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GREETINGS FROM THE CHIEF JUSTICE

I have great pleasure once more in extending greetings to you all. The comments and suggestions we have received are deeply appreciated. This is the last publication before the Hon. Justice Stanley Moore demits office on his pre-retirement leave. I would like to take this opportunity to thank him for his service to the administration of justice and to wish him and his family God's richest blessings as he embarks upon a new journey.

Apparently there was great curiosity on the editorial arrangements for the newsletter. The first issue was completely an in house effort of the Chief Registrar, the Librarian and myself. Subsequently, the enthusiasm of Mitchell J resulted in his being co-opted. The editorial board now comprises the following - the Chief Justice, Mitchell J, Chief Registrar and Librarian. Please send any comments, suggestions and contributions to the EC Court Newsletter at appeal@candw.lc.



EASTERN CARIBBEAN SUPREME COURT NEWS

The Chief Justice attended the "LAW FORUM: 2000 AND BEYOND" at the British Colonial in Bahamas on February 17th to 19th 2000. The Conference Theme was An Action Plan For The New Millennium: The Justice System The Legal Profession And The Economy". The Conference had an array of sponsors



including the Bahamas Financial Services Board, the International Union of Lawyers, the American Bar Association, the Bahamas Ministry of Tourism, OCCBA and the Bahamas Bar Association. The driving force was Mr. Peter Maynard current President of OCCBA and the Bahamas Bar Association. The Conference was very well organized and had an impressive array of speakers on a variety of the cutting edge topics touching on the economy, the Justice system and other key areas where reform is urgently needed and where change is taking place at the speed of electricity. A number of very interesting papers were delivered. Steps will be taken to obtain copies of these papers at the earliest opportunity. One of the Highlights was the luncheon address given by His Excellency Judge Stephen M. Schwebel, past President of the International Court of Justice who gave a most interesting synopsis of the litigation that was being undertaken before the Court, demonstrating that the International Judicial system was replacing war as a means of reasoning disputes between states.

ASSOCIATION WITH C.J.E.I.

Our Eastern Caribbean Judicial Education Institute (E.C.J.E.I.) is closely associated with the Commonwealth Judicial Education Institute (C.J.E.I.). The Chairman of E.C.J.E.I. is a Director of C.J.E.I. and the Director of Studies of E.C.J.E.I. is a member of the Advisory Board of C.J.E.I.

There are three officers working in this jurisdiction who are also C.J.E.I. fellows, all having attended the training course for Judicial Educators in Halifax. I refer to Justices Moore and Saunders and Senior Magistrate of Saint Lucia, Floreta Nicholas.

C.J.E.I. has been collaborating with the Caribbean Chief Justices in the promotion of a Regional Judicial Education body for the Caribbean.

UPDATE ON C.J.E.I. ACTIVITIES

The Honourable Justice Beverley McLachlin, a Director of C.J.E.I. has recently been appointed the Chief Justice of Canada.

During the latter part of last year the President of C.J.E.I., Judge Sandra E. Oxner, was busy in East and Southern Africa furthering judicial education in that region. Of interest is the proposal for a Regional Judicial Education Secretariat for Southern Africa.

To mark the retirement of Chief Justice Wambuzi of Uganda consideration is being given for a restricted symposium on the "Role and Function of the Chief Justice."

The new Chief Justice of Kenya is the Honourable Bernard Chunga. He has agreed to become a C.J.E.I. Patron. Thought is being given to do something to honour the great contribution of former Chief Justice Francis Nyalali of Tanzania who held that office for 23 years.

The next Commonwealth Law Meeting is to be held in Harare in 2003. The President held discussions with Chief Justice Gubbay of Zimbabwe on the role of C.J.E.I. at the meeting.

C.J.E.I. has tentatively set the Court Administration Programme from September 16th to October 6th to follow on from C.M.J.A. Triennial Meeting, which ends on September 15th in Scotland.

On a sad note, C.J.E.I. learnt of the death of two of its C.J.E.I. fellows: Registrar, Beatrice Rose Donzwa of Zimbabwe and Registrar, Winter Qoto of Malawi. Justice Matthew contributed to the number of tributes forwarded to C.J.E.I.

COURT OF APPEAL

Antigua and Barbuda

The Court of Appeal sat in Antigua and Barbuda during the week commencing Monday 7th February, 2000. There were thirteen [15] matters listed for hearing and two [3] judgments from Saint Lucia and one [1] judgment from the British Virgin Islands were delivered. The hearing list was disposed of and no judgments were reserved. Two [2] criminal appeals were adjourned to the next sitting of the Court of Appeal and one [1] civil appeal was adjourned to the sitting of the Court of Appeal in Saint Kitts and Nevis commencing Monday, April 5th 2000.

