

ECSC E-NEWSLETTER



INSIDE THIS ISSUE

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

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

New Developments in the Court
p. 3

Conferences, Seminars & Workshops
p. 5

Court of Appeal Sitings
p. 6

Written Judgments
p. 16



GREETINGS FROM THE CHIEF JUSTICE

A major milestone was reached in the Caribbean during the month of February 2001, with the signing of the Agreement to establish the Caribbean Court of Justice. I was honored to be present at the signing which took place in Barbados on February 14th.

This month we said goodbye to Justice Lyle St. Paul who had retired from the Bench of the Eastern Caribbean Supreme Court last year in February and took a one year acting appointment which expired on the 16th February 2001. Justice St. Paul served the region in a long career spending fifteen years in magistracy and ten years on the High Court Bench. I would like to take this opportunity to wish Justice St. Paul a long and fulfilling retirement.

We also welcomed Justices John O'Meally, Paul Webster, and Gerard Farara QC to the High Court Bench, in an acting capacity.



EASTERN CARIBBEAN SUPREME COURT NEWS

Human Rights Seminar

A two-day seminar on the **Promotion and Protection of Human Rights** was held in Grenada on the 1st and 2nd February 2001. This seminar, the first to be held in the Caribbean was sponsored by the Inter-American Commission on Human Rights, the Inter-American Institute of Human Rights, the Inter American Institute Rights, the Commonwealth Secretariat and Caribbean Human Rights Network. The purpose of the seminar was to strengthen the relationship between the Caribbean States and the Inter-American human rights system of which the Inter-American Commission on Human Rights and the Inter-American Court are the two principal human rights organs of the Organisation of American States.

The Seminar was very timely in terms of the issues raised, especially the controversial Death Penalty and the position held by the Caribbean Governments. In that regard, concern was expressed about the withdrawal of the Government of Trinidad and Tobago from the American Convention on Human Rights, thereby renouncing the jurisdiction of the Inter-American Commission on Human Rights and the Inter-American Court.

The schedule of activities included:

- (1) Working groups on the Practice and Jurisprudence of the Inter-American Commission and the Inter-American Court.
- (2) A simulated Commission hearing on an individual case based upon a petition studied in the working groups.
- (3) Luncheon addresses.
- (4) Panel discussions.

The seminar discussions focused on the state of human rights in the Caribbean. One of the highlights of these discussions was the death penalty issue in light of the Privy Council decision in the Neville Lewis Case from Jamaica and the question of sovereignty. The need was expressed for urgent constitutional review in terms of the removal of the “existing law clauses” in the Caribbean States Constitutions, which serve as an impediment to the full realisation of the fundamental rights and freedoms guaranteed in these Constitutions, and also in the application of International Human Rights Law by Caribbean Courts.

Judge Delivers Address At Police Dinner

The Royal Anguilla Police Force (RAPF) celebrated its 29th Anniversary with a week of activities that began on Sunday 28th January, 2001. The week culminated in a grand dinner on Saturday 3rd February at which Justice Adrian Saunders, resident judge in Anguilla over the last four years, was invited to be the feature speaker.

Justice Saunders commended the RAPF on the great emphasis it has been giving to an active partnership with the Anguilla community. He said, "I truly believe that this is a cornerstone of effective policing."

The judge stressed that it is important that morale within the force is kept at a high level. Every effort must be made, he said, to ensure that "promotions within the force are done by merit.... Allegations of favouritism will always be made and there is no way of stopping that. However it helps to dispel these allegations if a person knows that he or she was overlooked because it was felt that they did not meet certain defined criteria."

Noting that Anguilla does not have the same horrendous crime levels as some of the neighbouring islands, Justice Saunders stated that the police can rely on the judiciary, within the limits of the law and the principles of judicial independence, to be a partner with it in the upholding of the Anguilla Constitution and the maintenance of the rule of law.

The dinner was also attended by His Excellency the Governor, Mr. Peter Johnstone and Mrs. Johnstone and several other local dignitaries.

