

P.P.P. Leader Had No Intention Of Obeying Restriction Order

Prosecution Puts Forward Four Witnesses: No Defence Offered

13-4-54

Dr. Cheddi Bharat Jagan, deposed leader of the late House of Assembly, was sentenced yesterday afternoon to six months of hard labour after being found guilty of contravening an Order made by His Excellency the Governor. This sentence came at the end of a 105-minute hearing before His Worship Mr. R. G. Sharples at the City Magistrate's Court, 45 minutes of which were spent by the defendant in making an address from the dock.

In giving his decision, the magistrate said that all the defendant had done was to make "an extremely rambling statement, completely off the point." The only submission he had made was that nobody must obey the order, because it was made under a Fascist law. The defendant, he said, had made it abundantly clear what the order was, and that he had no intention of obeying that order.

Actually, Dr. Jagan had refused first to enter a plea, and then, later, to give a defence to the charge, instituted by Sub-Inspector Henry Elcock, accusing him of having, on April 3, 1954, failed to comply with an Order made by the Governor on April 1, 1954, under the provisions of Section 12 of the Emergency Order.

He was unrepresented by counsel, while Mr. G. M. Farnum, Solicitor General, appeared for the complainant.

There were intermittent showers during the day, and less than 100 persons — about 85 of them women and girls — waited below in the precincts of the Court. Police restrictions were still in force, however, and over 50 peace officers, including Assistant Commissioner W. R. Weber, Supts. Rose, David King, Rowlands and

Jones, Deputy Supt. Beharrysingh and Asst. Supts. Sukhnanandan and Austin were in Court during the trial.

Before the first witness was called, Dr. Jagan said that he had made an application for bail which the magistrate had said he would consider. His Worship pointed out that that bail was granted until a case was heard, that he would fix no bail then because he was ready to commence the case. He queried whether the defendant was stating that he (defendant) was not ready to go on.

Next, Dr. Jagan said that he would like to withdraw his plea of not guilty.

His Worship: You wish to change your plea to guilty?

Defendant: Well, I shall come to that.....

Dr. Jagan added that a plea of 'guilty' or 'not guilty' would suppose a recognition on his part not only of the validity, but also of the justice of the Emergency Order under which he was charged. In such a case, he said, all the Governor had to do was to say that a person was outside the restricted bounds.

His Worship: I don't know: I

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DR. JAGAN (From Page 1)

Court whether you go around confiscating the BPI bulletins?

Witness: I don't read them... I only read one.

Dr. Jagan: You came up to Mahalony to arrest me because you were told, I believe, that I was breaking the Emergency Regulations?

Witness: I knew you were breaking the Emergency Regulations.

Dr. Jagan: Haven't you heard that the UDP and Mr. John Carter were....

The Court: Dr. Jagan, that is completely irrelevant.

Dr. Jagan: I only wanted to show.

The Court: No, I would not permit it. (Then to the witness). Don't answer that.

Dr. Jagan: Very well, sir.

Mr. Ivor Smith, acting Secretary to the Governor, was the next witness called. He said that on April 1 the Governor made a restriction order against Dr. Jagan. The order was produced and tendered as an exhibit. The witness also produced the Extraordinary Gazette of October 9, 1953.

Shown the order again, the witness, in reply to Mr. Farnum, said that Mahalony, East Coast Demerara, was out of the area to which Dr. Jagan was restricted.

Cross-examining the witness, Dr. Jagan asked him whether, in his opinion his actions were ever prejudicial to public order and safety, but before the witness could reply, the Magistrate pointed out that as Dr. Jagan was unrepresented by counsel, he must explain to him that such a question coming from him might turn out to be prejudicial to him. The witness's answer may be prejudicial to him, the Magistrate said.

Dr. Jagan thanked the Magistrate and added that he should have asked that His Excellency the Governor be summoned.

RED PAINT

Inspector Oscar Carmichael, who followed, said that on April 3 last, he accompanied Supt. Rowlands to Mahalony to the surgery of the defendant, Dr. Jagan. He was there when certain posters and literature were removed.

Asked whether he found anything himself, the witness said that he found two tins of red paint in the trunk of Dr. Jagan's car.

Dr. Jagan: You said you found this paint in my car—Yes.

Dr. Jagan: Can you tell me when my car was searched? I wasn't there.

Witness: So, you were not there—you were in the guard room at Brickdam.

Dr. Jagan: What is your favourite colour?

Witness: Blue.

Dr. Jagan: Did you see a sign board at my surgery—Yes.

Dr. Jagan: Did you notice what colour it was in?—No.

Dr. Jagan: Did you notice anyone painting the signboard—No.

Sub-Inspector Elcock of Special Branch, Brickdam, was the next witness called. On April 1, at 7.15 p.m., he said, he served a certified copy of the Restriction Order against Dr. Jagan on him at his home at Laluni Street, Georgetown. The witness produced a duplicate of the order he served on Dr. Jagan. The witness said that after he handed the order to Dr. Jagan, he (Dr. Jagan) replied that he understood.

In reply to Dr. Jagan, the witness said that he handed him the order on the front steps. He said Dr. Jagan did not read the order, but he explained to him that it was a Restriction Order, restricting him to Georgetown and that if he wanted permission to leave Georgetown, he had to apply to the Commissioner of Police for such permission. Dr. Jagan, he said, replied that he understood.

APPLICATION REFUSED

At this point, the Prosecution closed its case and the Magistrate called upon Dr. Jagan for his defence. Dr. Jagan then asked that the Governor be summoned as a witness, but the application was refused.

Addressing the Court, Dr. Jagan pointed out that he had refused to plead, because if he had done so, it would have been construed that he was recognising the validity and justice of the Emergency Order. He was not doing that.

Dr. Jagan then launched on what was described as a political speech and was stopped more than once by the Magistrate, who pointed out that all he was concerned with was whether Dr. Jagan had violated the Governor's order, restricting his movements to the city, and why. He told Dr. Jagan that he was bound within the framework of the law and was not concerned with anything else.

Dr. Jagan then explained that he was at his dental clinic when he was picked up and read the letters he had written to the Commissioner of Police and the Governor, asking for permission to visit his clinic. However, he was refused permission.

Dr. Jagan made it clear that he had no intentions of observing the Restriction Order placed against him, and the Magistrate at the conclusion of Dr. Jagan's address said that under the circumstances, he was sentencing him to six months.

Four P.P.P. Members Committed to Prison

1.7.54
Four members of the People's Progressive Party, found guilty on April 14 of disorderly behaviour in the Police lock-ups on April 4, were yesterday arrested by the Police and lodged at the Georgetown Prison for non-payment of their fines. They are Martin Carter, Eric Brathwaite, Eustace Sam, and Cecil Sampson. The men were each fined \$2.50 with an alternative of seven days' imprisonment by His Worship Mr. R. G. Sharples.