Grenada

The Court of Appeal sat in Grenada during the week commencing Monday 21st February, 2000. There were thirteen [13] matters listed for hearing and two [2] reserved judgments from Grenada and Antigua and Barbuda were delivered. The hearing list was disposed of by mid-week, four [4] judgments were reserved.

One [1] reserved judgment in an application for an extension of time to file an notice of appeal, heard in Chambers, was subsequently delivered on Tuesday 29th February by Matthew JA.

HIGH COURT

Dominica

The Criminal Assizes, which commenced on Tuesday 11th January 2000, concluded on Friday 11th February. His Lordship, the Hon. Justice Dunbar Cenac presided.

St. Vincent and the Grenadines

The Criminal Assizes commenced in Saint Vincent and Grenadines on Tuesday, 1st February, 2000 presided over by His Lordship, the Hon. Justice Odel Adams. There are thirty [30] matters

listed for hearing including three [3] cases of murder, nine [9] of wounding with intent, six [6] of unlawful sexual intercourse and two [2] of robbery.

LEGAL APPOINTMENTS

Mr. Bernard Wiltshire has been appointed to act as Attorney General, Dominica, with effect from February 11th, 2000 to January 8th, 2001, vice Mr. Anthony La Ronde, who will be on vacation leave during that period.

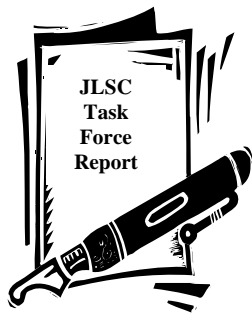
NEW DEVELOPMENTS IN THE COURT

Current Projects

OECS Reports

Negotiations for the publication of OECS Law Reports reached near finality when Mr. Ian Randle visited the Chief Justice's Chambers on the 25th day of February. It was decided that the project will start during the year 2000 with the 1999 Judgments of the trial and appellate courts. The court will retain full editorial control of the contents of the reports. The Randle Publishers will invest in the process and expect to recoup from the sale of the Reports.

Judicial and Legal Services Commission Task Force



The Judicial and Legal Services Commission Task Force established by the Hon. Chief Justice in November 1999, has completed its work, Mr. Reginald Dumas of the Task Force submitted his report to the Chief Justice on 18th February 2000.

CONFERENCES, SEMINARS & WORKSHOPS

Third Conference of Judges

The third Conference of Judges will take place in Grenada on Saturday, 18th March 2000, commencing at 8.00 a.m. An agenda item will be the consideration of the implementation of the recommendations of the Dumas Report.

Lord Woolf Symposium

The Rt. Hon. Lord Wolf, Master of the Rolls, will deliver a paper on the administration of civil justice in the United Kingdom, entitled "Access of Justice" at a symposium to be held in

Barbados on Saturday, 11th March 2000. The Symposium will be attended by members of the Judiciary of the Eastern Caribbean and Barbados.

VISITORS TO THE COURT

Functions in Honour of Hon. Julius A. Isaac

The Hon. Mr. Justice Julius A. Isaac, a Grenadian national and Federal Chief Justice of Canada from 1991 to 1999, is presently visiting the region. In honour of Justice Isaac's distinguished and accomplished and distinguished career, the Chief Justice has convened a Full Court sitting of the Eastern Caribbean Supreme Court, to take place at the High of Court of Justice, St. George's, Grenada, on Friday, 17th March 2000 at 2 o' clock in the afternoon. The Sitting will be followed by a black tie dinner hosted in conjunction with the OECS Bar Association.

Mr. Ian Randle

Mr. Ian Randle of Ian Randle Publishers Ltd. and the Caribbean Law Publishing Company Ltd. located at 206 Hope Road Kingston Jamaica visited the Chief Justice Chambers on 25th February 2000.

JUSTICE MOORE RETIRES

The Judiciary and the Bar of the Eastern Caribbean must say farewell to Mr. Justice Stanley Alfred Moore as he proceeds on pre-retirement leave in advance of demitting office on June 30, 2000 after serving on the High Court Bench of the Eastern Caribbean Supreme Court since appointment in November, 1992. Justice Moore was first assigned to Grenada and was re-assigned in 1996 to the British Virgin Islands from which jurisdiction he will proceed on retirement.



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Admitted to the Bar in 1970 after acquiring the LL.B. (London – 1962) and the LL.M. (London – 1968), Justice Moore enjoyed a robust private practice in his native Guyana while finding time to be a Lecturer in Law at the University of Guyana, acting Magistrate, acting High Court Judge and Senior Cabinet Minister and Member of Parliament. He took up an appointment as Senior Crown Counsel in Montserrat in 1990 and later served as its Attorney General immediately prior to his elevation.

