

his hand. We then went to the Judge's room. He came out dressed in a maroon dressing gown over his pajamas with his violin and accompanied our singing with great melodious skill, until all the hotel guests came out of their rooms singing and we sung Christmas carols until day break and we could catch the boat to St. Kitts.

You have induced nostalgic feelings. But I must end. In closing I recall the high levels of courtesy that were afforded to and demanded of practitioners in the Eastern Caribbean, in those early days. I was appearing before Justice Eardley Glasgow, when suddenly he rose, and asked me to see him in his chambers. When I entered he said to me, "Byron I had a high impression of you, so I was extremely disappointed when you allowed me to notice from the expression on your face that you were displeased with the order I just made against you."



A TRIBUTE to the late SIR FRED KELSICK

FREDERICK EDGAR KELSICK, Q.C., M.A., LL.M (Cantab) - (1923-1988)

Mr. Terence Byron B.A., (Cantab), C.M.G.

A Giant of the LEGAL PROFESSION

A special sitting was held at the High Court of Justice for St. Christopher and Nevis on Wednesday 27th July, 1988, in honour of the legal career of the late Frederick Edgar Kelsick, Q.C., affectionately known as Fred Kelsick.

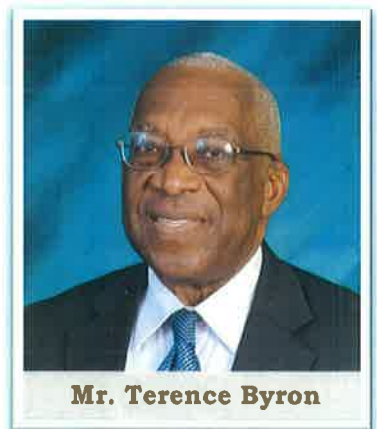
At that date, the High Court was still temporarily located at the Police Training Complex at Sandown Road, on account of the destruction by fire six years before of the majestic wooden building when, for fully a quarter of a century where Mr. Kelsick bestrode the profession like a Colossus.

There was an imposing array of 15 speakers, including two presiding Judges, Justice Albert Matthew and Justice Dennis Byron, who flew in specially for the occasion from his station in Antigua and Barbuda.

An attentive audience was treated to an oratorical tour de force from the late Joseph Archibald, Q.C. The late Ambassador Dr. William V. Herbert said that as a schoolboy he used to roam in the gallery above the well of the old Court House to listen to Fred Kelsick whose practice inspired him to become a lawyer. The late Cecil O. Byron recalled meeting Fred Kelsick shortly before

going to England in 1948 to read law and being greatly inspired by the handsome, debonair figure.

Montserratian-born the late John Lynch-Wade, Snr., gave a first-hand account of Fred Kelsick's Montserratian background, his scholastic accomplish-



Mr. Terence Byron



Sir Frederick Edgar Kelsick, Q.C.

ments and his sporting achievements on the cricket and football fields.

Fred Kelsick, like all the other boys in the island, he said, had a pet name. However, he did not reveal it.

What he did reveal was just as fascinating. In those days, Montserrat was famous for winning the Leeward Island Scholarship and had at least three L.I.S. winners (more than the St. Kitts-Nevis Grammar School at the time) including a Kelsick.

This particular year, Montserrat, and a Kelsick, were slated to win again. The first

news that came over the wire was that Eric Kelsick, brother of Montserratian L.I.S. winner Cecil Kelsick, had scored six distinctions and a credit.

But the final news flash was that Eric's cousin, Fred Kelsick, achieved seven distinctions and the coveted Scholarship.

Fred Kelsick was tall, handsome, athletic, urbane and a scholar. He had all the social graces. He hailed from a prominent Montserratian family. His younger brother John Kelsick became a Cambridge-educated barrister, and Fred's law partner in St. Kitts. Fred's older brother Will Kelsick, at the helm of S.L. Horsford & Co. Ltd., became a top business leader and captain of industry in St. Kitts.