Agreement Establishing the Caribbean Court of Justice

On Wednesday 21st February 2001, the Honourable Chief Justice, Sir Dennis Byron attended the Signing Ceremony for the Agreement Establishing the Caribbean Court of Justice.

NEW DEVELOPMENTS IN THE COURT

Visitors To The Court

During the month, Mr. Jim Connelly from Connelly Consulting in Alberta, Canada, visited the Court to perform a preliminary review of the records and document management practices of the headquarters of the Eastern Caribbean Supreme Court. Mr. Connelly is a documentation specialist with over 20 years of records management experience and is a Certified Records Manager (CRM). He has provided consultation services for several organizations from Vancouver, British Columbia to the Persian Gulf

in the east and to Bogota, Columbia in the south. In the region he has provided his services to the OECS Secretariat.

JUDICIAL AND LEGAL SERVICES COMMISSION

Judicial Appointments

- [1] The Judicial and Legal Services Commission has approved the appointment of the Hon. Judge John Lawrence O'Meally to act as High Court Judge of the Eastern Caribbean Supreme Court, assigned to Antigua from 1st February to 6th April, 2001.
- [2] The Judicial and Legal Services Commission has approved the appointment of Mr. Paul Webster, Barrister-at-Law to act as High Court Judge of the Eastern Caribbean Supreme Court, assigned to Grenada from 7th February to 11th April, 2001.
- [3] The Judicial and Legal Services Commission has approved the appointment of Mr. Gerard St. Clair Farara, QC, Barrister-at-Law to act as High Court Judge of the Eastern Caribbean Supreme Court, assigned to Grenada from 15th February to 12th April, 2001.

Legal Appointments

Dominica

- [1] Appointment of Mr. David Harris, to continue to act in the office of Chief Magistrate for the period 11th to 16th January, 2001 vice Miss Gail Royer on vacation leave and period 17th January to 31st March, 2001 in a vacant post.
- [2] Appointment of Miss Ivenia Benjamin, State Attorney to continue to act in the office of Magistrate for the period 1st January, to 6th June, 2001 vice Mrs. Wynante Adrien-Roberts on study leave.
- [3] The following persons were appointed in the office of Magistrate on contract:-
 - 1. Miss Helen Anita Ali for the period 8th January, 2001 to 7th January, 2002.
 - 2. Mr. Clifford Osborne Lewis for the period 1st January, 2001 to 31st December, 2003.

3. Appointment of Ms Sabriya Ali, Law Graduate to act in the office of State Attorney for the period 1st January to 30th April, 2001 in a vacant post.

Saint Christopher and Nevis

Appointment of Ms Odia S. Reid to be employed as Crown Counsel in the Legal Department with effect from 1st February, 2001.

Saint Lucia

- [1] Appointment of Ms. Vicki-Ann Ellis to act as Registrar, Registry of Companies and Intellectual Property for the period 13th March to 12th April, 2001.
- [2] Renewal of contract of Mr. Michael Magloire as Magistrate 1, for a further period of one (1) year with effect from 4th January, 2001.
- [3] Appointment of Mr. Dwight Lay as Crown Counsel 1, Attorney- General's Chambers with effect from 1st February, 2001.

CONFERENCES, SEMINARS & WORKSHOPS

On Saturday 20th January 2001, the Saint Lucia Bar Association and the Eastern Caribbean Judicial Education Institute, hosted a one day seminar for members of the Bar on key aspects of the New Civil Procedure Rules which came into effect on 1st January 2001.

The seminar was held at the conference room of Glencastle Resort, Massade, Gros Islet. The presenters who were of both local and international repute, in the persons of Anthony Ross, Deborah Mendez-Bowen and Andra Gokool-Foster made detailed and enlightening presentations on the following areas:

Attorney-client preparation and Management Techniques, issues of Disclosure and Modern Settlement Techniques which includes negotiation, conciliation and mediation in particular.

The seminar was designed to give members of the Bar a practical insight into the manner in which the new rules will be implemented and the efficiency that these rules will bring into the Judicial system.

At the end of the day's session, members of the Bar were better equipped to deal with the new rules, as no doubt the next few months will prove to be the most challenging in this new phase in the judicial progress.

