



Tribute to the late Dr. Joseph Samuel Nathaniel Archibald, QC

by

Rt. Hon. Sir Charles Michael Dennis Byron

Saturday, 26th April 2014

On the 3rd day of April, 2014, Dr. Joseph Samuel Nathaniel Archibald, Q.C., without the preparation by any prolonged illness, peacefully passed away at his home at the young age of 80. Up to the end he had retained his youthful vigour, enthusiasm and interests with inexhaustible energy.

He was born at Cayon Street in Basseterre on January 27th, 1934, to Mr. William and Mrs. Mildred Archibald. His parents were known for their geniality, industry and intelligence, traits that they passed on to their children. He was their first son, though he was the third-born child of the family. He was given the Biblical names Joseph (the beloved one) and Samuel (God has heard) to commemorate him as the answer to their prayer. One might find it hard to believe, but the young Joseph was afflicted with a stammering tongue. The way in which he overcame a speech impediment to become the very essence of loquacity and honeyed articulateness was a metaphor for the triumph of the indomitable spirit of this great man.

My father, like his, was born in Nevis, his in Cox Village, mine in Bath Village. Both moved to Basseterre, St. Kitts, to settle and raise their families to become pillars of the Methodist Church. Despite humble beginnings and slender means, both sets of parents pushed their children to get the best education. We both entered secondary school on scholarship. By the time I first attended the St. Kitts-Nevis Grammar School, Joseph had already graduated with a name that was used to remind us of the standards we had to reach and the characteristics we had to exhibit to reach them.

Yes, even today 70 years on, as we regret the loss of such a stalwart, a man with great character and morals, his example is immortal. He remains a lesson to us, setting standards and exhibiting characteristics which exalt the human condition and uplift the Caribbean personality. He enjoyed a life which radiated with dignity, achievement, commitment and purpose. He lived his dreams and was true to his vision. He loved and cared for his family. He exhibited scholarship; devotion to his Church and his God; professional accomplishments of the highest order; generosity of spirit and excellent characteristics; a vision for the Caribbean region; and an international span of accomplishments. He was a man small in physical stature and coming from a tiny piece of God's creation, yet he bestrode the world like a colossus.

Joseph embarked on his chosen career in 1960 when he was called to the Bar as a Barrister-at-Law of Lincoln's Inn. In the 54 years that have elapsed since then he has enjoyed a most outstanding career. His professional competence and success was rewarded when he was made QC, and his academic excellence was recognised as he received the Degree of Doctor of Laws, *honoris causa*, of the University of the West Indies St Augustine Campus, Trinidad on 29th October 2005.

During the first 8 years of his practice he served with distinction in every senior legal position in the service of the crown. He won regional admiration when he made the sacrificial decision to discontinue the treason trials in St. Kitts demonstrating the highest qualities of professionalism, integrity and courage. He then had a most excellent career as a private law practitioner and trial lawyer from 1968 to the present time in the Eastern Caribbean from his Chambers in the British Virgin Islands with practice at all Court levels in the Caribbean. And in the Judicial Committee of the Privy Council in England where he had great success and became well known to Their Lordships. He was a legend at the Bar and was for many years the leading litigator in our region with a number of sensational and famous cases.

But even as he excelled personally he evinced an unselfish willingness to advance others in their careers. Many outstanding lawyers have benefitted from working under

the umbrella of his Firm. There are too many to mention but I cannot omit to recall the first and the last - the now well-established and highly respected Head of Chambers in his own Firm Gerard "Gerry" Farara Q.C., and his long-time partner and associate, now also a learned and highly respected Head of his own Chambers, Sydney Bennett, Q.C., nor can I omit to mention the two current heads of Judiciaries, myself and Dame Janice Pereira the CJ of the Eastern Caribbean Supreme Court. And so to his daughter Patricia, who is grieving the loss of her father, as well as her mentor and the Head of Chambers she so recently joined, I say be encouraged by the long list of outstanding lawyers who passed along the road that you have started so admirably. Have good cheer and be of good confidence.

