



INSIDE THIS ISSUE

**Greetings from the
Chief Justice**
p. 1

**Eastern Caribbean
Supreme Court News**
p. 2

**New Developments in
the Court**
p. 3

Court of Appeal Sitings
p. 5

Judgments
p. 10



Volume 1 No. 5
May 2000

GREETINGS FROM THE CHIEF JUSTICE

The month of May brought the welcome decision of the Heads of Government to concur with the long awaited revision of judicial salaries. I trust that the new levels of remuneration will be satisfactory to both incumbent and prospective office holders. The month also established that the Governments of our region are firmly committed to the process of judicial reform. The date of 15th September 2000 will be the date for the implementation of the new rules of civil procedure. Thus we can anticipate that the commencement of the first law year in this new millennium will coincide with a series on new process, which will mark the improvement of the judicial services to our communities. I am sure that as we set new targets for our performance we in the judiciary will demonstrate that we are as committed to the quality of our service as to its remuneration.

Please send any comments, suggestions and contributions to the ECSC E-Newsletter at appeal@candw.lc.



EASTERN CARIBBEAN SUPREME COURT NEWS

COURT OF APPEAL

32nd Meeting of the OECS Heads, Grenada, 3rd-5th May 2000

The Chief Justice addressed the Full Session Meeting of the OECS Heads May 4th, 2000. The Meeting unanimously approved the increases of Judicial Salaries in the terms of the Dumas Report with effect from July 1st, 2000.

The Meeting gave its concurrence to the reform processes and approved September 15th, 2000 as the commencement date of the New Rules of Civil Procedure. The Meeting also approved the IDB proposal for the Center of Excellence.

The status of Legal Education in the OECS was considered at the Meeting and the difficulties being experienced by OECS Nationals in obtaining access to Law Schools in the OECS region was noted. The Chief Justice was asked to head a Task Force to look into Legal Education for OECS students in conjunction with the Secretariat. The matters which were specifically raised for inclusion were:

- (i) steps to fulfill the demand for lawyers and placement for law students in OECS;
- (ii) pupillage as a substitute for attendance at Law Schools;
- (iii) Faculty of Law/Law School in OECS;
- (iv) distance learning for degree and professional training; and
- (v) financial issues affecting OECS law students.

Suit No. 227/00

On May 3rd, 2000 an action was filed in the Registry of the High Court in Grenada between Agnita Alexis, Plaintiff, and Lyle K. St. Paul and Dennis Byron, Chairman, Judicial and Legal Services Commission, Defendants. The action sought against the first Defendant declarations that his continuation in office as a Judge of the Supreme Court of Grenada after the mandatory retirement age, was a breach of Section 8 of the West Indies Associated States (Grenada) Order 1967. In relation to the Chief Justice, a declaration was sought "that his permitting the continuation in office of his co-defendant herein, the said Lyle K. St. Paul, by the Judicial and Legal Service Commission is null, void and of no effect whatsoever as being in contravention of Section 8 of the West Indies Associated States (Grenada) Order 1967."

In Service Training

Miss Althea E. Stewart, a third year law student of McGill University, Canada, has started a two month Judicial Clerkship at the headquarters of the Eastern Caribbean Supreme Court in St. Lucia from May 8th, 2000. She is pursuing an Integrated Bachelor of Laws (LL.B) & Bachelor of Civil Law (B.C.L.) degree. Miss Stewart is of St. Lucian decent and has chosen to do her judicial clerkship in the Eastern Caribbean to get first hand exposure to the legal reforms taking place in the Caribbean.

HIGH COURT

St. Christopher & Nevis

His Excellency Sir Lee Moore Q.C., K.C.M.G.

The Hon. Chief Justice Mr Dennis Byron gave the eulogy on the passing away of His Excellency Sir Lee Moore Q.C., K.C.M.G. on May 6th, 2000. The eulogy was delivered at a Special Sitting of the High Court of Justice, St. Kitts, on Friday 19th May 2000.

NEW DEVELOPMENTS IN THE COURT

Court Restructuring

EEB Consulting & Associates (Canada) was contracted by the Eastern Caribbean Supreme Court to begin an organizational needs analysis during the period 14th – 24th May 2000. The consultants, Debbie Burke-Benn and Eloise Burke, are a mother and daughter team. Together, they have over thirty-five years of collective experience in human resource management, in Canada and internationally. They have already provided the Court with draft recommendations on processes, systems and human resource requirements for review and feedback..

