” or a “Negro Hater” or that he behaved in an insulting manner.

The only other witness called by the defendant was Richard Horton. This man certainly did not assist the defence. He assisted the police by affirming that Mr. Russell did tell the defendant to leave the premises and that the defendant did not do so when he was told.

Now then what is “an insulting manner?”

In my view, if any person treats the owner, occupier or person in charge of any premises with gross indignity or effrontery that is insulting behaviour.

After sifting the evidence in this case, I have come to the following conclusion:

1. That the company is in occupation of a tract of land one mile square situate at Stafford Creek, Andros.
2. That the boat from which the defendant addressed the crowd was on these premises.
3. That the defendant was told to leave the premises by Mr. Russell – that he said he would do as he wished and consequently did not depart there from when required to do so.
4. That the defendant did refer to Mr. Russell as a “Georgia Cracker”—a “Negro hater” and that he did make the other remarks to the men under Mr. Russell’s supervision and it does amount to insulting behaviour.

In these circumstances I find the defendant guilty as charged.

In passing my sentence Mr. Fawkes, I want you to know that it is with real pain and grief that I have been compelled to find you guilty of these offences, even though they are somewhat of a not too serious nature.

You are a member of our Bar and as such my colleague. But when I assumed the duties of

my office I took an oath that I shall do right to all manner of people after the laws and usages of this colony without fear of favour, affection or ill will.

As counsel and attorney of the courts of this colony, we also took an oath when we were called our Bar traditions which relate to decent and proper behaviour. You did not on that occasion demean ourselves as counsel and attorney.

I cannot say that your behaviour in Stafford Creek was in keeping with and deport yourself in keeping with the propriety expected of members of this Bar.

You made serious allegations during the course of this trial that the company as been committing flagrant breaches against the Truck Act and the Employment of Children Prohibition Act. You quite rightly stated that every citizen has a right to prevent crime in any form knowing this and being certain that your allegations are legally sound then as an Attorney and the leader of organized labour you have a right and a duty to correct the conditions of which you complain. Surely as a lawyer you should know how to obtain the remedy. But you proceeded to have the condition corrected in a manner which is both contemptible and disgraceful.

As an attorney you should know that every citizen of this country as a right to come to the???

Crusading of any kind must be done within the framework of our legal system. Do not forget that.

I am not going to treat you with leniency because you should know better. I therefore make the following order:

That you are hereby bound over in the sum of two hundred pounds with two sureties to be approved by me for a period of three years to keep the peace and be of good behaviour and to come up for sentence if called upon.

**THE
BAHAMAS LUMBER COMPANY LTD.
STAFFORD CREEK, ANDROS**

Week Ending 17 DEC 1953

Name RICHARD HORTON

£ s. d.

44 1/2 Hours 4-9-0

Deductions

Store 1-11-0

Cash

Rent 1-0

Other

Total Deductions 1-12-0

BALANCE £ 2-17-0