Joseph loved the Judiciary. His first judicial appointment was Acting Judge of the Supreme Court of the West Indies Associated States in 1978 assigned to Dominica. Since then he sat in an acting capacity as High Court Judge and Court of Appeal Judge on numerous occasions. The course of our justice history could easily have been quite different if the OECS Heads of Government had accepted the 9th December 1990 proposal of the OECS Bar Council that Joseph S. Archibald, QC of the Virgin Islands Bar be considered for appointment to the office of Chief Justice of the Eastern Caribbean Supreme Court in succession to the retiring Chief Justice, Sir Lascelles Robotham. That recommendation was not accepted, and Sir Vincent Floissac QC was appointed. But the character of the man shone through. He gave the benefit of his wise counsel unstintingly to Chief Justice Floissac and all the Chief Justices who succeeded him from then until now. He was committed to regional integration and development and had the confidence of governments and key institutions. The results of some of the resulting activities are very visible here in BVI such as his contributions to the Constitutional Reform in the British Virgin Islands and the establishment of the Commercial court of the BVI.

Many of his papers are still pertinent and may yet influence our region, papers on topics such as the creation of a single Judicial and Legal Service for the Eastern Caribbean, and his work with the focus group on Arbitration legislation for the BVI.

For he was committed to the benefits of ADR and worked hard to promote its acceptance in the region. He was admitted as a Member of the London Court of International Arbitrators, the only OECS Member of that international arbitration organisation, from 2nd August 2001 to the present time. He sponsored the establishment of the J S Archibald QC Alternate Dispute Resolution Prize for award annually to a graduate student at the University of the West Indies from the year 2004.

Archie had a vision. As early as 1965 he led a BVI overseas in Puerto Rico on the Economic Integration of the Caribbean. Fast forward to 1996 he delivered the Inaugural Sir Archibald Nedd Memorial Lecture in Grenada on 26th July 1996 on "*Essentials for a West Indies Supreme Court*" to replace the Judicial Committee of the Privy Council as the Final Appellate Court for Commonwealth Caribbean States and Territories, which lecture was published verbatim in the bi-monthly bulletin of the Washington-based World Jurist Association of the World Peace Through Law Center published in approximately 175 countries.

Joseph was an advocate for the CCJ and contributed over many years to the conceptualisation and development of the Court. His high reputation and enthusiasm saw him serve on the RJLSC from 24th May 2006, until September 2013 on the joint nomination of the Organisation of Commonwealth Caribbean Associations and the Eastern Caribbean Bar Association, having been nominated for three successive terms. During the last week his fellow commissioners have been sending in remembrances to commemorate his memory and a synopsis of would be that Dr. Archibald brought his great wisdom, which was the fruit of his experience, and his endearing wit to his service on the RJLSC of the CCJ. He enriched and enlivened every RJLSC meeting that he attended. During the breaks he loved to recount to his fellow Commissioners many stories gleaned from his wide reading and his many friends and acquaintances. He seemed to have the ability to "see around corners" as his insightful contributions on the Commission served to avoid pitfalls and to strengthen the CCJ as an institution.

One of his stellar contributions to the development of Caribbean Jurisprudence was his work in the founding and nurturing of the OECS Bar Association. He was its First President from 1991 to 1996. He made a supreme effort to travel overseas to attend meetings in the various islands in which they were held. He was long ago made an Honorary Life Member. I am happy to record that this work was formally recognized with an award at a gala dinner during the OECS Law Fair right here in the BVI in September last year, and I am reliably informed that he was moved to tears in accepting the award. I think this shows the true measure of the man, for he never courted that recognition. This was clearly something large and enduring that he was doing not for materialistic gain, or for himself, or for his own aggrandizement, and that was why he became so emotional. Its unexpectedness meant everything to him.

He made other practical contributions and was an avid educator in workshops for students, lawyers imparting skills relating to the advocacy he had mastered and judges, and I recall in particular his Address entitled "*The Changing Role of the Judge in the Modern Society*" to all the assembled Judges of the Court of Appeal and the High Court of the Eastern Caribbean Supreme Court and also the Chancellor of the Supreme Court of Guyana on the Occasion of the Orientation Programme for 7 new Judges at the Bay Gardens Hotel in St Lucia, 25th February 2002.

He was a cheerleader for accomplishments of others. Leading into his friendships – what can one say about his friendships – he had such a gift with people. He was attentive, caring, thoughtful, dependable and generous, although he had his inner groups no one was excluded from the warmth of his affection.

