

A tribute to Sir John Connell, knight of Saint Andrew, Queen's Counsel former justice of the Court of Appeal of Barbados.

In Act 3 Scene 1 of "Julius Caesar", Cassius kneels before Caesar to beg for forgiveness for Publius Cimber and for his citizenship to be restored. Caesar responds:

"I could be well moved if I were as you. If I could pray to move, prayers would move me. But I am constant as the northern star, of whose true-fixed and resting quality there is no fellow in the firmament. The skies are painted with unnumbered sparks. They are all fire and every one doth shine, but there's but one in all doth hold his place. So in the world. 'Tis furnished well with men, and men are flesh and blood, and apprehensive, **Yet in the number I do know but one that unassailable holds on his rank, unshaked of motion. And that I am he (emphasis added)** Let me a little show it even in this: That I was constant Cimber should be banished."

These words spoken by Julius Caesar are taken to epitomize Caesar's arrogance in equating himself with one of the most illustrious symbols in the celestial realm. In terms of a reference to Sir John, he loved this quote not for its arrogance but for Caesar's fidelity to his ideals and his character even in the face of sure death. I use this reference to show Sir John's commitment to his people, his profession or calling and to his philosophical ideals. An example of this is his response to the

conferment of a knighthood upon him for his contribution to law in which he lamented that the knighthood was not conferred for his contribution to the environment in which area he had done a lot of work of which he was most proud. I describe Sir John as a ‘complex and complicated man’. I will shortly return to this characterization.

He was born John Andrew Connell some 82 years ago in the working class district of the Ivy, St. Michael to a carpenter and seamstress. He attended the Combermere School on a vestry scholarship, and worked for a short period in the Civil Service before migrating to England in 1956. He worked on the London Transport whilst reading for the Bachelor of Laws degree at the University of London, Holborn College which he successfully completed in 1963. He was later admitted to the Honourable Society of Lincoln’s Inn where he completed the Bar examinations and was called to the bar of England and Wales in 1965. He told me that he opted to pursue a degree programme instead of simply enrolling at the Inns of Court because he wanted to be grounded in the law. He wanted to be so versed in the law that he could respond to any questions which might be posed to him in his legal practice.

For me, this set him apart from most of his contemporaries who took the latter course but who all also developed into fine lawyers.

He taught at Holborn College before returning to Barbados with his wife and young son and was called to the Bar of Barbados in 1965. He engaged in the private practice of his chosen profession until his elevation to the appellate bench in 2000.

I earlier referred to Sir John as complex and complicated. No explanation of these adjectives is possible without an excursus into Barbados' socio-economic and political history. At the time of Sir John's birth, Barbados was experiencing one of the worse socio-economic episodes in its history. The Moyne Commission Report details a history of unemployment amongst the black population, dismal health and social services, lack of educational opportunities and poor housing and sanitation services. To those must be added a dearth of labour laws to protect the workers and a hostile social environment which stymied the social growth of the predominantly black working class population. These conditions were not unique to Barbados but were symbolic of capitalism in all of its glory.

It is my view that men are products of their environment as well as the ideals inculcated in them by their parents, social institutions and their personal experiences. It is against this historical background and my own view of human social development, that I premise this appreciation of our friend and colleague.

Sir John spoke glowingly of the sacrifices of his parents to give their children a “proper education” as a vehicle for social advancement. I recall him saying that his father bought a book on the German language and began teaching himself German in the event that the Germans should be victorious in the Second World War. As I observed his penchant for preparing for every possible eventuality in the cases in which I was privileged to be his junior counsel, I surmised that this trait of character was learned consciously or unconsciously from his father.

The complexity of his personality is related to the broad breath of his intellect and interests. He bought books on the law and all topics of interest to himself. I do not believe that there are many lawyers in Barbados possessed of a more extensive private library than Sir John.

Those who knew him well will recall that his opinions were buttressed by the historical data in the resources of his library. As his junior counsel in the latter days of his practice, I would have to support every submission with reference to authority. He would often say Sir Harold (St. John) would be satisfied with one or two authorities whilst Sir Henry (Forde) wanted all that were available and quipped “Treat me like Sir Henry.”