OECS Reports

The first volumes of the Reports are being readied for publication. The first two volumes to be published will be, first, a historic volume covering the period 1996-1998, and second, the year 1999. Thereafter, in addition to the current volume, one volume covering the historic period 1990 onward will be published each year.

The Hon Chief Justice has established the Law Reporting Committee for the OECS Law Reports. They are the Chief Justice, Albert Matthew JA, Mitchell J, and Ms Janice Modeste the Librarian at the Court of Appeal. Members of the Editorial Committee have commenced work on selecting judgments for publication. Each member of the committee is reading every judgment of every High Court a copy of which has been received by the Court of Appeal as well as the judgments of the Court of Appeal itself. Every Registrar and Judge in our region has been asked to recommend judgments from their circuit for inclusion in the publication.

The Librarian has delivered hard copies of every judgment for the period to each member of the committee to enable them to make their selection. Some members of the committee have already read all of these judgments, both of the High Court and of the Court of Appeal, and have made their recommendations for publication. Selection of cases for the publication of the first two volumes is expected shortly to be completed.

JUDICIAL AND LEGAL SERVICES COMMISSION

Legal Appointments

Dominica

The Judicial and Legal Services Commission has approved of the appointment of Mrs. Wynante Adrien Roberts to act in the office of Chief Magistrate for the period 10th July 2000 vice Miss Gail Royer due to proceed on vacation leave.

Saint Lucia

The Judicial and Legal Services Commission has approved of the following appointments:

1. Mrs. Kimberley Phulgence to act as Registrar for the period 8th - 12th May 2000.
2. The re-employment of Ms Karen Stephen as Legal Drafter III on contract for a period of two (2) years with effect from 6th September 2000.

St. Vincent & The Grenadines

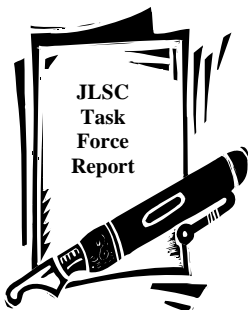
The Judicial and Legal Services Commission has approved of the acting appointment of Dr. Henry Leonard O'Grenville Stogumber Browne of St. Kitts-Nevis as Director of Public Prosecution with effect from 26th May 2000 for a period of three (3) months.

Tortola

His Lordship, the Hon. Chief Justice, Mr. Dennis Byron has approved of the following appointments:-

- (1) His Lordship, The Hon. Justice Kenneth Benjamin, High Court Judge has been appointed as a Member of the Judicial and Legal Services Commission.
- (2) Mr. Cecil Dawson has been appointed as Magistrate from 21st to 30th April 2000 vice Miss Gail Charles who is to proceed on vacation leave during that period.

The Dumas Report



The Dumas Report was presented by Mr. Reginald Dumas to the Hon. Chief Justice in February 2000. The recommendations in the Report are too lengthy to publish all of them at one time in one issue of this Newsletter. The recommendations covered five separate areas: The Judicial and Legal Services Commission, the Magistracy, the Registry, Judicial Ethics, and Conditions of Higher Judicial Office. Last month we looked at the recommendations concerning the JLSC. This month we will look at those concerning both the Magistracy and the Registry. They are too long to set out here in the body of the Newsletter. The full text of the recommendations is published here as an attachment.

[See attachment]

COURT OF APPEAL SITTINGS May 2000

St. Kitts and Nevis – 25 May 2000: [In Chambers]

Singh JA

1. **Tweede v The Queen**

Crim. App. No.7/99

Appearances: Miss Angela Inniss for the Appellant. No appearance of or for Respondent.

Case: Appeal against conviction of Causing Death by Dangerous Driving.

Sentence: Fine and Suspension from Driving.

Application: To suspend suspension until appeal is determined.

Order: Application adjourned to June 7, 2000 at request of Miss Inniss.

2. **Southwell v O'Loughlin**

Mag. Civ. App. No.800

Appearances: Miss Angela Inniss for the Appellant. No appearance of or for Respondent.

Issue: Application for extension of time to appeal. Served on Solicitor for Respondent.

Result: Application granted. Time to file notice of appeal extended to May 31, 2000.