Justice Moore presently serves as a Member of the Eastern Caribbean Judicial and Legal Services Commission and a Member of the Eastern Caribbean Judicial Education Institute and he is a graduate of the Commonwealth Judicial Education Institute.

Fellow Judges and practitioners will always call to memory their colleague's flair for the dramatic and his dexterous use of language, such adroitness being best illustrated in his judgments in Suit No. 136 of 1995 – **Molyneaux et al v. Molyneaux (BVI)** and in Suit No. 306 of 1995 – **Trevor St. Bernard v. Attorney General et al (Grenada)**. His judgments will be generally remembered for the descriptive language employed and the literary flavour infused therein.

As Justice Moore leaves the Bench the sub-region expresses its gratitude for the yeoman service he has rendered and wishes him the very best in his future endeavours in his legal career which is obviously far from over. To his wife, Cheryl, and his children, it is fitting to say thank you for allowing your husband and father to have been of service. From the Judicial fraternity, it is more than fair to say that it was an honour and privilege to have had Stanley as a brother and colleague.

COURT OF APPEAL SITTINGS FEBRUARY 2000

Antigua – 7th February 2000

Coram: Byron C.J.
Singh J.A.
Redhead J.A.

1. **Mason v The Queen**
Crim. App. No. 21/96
Appearances: Mr. S. Christian Q.C. for the appellant and Mr. C. Cumberbatch, D.P.P. for the respondent.
Order: As prayed to stay execution of the appellant until the hearing of his appeal before Privy Council.
Reason: Consent of parties.

2. **A. Yazigi v T. Santo**
Civ. App. No. 19/98
Appearances: Mr. G. Watt Q.C., Mr. L. Johnson for the appellant and Mr. A. Astaphan Q.C. and Ms S. Cort for the respondent.
Order: The motion for fresh evidence stands withdrawn. The judgment of the trial judge Moe J is set aside. A new trial before a different judge is ordered. Each party to bear own costs thrown away by first hearing. The costs of the appeal to be paid by the respondent.
Reasons: The trial judge erred in denying the appellant an opportunity to cross-examine the witness Ryan on an alleged prior inconsistent statement that had been tape recorded. The findings of fact are therefore unsafe and justice requires a fresh hearing. We must also comment that Moe J. was wrong to sit as a single judge of appeal to hear and deny the application to lead fresh evidence of the tape recording at the hearing of the appeal against his own ruling.

3. **J. Walter v M. Rosenfeld**
Civ. App. No. 8/99
Appearances: Mr. G. Watt Q.C. and Mr. L. John for the appellant and Mr. A. Astaphan Q.C. and Ms A. Henry for the respondent.
Order: Adjourned to 5th April, 2000 in St. Kitts. Respondents' costs incurred by the change of venue to be paid in any event by the appellant. Skeleton arguments to be filed and exchanged by 29th March, 2000.
Reason: Mr. G. Watt Q.C., counsel for appellant has conflicting appointment in U.K. before Privy Council.

4. **A. Peters v The Queen**
Crim. App. No. 6/99
Appearances: Mr. D. Hamilton for the appellant Mr. C. Cumberbatch, D.P.P. for the respondent.
Order: Adjourned to next sitting. D.P.P. to supervise the filing and exchange of completed record before 3rd May, 2000. Appellant at liberty to file and serve amended grounds of appeal before 10th May, 2000. Skeleton arguments to be filed and exchanged before 26th May, 2000.

Reason: the record of appeal was incomplete; it was prepared and filed the week before the sitting. The appellant's relatives approached counsel, who had not appeared at the trial, and had not yet completed arrangements to retain counsel for the appeal. Adjournment is for the appellant to be allowed reasonable time to retain counsel for the appeal.

5. **D. Francis et al v The Queen**

Crim. App. No. 8 & 9/99

Appearances: Mr. D. Hamilton for the appellant and Mr. C. Cumberbatch, D.P.P for the respondent.

Order: Adjourned to next sitting. D.P.P. to supervise the filing and exchange of completed record before 3rd May, 2000. Appellant at liberty to file and serve amended grounds of appeal before 10th May, 2000. Skeleton arguments to be filed and exchanged before 26th May, 2000.

Reason: The record of appeal was incomplete; it was prepared and filed the week before the sitting. The appellant's relatives approached counsel, who had not appeared at the trial, and had not yet completed arrangements to retain counsel for the appeal. Adjournment is for the appellant to be allowed reasonable time to retain counsel for the appeal.

Antigua - 7th February 2000: [Chambers]

Matthew J.A.

1. **M. Francis v M. Dew**

Civ. App. No. 10/99

Appearances: Mr. R. Francis for appellant and Ms L. Velox for respondent.