What was it that made Joe so human? Was it the many times he spent at Cay Hole Bar on Wickhams Cay talking politics and shooting the breeze generally after work on a Friday afternoon late into the night with friends such as Dr. Q William Osborne, Cyril Branford Romney, Clarence Thomas, Terry and Julian Gordon, (Terry being the only female in the group and a student of politics), and a whole host of others, so much so that his cousin Vernon Lake on one of his visits from Trinidad was provoked to stand on

a table and promise to show them how to run a country or to win an election – those were provocative times in the life of political developments in the country.

Or was it attending a Funeral in St. Lucia and then keeping a group of friends enthralled through the night until barely making the airport in time to catch the first flight out to Tortola in the morning?

Or was it the nimble and indefatigable dancer who could keep a party going all night long?

Or was it this or was it that? The point about Archie is that there are so many stories, and knowing that we all share many of them I am relieved from having to do more than remind us of the full and entertaining life he led.

His accomplishments were recognised internationally. He is one of four Patron and lifetime members of the world jurist association, and his name is inscribed on the Rule of Law Monument among 18 names of outstanding Members of the World Jurist Association and Donors of the Monument which stands on the Austro-Hungarian Border in St Margarethen, Austria marking the high point of the Nineteenth Biennial Conference of the World Jurist Association on 7th October 1999.

Through all these years he was a spiritual missionary exhibiting his devotion to God and to his church. Joseph never forgot his roots in The Methodist Church. Over the years he played a very important role in its development in the Caribbean and the Americas. He was the Principal Legal Adviser to the Caribbean Conference of Churches for more than 10 years. He served as Vice President of the Methodist Church in the Caribbean and the Americas for a two-year term and was a Member of the World Methodist Council from 1976 to 1981. Joseph was not materialistic and all of this service was voluntary. So it meant a lot to him when he was mentioned in Francis Woodie Blackman's book *"Methodism - 200 years in the British Virgin Islands"* published in Barbados in December 1989 as one of the two most outstanding lay-persons of the British Virgin Islands

Methodists for the previous 200 years, the other person mentioned being the late Sir Olva Georges, Kt. B.

Through all this there was the loving support of his dear widow Inez who stood beside him through all the years as he built himself and his family. She too had a firm spiritual base and foundation and was a full partner in his divine service. And she exhibited her own academic excellence when she embarked on doctoral studies in theology and today is a pillar of the Methodist church. During her study in Atlanta, Joseph visits to her were like trips to Mecca. It was then that he developed the habit of having annual medicals at the university hospital. Who could have guessed that this too was a gift from God? I would say that God looked favourably on Joseph and his family.

At a celebration in honour of Mrs. Lillian Stevens on the occasion of her 90th Birthday in Tortola, British Virgin Islands on August 7th 1999, "Archie" posed the millennial question "What is the purpose of our life on earth?" He knew the answer. His response was "service, to give ourselves to service." He exemplified that truth. He gave himself away. The last twenty years witnessed the greatest period of service in his life, and they meant so much to him and to his family. And not only his family, it was all of us who benefited from the fruits that his previous endeavours had sowed. But it nearly did not happen.

In the "wisdom literature" of the Bible, in the Book of Ecclesiastes, Chapter 3: verses 1-2, we read: *"For everything there is a season, and a time for every matter under heaven: a time to be born, and a time to die; a time to plant, and a time to pluck up what is planted"*. Nearly two decades ago, our dear departed learned brother paid an unscheduled visit for a medical check-up at a Hospital in Atlanta USA. He was diagnosed with a cardiac condition referred to as "the widow-maker", for the imminence of its lethal impact. But it was not his time to die. One of the few surgeons in the world with experience in treating that severe coronary abnormality was visiting the hospital on that day. We praise God for the gift of those years which Joseph used to serve Him, his family, the Caribbean Community and, indeed, the world so effectively. But the season eventually changed and yet the faith must remain constant. Romans Chapter 14: verse

8 admonishes *“For if we live, we live to the Lord, and if we die, we die to the Lord. So then, whether we live or whether we die, we are the Lord’s.”* Today, we still praise God for taking him to his eternal rest.

May his soul rest in peace.