



the employee, Simpson, who was at the time cutting bananas from the property, and requested him to say by whose authority he was cutting bananas. Ferregan, subsequently called Cole-Palmer on the scene, and when Cole-Palmer came along he called to the other pickets to come down, and it is quite clear from the evidence that the pickets were armed with sticks, and that they threatened, and in our view, intimidated both Simpson and his co-employee, Brown, who was at the time also cutting bananas on the property.

I should mention that the defence of both appellants were that they were not present at the time when this incident was alleged to have taken place.

Mr. Hill, on behalf of the appellants has submitted, first of all, that it was necessary for the Crown to establish that there was a trade dispute in existence, and in order to do this, it was necessary that it should be proved that there was an "employer" known to the Law, that is to say, an employer who was a legal entity. He submitted that there was no evidence to show who or what Bengal Estate was, that is to say, whether it was an individual, or a corporate entity, or body known to the Law.

It is our view, that proof that Bengal Estate was a legal entity was not relevant or material to this issue, so long as it could be shown that Bengal Estate was a body, whatever body it might be, that employed workers, and that there was a dispute, as regards the employment of those workers, between Bengal Estate, the body employing the workers, and the Trade Union.

It was pointed out to the Court, however, by Mr. Orr, that there was some evidence on the record to show that Bengal Estate was, in fact, a limited liability company, and he drew the attention of the Court to two places in the record where this was stated, namely, on page four, where it is stated that,

∟ Mr.Scott,...

Mr. Scott, a Solicitor was watching the proceedings on behalf of Bengal Estate Limited, and where the witness Brown, said that he was employed to Bengal Estate Limited. Certainly, that was not the way in which proper proof should be given of the registration of a limited liability company, but, as we have mentioned, this was not relevant, or material to the issue, and it is our view, that there was abundant evidence on the record to show that the Bengal Estate was indeed an "employer" within the meaning of the Trade Union Law, and that there was a trade dispute in existence at the time. In our view, therefore, there is no merit in that submission.

Mr. Hill has not complained of the findings of the learned Resident Magistrate in so far as the conviction of the appellant, Cole-Palmer is concerned. As regards the appellant, Ferregan, however, he has submitted that there was no evidence from which it could be said that Ferregan had intimidated any of the complainants. The evidence against Ferregan, he submitted, was as consistent with his innocence, or more consistent with his innocence than with his guilt, in that, Ferregan was a delegate of the Bustamante Industrial Trade Union, and that all he did was to speak to Simpson, and thereafter, to refer the matter to his superior officer, Cole-Palmer, who was the representative of the Union. With this submission, we are in agreement, and for these reasons we think that the learned Resident Magistrate was wrong in convicting Ferregan.

In the circumstances, the appeal of the appellant, Cole-Palmer, will be dismissed and the convictions and sentences against him affirmed, whilst the appeal of the appellant, Ferregan will be allowed and his convictions quashed and sentences set aside.