Application for extension of time to file record of appeal. Notes of evidence not yet received from the Registrar. No objection by Counsel for the Respondent.

Order: It is ordered that Appellant do file and serve the record of appeal not later than six weeks after receipt of the notes of evidence from the Registrar.

2. **B. Carrott v J. Tonge**

Civ. App. No. 15/99

Appearances: Mr. K. Kentish for the appellant and Richards and Associates for the respondent.

Application for extension of time to file the record of appeal. Notes of evidence received only on 17th January, 2000. Requesting 4 to 6 weeks' extension. Miss Richards intimated to the Judge by telephone that she has no objections.

Order: Appellant is ordered to file and serve the record of appeal not later than 31st March, 2000, failing which the appeal stands dismissed. Appellant is also ordered to serve this order on the Respondent or her solicitor within 7 days.

3. **Sunrise Holding Ltd v W. Cooper**

Civ. App. No. 17/99

Appearances: Mr. K. Kentish for appellant and Ms M. White for respondent

Application for extension of time to file record. Notes of evidence not yet available. Miss White does not object to the application. Mr. Commodore who appears for one of the Defendants but who has not appeared has indicated an objection.

Order: Appellant is ordered to file and serve the record of appeal not later than six weeks after receipt of the notes of evidence from the Registrar. Appellant is also ordered to serve this order on the Respondents or their solicitors within 7 days.

4. **C. Warner v R. Samuel**

Civ. App. No. 19/99

Appearances: Mr. S. Benjamin for appellant and Mr. H. Marshall for respondent

Application to dismiss appeal filed on 20th November, 1997 for want of prosecution. Record of Appeal is yet to be filed by Appellant. Mr. Benjamin's office was served with summons. Affidavit of Jules Benjamin sworn to on 7th February, 2000 in support. Mr. Marshall also spoke to Mr. Benjamin and his response was that Mr. Marshall could give him a break.

Order: The appeal is dismissed for want of prosecution.

5. **State Insurance Corporation v R. McLean**

Civ. App. No. 20/99

Appearances: Mr. D. Hamilton for appellant and Ms M. White for respondent

Application for extension of time to file record. Preliminary objection by Respondent that there was no personal service as required by Order 64 R7(2) therefore appeal should

be dismissed. Notes of evidence not yet available to date. Short reasoned judgment read to Parties.

Order: (1) Appellant is ordered to serve a copy of the notice of appeal personally on the Respondent within 7 days. (2) Appellant shall file and serve the Respondent with a copy of the record of appeal not later than six weeks from the date of receipt of the notes of evidence from the Registrar.

6. **Pari's Pizza v S. Weston**

Civ. App. No. 19/99

Appearances: Mr. L. Osborne for the Appellant and Mr. J. Simon for the Respondent.

Application for stay of execution pending the hearing of the appeal and application for extension of time to file the record of appeal. Mr. Simon absent but has indicated his consent in writing on Mr. Osborne's copy of notice of motion and dated 7th February, 2000.

Order: Appellant is ordered to file and serve the record of appeal not later than four weeks from the date of receipt of the notes of evidence from the Industrial Court and a Stay of Execution is granted pending the hearing of the appeal.

7. **M. McClean v F. Raeburn**

Civ. App. No. 1/00

Appearances: Mr. A. James for the appellant and Mr. C. Browne for the respondent.

Application for stay of execution to preserve property to prevent it being sold by Respondent who is not Antiguan. Court considered principles for grant of stay of execution. **Linotype v Baker** 1992 4 A.E.R.887. If stay not granted appeal could be rendered futile. Danger of injury to Appellant if stay not granted. Short reasoned judgment read to parties.

Order: I grant the stay of execution as prayed at folio 6, that is to say, that execution is stayed and there shall be no further dealing with the land, parcel 21, pending the hearing and determination of the appeal.

Antigua – 7th February 2000 and 8th February 2000

Coram: **Singh J.A.**
 Redhead J.A.
 Matthew J.A.

1. **G. Edwards v The Queen**

Crim. App. No. 7/99

Appearances: Appellant in person and Mr. C. Cumberbatch, D.P.P. for the respondent. Grievous bodily harm. Appeal withdrawn and dismissed. Conviction and sentence affirmed.

2. **Port Services Ltd. v E. Potter**

Civ. App. No. 8/98

Appearances: Ms A. Henry and Ms L. Velox for the Appellant. Mr. L. Johnson for the respondent.

Claim for salary for services rendered on an alleged employment contract: \$60,000:

Judge's Order: In favour of respondent for \$48,000:

Issues on Appeal:

- (a) Existence of the alleged contract.
- (b) Agreement as to salary.
- (c) Whether services were rendered.