COURT OF APPEAL SITTINGS FEBRUARY 2001

Saint Lucia Court of Appeal Sitting – 29th January to 1st February 2001

Coram: **Hon. Satrohan Singh, Justice of Appeal**
 Hon. Albert Redhead, Justice of Appeal
 Hon. Albert Matthew, Justice of Appeal

Monday January 29, 2001

1. **Harding v Superintendent of Prisons**
 Civ. App. No. 13/00
 Appearances: Mr. Martinus Francois for the Appellant and Mr. Anthony Astaphan, Q.C., Ms Louise Bledman, Solicitor General and Crown Counsel Ms Sheryl Mathurin with him for the Respondent.
 Issue: Constitutional Motion. **Section 5 of Constitution.** Appellant dead. No substitution.
 Result: At request of Counsel for Appellant and with consent of Mr. Astaphan, matter adjourned to Tuesday 30th January, 2001, for substitution to be effected and matter heard.

2. **Rambally & Sons Ltd. et al v Attorney General of St. Lucia**
 Civ. App. No. 14/00
 Appearances: Mr. Martinus Francois for the Appellant and Miss Louise Bledman, Solicitor General, Crown Counsel Paul Thompson with her for the Respondent.
 Issue: Constitutional Motion. Compulsory acquisition. No evidence that Respondent acquired any property of Appellant.
 Result: Appeal dismissed. No order as to costs.

3. **Jackson v The Queen**
 Crim. App. No. 1/00
 Appearances: Mr. Kenneth Foster, Q.C., Mr. Sean Innocent and Miss Isabella Shillingford with him for the Appellant and Mr. Norton Jack, DPP, Miss Victoria Charles, Deputy DPP and Crown Counsel, Mr. Mondesir and Mrs. Willie-Trotman with him for the Respondent.
 Issue: Conviction of manslaughter. Non-disclosure. Non direction on self-defence. Excessive sentence.
 Result: No merit on challenge to conviction. Sentence of 10 years reduced to 7 years. Appeal dismissed. Sentence reduced to 7 years Imprisonment.

4. **Henry v The Queen**
 Crim. App. No. 6/00
 Appearances: Appellant in person and Mr. Norton Jack, DPP for the Respondent.

Issue: Appeal against Conviction of Robbery. Challenge to facts before jury.
Result: No merit. Appeal dismissed. Conviction and sentence affirmed.

Tuesday January 30, 2001

5. **Harding v Superintendent of Prisons et al**
Civ. App. No. 13/00
Appearances: Mr. Martinus Francois for the Appellant and Mr. Anthony Astaphan, Q.C., Ms Louise Bledman, Solicitor General and Counsel Ms Sheryl Mathurin with him for the Respondent.
Issue: Constitutional motion. **Section 5 of Constitution.** Torture, degrading and inhumane punishment. Damages. Whether there was breach of **Section 5 of the Constitution.**
Result: Decision reserved.

Wednesday January 31, 2001

6. **Louis v The Queen**
Crim. App. No. 3/00
Appearances: Mrs. Shirley Lewis with Mr. Kenneth Foster, Q.C for the Appellant and Mr. Norton Jack, DPP for the Respondent.
Issue: Murder
Result: Mr. Foster ill. Adjourned to next Sitting.
7. **Sonson v Caesar**
Mag. Crim. App. No. 10/00
Appearances: Miss Georges Taylor for the Appellant and Mr. Leslie Mondesir for the Respondent.
Issue: Appeal against sentence. First offender. Imprisonment for three (3) years. Possession of Firearm. Six (6) months. Possession of Ammunition.
Result: Appeal allowed. Sentences quashed. Firearm: Fined \$7,500 to be paid in two weeks. In default imprisonment for 2 years.
8. **Etienne v Cpl. 416 Morville**
Mag. Crim. App. No. 9/00
Appearances: Miss Brenda Portland for the Appellant and Mrs. Raquel Willie-Trotman, Crown Counsel for the Respondent.
Issue: Dangerous Driving. Appeal.
Result: No merit. Question of fact. Appeal dismissed. Conviction and sentence affirmed.

