

# ECSC E-NEWSLETTER



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## **GREETINGS FROM THE CHIEF JUSTICE**

It is my pleasure to bring you greetings once again as we start the new law year. The support that the Court has received from a broad spectrum of the community during the past year has been tremendous. Our Justices of Appeal, our Judges, Masters, Magistrates, Registrars and our support staff worked tirelessly to ensure that the Court functioned at its maximum. Support from government agencies across the OECS was quite pleasing. International donor organizations were instrumental in lending financial assistance for various seminars, workshops and conferences. Individuals in the region readily assisted when it was needed. Master Morris-Alleyne, the Court Executive Administrator for the Judiciary of the Republic of Trinidad and Tobago gave immeasurable assistance. On the behalf of our judiciary I want to express our warm gratitude and sincere thanks to all.

As we look forward to a new law year filled with new challenges I am satisfied that our efforts of the past year has constructed pillars upon which we can and will continue to build. I would like to assure the readers of our E-Newsletter that we appreciate your visits. We intend to make our website more user friendly than it is today. Public education, appreciation and comprehension of our courts' operations will continue to benefit from our efforts to disseminate information on developments in the Eastern Caribbean Supreme Court.

# **EASTERN CARIBBEAN SUPREME COURT NEWS**

## **Commencement of the Law Year**

The feature ceremony marking the commencement of the 2001 – 2002 Law Year was held in Dominica.

The ceremony began with an ecumenical service at the Catholic Cathedral of the Lady of Fan Haven in Roseau and was followed by a procession of lawyers lead by the Honourable Chief Justice Sir Dennis Byron, the Honourable Satrohan Singh, Justice of Appeal, the Honourable Albert Redhead, Justice of Appeal, the Honourable Joseph Archibald, Justice of Appeal [Ag.] and his Lordship, Justice Dunbar Cenac, the resident Judge from the Cathedral to the Court House.

Following the procession a special sitting of the Court was convened during which His Lordship the Honourable Chief Justice delivered an address to all members of the Bench and Bar throughout the jurisdiction.

## **HIGH COURT**

### **Anguilla**

On 30<sup>th</sup> day of July 2001, the Eastern Caribbean Supreme Court (Anguilla Circuit) paid tribute to the late Jenner Armour, Q.C. from the Commonwealth of Dominica. Paying tributes on behalf of the Bar were Ms. Bernice Lake, Q.C. who remembered Jenner Armour as humble in nature but strong in intellect. Jenner was admitted to the Bar of Saint Kitts-Nevis-Anguilla in 1967. Also, paying tribute were Mr. Patrick Patterson, former D.P.P. (Dominica); Mr. Thomas Astaphan, Mr. John Benjamin and Ms. Josephine Gumbs-Connor.

Her Ladyship, the Honourable Justice Indra Hariprashad-Charles presided over the Sitting. The eulogies were followed with the observance of one minute silence. May His Soul Rest In Peace.

The Anguilla Bar hosted a luncheon to say “au revoir” to Her Ladyship Justice Indra Hariprashad-Charles on Monday 30<sup>th</sup> July 2001. Justice Charles thanked the lawyers for their hospitality.

### **British Virgin Islands**

#### **Justice of Appeal Welcomed by BVI Lawyers**

Praises have been showered on the elevation of Joseph Samuel Nathaniel Archibald, QC as an acting Justice of the Appeal by members of the legal profession in the BVI.

The commendation came from President of the BVI Bar Association and a well known practising Queen's Counsel in the territory when Justice of Appeal Archibald sat along with Chief Justice Sir Dennis Byron, and Justices of Appeal Satrohan Singh, Albert Redhead and Albert Matthew on July 18, 2001 at Road Town, Tortola.

President of the BVI Bar Association, Helene Anne Lewis said that Justice Archibald has been a pioneer in the legal profession throughout the Eastern Caribbean having achieved many milestones within the profession both at the Bar and on the Bench having served as a High Court Judge on two occasions in 1978 and 1997.