Ruling on issues:

- (a) No concluded contract disclosed on the evidence.
- (b) Respondents claim based on an unsigned document which stated \$5,000 per month if success in appellant's business. If not, there should be agreement between the parties as to what should be paid for the services rendered by the respondent. No such agreement evidenced in transcript.
- (c) Accepted that respondent rendered services at least for four months.
- (d) No claim on a quantum meruit.
- (e) No evidence as to value of those services.

Result: Appeal allowed. Judgment of trial judge set aside. Costs to the appellant in Court of Appeal and the Court below to be taxed if not agreed.

3. **R. Martin et al v G. Benjamin**

Mag. Civ. No. 3/99

Appearances: None.

Damages for personal injuries. No appearance of parties. Dismissed for want of prosecution.

4. **E. Davis v U. Frith et al**

Civ. App. No. 2/99

Appearances: Mr. J. Simon for the appellant and Mr. G. Watt, Q.C. and Mr. A. Fearon with him for the respondent.

Damages for personal injuries. Judge's award of \$90,760: for general damages - pain, suffering and loss of amenities - challenged by appellant as being too high.

Ruling: No justifiable reason to interfere with the exercise of the Judge's discretion.

- (a) Serious pain and suffering.
- (b) Ugly and serious scarring on visible parts of body.

- (c) Injured person scarred for life at age of 5.
- (d) Grave interference with the rest of her life, social, at work, at play and maritally.
- (e) Trial Judge observed scarring on the injured person.
- (f) Judge did not act on any wrong principle of law or misapprehend the facts.
- (g) Damages not inordinately high to make us say it was a wholly erroneous estimate.
- (h) **Alphonse v Rammanth** from this Court, where \$45,000; U.S. was awarded to the injured person who had one of his legs amputated, was distinguished on ground that Rammanth was 45 years old at time of injury and apart from the \$45,000; the judgment also catered for his welfare financially for the rest of his life.

Result: Appeal dismissed with costs to the respondent to be taxed if not agreed. Order of trial judge affirmed.

5. **Abbott v Abbott**

Civ. App. No. 18/98

Appearances: Mr. L. Johnson for the appellant and Mr. C. Browne for the respondent.

Ancillary relief, divorce. Matrimonial home. Bus.

Judge's Order: Bus in equal shares. Matrimonial home. No share to appellant. Judge found no intention in appellant to share beneficial interest despite his contributions thereto.

Issues: As above stated.

Ruling: Enough in evidence to infer intention of parties that appellant should have a beneficial interest in matrimonial home, based on his contributions financial and otherwise towards its refurbishing and extension. Respondent's contribution to the bus and its service entitled to her a 1/3 share only and not a half share as ordered by the judge.

Result: Appeal allowed in part. Orders of trial judge varied as follows:

- (a) Declared that appellant is entitled to a ¼ share of the beneficial interest in the matrimonial home.
- (b) Respondent is entitled to a 1/3 share in the bus.
- (c) Other orders made by Judge affirmed.
- (d) Appellant to have ½ costs of appeal to be taxed if not agreed.

6. **H. Marshall v Antigua Aggregates Ltd. et al**

Civ. App. No. 23/99

Appearances: Mr. H. Marshall and Ms S. Marshall for the appellant and Mr. A. Astaphan, Q.C. Mr. G. Collins and Miss Rika Bird for the respondents.

Application for stay of Judge's Orders dismissing a winding up petition, and as a consequence terminating an ex parte Mareva Injunction Order made therein. Application for extension of time to file record or appeal, already filed but 7 days out of time.

Ruling: (a) Application for stay refused on ground that there was nothing to stay and that to grant it would be to reinstate the dismissed petition. Costs of this application to the respondents fit for senior counsel to be taxed if not agreed.

- (b) On the application for extension of time to file the record of appeal, the appeal against the Nos. 2, 3,4 & 5 respondents is dismissed on the concession of Mr. Marshall for the appellant that they were improperly

joined as parties to the winding up petition. These respondents will have their costs of the appeal fit for senior counsel to be taxed if not agreed.

- (c) The records of appeal filed on 4th February 2000 is deemed to be properly filed as against the first respondent.

Grenada – 21st February, 2000

**Coram: Byron C.J.
Singh J.A.
Redhead J.A**

Motions

1. **E. Gairy v Attorney General**

Motion No. 1/00

Appearances: Mr. D. Knight, Q.C. for the appellant and Mr. E. Thomas for the respondent

Order by consent: Final leave granted to appeal to the Privy Council. Time for filing the record abbreviated to 31st March 2000.