Thursday February 1, 2001

9. **Adex International Limited v Laura Saus De Villalba**
Civ. App. No. 12/00
Appearances: Mr. Terence Neale instructed by Mr. Ricky Davis for the Appellant and Mr. Paul Webster, Miss Nicole McDavid with him for the Respondent.
Issue: Leave to discontinue appeal.
Result: Leave to discontinue appeal granted. Appeal dismissed. Judgment of Trial Judge affirmed. By consent: No order as to costs.

10. **Adex International Limited v Laura Saus De Villalba**
Civ. App. No. 17/00
Appearances: Mr. Terence Neale instructed by Mr. Ricky Davis for the Appellant and Mr. Paul Webster, Miss Nicole McDavid with him for the Respondent.
Issue: Cancellation of share. Delivery of Share Certificate for that purpose necessary. **S 31 BCI Act.** No Share Certificate delivered. No proper cancellation.
Result: Appeal dismissed. Judgment of Trial Judge affirmed. Costs to the Respondent to be taxed if not agreed.

11. **Adex International Limited v Laura Saus De Villalba**
Civ. App. No. 18/00
Appearances: Mr. Terence Neale instructed by Mr. Ricky Davis for the Appellant. Mr. Paul Webster, Miss Nicole McDavid with him for the Respondent.
Issue: Leave to discontinue appeal.
Result: Leave to discontinue appeal granted. Appeal dismissed. Judgment of Trial Judge affirmed. By consent: No order as to costs.

Antigua and Barbuda Court of Appeal Sitting – 12th to 16th February 2001

Coram: Sir Dennis Byron, Chief Justice
Hon. Albert Redhead, Justice of Appeal
Hon. Albert Matthew, Justice of Appeal

Monday, February 12, 2001

1. **Edwards v Antigua Public Utilities Authority**
Civ. App. No. 17/00
Appearances: Mr. Watt, Q.C. for the Appellant and Mr. C. Roberts for the Respondent.
Issue: Extension of time to file record.
Result: Application granted by consent. Appellant at liberty to obtain photocopy of record and make transcription. Record to be filed and served in six weeks. No order to costs.
2. **Courts Limited v Lewis**
Appearances: Mr. Wason for the Appellant and Ms Cort for the Respondent.
Issue: Extension of time to file record.
Result: Order by consent for leave to file record within six weeks after production of notes of evidence.
3. **James v The Queen**
Crim. App. No. 4/00
Appearances: Mr. S. Christian, Q.C. for the Appellant and Mr. Cumberbatch, D.P.P. for the Respondent
Issue: Appeal against conviction for kidnapping and rape and sentence of fifteen years with consecutive sentence of five years.
Result: Appeal dismissed. Sentence varied so that the five-year sentence runs concurrently and not consecutively.
4. **HMB Holdings Ltd. v Attorney General of Antigua and Barbuda**
Civ. App. No. 17/01
Appearances: Ms J. Kentish for the Appellant and the Hon. Attorney General for the Respondent.
Issue: Stay of execution.
Result: Hon. Attorney General gives undertaking not to proceed any further with acquisition of property known as Half Moon Bay Hotel for a period of six months commencing February 1st, 2001.
5. **Monroe v The Queen**
Crim. App. No. 3/00
Appearances: Appellant in person and Mr. Cumberbatch, DPP for the Respondent.
Issue: Wounding with intent. Appeal against sentence only.