Speaking of Justice Archibald's contribution to the legal profession, Mrs. Lewis added "no doubt his trade mark erudition and charisma were among the many characteristics that propelled him from the private Bar to the post of Attorney General of St. Kitts/Nevis in 1963 and later to the post of Crown Attorney, as the post of Attorney General was then known, of the BVI in 1964."

The BVI Bar Association President added that "apart from his phenomenal success at the Bar, it was no doubt his adherence to the finest traditions of the law that saw him called to the Inner Bar as one of Her Majesty's Counsel in 1980." She described Justice Archibald as "the ebullient and extrovert leader of the Bar" who has never shirked a call to public duty who was founder member of the BVI Bar Association and founder President and Honourary Life Member of the OECS Bar Association.

Queen's Counsel Gerard Farara spoke of Justice Archibald's brilliance as an advocate and teacher and said that "as we look around the BVI Bar today we can see many practising persons whom themselves have gone on to have a successful career at the Bar who have come up so to speak under the tutelage of Justice of Appeal Archibald. It goes to show that Justice of Appeal Archibald not only concerns himself with his own practice and the success of that practice, but has taken tremendous time and emergency in guiding other members of the profession, younger members of the profession and particularly those who were new entrants into the legal profession."

Mr. Farara said that he served as Justice Archibald's junior for more than six years and he was aware that he has distinguished himself not only in the wider Caribbean, but also in the international arena where he has delivered several important papers dealing with various aspects of the law including International law, a subject which Mr. Farara said "I know he deals with a certain degree of passion."

The Queen's Counsel said that he was looking forward to Justice Archibald's written judgments and added "we look forward to the learning that will be in those judgments emanating from the Court itself of which he is a part. We look forward to his style of writing when he called upon to write the judgment of the Court."

Shortly after his response, Justice Archibald delivered a written judgment in an appeal filed by Leonard Ogilvy against the Minister of Legal Affairs in St. Lucia in which Justice Archibald in concurrence with Chief Justice Sir Dennis Byron and Justice Albert Redhead dismissed Ogilvy's appeal.

## **Dominica**

The Court Room on the Dame Eugenia Charles Boulevard in Roseau, Dominica was packed to capacity on Friday 27<sup>th</sup> July 2001 to pay tribute to the late Mr. Jenner Bourne Maude Armour, one of Dominica's most prominent lawyers who passed away on Wednesday 16<sup>th</sup> July, at his home in Canefield.

Special guests included the Hon. Chief Justice, Sir Dennis Byron who flew in from St. Lucia especially for this event. Also present were Hon. Mr. Justice Cecil Kelsick former Chief Justice of Trinidad and Tobago, Hon. Mr. Justice Nicholas Liverpool, retired Court of Appeal Judge of the Eastern Caribbean Court and the Belize Court of Appeal and Hon. Justice Miss Sylvia Bertrand retired High Court Judge of the Eastern Caribbean Supreme Court.

At the special sitting which was presided by the Chief Justice accompanied by Resident Puisine Judge, Hon. Justice Cenac and retired Court of Appeal Judge, Hon. Justice Albert Matthew, many of the lawyers including his brother, Mr. Ronald Armour and Mr. Joffre Harris Q.C. partners in the same firm for 28 years, gave an account of their personal life experiences with the deceased as well as his credentials as a lawyer.

Unanimously, all lawyers expounded that the late Mr. Jenner B.M. Armour was a family man, a "peoples" man, a man of great wit, and a man with a passion for the law. Words of praise were given describing the deceased as "the epitome of the ethics of the legal battles", a distinguished son of the soil with an insatiable appetite for hard work, and an eloquent, active, humane person with the greatest character .

Mr. Armour received his Bachelor of Laws Degree in 1958 and his Masters in 1959 at the University of London and began his practice in 1960, from there he climbed the ladder of success not only in law but also in politics. He served the Bar Association in Dominica with distinction for over 40 years. He was also involved with law firms in other countries like St. Kitts, Nevis, Anguilla and Trinidad and Tobago. In June of 1979 he served as acting President of the Commonwealth of Dominica, and in 1985 he became Deputy Speaker of the Dominica Parliament. He served as an elected member of Parliament and Attorney General between 1990 – 1995. He was indeed a man of many achievements!