Sir John the complex and complicated man

He was a complicated man. Sir John contested the St. Michael seat for the Democratic Labour Party in what he called “the Pine Lands”. He also contested the City seat losing by a mere handful of votes. In spite of his complicated relationship with Mr. Errol Walton Barrow who fired him from the political platform he remained loyal to the Democratic Labour Party until he was appointed to the Court of Appeal. Thereafter, he distanced himself from politics.

His experiences in the United Kingdom had a profound effect upon his socio/political philosophy and he felt compelled to speak about social inequality upon his return to Barbados, yet, Sir John never espoused a traditional Marxist or Marxist/Leninist philosophy of socialism. His relationship with his friend Calvin Alleyne Esq, Attorney-at-law and Mr. Glenroy Straughn led to the formation of the Peoples Pressure Movement whose political life was short-lived but whose impact upon these three individuals was life-long. They were branded as radicals. Calvin, who like Sir John read widely in English and French, has mellowed with age. Mr. Straughn has passed to the great beyond.

There is a great difference between the political landscape of English society and Barbadian society. The Marxist concept of dialectic materialism, in consequence, required modification to suit local socio-economic conditions. The political

conservatism of the working-class Barbadian was a consideration, which in my opinion, did not factor into his earlier political calculus. In spite of this, Sir John held on to his political philosophy to the end in spite of his disappointment in the reception he received from the working class populace of this Island.

As lawyer, he was involved in several civil cases of note. He appeared in **Re: Landfall No. 1 which dealt with modification of covenants in Conveyances; St. Hill v AG of Barbados, Parsons Pest Control Limited v Minister of Housing and Lands et al (Parsons), Mount Six Mens Limited v Minister of Housing and Lands et al, Noel v Noel [a family law appeal] and The St. Joseph Hospital** case. I was privileged to appear as his junior counsel in the latter five cases.

Sir John was also a practitioner of the criminal law, his most notable case being **R v Wingrove Brathwaite** also known as the St. Matthews Vicarage case in which he won two appeals until he was relieved of his retainer when Brathwaite was charged with the murder of the priest's child shortly after he was liberated on the final appeal for the Wife's murder. The prosecutor was none other than Mr. Clifford Straughn Husbands, later His Excellency **Sir Clifford KCMG, KA, QC**, Governor General of Barbados.

Sir John was a serious man but had a wry sense of humour. He related that he told the jury that a murder like the St. Matthews vicarage killing occurred once in a blue moon. DPP Husbands addressed the jury and informed them that on the night of the murder the moon was blue.

I recall attending an appointment to discuss the Parsons matter and he raised with me an unrelated matter in Boarded Hall magistrates Court in which the prosecution had led their evidence and closed their case. He asked me to look at it. I poured over the file and gave him my opinion in writing the day before the trial was to resume. He told me that he agreed with me but as I was about to take my leave of him he said "So I will see you at Boarded Hall tomorrow morning at 9.30 and you will present the No Case Submission". I was taken aback and he said "Don't worry; I will enter an appearance for you". I cancelled my classes at the Barbados Community College and attended at Boarded Hall and successfully made the No Case Submission. He said to me a senior must always let a junior take credit for his work.

I also recall providing an opinion for him in the St. Hill case in manuscript form. I attended his office and after having lunch which was carefully prepared and put into separate compartmentalized containers by his dear wife, I handed him my opinion, he took it, placed it on his desk, and made us both a cup of Earl Grey tea.

After consuming the tea, he handed me back the opinion and said “William bring it back to me in legible form.” I obliged, had it typed and returned it to him.

Sir John would always ask you which witnesses you felt comfortable cross-examining in any case in which you appeared with him. There was one matter in which I crossed-examined a surgeon specialist. In my youthful exuberance I raised my voice unintentionally. During the recess, Sir John said to me “William, you are a young man in good health. I am an older man in not so good health. Take it from me; do not shout at doctors, you never know when you will find yourself in their hands.”

Sir John felt passionately about the environment. He was a founding member of the Parks and Beaches Commission, later the National Conservation Commission, and its first Chairman. He never publicised or boasted about his work. We discussed developments in the international arena about environmental law especially the concept of the environment as a party to proceedings. In this regard he was ahead of most lawyers for whom environmental law was an esoteric concept.