High Court Criminal Appeals

2. **B. Andrews v The Queen**

Crim. App. No. 5/99

Appearances: Mr. B. Andrews in person and Mr. H. Wildman, D.P.P. for the respondent.

Order: Conviction and sentence set aside. Retrial ordered. Andrew released on bail in the sum of \$5,000.00 with one surety to appear at commencement of next Assize on the second Tuesday in June 2000.

Reason: The appellant, appearing without legal representation, pleaded guilty to intentionally and unlawfully causing a maim by chopping with a cutlass and was sentenced to 8 years. During the allocutus he told the learned trial judge that the virtual complainant used to break his fence, come on to his property and cut his calaloo; that he had made reports to the police; at the time of the incident the complainant had come onto his property with a knife. By his statement he raised questions of defence of property and self-defence. It was the duty of the Judge to determine whether to change the plea to not guilty and send the matter for trial. The chances of success need not be examined. It was sufficient that by his statement he raised a defence.

3. **R. Gelliseau v The Queen**

Crim. App. No. 6/99

Appearances: Mr. R.Gelliseau in person and Mr. H. Wildman, D.P.P. for the respondent

Order: Appeal dismissed

Reason: The conviction was for escaping custody the sentence was 18 months to run consecutively. Appellant contended that his time had expired when he left custody, and that the sentence should run concurrently. We concluded that the learned trial judge's directions on this issue were impeccable and supported by the evidence and the jury was entitled to conclude that he did escape lawful custody. This was a separate offence and required separate punishment.

4. **Gilbert v The Queen**
Crim. App. No. 8/99
Appearances: Mr. A. Clouden for the appellant and Mr. H. Wildman, D.P.P. for the respondent.
Order: Appeal dismissed.
Reason: The appeal was against a sentence of 14 years for rape with a recommendation for psychiatric assistance. The appellant had already served two consecutive 8-year sentences for rape. The offence was aggravated. The victim, a German medical student, did not know the appellant and was assaulted at knife point while walking home and taken into the bushes and kept under those circumstances for over four hours and was raped three times.
5. **R. Gilbert v The Queen**
Crim. App. No. 7/99
Appearances: Mr. R. Gilbert in person and Mr. H. Wildman, D.P.P. for the respondent.
Order: Appeal allowed. The DPP has asked for reasons in writing.
6. **F. Victor v The Queen**
Crim. App. No. 9/99
Appearances: Mr. Andrew for the appellant and Mr. H. Wildman, D.P.P. for the respondent.
Order: Appeal dismissed.
Reason: Conviction was guilty of unlawful carnal knowledge and sentenced to two years. The appellant contended that the trial judge erred in failing to direct the jury that the corroborating witness was suspect and had a reason to lie because his name was mentioned as a potential accused in the case. *Mr. Kilmuir (1973) 57 Cr. App R.394*. We rejected this ground of appeal because the judge did address it in detail and in accord with the correct principles. He also contended that the judge failed to address the issue of contradictions and inconsistencies in the prosecution witnesses. Again we found impeccable directions on this issue. We rejected the submission that it was the duty of the judge to repeat the directions on inconsistency to emphasize the point each time he addressed the issue of the corroborating evidence. The summing up lasted 50 minutes. We did not find the verdict unsafe or unsatisfactory. There was abundant evidence to support the verdict and we do not have any lurking doubts.

High Court Civil Appeals

1. **Morne Rouge Holiday Apartments Ltd. v National Commercial Bank**
Civ. App. No. 21/99
Dr. F. Alexis for the appellant and Mrs. Steele and Mr. Stewart for the respondent.
Order: Without allowing or dismissing the appeal it is ordered that the appellant at be at liberty to file and serve an amended statement of claim within seven days; that the respondent be at liberty to file and serve its defence within seven days thereafter; that the appellant be at liberty to file and serve a reply within seven days thereafter; that each party file and serve a list of documents, with utmost good faith, prepare and file a trial bundle, and allow inspection within fourteen days thereafter; that the appellant at the same time file a request for hearing. The Registrar is directed to fix the matter for hearing at the first available date, the time for trial is estimated at thee days.

Reason: This is an appeal against a refusal to grant an interlocutory injunction staying the advertisement and sale of property under the terms of a mortgage. During argument both parties indicated importance of having definitive ruling of court on substantive issue.

2. **St. George's University v E. Lampstein**

Civ. App. No. 20/99

Appearances: Mr. Noel for the appellant and Mr. J. Bristol for the respondent.

Decision reserved.

Grenada - 21st February 2000: [Chambers]

Matthew J.A.

1. **M. P. Greuner v C. E. Greuner**

Motion No.13/99

Appearances: Mr. J. Bristol and Mrs. L. Grant for applicant and Mrs. C. Edwards and Mrs. N. Byer for respondent

Application for extension of time to appeal from decree nisi made on June 3, 1999.

