

PROPERTY IN JEOPARDY

The Carpetbagger of Hospital Point

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BOCAS DEL TORO. "In 1899 the giant United Fruit Company replaced all other banana interests in the region, establishing their main office in the city of Bocas del Toro. To ensure a healthy and functional work force, the company built a Medical Center on the west end of Solarte, a place that came to be known as Hospital Point."

So writes Dr. Clyde Stephens in his book "The History of Hospital Point." Stephens, 75, an entomologist, came to the isthmus in 1959 to work for the fruit company. In 1970 he bought Hospital Point, two acres in area, with title dating from 1899. Later on, he bought possession rights to several acres south of the point. His neighbors are a Gnöbe Indian village and another American, Jon Nilsson, who bought possession rights to twelve acres south of Stephens and build a vacation home.

One day a man showed up named Alfredo Machado Prescott, a Bocas del Toro native residing in Panama City. He had with him a map sketched by hand. All the land around there, he announced, belonged to his grandfather, Samuel Prescott. He meant to take possession.

Machado Prescott claimed almost 20 acres. Among them were two belonging to Stephens, half of Nilsson's land, his house included, and most of the Indian village along with the school.

The Indians had no money or access to legal counsel. They went to Stephens, a seasoned resident, for advice. He told them, don't make any agreements with anybody, don't sign anything, don't take any money, and don't budge. Then he met with Machado Prescott at a hotel in Bocas town. He brought a map of Isla Solarte and asked Machado Prescott for his sketch.



PHOTO: RICHARD KOSTER

Another pile of dreams overshadowed by shady titling manoeuvres

"Señor," he said, showing the two maps, "the terrain from Hospital Point to the Indian village runs north and south. Your map shows 350 meters running east and west with the sea on the south. That terrain doesn't fit on our part of the island. There's nowhere in the area where it could fit."

"Don't worry," said the other. "My surveyors will fix that."

"Those were his exact words," Dr. Stephens told the Star, "and last year and the year before that his surveyors did it, and now the survey is all twisted around so that there's some water on a side that fits his claim. There are surveyors in Bocas who will put a piece of property anywhere a person tells them.

"His grandfather probably did

own a parcel on Solarte, though not where he's claiming. Further down an east-west line would fit, but the land down there is mostly mangrove. His grandfather died in the 1950s. Nobody cared about land in Bocas then. Nobody could sell it, nobody would buy. Now that it has some value his grandson comes along.

"I used to play under that almond tree.' The man had the fortitude to say that, and the tree's on my land. 'Don't worry. I'll take the point too.'"

At that point, Circuit Judge Manuel Garcia came on the scene. He presided at three actions, requested by Machado Prescott, to find and mark the limits of the plot he claimed.

"He came with his clerk and his bodyguards and his surveyor,"

said Dr. Stephens. He asked Machado Prescott where he was claiming his baseline.

"Right there by the almond tree where I used to play.'

"There's no stakes, there's no landmarks. He just randomly picked a spot, and that's what he's been doing with the surveyors. There was no formal order from the judge either. I had to pay a lawyer and a surveyor. Their services benefited the Indians too, but the threat went on year after year because the judge refused to make a ruling. My lawyer and Nilsson's begged him, 'Why don't you rule? Rule against us if you want to.

That way we can appeal to another court.' He never ruled, and I had to be on alert that some day he didn't show up with police

and evict me."

In June of this year, Dr Stephens requested a limiting and marking action from the court.

Machado Prescott didn't attend. Neither did his lawyer or his surveyor. On this occasion, the surveyor appointed by the court was convinced that the land Machado Prescott was claiming wasn't located where they'd been looking and told the judge.

In July the surveyors appointed by Stephens and by the court coincided in reporting that Machado Prescott's claim had no validity. Stephens hopes that, this time, the judge will rule.

"I've spent thousands," he said. "I've spent sleepless nights. So has my neighbor.

The good part is that, if this is over, the Indians will have won through our fight. They would have lost their homes."

Machado Prescott's lawyer, Dr Olmedo Mario Cedeño, told the Star that "the judge favors the Indians. I'm filing a motion to have him removed for improper procedure."

Judge Garcia declined to comment on cases.

Asked whether he thought Machado Prescott could win, he said, "You can be sure we will win."

Hearing this, the Star asked Dr Stephens what advice he would give to someone who wished to buy land in Bocas. "Be careful," he said. "Be very careful."

Tomorrow: taking on the predators

A complicated tangle began in Bocas del Toro when predator moved in and a judge overturned a previous decision, using a contentious phrase from the pleading of the plaintiff aiming to get possession of the land.