I have spoken at length about his pursuits but his passion was his family. He spoke about the sacrifices his wife had made to enable him to further his career. I will describe him as he described Sir David as “an uxorious man”. A man in love with

his wife. He always said he did not know what he would have done without that dear woman. She prepared his meals and was his confidante. He described her as a better politician than he was. She could converse with you on most subjects and, any conversation with her revealed that she read widely yet her presence was always unobtrusive. He loved his children dearly and the advent of grandchildren was a source of great pride for him and his wife. I believe that he was assured that the Connell legacy would continue.

Sir John's passion

His passion was the environment and the law. He once commented that he would have preferred to have been knighted for his contribution to the preservation of the environment than his contribution to the law. Whilst the environment and the law were his passions, his love was his wife and his family. His passionate love of family was evident as he spoke about their children. He never said my children. As small as that may appear, the ramifications are colossal. The children were a product of a marriage not of individual effort. I recall him saying so very often "I don't know what I would do without Mary". She loved him unconditionally, made his lunch, packed it and ensured that it was well balanced. When we had meetings to discuss cases, she ensured that there was more than enough for the two of us. His only regret was that their daughter Lakshmi did not follow in his footsteps but

he realised that she had her own skill sets and strong-headed like her father, she was master or mistress of her own destiny.

John was very concerned about the Connell name. He was adamant that the sacrifices of his parents to give him the opportunities to make a contribution to our society should live on and that he should maintain a decent and proper reputation. In this regard, I am reminded of the words of the bard of Avon, whose works Sir John often recited, in *Romeo and Juliet (II, ii, 1-2)*

Juliet:

"What's in a name? That which we call a rose
By any other name would smell as sweet."

Sir John felt that you should live a good and decent life so that your name was synonymous with you. He admonished me to never break my word to a fellow Attorney-at-Law and especially to the Court, uphold the traditions of our noble profession and if you gave your word and circumstances changed so that you could not keep your word bring it to the attention of the court or your colleague.

Your reputation defined you and lived after you. In **Proverbs 22:1, it is written**

"A *good* name is to be chosen rather than great riches,
Loving favor rather than silver and gold.

² The rich and the poor have this in common,
The LORD *is* the maker of them all."

French and Spanish

Sir John was a man of letters. He loved literature and languages. He found time to teach himself French, having already taught himself Spanish as ambassador to Venezuela. He paid for private tuition and bought CD's which he listened to whilst being driven to and from work by his orderly. I remember purchasing a self-teaching CD for him on one of my vacations in New York. When he discovered that I spoke "*un peu de francais y espanol*," (deliberately put in spanish) he would insist that we occasionally speak in either of these languages.

Sir John was a fraternal man. His life epitomized what our ancestors could barely dream of, namely, the opportunity to transition from poverty to success; to make a difference; to make a contribution to our country, our families and our fellow men. He came into this world, a rough unhewn stone not fit for the Master's hands but he has left this world as a polished ashlar fit for the hands of the creator.

The Perfect Ashlar

by Lightlife

“Born to this world rough hewn and jagged,
a stone as yet poorly shapen and ragged.
Helped to grow by kindness of others,
shown our errors in whispers from Brothers.
With this and the aid of the Common Gavel,
sharp edges soon turn to discarded gravel.

With Further Light, we explore new tools,
working with Fellows to uncover more Jewels.
With Plumb, Level, and Square we hearken to
hear, sacred guidance known to the Attentive
Ear. To More Light we then are led, that
Brotherly Love be widely spread. With our
Ashlar true (good work and square), soon
comes the time we must repair. With Trowel
in hand, Ashlar polished and square, we depart
this world and all we built there. Leaving
behind in the hearts of our Brothers, the tools
to teach, lead, and love others.”

Nothing now remains save and except once again to extend our deepest sympathy to his widow, children, grandchildren and the rest of his family and we continue to pray that Almighty God has granted him a place at the table in his heavenly Kingdom.

William Jefferson Chandler
Court of Appeal Judge (AG)