

More Police Witnesses Heard At Trial Of Bustamante And Pixley

FROM PAGE ONE

Vernon until Monday morning at 9.30 o'clock.

The Honourable the Chief Justice Sir Hector Hearne is presiding, the Honourable T. Henry Meyers, K.C., Attorney General, and Mr. C.D. Newbold, Solicitor General are conducting the prosecution, and Sir Lennox O'Reilly, K.C. of Trinidad and Mr. A. Herbert Lacey, instructed by Mr. Neville Ashenheim of Messrs. Millibrand, Ashenheim & Stone, conduct the defence.

Case against the accused arises from an inquisition of a Coroner's jury in Kingston dated April 11, this year, which charged them with manslaughter of John Augustus Nicholas, Kingston seaman, who was a Coroner's jury found dead in the Kingston Public Hospital of injuries received in Kingston on February 16, 1946.

Jurors hearing the case are: Ivan South (foreman), Alexander Heywood, Frank Bailey, Arklund Gardner, Cyfrin Henry, Percival Hyatt and Frank Hubert Dixon.

On Thursday afternoon the Assistant District Attorney gave the following testimony.

George H. Scott, sworn questioned by Attorney General, said he was Assistant Labour Adviser. He received a communication on Wednesday evening from the Labour Adviser in connection with the registration interview with the Labour Adviser first, and afterwards with Mr. McMillan.

The Attorney General: Who is Mr. McMillan?

Witness: Mr. McMillan is a clerk to the Hon. Mr. Pixley.

The Attorney General: Who is a defendant in this case?

Witness: Who is a defendant in this case?

The Attorney General: Did you go anywhere, either before or after you saw Mr. McMillan?

Witness: As a result of the interview with the Labour Adviser I went to the home of a clerk at the Labour Office and picked him up and we went down to the Labour Office.

Q: When was this?

A: About 8.30 to 9 o'clock.

Q: An about 9 o'clock?

A: Yes, I took possession of the registered port workers and extracted a certain document.

Q: What was the document you extracted?

A: The registration card of a port worker.

Q: What port worker?

A: Reid.

Q: May I have a look at the card to refresh my memory?

The Attorney General: No, I want you to tell me exactly what you did.

Witness: I went to the port workers' register and found a registration card.

Q: How many Reids you found were registered?

A: One.

Q: And what did you do?

A: I extracted two port workers' cards, both of them in the same name.

The Attorney General: Might the witness have the document just handed in. (To witness) Is that one?

Witness: This is one.

The Attorney General: Where is the other document Mr. Scott?

A: I have it with me.

The Attorney General: Will you produce that please.

Q: Now will you look at the document you have just produced from your pocket. What is it?

A: It is similar to the other.

Q: What is it?

A: It is the registration of a port worker called Clifford Reid.

The Attorney General: I am asking you about the one you have just produced from your pocket.

Witness: These are two Clifford Reids registered.

Q: On the registration cards have you got photographs?

A: We have photographs. Each port worker has a card. I was originally recommended by the firm with which he worked. One worked with the Royal Mail and his recommendation came from the Royal Mail. The other worked at the Princess Street wharf. I then selected the one from the Royal Mail because my chief asked me to get.

The Attorney General: Yes, but I am dealing with the document. You said you found in your register two registration cards of Clifford Reid. Both bear photographs. They purport to be Clifford Reid. In which documents refer. One is a registration card purporting to be a Clifford Reid who was a Royal Mail port worker. The other is a registration card purporting to be a Clifford Reid working at what other pier?

Witness: Princess Street.

REGISTRATION CARD

The Attorney General: I wish you to produce first the registration card relating to Clifford Reid who works at the Princess Street pier. When was that photograph taken as it appears on the card? On or about September 1, 1939.

Q: Does it contain a description of Reid?

A: No other than his age which is given as 33.

Q: Is there any description of Reid on the card?

A: No. Other than his age which is 32.

The Attorney General: Tendered this document as being one of the documents found by Mr. Scott relating to a Clifford Reid.

The Attorney General: Now will you look at the document relating to Clifford Reid of the Royal Mail. When was that photograph taken?

A: On or about September 1, 1939.

Q: Does it contain a description of Reid?

A: No other than his age which is given as 33.

Q: That was in 1939?

A: Yes.

The Chief Justice: Was that renewed at all? The Royal Mail one.

The Attorney General: The Royal Mail one renewed at all Mr. Scott?

A: On two occasions, on September 25, 1940 and on March 19, 1942.

On the occasions the card was renewed was the photograph changed?

A: No.

Q: Now Mr. Scott in your capacity as Assistant Labour Adviser did you know Mr. Reid?

A: Yes.

Q: Look at that photograph of the Reid registered at Royal Mail Wharf. When was the last time you saw Mr. Reid alive? Approximately?

A: I can't remember. Maybe two or four years. Maybe in 1940 or in 1942. I can't remember.

Q: Look at that photograph. Would you say whether or not that photograph is or is not a good likeness of Mr. Reid as he appeared in mind that it was taken in 1939?

A: I don't remember seeing him in February of this year.