Saint Lucia Court of Appeal Sitting – 29th May to 2nd June 2000

Coram: **Singh JA**
 Redhead JA
 Matthew JA

Monday May 29th, 2000

1. **A. Payne v A. Lewis**
 Civ. App. No. 5/99
 Appearances: Mr. Kenneth Monplaisir, Q.C. holds for Mr. P. R. Campbell for the Appellant and Mr. Reviere holds for Mr. Williams for the Respondent.
 Issue: Land dispute. Rectification ordered.
 Result: Appeal allowed. Judgment of trial judge set aside with costs to the Appellant. Rectification ordered. [Written Judgment of Redhead JA]

2. **Walter v Rosenfield**
 Civ. App. No. 8/99
 Appearances: Miss Michelle Anthony holds for Mr. Astaphan, Q.C. for the Appellant and Mr. Anthony McNamara holds for Mr. Gerald Watt, Q.C. for the Respondent.
 Issue: Partnership: breach of contract.
 Result: Appeal dismissed save in respect of the Judge's award of \$35,144.00 which is struck down. 75% costs to Respondent. 25% costs to the Appellant. [Written Judgment delivered by Matthew JA]

3. **Attorney General of Anguilla v Hansa Bank et al**
 Civ. App. No, 7/98
 Appearances: Miss Lorraine Julie holds for Hansa Bank, Miss Mathurin holds for the A.G., Mr. Theodore holds for Miss Bernice Lake and Miss P. Webster for Barclays Bank and National Bank of Anguilla.
 Issue: Appeal against order of costs.
 Result: Appeal allowed. Judgment of Redhead J set aside. Hansa Bank to pay costs awarded in Court below to Barclays and National Bank and costs in this Court to the Appellant and Barclays Bank and National Bank. [Written judgment delivered by Matthew JA]

4. **Joseph v Poyotte**
 Mag. Crim. App. No. 1/00
 Appearances: Mrs. Kim St. Rose for the Appellant and the Respondent in person.
 Issue: Application for extension of time to appeal.
 Result: Application granted. Time to file notice of appeal extended to one week from the date hereof.

5. **Church of God v Cox**
Civ. App. No. 11/99
Appearances: Miss Gerard for the Applicant/Respondent and Mr. Reviere for the Appellant.
Issue: Application to dismiss appeal for want of prosecution. Record of appeal not filed and notice of appeal not served within the prescribed time. Mr. Reviere concedes application.
Result: Appeal dismissed for want of prosecution. Costs to the Respondent to be taxed if not agreed.
6. **Dickson v Barclays Bank**
Civ. App. No. 3/98
Appearances: Mr. Kenneth Monplaisir, Q.C. and Mr. Deale Lee with him for the Appellant and Mr. Anthony McNamara for the Respondent.
Issue: Application for extension of time to file record of appeal.
Result: Dismissed.
Reasons:
1. Delay of 2 years, inordinate
 2. Inadvertence of Counsel unacceptable.
 3. Degree of prejudice - judgment 2 years old and suspended for that time.
 4. Chance of success: Prima facie none.
7. **Isidore v Chief Surveyor**
Civ. App. No. 5/00
Appearances: Mr. Kenneth Monplaisir, Q.C. and Mr. Deale Lee for the Applicant Christopher George and Ms Mathurin for A.G. and Chief Surveyor and Dr. Waldo Waldron for the Appellant.
Issue: Application by Christopher George to be made a Respondent in the Appeal. No objections.
Result: Granted.
8. **A. Louis v The Queen**
Crim. App. No. 2/99
Appearances: Mr. Richelieu for the Appellant and Mr. Jack, DPP for Respondent
Issue: Conviction of Manslaughter.
Result: At request of both lawyers adjourned to Tuesday. On Tuesday May 30, 2000 the appeal was withdrawn and dismissed.
9. **Chicot v The Queen**
Crim. App. No. 3/99
Appearances: Mr. Richilieu for the Appellant and Mr. Jack for the Respondent
Issue: Appeal against conviction of manslaughter.
Result: On Tuesday May 30, 2000, the appeal was allowed and conviction quashed on ground that there was no prima facie case made out to establish criminal negligence.
[Written judgment of Singh JA]

10. **Sonson v Juliet**
Civ. App. No. 18/99
Appearances: Mr. Hilford Deterville for the Appellant and Mr. Dexter Theodore for the Respondent.
Issue: Appeal from Allen J dismissing application to hear preliminary issues and ordering that the action be tried.
Result: Tuesday May 30, 2000 the appeal was allowed and the matter was remitted to the High Court to hear the preliminary objections of the Appellant as preliminary objections as stated in Motion dated January 12, 1999.