Judgment reserved. Written decision given to parties on 29/2/2000.

Order: The application for extension of time is refused with costs to the Respondent to be taxed if not agreed.

2. **A. Mc Quire v National Commercial Bank**

Civ. App. No. 19/99.

Appearances: Mr. A. Clouden for appellant and Mrs. M. Emmanuel-Steele and Mr. N. Stuart for respondent

Application by Respondent to dismiss the appeal for want of prosecution. Notice of appeal filed on July 13, 1999. No application for extension of time made by Appellant. Mr. Clouden makes reference to Rules 11(1), 13 (1) and 13 (3). Mrs. Steele refers to Rule 13 (2) “ as the justice of the case deserves.” Short reasoned judgment read to parties. Cases referred to Harold Simon V Carol Henry, Evelyn v Williams 1962 4W.I.R. 265.

Order: The appeal I dismissed for want of prosecution. Costs to the Respondent to be agreed or otherwise taxed.

Grenada – 23rd February, 2000

**Coram: Singh J.A.
Redhead J.A.
Matthew J.A.**

1. **J. Farray et al v A. Ramdeen et al**

Civ. App. No. 23/99

Appearances: Ms Steele and Mr. N. Stewart for the appellant and Mr. L. Noel for the respondent.

Issue: 1. Dispute whether road between the properties of two parties was the respondent's private road or a road for the use of both parties.
2. Consent order in previous suit between same parties declared road to be that of both parties.
3. St. Paul J in instant proceedings declared road to be private road of respondents.
4. Appeal allowed with costs in Court of Appeal and Court below to be taxed if not agreed.

Reason: Consent order was a final order. Until that order was set aside it was binding on both parties. Trial judge erred when he failed to give that consideration to the consent order.

2. **E. Gresham et al v Grenada General Insurance Ltd.**

Civ. Suit No. 1/00

Appearances: Mr. J. Bristol for the appellants and Mr. Derek Knight, Q.C. for the respondents

Issue: When would an order staying proceedings require a further order to terminate such a stay.

Result: Decision reserved for a written judgment as both the trial judge and the lawyers lamented the fact that they could have found no authority on the subject.

WRITTEN JUDGMENTS

Court of Appeal Judgments

The following are written Court of Appeal judgments delivered during the month of February 2000:

Antigua and Barbuda

Port Services Ltd. v E. Potter

Antigua

Civ. App. No. 8/99

Singh J.A.

Delivered: 07/02/00

British Virgin Islands

Credicom N. V. Colorado v Colony Credicom L.P. et al

British Virgin Islands

Civ. App. No. 4/99

Redhead, J.A.

Delivered: 07/02/00

Grenada

Attorney General of Grenada v The Grenada Bar Association

Grenada

Civ. App No. 8/99

Byron C.J.

Delivered: 21/02/00

M. P. Greuner v C. E. Greuner

Grenada

Motion No. 13/99

Matthew J.A.

Delivered: 29/02/00

Saint Lucia

A. Daniel v K. Louison

Saint Lucia
Civ. App. No. 19/98
Byron, C.J.
Delivered: 07/02/00

F. Maurice v G. Octave et al

Saint Lucia
Civ. App. No. 6/99
Byron, C.J.
Delivered: 07/02/00

M. Lansiquot v Geest PLC

Saint Lucia
Civ. App. No. 1/99
Singh, J.A.
Delivered: 07/02/00

High Court Judgments

The following are written High Court judgments received during the month of February 2000:

Anguilla

Sale of land – Request that agreement be considered null and void – Application to Registrar of Lands that a restriction be place on the various parcels of land – Section 132 of the Registered Land Ordinance, 1974.

F. Harrigan v C. Daniels

Anguilla

Civ. Suit No. 38/97

Hariprashad-Charles, J. [Ag.]

Delivered: 29/02/00

Money judgment - Order for sale of land - Anguilla Registration of Land Ordinance - Judgment debtor recorded as registered owner of land - Judgment creditor applying for order for sale of land pursuant to judgment debt - Judgment debtor claiming to have disposed of land to son prior to judgment - Disposition to son not registered - Whether judgment constitutes overriding interest - Whether court can grant application for order of sale.

P. Billington v E. Webster

Anguilla

Civ. Suit No. 1/94

Saunders, J.

Delivered: 29/02/00

Grenada

Sale and conveyance of land - conveyance contained restrictive covenant - breach of covenant - damages.

E. Baptiste v S. Francis et al

Grenada

Civ. Suit No. 582/99

Alleyne, J.