Fred, charming and articulate, and the star of the family, destined to be a great lawyer, could not go off to England to study right away. This was on account of World War II being in full gear, with German U-boats patrolling the Atlantic and torpedoing all non-German shipping at that time.

Fred eventually entered Pembroke College, Cambridge University, graduating and then post-graduating with two illustrious Cambridge University Law Degrees, 10 years before Karl Hudson-Phillips and Henry Forde did likewise.

At the birth of the West Indies Associated States Supreme Court, Fred Kelsick was a seasoned veteran of the legal profession with

20 years of Call and an extensive and successful practice that eventually took in St. Kitts, Nevis, Anguilla, Montserrat, Antigua, Tortola, Dominica, St. Lucia, Trinidad, Barbados and Jamaica.

As a lawyer, he belonged to the Caribbean. He was President of the Bar Association in St. Kitts-Nevis for years. He was an active and ardent supporter of O.C.C.B.A., the Organisation of Commonwealth Caribbean Bar Associations. Joseph Archibald said that the Minutes of the West Indies Bar Association created in 1958 to meet the new Federal Supreme Court, record the contribution of a young Fred Kelsick as the representative of St. Kitts, amidst the likes of Sir Hugh Wooding, Q.C., and Sir Courtenay Hannays, Q.C., the great lawyers of Trinidad and Tobago.

It is one of the great blots on the annals of our profession that Fred Kelsick's award of the accolade of silk was conferred one month before his untimely passing. To some extent this may have been due to the fact that in his earlier years, he declined to apply for silk, because in those days silk could not do Solicitor's work. He was perhaps the finest lawyer to ever grace our Court in St. Kitts who never got to sit at the Inner Bar as Queen's Counsel.

Yet his qualities are unquestioned: his scholarship, his style, his leadership at the Bar, his integrity and his sophistication, his power of research, his facility for language, his tenacity, his attention to details, his total involvement in a case, his physical stamina

and his authoritativeness. He was not a superficial person.

One of his greatest successes at the Bar would have to go down as the Reynolds Case, *JOHN J. REYNOLDS v ATTORNEY GENERAL OF ST. CHRISTOPHER, NEVIS AND ANGUILLA* (1980) A.C. 637, a Privy Council case on constitutional law which began as one of the flurry of constitutional motions out of St. Christopher, Nevis and Anguilla that dominated the nascent West Indies Associated States Supreme Court from its earliest beginnings.

Fred Kelsick won in the High Court, but when the Attorney General appealed, Fred Kelsick cross-appealed, winning both the appeal and the cross-appeal, with the Privy Council confirming his success.

But mention must also be made of the equally famous Sugar Lands Case of the 1970's, *YEARWOOD et al v ATTORNEY GENERAL OF ST. CHRISTOPHER, NEVIS & ANGUILLA et al* (1975-1978) OECS Law Reports Vol. I 324-441. This is a contender for being the most important constitutional matter in the history

of the West Indies Associated States Supreme Court up to that time, determining as it did the unconstitutionality of the compulsory acquisition of 50% of the surface area of the island of St. Kitts.

The High Court case lasted 52 trial days. The Court of Appeal argument took 14 trial days. Fred Kelsick triumphed in both Courts. The Attorney General obtained leave to appeal to the Privy Council and then decided not to go through with it, paving the way for an out of Court settlement that was eventually negotiated by a team of lawyers led by none other than Fred Kelsick.

What more fitting end to this encomium than the following excerpt from the tribute of the late Joseph Archibald, Q.C. :

"Fred Kelsick was a classical figure, a lover of music, a lover of fine gardens, a connoisseur of good wines, and an excellent conversationalist, particularly after midnight. He had a wonderful sense of humour.

Around the late 1940's the Chief Justice Sir Donald Jackson in the Court

of Appeal said to the young Fred Kelsick, "Young man, take that smile off your face." Mr. Kelsick replied, with a smile, "My Lord, I fear it is permanent." Sir Donald left him alone."

Like Fred Kelsick's smile, his acclaim at the Bar and his place in the history of the 50-year-old Eastern Caribbean Supreme Court, are permanent.