Mention was made of his love of sailing on his private yacht. According to his brother Ronald, he had the dream of sailing across the Atlantic - a dream that never became a reality!

The official funeral service of the late Mr. Jenner B. M Armour SC took place at the Portsmouth Methodist Church at 3:00 p.m. and he was laid quietly to rest facing the sea that he loved so much and the panoramic red cliffs at his family estate at Blenheim, in the north of the island.

May his soul rest in peace.

## **Saint Lucia**

### **Commencement of Law Year**

The New Law Year began with an Ecumenical service at the Cathedral of the Immaculate Conception on Monday 17<sup>th</sup> September 2001.

Immediately following the service His Lordship, Honourable Justice Adrian Saunders and Her Ladyship Honourable Justice Hariprashad-Charles and Master Pemberton led the procession of Lawyers through designated streets in the city of Castries and back to the Court House, where the gathering of Lawyers were addressed from Dominica by His Lordship the Honourable Sir Dennis Byron, Chief Justice.

### **October Criminal Assizes**

The October Criminal Assizes commenced in Saint Lucia on Tuesday 2<sup>nd</sup> October, 2001, with Justice Indra Hariprashad-Charles presiding.

Twenty-three (23) cases including two (2) murders, seven (7) cases of sexual offences and two (2) robberies with violence are listed down for hearing.

## **NEW DEVELOPMENTS IN THE COURT**

### **Press Briefing**

On August 7, 2001 the Chief Justice Sir Dennis Byron held a press briefing with the local electronic and print media. The purpose of the briefing was to inform the public of recent developments in the judiciary. This practice is one of the ways that the Court intends to advance its public education initiative. The press was used as the vehicle at this time because of its role in disseminating information. The Chief Justice has always taken the position that its important for the Bar, the community and the region on a whole to be kept informed of the changes that are taking place in the Eastern Caribbean Judiciary.

The Chief Justice informed the press of the then recently concluded Judicial Conference where Judges, Masters, Magistrates and Registrars from across the sub-region congregated and discussed a wide range of issues affecting the Judiciary.

The press was also informed of the establishment of the Judicial Council, the publication of the Judicial Code of Ethics and the participation of Judges at a two-day Alternative Dispute Resolution Workshop.

*(Gus please insert link to **Code of Ethics for Eastern Caribbean Supreme Court Judges**)*

# JUDICIAL AND LEGAL SERVICES COMMISSION

## Judicial Appointments

- [i] Extension of the appointment of His Lordship, the Hon. Justice Joseph Samuel Archibald, QC to act as a Justice of Appeal of the Eastern Caribbean Supreme Court from 1<sup>st</sup> August to 31<sup>st</sup> October, 2001.
- [ii] Assignment of His Lordship, the Hon. Ephraim Georges, acting Judge to Antigua and Barbuda for the period 17<sup>th</sup> September to 31<sup>st</sup> December, 2001.
- [iii] Assignment of His Lordship, the Hon. Justice Adrian Saunders, High Court Judge, Anguilla/Montserrat to Saint Lucia for the period 17<sup>th</sup> September to 31<sup>st</sup> December, 2001.
- [iv] Assignment Extension of the appointment of His Lordship, the Hon. Justice Ephraim Georges to act as a High Court Judge of the Eastern Caribbean Supreme Court, assigned to Antigua and Barbuda from 1<sup>st</sup> August to 31<sup>st</sup> December, 2001.
- [v] Assignment of Her Ladyship, the Hon. Justice Suzie d’Auvergne, High Court Judge, Saint Lucia to St. Vincent and the Grenadines for the period 17<sup>th</sup> September to 31<sup>st</sup> December, 2001.
- [vi] Assignment of Her Ladyship, the Hon. Justice Indra Hariprashad-Charles to Saint Lucia for the period 17<sup>th</sup> September to 31<sup>st</sup> December, 2001.
- [vii] Extension of the appointment of His Lordship, the Hon. Justice Othniel Sylvester, QC to act as a High Court Judge of the Eastern Caribbean Supreme Court, assigned to Grenada from 1<sup>st</sup> August to 31<sup>st</sup> December, 2001.
- [viii] Appointment of His Lordship, the Hon. Justice Albert Matthew to act as a High Court Judge of the Eastern Caribbean Supreme Court assigned to the British Virgin Islands for the period 17<sup>th</sup> September to 31<sup>st</sup> December, 2001 with coverage of Montserrat.