11. **Auguste v Attorney General**
Civ. App. No. 23/99
Appearances: Mr. Anthony Astaphan Q.C., for the Appellant.
Result: At request of Mr. Astaphan who is before Privy Council, adjourned to next sitting.

12. **Edgecombe v Freund**
Civ. App. No. 1/00
Appearances: Mr. James Bristol for the Appellant and Mr. Hilford Deterville for the Respondent.
Issue: Application by Appellant for extension to file record on appeal from judgment of Hariprashad-Charles J refusing the Appellant's leave to amend defence.
Result: Application granted. Time to file record extended to 14 days from date hereof.

13. **Mathieu v Chief Surveyor**
Civ. App. No. 5/00
Appearances: Mr. Waldo Waldron for the Appellant and Mr. Kenneth Monplaisir Q.C. and Mr. Deale Lee with him for Respondent No.3 and Miss Mathurin for Respondents 1 & 2.
Issue: Appeal from Hariprashad-Charles J, who declared the Appellant to be vexatious litigant and that her suit was an abuse of the process of the Court.
Result: Appeal dismissed with costs to the Respondents to be taxed if not agreed.
[Written judgment of Singh JA.]

14. **Robinson v Elias**
Civ. App. No. 6/00
Appearances: Miss Dawn Lay for the Appellant and Miss Eva Gerard for the Respondent.
Issue: Appeal from d' Auvergne J who in judgment summons proceedings refused the Appellant an adjournment in order for him to file application to set aside substantive default judgment but who still adjourned matter to July 2000.
Result: Appeal dismissed. No order as to costs. There was nothing from which to appeal.

Tuesday May 30th 2000

15. **William v Police**
Mag. Crim. App. No. 7/99
Appearances: Mr. D. Greene for the Appellant and Mr. Jack, DPP for the Respondent.
Appeal against conviction of possession of controlled drug with intent to supply.
Issue: Whether the evidence disclosed possession.
Result: Ample evidence to draw the inference. Appeal dismissed. Conviction and sentence affirmed.
16. **Baptiste v Police**
Mag. Crim. App. No. 2/00
Appearances: No appearance for the Appellant and Mr. Jack, DPP for Respondent.
Issue: Appeal against conviction of stealing.
Result: Appeal dismissed for want of prosecution.
17. **Gilberto v Police**
Mag. Crim. App. No. 3/00
Appearances: Mr. Marcus Foster for the Appellant and Miss Victoria Charles for the Respondent.
Issue: Appeal against sentence on conviction of offence of possession of controlled drug with intent to supply.
Result: Appeal dismissed. Time to pay fine, 2 months from date of this order.
18. **Sidonie v Police**
Mag. Crim. App. No. 4/00
Appearances: No appearance for Appellant and Mr. Jack for the Respondent.
Issue: Convictions for obstruction, insulting words, etc.
Result: Appeal dismissed for want of prosecution.
19. **R. Laurencin v A. Modest**
Civ. App. No. 17/99
Appearances: Mr. Peter Foster for the Appellant and Mr. Dexter Theodore for the Respondent.
Issue: Appeal against order of perpetual injunction restraining Appellant and his followers from attending the Respondent's church.
 1. Whether d' Auvergne J acted outside her jurisdiction when she considered "his followers" in the order when they were not parties to the proceedings.
 2. Whether the order of the injunction was justified against the Appellant.
 3. On Tuesday May 30th the appeal was allowed and the judgment set aside on the ground that the Respondent had no locus standi to bring the petition.
20. **Lansiquot v Geest**
Civ. App.
Appearances: Mr. Michael Gordon for the Applicant. No appearance of or for Respondent.
Issue: Application for Condition Leave to appeal to Privy Council.
Result: Granted on usual terms.