- Result:** Appeal dismissed. Sentence to run from date of conviction.
6. **James v The Queen**
Crim. App. No. 9/00
Appearances: Appellant in person and Mr. Cumberbatch, DPP for the Respondent.
Issue: Appeal against sentence of twelve years for robbery with aggravation.
Result: Sentence varied to 10 years.
7. **Joseph v The Queen**
Crim. App. No. 2/00
Appearances:
Issue: Robbery. Appeal against sentence.
Result: Appeal dismissed.
8. **Barry v The Queen**
Crim. App. No. 7/00
Issue: Appeal against conviction of robbery.
Result: Dismissed. Sentence varied to commence on 1st August, 1999.
9. **J. Graham & Co. et al v Antigua Commercial Bank**
Civ. App. No. 21/00
Appearances: Mr. Dane Hamilton for the Appellants and Mr. Lenworth Johnson for the Respondent.
Result: By consent judgment entered against the Defendants in the following amounts:-
 1. As against the First Defendant the sum of EC\$1,519,942.32.
 2. As against the Fourth Defendant the sum of EC\$734,000.00.
 3. As against the Fifth Defendant the sum of EC\$734,000.00.
 4. As Against the Sixth Defendant the sum of EC\$734,000.00.With costs to be taxed if not agreed.
10. **Hector et al v Percival**
Civ. App. No. 1/01
Appearances: Mr. D. Hamilton for the Appellant and no appearance for the Respondent.
Issue: Application to set aside interlocutory injunction in libel suit.
Result: Appeal allowed. Order set aside. Costs to the Appellant assessed at EC\$5,800.00.
11. **Gomes v Payne**
Mag. Civ. App. No. 4/00
Appearances: Mr. D. Hamilton for the Appellant and Ms T. Benjamin for the Respondent.
Result: Adjourned to the next sitting of the Court.

12. **Boccolinia et al v Fuller et al**
Civ. App. No. 3/00
Appearances: Ms T. Benjamin for the Appellant.
Result: Adjourned to the next sitting of the Court.

13. **Browne v Maynard**
Civ. App. No. 22/00
Appearances: Ms D. Bernard for the Appellant and Ms Richard-Andrew for the Respondent.
Issue: Stay of execution.
Result: Appeal allowed. Stay of execution granted.

14. **Lazarenko et al v The Office of the National Drug and Money Laundering Control Policy**
Civ. App. Nos. 14&15/00
Appearances: Dr. R. Cheltenham, Q.C. and C. Derrick on behalf of Lazarenko Group. Mr. J. Simon & Fuller for Liquidators. Mr. A. Astaphan, S.C. and Mr. C. Bird for the Office of the National Drug and Money Laundering Control Policy.
Result: Appeal No. 14 of 2000 reserved. Appeal No. 15 stayed.

15. **BWIA International Airways Limited v Payne**
Civ. App. No. 11/00
Appearances: Mr. J. Simon for the Appellant and Ms Ann Henry for the Respondent.
Result: Adjourned to the next sitting of the Court in the Commonwealth of Dominica.

Grenada Court of Appeal Sitting – 26th February to 2nd, March 2001

Coram: **Hon. Satrohan Singh, Justice of Appeal**
 Hon. Albert Redhead, Justice of Appeal
 Hon. Albert Matthew, Justice of Appeal

Monday, February 26, 2001

1. **Harding v Superintendent of Prisons**
 Civ. App. No. 13/00
 Appearances: Mr. Lloyd Noel holds for Mr. Martinus Francois for the Appellant and Mr. Salfarlie holds for the Solicitor General of St. Lucia for the Respondent.
 Issue: Section 5 of the Constitution of St. Lucia. Torture, degrading and inhuman punishment.
 Written Judgment, Singh J.A.
 Result: Appeal dismissed. Cross appeal allowed. Judgment of Trial Judge set aside. No order as to costs.

2. **Attorney-General v Lawrence**
 Civ. App. No. 3/00
 Appearances: Mr. Salfarlie holds for Mr. Karl Hudson Phillips for the Appellant and Dr. Francis Alexis for the Respondent.
 Result: At the request of the Appellant adjourned to the next Sitting. Application for leave to amend record of appeal granted.

3. **Livingston v The Queen**
 Crim. App. No. 8/00
 Appearances: Mr. George Prime holds for Mr. Alvin Gill for the Appellant and Mr. Hugh Wildman, Counsel for the Respondent.
 Result: At request of Appellant, adjourned to Wednesday 28th February, 2001.