## Legal Appointments

### Anguilla

Mr. Courtney Abel has been appointed as an Additional Magistrate for Anguilla from 1<sup>st</sup> August 2001.

## **Antigua and Barbuda**

Mrs. Laurie Freeland-Roberts has been appointed to act as Registrar, Registrar's Division during the period to 8<sup>th</sup> to 31<sup>st</sup> August 2001 vice Mrs. Sanyu Richards who is on vacation leave during that period.

## **Commonwealth of Dominica**

- [1] Termination of acting appointment of Mr. Anthony Commodore as Senior State Attorney from 14<sup>th</sup> August 2001.
- [2] Mrs. Hazel Johnson, State Attorney has been appointed as State Attorney for the period 14<sup>th</sup> August to 24<sup>th</sup> September 2001 vice Mrs. Heather Felix-Evans on vacation leave up to 28<sup>th</sup> August 2001 followed by her resignation from 29<sup>th</sup> August 2001.
- [3] Ms. Evelina Baptiste has been appointed to act in the office of Chief Registrar, Eastern Caribbean Supreme Court for the period 27<sup>th</sup> August 2001 to 4<sup>th</sup> January 2002.
- [4] Mr. Reginald Winston, State Attorney has been appointed to act as Registrar, Registrar General and Provost Marshall from 25<sup>th</sup> August to 26<sup>th</sup> November 2001 vice Miss Evelina Baptiste, Registrar, Registrar General and Provost Marshall who will be acting in the office of Chief Registrar, Eastern Caribbean Supreme Court.
- [5] Miss Daphne Durand has been appointed to continue her appointment to the office of State Attorney from 1<sup>st</sup> July 2001.
- [6] Miss Helen Ali has been appointed to continue to act in the office of Chief Magistrate for the period 1<sup>st</sup> to 30<sup>th</sup> September 2001.

## **Grenada**

- [1] Mr. Christopher Nelson has been appointed to act in the position of Director of Public Prosecutions for a further period of six [6] months commencing 1<sup>st</sup> August 2001.
- [2] Ms. Sheila Harris has been appointed to act as Registrar for the period of one [1] month from 27<sup>th</sup> August 2001.
- [3] Mr. Robert Branch has been appointed to continue to act as Registrar from 30<sup>th</sup> November 2001.

- [4] Mr. Lloyd St. Louis has been appointed to act as Magistrate for the Western and Northern Districts with effect from 1<sup>st</sup> October to 2<sup>nd</sup> November 2001 during the period of absence of His Worship, Mr. Samuel Forde.

### **Saint Lucia**

- [1] Mrs. Karen Stephen-Dalton, Legislative Drafter 111 has been re-appointed on promotion to the post of Deputy Director of Legislative Drafting, Attorney General's Chambers for a further period of two [2] years with effect from 1<sup>st</sup> September 2001.
- [2] Mr. David Cox , Crown Counsel 1 has been re-appointed on promotion to Crown Counsel 11 in the Attorney General's Chambers for a further period of one [1] year with effect from 13<sup>th</sup> November 2001.
- [3] Mr. Paul Thompson has been re-appointed as Senior Crown Counsel in the Attorney General's Chambers for a further period of one [1] year with effect from 1<sup>st</sup> December 2001