Q: Can you say whether or not that photograph is a good likeness of Reid at the time it was taken?

A: I can't say it is a good likeness.

The Chief Justice: Which Reid is that?

The Attorney General: The Royal Mail Reid?

The Chief Justice: Is that the Reid you know?

A: That's the one.

The Chief Justice to the Attorney General: Are you relying on that one?

The Attorney General: I am merely putting in the complete record of the documents in relation to port workers.

Witness: Yes.

Q: You mentioned Reid. (To witness) Now Mr. Scott, how well did you know Mr. Reid in 1939?

A: Not very well. He was just one of the persons who came to see me on business.

Q: On what do you base your opinion that that likeness was a good likeness of Mr. Reid in 1939?

A: Speaking from memory, on one occasion I had my book before me, and his card and compared them. Two photographs are made at the same time. One was pasted in his port workers' registration card and the other in the port workers' card.

The Attorney General: Let the witness have exhibit five (Mr. Miller's photograph of the crowd at the General Store). Do you remember seeing Bustamante, Pixley and man said to be Reid?

The Attorney General: Look at that picture. Do you see Mr. Bustamante?

Q: Do you see someone on Mr. Bustamante's left?

A: Yes, sir.

Q: Is that a man wearing dark trousers, a white shirt and some kind of hat?

Q: Have you ever seen the original of that photograph before?

A: I am not prepared to say, sir.

Q: Does that photograph appear to you to resemble anyone whom you know?

The Chief Justice: Give him the enlarged one.

The Attorney General: Let him have the enlarged one. If the witness likes he may have the assistance of the glass.

Mr. Scott looked at the photograph through the magnifying glass. Then he said: There seems to be a slight resemblance to someone I know, sir.

The Chief Justice: Someone you know?

A: Yes, May I say the someone, sir?

The Attorney General: Yes, Who?

A: Clifford Reid.

Q: Of course you have not seen him for some time?

A: Yes. So I cannot swear to it.

Q: Are you prepared to swear that the photograph which you have brought today is a photograph of Clifford Reid?

A: Yes.

Q: Are you prepared to base this?

A: First because I had both the photographs and the man before me on one occasion.

Q: Can you remember the occasion?

A: Well can you tell us upon what you base your readiness to swear to this?

A: After I got the documents from the office, I visited the Labour Office and saw the picture. The witness said he saw that picture and he said that it was Clifford Reid as he sat with him once for five days at a recent enquiry.

Q: I see. You are basing it on someone's else opinion?

A: To back up my own, Sir.

TO BE ENLARGED

The Attorney General: Now that the witness has been tendered, ask permission that they be delivered to the C.I.D. for the purpose of being enlarged.

The Chief Justice: It is the Royal Mail one which you have given in Sir Lennox?

A: I have it with me.

The Attorney General: Will you produce that please.

Q: Now will you look at the document you have just produced from your pocket. What is it?

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The Chief Justice: Which Reid is that?

The Attorney General: The Royal Mail Reid?

Q: What was the last occasion on which Mr. Clifford Reid who worked at the Royal Mail renewed his registration?

A: On the 19th of March 1942.

The Attorney General asked Mr. Scott to look at a photograph which he had of Mr. Clifford Reid late of the Royal Mail and questioned witness.

Witness said he saw an object immediately behind Reid in the picture.

Q: To explain the circumstance under which the picture was taken Mr. Scott said that so as to get as many photographs on one plate as possible the men were lined up together. He pointed a bench was placed behind the first row and some men stood on benches so that the man standing on the ground his head would come about the middle of the man standing on the bench behind him.

Q: The Chief Justice asked the witness if he had the opportunity before giving evidence comparing a photograph with a human exhibit, and Mr. Scott said it was an odd experience.

The Chief Justice: I think it is essentially a question for the jury.

The Attorney General: With respect to that is entirely my view.

The witness said that the human exhibit should be kept available to the end of the trial.

After the Attorney General had asked that the police be allowed to take away the card for the purpose of enlargement and this was agreed, His Honour told Mr. Scott that he would still have to attend court for re-examination.

Yesterday's Sitting

When the court resumed at 9.45 yesterday morning Lucius Watson, the witness in whose testimony that of Mr. G. H. Scott was interposed, was recalled to the witness stand for re-examination by the Attorney General.

He told the Attorney General that he saw about a statement a few days after the incident. Mr. Mayes asked him to read a portion of the statement relevant to which crowd he had said Mr. Bustamante had led, and after witness had read it to himself, asked him which crowd he now said Mr. Bustamante had led.

Witness said the crowd coming along the Windward Road.

The Attorney General asked him if he could explain how it was he had said in that statement the Paradise Street crowd and had told the Coroner the Paradise Street crowd also. Witness said he was confused at the moment.

The Attorney General told His Honour that the Coroner on this point, he had had to produce that statement. He then invited Sir Lennox to cross-examine, which Sir Lennox declined to do.

The Chief Justice questioned the witness as to part of his evidence on Thursday, and in reply to the Court, witness said that he had seen John Reid about five or six yards nearer to the Asylum gate than Reid's, before he saw Reid's.