4. **Bubb v The Queen**
 Crim. App. No. 9 of 2000
 Appearances: Appellant in person and Mr. Hugh Wildman, Director of Public Prosecutions for the Respondent.
 Issue: Conviction of robbery. Question of fact.
 Result: Appeal dismissed. Conviction and sentence affirmed.

5. **Paul v The Queen**
 Crim. App. No. 10/00
 Appearances: Mr. Alban John for the Appellant and Mr. Hugh Wildman, Director of Public Prosecutions for the Respondent.
 Issue: Conviction of wounding. Indictment signed by Wildman when he was not Director of Public Prosecutions. No valid indictment. No valid trial. No valid verdict. No valid sentence.

Result: Appeal allowed. Conviction and Sentence quashed. Retrial ordered. Bail \$25,000.00 with one surety.

6. **Andrew v The Queen**

Crim. App. No. 11/00

Appearances: Appellant in person and Mr. Hugh Wildman, Director of Public Prosecutions for the Respondent.

Issue: Conviction of wounding. Summing up grossly inadequate.

Result: Appeal allowed. Conviction and sentence quashed. Retrial ordered. Bail \$5,000.00 with one surety.

7. **Walker and Mark et al v Nyack et al**

Civ. App. No. 3/00

Appearances: Appellant in person and Mr. Lloyd Noel for the Respondents.

Result: Adjourned to Wednesday 26th February, 2001, at the request of Mr. Noel.

8. **Osprey Lines Ltd. v Attorney General of Grenada**

Civ. App. No. 10/00

Appearances: Mrs. Celia Edwards, Mr. James Bristol and Ms Nicola Byer for the Appellant and Mr. John Wilson and Mr. Robert Alexis for the Respondent.

Issue: Is a resident ship liable to pay duty.

Result: Judge said yes. We agree. Appeal dismissed. Judgment of Trial Judge affirmed. Costs to the respondent.

9. **Deco Industries Limited v Gittens**

Civ. App. No. 17/00

Appearances: Mr. James Bristol for the Appellant and Miss Lisa Taylor and Mr. Derek Knight Q.C. for the Respondent.

Result: By consent appeal allowed. Matter remitted to a Master for determination. Cost of the appeal to the Appellant to be taxed if not agreed.

Tuesday February 27, 2001

10. **Louison et al v Grande Resort Corporation**

Civ. App. No. 22/00

Appearances: Miss Claudette Joseph for the Appellant. Miss Lisa Taylor for the Grande Resort Corporation. Mr. Wildman holds for the Attorney-General.

Issue: Leave to withdraw appeal.

Result: Leave to withdraw appeal granted. Appeal dismissed. Judgment of Trial Judge affirmed. Costs to the Respondents to be taxed if not agreed.

11. **Flemming Estate Limited v Grenada Co-Operative Bank Limited**

Civ. App. No. 1/01

Appearances: Mrs. Celia Edwards for the Appellant and Miss Deborah St. Bernard with Mr. Cosmos St Bernard, Q.C. for the Respondent.

Result: By consent Appellant to pay mortgage debt to Respondent on or before April 30, 2001. Failing which the Respondent is allowed to proceed with its right to sell the property. Costs to the Respondents to be taxed if not agreed.

12. **Commissioner of Police v Worme et al, Grenada Today**

Civ. App. No. 19/00

Appearances: Mr. Roald Henriques, Q.C. with Mr. Hugh Wildman, Director of Public Prosecutions and Mr. Michael Sylvester for the Appellant and Dr. Francis Alexis with Mr. Anselm Clouden for the Respondents.

Issue: Constitutionality of **Section 252 (2) of Criminal Code**

Result: Part heard. Adjourned to tomorrow 28th February, 2001.

Wednesday February 28, 2001

13. **Commissioner of Police v Worme et al**

Civ. App. No. 19/00

Appearances: Mr. Roald Henriques, Q.C. with Mr. Hugh Wildman, Director of Public Prosecutions and Mr. Michael Sylvester for the Appellant. Dr. Francois Alexis with Mr. Anselm Clouden for the Respondents.

Result: Fully argued. Decision reserved.