### **St. Vincent and The Grenadines**

- [1] Ms. Paula Eleanor David has been appointed to the post of Solicitor General, Attorney General's Chambers from 1<sup>st</sup> August 2001.
- [2] Ms. Sylva Ambris-Dick has been appointed to the vacant post of Assistant Legal Draftsman, Legal Affairs Department.
- [3] Ms. Coleen McDonald has been appointed as Deputy Registrar.
- [4] Mr. Richard Williams has been appointed as Senior Magistrate in the Magistracy Department of St. Vincent and The Grenadines from 1<sup>st</sup> August 2001.
- [5] Ms. Melrose M. Baines has been appointed to the vacant post of Legal Assistant, in the Attorney General's Chambers.
- [6] Mr. Juandy Martin has been appointed to the post of Senior Crown Counsel in the Attorney General's Chambers.
- [7] Mr. Perry Joseph has been appointed as Legal Assistant in the Attorney General's Chambers with effect from 17<sup>th</sup> August 2001.

## **CONFERENCES, SEMINARS AND WORKSHOPS**

### **World Bank Conference, July 8-11, 2001 St. Petersburg, Russia**

The Honourable Chief Justice, Sir Dennis Byron attended the Second International Conference on Law and Justice held by the World Bank entitled, "Empowerment, Security and Opportunity through Law and Justice," on July 8-11, 2001 in St. Petersburg, Russia. The conference brought together the stakeholders of legal and judicial development to share lessons learned, what has and has not worked, and what still needs to be tackled with our partner institutions, governments and civil society after the first conference on "Comprehensive Legal and Judicial Development: Towards an Agenda for a Just and Equitable Society in the 21<sup>st</sup> Century" held in Washington, DC, June 5-7, 2000.

The objectives of the Conference were to identify the primary goals and challenges to the future of legal reform in the region; stimulate discussion and exchanges of ideas amongst the reform-minded leaders participating in the conference; and develop strategies and design activities that will advance the cause of legal reform in each participating country. The participants included judges, parliamentarians, senior government officials, partner donor agencies, legal experts, economists, political scientists and social scientists, scholars and experts in the field, development specialists, court administrators, civil society representatives, and Bank staff.

### **7<sup>th</sup> Annual Court Technology Conference**

During the week of August 13, 2001, the IT Manger attended the 7<sup>th</sup> Annual Court Technology Conference held in Baltimore, Maryland. This conference was hosted by the National Center for State Courts located in Virginia, USA. The conference had approximately 3,500 persons in attendance including Court Managers, Judges, and technology specialists from all over the world. At the conference approximately 100 software and hardware vendors set up exhibits to present their products and services to the attendees. The products and services included Appellate Court Technology, Case Management Systems, Court Reporting, Court Security, Court Technology Consulting, Courtroom Technology, Electronic Filing, Evidence Presentation Technology, Family Court Technology, Imaging, Jury Systems, Prosecutor Systems, and Voice Systems.

In addition, there were a number of educational sessions held during the day which provided information on the experiences of different companies and courts which have gone through various aspects of the automation process. Some of these sessions included "Implementing E-Filing with Document Management Systems in New Jersey", "Technology Enhanced Courtrooms – Lessons Learned", and "New Ideas in Justice Information Sharing".

The conference has provided a wealth of information which will assist us as we continue to develop our courts using available technology so that we can achieve our mission.

## **PCSS – Eighth Annual User Conference**

During the week of September 10<sup>th</sup>, 2001, our Information Technology Manager attended the Eighth Annual User Conference hosted by Professional Computer Software Services, the suppliers of the JEMS case management software.

The Conference focused on training sessions for users along with a general forum for questions and answers on any topic.

The training sessions conducted during the conference included:

- SQL Database / Crystal Reports
- Application Bar – Users / Security
- Document Processing
- Court Processes
- Basic Financials
- Bonds and Scheduled Time Payments

The Conference provided opportunities to establish contact with other users of the software package and to hear their views on the JEMS system and any problems which they may have with the product or the company.