WRITTEN JUDGMENTS

Court of Appeal Judgments

The following are written Court of Appeal judgments available during the month of May 2000:

Anguilla

Attorney General v Hansa Bank and Trust Co. Ltd et al

Anguilla

Civ. App. No. 7/98

Matthew JA

Delivered: 29/05/00

Antigua

J. Walter v M. Rosenfeld

Antigua

Civ. App. No. 8/99

Matthew JA

Delivered: 29/05/00

Saint Lucia

S. Chicot v The Queen

Saint Lucia

Civ. App. No. 3/99

Singh JA

Delivered: 29/05/00

Heirs L. Z. Mathieu v The Chief Surveyor et al

Saint Lucia

Civ. App. No. 5/00

Singh JA

Delivered: 29/05/00

Saint Vincent & The Grenadines

N. Bengy v N. Johnson

Saint Vincent & The Grenadines

Civ. App. No. 2/00

Singh JA

Delivered: 22/03/00

J. Daniel v L. Alexander

Saint Vincent & The Grenadines

Civ. App. No. 1/00

Singh JA

Delivered: 22/03/00

S. Joseph v Commissioner of Police

Saint Vincent & The Grenadines

Crim. App. No. 1/00

Singh JA

Delivered: 22/03/00

E. Payne v A. M. Lewis

Saint Vincent & The Grenadines

Civ. App. No. 5/99

Redhead JA

Delivered: 29/05/00

High Court Judgments

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

Anguilla

Contract for commission on sale of property - commission to be paid on land, building and contents - whether professional fees included in total sales price on land, building and contents - Anguilla Control of Employment Ordinance 1980 - work permit allowing plaintiff to work as General Manager of resort - permit not specifying further conditions of employment - whether Manager entitled to claim commission for selling employer's property - whether contract illegal.

N. Luxemburg v M. Goldfinger et al

Anguilla

Civ. Suit No. 106/98

Saunders J

Delivered: 29/05/00

Dominica

Certiorari - appointment by PSC to post of Principal Nursing Officer - less senior person appointed - claim of legitimate expectation - claim decision irrational - PSC Regulations - need for procedural fairness - finding that applicant's entitlement to appointment far superior to that of appointee - conduct of PSC establishing in the applicant a legitimate expectation of appointment - circumstances requiring reasons for decision to have been given.

E. Elwin v The Public Service Commission et al

Dominica

Civ. Suit No. 493/98

Cenac J

Delivered: 05/05/00

Grenada

Building contract - damages to be assessed - plaintiff unable to stop work in the middle of casting suspended floor as instructed - judgment for plaintiff.

CMC Limited v L. D. Ellis et al

Grenada

Civ. Suit No. 169/95

Alleyne J

Delivered: 05/05/00

Passport – citizenship – economic citizenship.

J. Antoine v Attorney General

Grenada

Civ. Suit No. 598/99

Alleyne J

Delivered: 09/05/00

Vessels entered Grenada under their own steam - whether vessels based in Grenada liable to import duties.

Osprey Lines Limited v Attorney General of Grenada

Grenada

Civ. Alleyne J

Suit No. 46/00

Delivered: 09/05/00

Application to amend statement of claim – objection to form – pleading of indirect or inferential meaning – necessity to plead particulars – aggravated damages – exemplary damages – malice.

A. Bierzynski v W. R. Agostini

Grenada

Civ. Suit No. 577/99

Alleyne J

Delivered: 19/05/00

Divorce – ancillary relief – property adjustment order – maintenance – order made ex parte – application by respondent to vary order – Family Proceedings Rules 1991 – leave required by respondent to seek variation – leave refused.

J. Roberts v J. Roberts

Grenada

Civ. Suit No. 49/98 (D)

Alleyne J

Delivered: 26/05/00

Saint Christopher and Nevis

Running down - defendant's car colliding with 80 year old plaintiff's moped from the rear - multiple abrasions and bruises - finding that defendant speeding - general damages of \$15,000.00.

H. Richardson v H. Vaughan

Saint Christopher and Nevis

Civ. Suit No. 52/95

Smith J

Delivered: 26/04/00

Sale of land - solicitor's real estate commission - purchasing company essentially same as the person with whom solicitor contracted - judgment for the plaintiff.

T. W. R. Astaphan v Casablanca Resorts Limited

Saint Christopher and Nevis

Civ. Suit No. 74 /98

Smith J

Delivered: 26/05/00

Defamation - manager of shop calling plaintiff "You damn thief" - finding that the words were not used - costs of successful defendant limited to \$500.00.

J. Bergan v V. Ganchadani

Saint Christopher and Nevis

Civ. Suit No. 46/99

Smith J

Delivered: 26/05/00

Defamation - libel and slander - claim of report to police that plaintiff had removed boat from boat yard without paying for work done - words not capable of slandering.

L. Betance v Caribe Yachts Limited et al

Saint Christopher and Nevis

Civ. Suit No. 20/98

Smith J

Delivered: 26/05/00

Running down - mound of dirt left on road by defendant while laying cable - no lamps or other illumination or marker to indicate the obstruction - back strain and lacerations causing scarring to lips and thighs - general damages of \$15,000.00.