Delivered: 28/01/00

Conveyance - whether the doctrine non est factum applied so as to avoid the conveyance - whether Frances Batson was guilty of a lack of care such as to negative the plea non est factum.

A. Batson v W. Batson

Grenada

Civ. Suit No. 178/84

Alleyne, J.

Delivered: 11/02/00

Sale of land - constructive notice - right to enforce a contract against a purchaser of the legal estate for valuable consideration without notice - enforcement of an illegal contract by way of specific performance, part performance - damages for breach of contract.

R. Charles v E. Reason et al

Grenada

Civ. Suit No. 336/95

Alleyne, J.

Delivered: 11/02/00

Saint Vincent & The Grenadines

Certiorari – Protection of Employment Act – complaint of lack of capacity on part of employee – employer required to give two written warnings – claim of unfair dismissal – no case submission successfully made before Hearing Officer – evidence before hearing officer – appeal to Appellate Authority – Authority ruling that Hearing Officer misdirected himself in law – burden of proof before Hearing Officer – evidential burden of specific matters – whether no case submission is out of place in unfair dismissal cases

A. Young v Bank of Nova Scotia

Saint Vincent & The Grenadines

Civ. Suit No. 448/98

Mitchell, J.

Delivered: 28/01/00

Road traffic – careless driving - head injury to child - pain and suffering - loss of amenity - level of damages

M. Cato v R. Olliver et al

Saint Vincent & The Grenadines

Civ. Suit No.498/93

Mitchell, J.

Delivered: 07/02/00

Defamation—minister of religion—slander in a sermon—allegation of sale of pornography—defences of justification, fair comment, qualified privilege—effect of malice—level of damages

K. Huggins v U. Smith

Saint Vincent & The Grenadines

Civ. Suit No. 146/92

Mitchell, J.

Delivered: 07/02/00

Contract for services-public policy-party supporter signs agreement with minister of government personally to provide services for project on government property-whether such contract enforceable-proof of special damages

K. Thomas v B. Williams

Saint Vincent & The Grenadines

Civ. Suit No. 69/94

Mitchell, J.

Delivered: 08/02/00

Landlord and tenant – holding over-when right of action accrues in monthly tenancy-application
of Limitation Act defence

E. Davis v T. Nelson

Saint Vincent & The Grenadines

Civ. Suit No. 604/97

Mitchell, J.

Delivered: 09/02/00

Property - adverse possession.

S. Patterson v C. Matthews

Saint Vincent & The Grenadines

Civ. Suit No. 87/97

Mitchell, J.

Delivered: 10/02/00

Trespass – adverse possession

P. Creese v C. Leslie et al

Saint Vincent & The Grenadines

Civ. Suit No. 46/93

Adams, J.

Delivered: 11/02/00

Land dispute – heir at law – whether parents married – adverse possession – Real Property
Limitation Act – cancellation of deed

M. Lewis v T. Bowens et al

Saint Vincent & The Grenadines

Civ. Suit Nos. 229/81 & 357/89

Mitchell, J.

Delivered: 17/02/00

Administration of estate – writ claiming interest in the property – plaintiff made no financial
contribution – no evidence plaintiff was to have beneficial interest in property

K. Smith v M. Browne

Saint Vincent & The Grenadines

Civ. Suit No. 189/97

Mitchell, J.

Delivered: 17/02/00

Landlord and tenant - employer and employee - goods sold and delivered - arrears of rent

J. Ambrose v R. John

Saint Vincent & The Grenadines

Civ. Suit Nos. 265 & 428/94

Mitchell, J.

Delivered: 22/02/00

Practice - summons to strike out for non-compliance with an order of the court - court ordering re-service of writ on company - whether requiring re-sealing of writ - whether requiring issue of concurrent writ - whether personal service - whether leaving at registered office sufficient - whether typing errors in affidavit of service fatal - whether failure of Registrar to apply embossing seal fatal - whether failure to endorse court's copy with details of re-service fatal - award of costs

H. Lindvig v T. Paynter et al
Saint Vincent & The Grenadines
Civ. Suit No. 550/99
Mitchell, J.
Delivered: 22/02/00

Negligence - general damages - pain and suffering and lack of amenities - whether lack of insurance a consideration in negligence cases

J. Samuel et al v L. Prescott
Saint Vincent & The Grenadines
Civ. Suit No. 111/96
Mitchell, J.
Delivered: 22/02/00

Sale of Goods Act – second-hand concrete batching plant – whether defective – inspection by purchaser – whether express warrant – whether implied warranty – reliance on judgment – was purpose made known – whether of merchantable quality – whether fit for purpose

Joachim Engineering Limited v Argyle Construction Limited
Saint Vincent & The Grenadines
Civ. Suit No. 107/98
Mitchell, J.
Delivered: 24/02/00