## **Alternative Dispute Resolution Workshop - Tortola**

On Thursday, September 25, 2001, the BVI Bar Association hosted an Alternative Dispute Resolution sensitisation workshop at the Prospect Reef Resort in Road Town, Tortola, Virgin Islands. Facilitated by Deborah Mendez-Bowen of the Hugh Wooding Law School in Trinidad and Mr. Stephen Singh of Lex Caribbean, the Workshop was attended by resident puisne Judge, His Lordship Mr. Justice Kenneth Benjamin, Magistrate Gail Charles, the Registrar and Deputy Registrar of the Supreme Court, the Commissioner of Police and an overwhelming majority of the Territory's advocates. Mr. Justice Benjamin was credited with providing some of the impetus for the Workshop, since immediately upon his return from a similar workshop for the judiciary in Castries, St. Lucia on August 3 and 4, 2001, he had alerted the President of the Association to the usefulness of such exposure for the local bar generally, and in the context of the new Civil Procedure Rules ('CPR, 2000').

The all-day workshop commenced with registration at 8:30 a.m. followed by opening remarks by the President of the BVI Bar Association, Mrs. Hélène Anne Lewis. Ms. Mendez-Bowen and Mr. Singh then gave an overview of Alternative Dispute Resolution, which included an interactive role play session during which participants were required to assume different roles in a simulated civil dispute. Mr. Singh delivered a paper on the "Key Considerations in Integrating ADR into the Traditional System of Justice." It was explained by the facilitators that the role of ADR in the delivery of justice, was principally to give control of the process to the disputants themselves, so that settlement could be achieved in an environment where they felt that all their concerns and arguments

had been heard and their issues resolved without the weightiness of legal rules and arguments that sometimes left them dissatisfied both with the process and the results.

During the afternoon session, His Lordship Mr. Justice Benjamin conducted a review of the court rules allowing for court-connected ADR with reference to the role of the Judge. Ms. Mendez-Bowen and Mr. Singh gave presentations on “The Case for Court-connected Mediation in the OECS and “The Role of Lawyers in the Mediation Process”, respectively. The workshop concluded with a panel discussion facilitated by His Lordship Mr. Justice Kenneth Benjamin, Stephen Singh, Deborah Mendez-Bowen and attorney Francis Belle.

The consensus amongst the participants was that the workshop was both timely and relevant as the BVI embarks on the full implementation of CPR 2000. It became clear that there was an important role for ADR in the Virgin Islands in reducing case load, saving costs and achieving all parties’ satisfaction through the pursuit of an interest-based approach to dispute resolution rather than a rights based approach in matters such as land and family disputes which are commonly before the courts in the Territory.

### **Conference of Chief Justices**

The Conference of Chief Justices was held at Bougainvillea Beach Resort, Barbados on September 29<sup>th</sup>, 2001. The Conference was hosted by the Chief Justice of Barbados, Sir Denys Williams. Participants included the Chief Justices of the Eastern Caribbean Supreme Court, Jamaica, Guyana and the Republic of Trinidad and Tobago. Among the decisions taken during the Conference was the agreement to extend functional cooperation to the exchange of judges within the region and the sharing of judicial facilities. The Caribbean Court of Justice also formed part of the Chief Justices’ discussions. At the conclusion of the Conference, it was decided that the 5<sup>th</sup> Conference would be hosted by the Eastern Caribbean Supreme Court in 2002.

## WRITTEN JUDGMENTS

### Court of Appeal Judgments

The following are written Court of Appeal judgments available for the months of August/September 2001:

#### Antigua and Barbuda

**BWIA International Airways Limited v Roxanne Warner Payne**

Antigua and Barbuda

Civ. App. No. 11/01

**Delivered:** 17/09/01

Redhead JA

**Cable & Wireless (West Indies) Limited v Winston Derrick et al**

Antigua and Barbuda

Civ. App. No. 13/01

**Delivered:** 17/09/01

Redhead JA

#### British Virgin Islands

**Greater Beijing First Expressways Limited v The Chase Manhattan Bank (as Trustee)**

British Virgin Islands

Civ. App. No. 3/01

**Delivered:** 17/09/01

Singh JA

#### Dominica

**Lawrence Raymond v Lester Oscar Joseph**

Dominica

Civ. Suit No. 289/94

**Delivered:** 01/08/01

Cenac J

#### Montserrat

**Thomas Mowry v David Payne et al**

Montserrat

Civ. App. No. 2/00  
**Delivered:** 17/09/01  
D'Auvergne JA (Ag.)