D. Bowers v W. Walters

Saint Christopher and Nevis

Civ. Suit No. 27/94

Smith J

Delivered: 26/05/00

Running down - defendant colliding with rear of plaintiff's vehicle - whiplash injury - general damages of \$9,000.00.

A. Bradshaw v A. Bradshaw

Saint Christopher and Nevis

Civ. Suit No. 85/96

Smith J

Delivered: 26/05/00

Road traffic – collision – negligence – duty of care breached – special damages and general damages – judgment for the plaintiffs against the defendant.

P. Browne et al v M. Bass

Saint Christopher and Nevis

Civ. Suit No. 12/97

Smith J

Delivered: 26/05/00

Land dispute - Title by Registration Act - originating summons to determine interests - dealings in registered title required to be in accordance with the provisions of the Act - defendant's title indefeasible - plaintiff's alleged dealings not in accordance - judgment for the plaintiff.

P. Browne v I. M. Parris

Saint Christopher and Nevis

Misc. Civ. Suit No. 32/96

Smith J

Delivered: 26/05/00

Running down - passenger in bus - collision with truck - loss of right arm - laceration of cornea of right eye - general damages of \$275,000.00 - contribution by various defendants.

I. Carty v A. Fraser et al

Saint Christopher and Nevis

Civ. Suit No. 29/98

Smith J

Delivered: 26/05/00

Banker and customer - loan secured by equitable mortgage - Title by Registration Act - Registrar of Titles noting mortgage on Register - claim that Registrar acted in error - case brought by writ instead of by originating summons - plaintiff conceding misunderstanding the provisions of the Act - plaintiff not proceeding beyond opening statement - judgment for the defendant.

C. McDonald Caines et al v Barclays Bank Plc

Saint Christopher and Nevis

Civ. Suit No. 69/97

Smith J

Delivered: 26/05/00

Assessment of damages - building contract - labour only contract - materials not supplied by plaintiff - judgment for the defendant.

C. Dore et al v R. Liburd

Saint Christopher and Nevis

Civ. Suit No. 58/97

Smith J

Delivered: 26/05/00

Land dispute - Title by Registration Act - plaintiff holding certificate of title - defendant in occupation claiming an interest under a will - plaintiff's title indefeasible - judgment for the plaintiff.

V. Henville v M. Parris

Saint Christopher and Nevis

Civ. Suit No. 107/92

Smith J

Delivered: 26/05/00

Negligence - black stuff in a Carib beer bottle - evidence that this was fungus forming after bottle was opened - no evidence of negligence by defendant causing symptoms of plaintiff.

S. H. B. Leader v St. Kitts Brewery Company Limited

Saint Christopher and Nevis

Civ. Suit No. 33/98

Smith J

Delivered: 26/05/00

Condominiums - construction of management agreement - cost of repairs consequent on Hurricane Hugo.

A. Pariser et al v Property Management Limited

Saint Christopher and Nevis

Misc. Suit No. 125/98

Smith J

Delivered: 26/05/00

Occupier's liability – wheelchair ramp placed in middle of steps and obscured – plaintiff falling and suffering comminuted fracture of arm – general damages of \$80,000.00.

L. Sullivan v Jack Tar Village Management Company (Trading as Jack Tar Village Resorts)

Saint Christopher and Nevis

Civ. Suit No. 203/95

Smith J

Delivered: 26/05/00

Services rendered - airline ticket sold on credit - defendant ordered ticket - defendant took the trip - defence that a company should have been the correct defendant - judgment for the plaintiff.

Travel World Limited v F. Lam

Saint Christopher and Nevis

Civ. Suit No. 100/96

Smith J

Delivered: 26/05/00

Security for costs – plaintiff a foreigner residing in the United States of America – draft bill of costs not challenged as to reasonableness of items – both statement of claim and defence disclosing meritorious allegations – whether security should be ordered – if security is ordered whether court is constrained to order same in amount contained in draft bill – whether court retains discretion to order security in amount that court considers just.

E. Rivera v Quantum Group Limited et al

Saint Christopher and Nevis

Civ. Suit No. 5/00

Saunders J

Delivered: 26/05/00

Saint Lucia

Judgment in default of defence - application to set aside - judgment regular - entered while settlement discussions in progress - judgment set aside.