His Honour asked him to point out five yards in court, which he did.

ANOTHER POLICE WITNESS

Raymond Mendez, Sergeant of Police, stationed in Kingston, was next called and examined by the Solicitor General, Mr. C. D. Newbold.

He told the Court that he had taken on duty at the Mental Hospital on the morning of the incident.

Witness continuing said: The demarcation of the second crowd, I did not notice members of the second crowd gathering anything. Mr. Bustamante came up to the gate and said "Come in all of you; I am in charge of this country." The pickets had then gone.

Prior to the arrival of the second crowd, the pickets had gone. They might have got in the hands of the crowd, but they were not at the entrance of the road leading into the premises. I cannot remember anybody saying anything when Mr. Bustamante said "I am in charge of this country." The people came in on the Asylum premises and led by the two gentlemen, they went south of the gate, after Mr. Bustamante and Mr. Pixley came up with his crowd there, were no pickets there.

"GONE WITH THE WIND"

Q: They had gone with the wind?

A: Probably Sir, or mixed up in the crowd.

Q: Are you quite sure you saw Mr. Bustamante move off in an easterly direction?

A: I am sure of that.

Q: Walking with whom?

A: Mr. Pixley, Sir.

Q: You made no mistake?

A: I have not made any mistake to the best of my knowledge.

When Mr. Bustamante's crowd came along witness had them in full view of the crowd returning from the Mental Hospital.

Re-examined by Mr. Newbold witness said about ten minutes from the time Mr. Bustamante passed going eastwards he heard that a man had been shot. When the crowd went eastwards Mr. Bustamante and Mr. Pixley were leading it. He was leading the crowd coming back from the Mental Hospital.

Q: You said you saw Mr. Bustamante returning to town later on about how long after he had left you at the main gate going east?

A: I don't think it was twelve o'clock yet it was some time after 11.

Witness continuing said he did not remember seeing Mr. O'Connor, the Deputy Commissioner there that morning.

The Chief Justice: Do you remember whom you relieved at the gate when you arrived?

A: Yes, Your Honour.

The Chief Justice: Who?

A: Sergeant Wint, Sir.

Q: You told us that as the first crowd arrived you despatched Carnegie?

A: Yes Sir.

Q: At once?

A: Yes, Sir.

"15 MINUTES LATER"

Q: You say the crowd led by Bustamante and Pixley arrived 15 minutes later?

A: Yes, Sir, about.

Q: So that when the crowd led by Bustamante and Pixley arrived Carnegie was not at the main gate?

A: He might have been there, Sir. He might have come back.

Q: How far did you send him?

A: I sent him to the Central Police Station.

Q: That is a long way?

A: No, Sir. Approximately a mile.

Q: So he could have come back in 15 minutes?

A: Yes, Sir. If he rode his bicycle.

The Attorney General said perhaps His Honour would enquire of the witness whether there might not have been some other way by which Carnegie could have carried out his instructions.

The Chief Justice: Did you tell him to go to the Central Station?

A: I told him to go and make a report to the Inspector, Sir. He might have telephoned in which event he would have done so from the Brown's Town Police Station.

The Chief Justice: And you don't know whether he did that or on foot, or by bicycle or by plane (laughter)?

A: No, Sir.

Replying to Sir Lennox, the witness said after Carnegie went away, and before Mr. Bustamante arrived he did not remember seeing Carnegie.

GATE GAVE WAY

Q: They smashed the lock and broke down the gate?

A: They pressed against the gate and it gave way.

Q: So the gate swung open?

A: Yes.

Q: It was wide open after that?

A: It was wide open.

Q: And the wicket gate was unhinged?

A: It was unhinged.

Q: There was no trouble in anybody getting in after that into the Mental Hospital grounds?

A: No, Sir.

Q: In the first crowd you recognised some ex-criminals?

A: I did not.

Q: Apparently some called you "Father" or "Yes Sir"?

A: Yes, Sir.

Witness went on to say that he had been in the police force for 23 years, and was now 48. In consequence of the action of the first crowd he sent Constable Carnegie to the Central Station, which was approximately a mile away.

Witness was then shown a photograph and asked if he could identify Mr. Bustamante. He said it resembled him, whereupon Sir Lennox observed that no one else in Jamaica looked like Mr. Bustamante. He pointed out that it was common ground that Mr. Bustamante was in the crowd.

Witness stated that the photograph showed a van between the main gate and the Asylum, the wicket gate and that a squad of police were there between Mr. Bustamante's crowd and the main gate. He did not know if any other vans came with police during that day. So far as he knew only one squad of police came there during that day. He did not know when Constable Carnegie returned.

WITNESS CROSS EXAMINED

Sir Lennox: Did you ever see the Deputy Commissioner there at that time?

A: I have done duties at that point on various occasions and I have seen the Deputy Commissioner there more than once. I don't remember that morning if he was there.

Sir Lennox: My instructions are that Mr. Bustamante is the Deputy Commissioner came back together from the inner gate?

A: Mistakes can be made by both sides.

Sir Lennox: You are giving the gentlemen of the jury the best impression you can give?

A: Not so much an impression but my knowledge.