### **Saint Lucia**

#### **Ianthe Harding v The Superintendent of Prisons et al**

Saint Lucia  
Civ. App. No. 13/00  
**Delivered:** 17/09/01  
Byron CJ

#### **Winston Joseph v The Queen and Benedict Charles v The Queen and Glenroy Sean Victor v The Queen**

Saint Lucia  
Crim. App. Nos. 4, 8 & 7/00  
**Delivered:** 17/09/01  
Byron CJ

### **Saint Vincent and The Grenadines**

#### **Leon Da Breo v Robin Punnett et al**

Saint Vincent and The Grenadines  
Civ. App. No. 2/01  
**Delivered:** 17/09/01  
Singh JA

#### **Mark Peters v The Queen**

Saint Vincent and The Grenadines  
Crim. App. No. 2/01  
**Delivered:** 17/09/01  
Redhead JA

#### **Sylvester Lewis v The Queen**

Saint Vincent and The Grenadines  
Crim. App. No. 11/00  
**Delivered:** 17/09/01  
Matthew JA

## **High Court Judgments**

The following are written High Court judgments received during the months of August/September 2001:

### **Anguilla**

#### **Helen Richardson v Wycliffe Richardson**

Anguilla

Civil Suit No. 54/95

**Delivered:** 31/07/01

Hariprashad-Charles J

### **Antigua and Barbuda**

#### **Wrenford Ferance v Michael Tyrrell et al**

Antigua and Barbuda

Suit No. 243/00

**Delivered:** 24/07/01

Georges J

### **British Virgin Islands**

#### **Terrance B. Neale v Pamela Lenzion**

British Virgin Islands

Civ. Suit No. 43/97

**Delivered:** 23/07/01

d' Auvergne J

### **Dominica**

#### **Randy Isidore v The Superintendent of Prison**

Dominica

Civ. Suit No. 41/01

**Delivered:** 11/05/01

Cenac, J

### **Grenada**

#### **Dipcon Engineering Services Limited v Gregory Bowen et al**

Grenada

Civ. Suit No. 1/96

**Delivered:** 31/07/01

Alleyne J

**Iri Anthony Francis v Raphael Frederick et al**

Grenada

Civ. Suit No. 100/01

**Delivered:** 20/09/01

Alleyne J

**Winston Nesfield et al v Kent Estate Limited**

Grenada

Civ. Suit No. 241/98

**Delivered:** 24/09/01

Alleyne J

**Peter Blair v Spice Island Printers Ltd. et al**

Grenada

Civ. Suit No. 417/93

**Delivered:** 27/09/01

Alleyne J

**The National Commercial Bank of Grenada Ltd. v The Bank of Nova Scotia et al**

Grenada

Civ. Suit No. 438/01

**Delivered:** 28/09/01

Alleyne J

**Mary Felix v Maclena Paul**

Grenada

Civ. Suit No. 505/95

**Delivered:** 27/06/01

Sylvester J

**Myra Audlyn Lewis v Simon Peter Lewis**

Grenada

Civ. Suit No. 31/87 (D)

**Delivered:** 27/06/01

Sylvester J

**Gordon Brathwaite v Rudolph Herrera et al**

Grenada

Civ. Suit No. 93 /95

**Delivered:** 20/07/01

Sylvester J

**Keith Mitchell v Steve Fassihi et al**

Grenada

Civ. Suit No. 333/01

**Delivered:** 27/07/01  
Sylvester J

**Hugh Wildman v Brian Alleyne**

Grenada  
Civ. Suit No. 383/01  
**Delivered:** 31/07/01  
Sylvester J

**Saint Christopher and Nevis**

**Sylvester Pringle v Desmond Herbert**

Saint Christopher and Nevis  
Civ. Suit No. 204/95  
**Delivered:** 13/07/01  
Bruce-Lyle J

**Saint Lucia**

Deed of donation - Plaintiff seeks revocation - Plea of non est factum - Article 751 and 753 of the Civil Code of Saint Lucia - Ingratitude of donee to donor - Obligation to maintain - Plaintiff reserving to herself usufruct or life interest.