R. Fletcher v Mayor & Citizens of Castries

Saint Lucia

Civ. Suit No. 385/99

d' Auvergne J

Delivered: 04/05/00

Services rendered - security guard service - Article 1163 of the Civil Code - defendant standing on submission - judgment for the plaintiff.

Secure St. Lucia Limited v B & D Construction Ltd.

Saint Lucia

Suit No. 9/91

d' Auvergne J

Delivered: 04/05/00

Interlocutory judgment – granted for unspecified period – sale of time shares – injunction discharged.

H. B. MacNicol et al v Windjammer Landing Company Limited et al

Saint Lucia

Civ. Suit No. 778/97

d' Auvergne J

Delivered: 19/05/00

St. Vincent & The Grenadines

Land dispute - possessory title - judgment for the plaintiff.

C. Edwards v E. Richards et al

St. Vincent & The Grenadines

Civ. Suits Nos. 371/95 & 73/97

Adams J

Delivered: 08/05/00

Running down – duty of driver shifting lane – repudiation of written admission of liability.

R. Defreitas v J. Venner

St. Vincent & The Grenadines

Civ. Suit No. 228/96

Mitchell J

Delivered: 02/05/00

Contract of insurance – rejected claim – defendant standing on submission.

R. Patterson-Matthews v St. Vincent (Insurances) Ltd.

St. Vincent & The Grenadines

Civ. Suit No. 222/98

Mitchell J

Delivered: 02/05/00

Husband and wife – share of property after divorce – case commenced by writ.

C. A. Smith v C. L. Smith

St. Vincent & The Grenadines

Civ. Suit No. 350/97

Mitchell J

Delivered: 03/05/00

Land dispute – joint owners – probate and administration – devise to joint owners – adverse possession by one – fraudulent deed by executor.

C. Anderson v A. Jack

St. Vincent & The Grenadines

Civ. Suit No. 247/96

Mitchell J

Delivered: 31/05/00

Building contract – dispute over extras – misuse of standard form contract – no provision in contract for extras – effect of certificate.

Carlton Construction Ltd. v L. Taylor et al

St. Vincent & The Grenadines

Civ. Suit No. 264/96

Mitchell J

Delivered: 31/05/00

Land dispute – adverse possession – Real Property Limitation Act.

B. Constantine v E. Hackshaw

St. Vincent & The Grenadines

Civ. Suit No. 482/93

Mitchell J

Delivered: 31/05/00

Land dispute – probate and administration – fraudulent conveyance by administrator – setting deed aside.

E. Wilson v J. Alexander et al

St. Vincent & The Grenadines

Civ. Suit No. 361/96

Mitchell J

Delivered: 31/05/00



EASTERN CARIBBEAN SUPREME COURT

As at 31st May 2000

Court of Appeal

The Chief Justice

His Lordship, the Hon. Chief Justice, Dennis Byron – Saint Lucia

Justices of Appeal

His Lordship, the Hon. Justice Satrohan Singh – Saint Christopher & Nevis

His Lordship, the Hon. Justice Albert Redhead – Saint Lucia

His Lordship, the Hon. Justice Albert Matthew – Saint Lucia

High Court

His Lordship, the Hon. Justice Odel Adams – Saint Vincent & The Grenadines

Her Ladyship, the Hon. Justice Suzie d’Auvergne – Saint Lucia

His Lordship, the Hon. Justice Ephraim Georges – Antigua

His Lordship, the Hon. Justice Lyle St. Paul, OBE, CBE [Ag.] – Grenada

His Lordship, the Hon. Justice Dunbar Cenac – Dominica

His Lordship, the Hon. Justice Kenneth Benjamin – Tortola, British Virgin Islands

His Lordship, the Hon. Neville Smith – Tortola, British Virgin Islands

His Lordship, the Hon. Justice Brian Alleyne, SC – Grenada

His Lordship, the Hon. Justice Adrian Saunders – Anguilla/Montserrat

His Lordship, the Hon. Justice Henry Moe [Ag.] – Antigua

His Lordship, the Hon. Justice Ian Mitchell, Q.C. – Saint Vincent & The Grenadines

Her Ladyship, the Hon. Justice Indra Hariprashad-Charles – Saint Lucia

His Lordship, the Hon. Justice Frederick Bruce-Lyle [Ag.] – Saint Christopher & Nevis

Ms Ianthea Leigertwood-Octave, Chief Registrar [Ag.] - Saint Lucia