**Josphine Orfida Astoris v Mary Ulina Adolphe**

Saint Lucia  
Suit No. 831/99  
**Delivered:** 24/09/01  
Hariprashad-Charles J

**Saint Vincent and The Grenadines**

**Yvonne Hillocks v Cardie Hillocks**

Saint Vincent and The Grenadines  
Civ. Suit No. 261/98  
**Delivered:** 28/06/01  
Webster J [Ag.]

Tort - false imprisonment – arrest by police officer without warrant on reasonable suspicion of having committed offence punishable with imprisonment – police not obliged to explore defence available to arrested under section 3 Motor Vehicles (Third Party Risks Act) – discretion to arrest person found committing arrestable offence – arrest lawful.

Constitutional Law – fundamental rights and freedoms – right to personal freedom guaranteed by section – arrest of Plaintiff lawful – no breach of section 3.

**Calvert Roberts v The Attorney General of Saint Vincent and The Grenadines**

Saint Vincent and The Grenadines

Civ. Suit No. 335/98

**Delivered:** 17/09/01

Webster J [Ag.]

Husband and wife – Ancillary proceedings by wife for property adjustment and maintenance – matrimonial assets consisting of two homes and savings – consideration of Part 111 of Matrimonial Causes, Act Cap. 176 – consideration of factors in section 34 (1) and object of the section – **Wachtel v. Wactel** followed – **White v. White** considered .

**Wilmoth Daniel v Violian Daniel**

Saint Vincent and The Grenadines

Civ. Suit No. 607/99

**Delivered:** 26/09/01

Webster J [Ag.]

Husband and wife – Ancillary proceedings – application by wife for property adjustment order and maintenance of child – Matrimonial home sole asset of family – Matrimonial home built on land owned by the Government – parties have sufficient interest in land for Court to make property adjustment order under section 34(1) Matrimonial Causes Act, Cap. 176 – order suspended pending grant of title by Government.

**Clorita Annelcia Dublin v Felton Dublin**

Saint Vincent and The Grenadines

Civ. Suit No. 411/95

**Delivered:** 26/09/01

Webster J [Ag.]

Husband and wife – Ancillary proceedings – Application for property adjustment order – Matrimonial home sole asset of family – substantial contributions by husband and wife to acquisition of matrimonial home – title to husband with lump sum payment to wife – orders based on sections 32 and 34 of Matrimonial Causes Act, Cap. 176

**Leslie Noel v Bernice Noel**

Saint Vincent and The Grenadines

Civ. Suit No. 472/95

**Delivered:** 26/09/01

Webster J [Ag.]



## EASTERN CARIBBEAN SUPREME COURT

As at 30<sup>th</sup> September 2001

### Court of Appeal

#### The Chief Justice

His Lordship, the Hon. Chief Justice, Sir 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 Joseph Archibald [Ag.] – Tortola

### High Court

His Lordship, the Hon. Justice Albert Matthew – Tortola; Montserrat

Her Ladyship, the Hon. Justice Suzie d’ Auvergne – Saint Vincent & The Grenadines; Anguilla

His Lordship, the Hon. Justice Ephraim Georges [Ag.] – Antigua & Barbuda

His Lordship, the Hon. Justice Dunbar Cenac – Dominica

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

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

His Lordship, the Hon. Justice Adrian Saunders – Saint Lucia

His Lordship, the Hon. Justice Don Mitchell, QC – Saint Vincent & The Grenadines

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

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

His Lordship, the Hon. Justice Othneil, Sylvester QC [Ag.] – Grenada

Master Charmaine Pemberton

Master Hugh Rawlins

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