14. **Pearson v Commissioner of Police**

Mag. Crim. App. No. 6/00

Appearances: Mr. Ruggles Ferguson for the Appellant and Mr. Hugh Wildman, Director of Public Prosecutions for the Respondent.

Issue: Drugs. Appeal against sentence.

Result: No merit. Dismissed.

15. **Joseph v Commissioner of Police**

Crim. App. No. 1/01

Appearances: Mr. George Prime for the Appellant and Mr. Hugh Wildman, Director of Public Prosecutions for the Respondent.

Issue: Housebreaking. Appeal against sentence.

Result: No merit. Dismissed.

16. **Livingston v The Queen**

Crim. App. No. 8/00

Appearances: Mr. A. Clouden for the Appellant and Mr. Hugh Wildman, Director of Public Prosecutions for the Respondent.

Issue: Conviction. Housebreaking.

Result: Indictment invalid. Retrial. Bail granted.

Thursday, March 1, 2001

17. **Marker and Mark et al v Nyack et al**

Civ. App. No. 3/00

Appearances: Appellant in person and Mr. Lloyd Noel for the Respondent.

Issue: Validity of a lease.

Result: Appeal dismissed with costs to the Respondents.

WRITTEN JUDGMENTS

Court of Appeal Judgments

The following are written Court of Appeal judgments available for the month of February 2001:

Saint Lucia

Ianthe Harding v The Superintendent of Prisons et al

Saint Lucia

Civ. App. No. 13/00

Delivered: 26/02/01

Singh JA

High Court Judgments

The following are written High Court judgments received during the month of February 2001:

Anguilla

Partner ship agreement – whether oral discussions and surrounding circumstances evince partnership or loan agreement – **Anguilla Partnership Ordinance** – whether action by partner for accounts barred after six years – **Limitation Ordinance**.

Hubert Hughes v Tracy Busby

Anguilla

Civ. Suit No. 54/98

Delivered: 02/02/01

Saunders J

Antigua and Barbuda

Sunrise Holding Limited v William Cooper et al

Antigua

Civ. Suit No. 6/99

Delivered: 23/02/01

Georges J

British Virgin Islands

Land – agreement for sale and purchase of land – oral agreement between parties - payments made to defendant – balance of \$15,500.00 to be paid upon execution of instrument of transfer - variation of payment arrangement by the defendant – defendant informed plaintiff of existence of covenants attached to land – whether covenants were introduced into contractual arrangement subsequent to and contrary to original consensus of parties – enforceability of agreement for sale and purchase of land - **section 37(2) of the Registered Land Act, Cap. 229** – part performance in equity – payment made by plaintiff to defendant were referable to an agreement for sale of parcel 89 thus rendering said agreement enforceable in equity - **Steadman v Steadman [1977] A.C. 536** – order for specific performance.

George Turnbull v Eileen Baronville

British Virgin Islands

Civ. Suit No. 47/99

Delivered: 20/02/01

Benjamin J

Grenada

Lennard Baptiste v Cuthbert Sylvester

Grenada

Civ. Suit No. 598/92

Delivered: 05/02/01

St. Paul J

Wenceslaus Frank v Conrad Baptiste

Grenada

Civ. Suit No. 48/96

Delivered: 05/02/01

St. Paul J

Charles Mc Intyre et al v Lawrence Samuel et al

Grenada

Civ. Suit No. 24/98

Delivered: 08/02/01

St. Paul J

Derick Steele v Errol Maitland

Grenada

Civ. Suit No. 590/99

Delivered: 14/02/01

St. Paul J

Saint Lucia

In the Matter of an application for an injunction and In the Matter of Articles 841 and 850 (17) of the Code of Civil Procedure Chapter 243 of the Laws of Saint Lucia.

Saint Lucia

Civ. Suit No. 530/00

Delivered: 27/02/01

d'Auvergne J

Saint Vincent and The Grenadines

Incorporated Trustees of Saint Vincent Jaycees – corporation incorporated by statute – **Saint Vincent Jaycees Incorporation Act, No. 8 of 1978** – preliminary point – locus standi of one of several trustees to sue other trustees for breach of trust – application of trust law principles – **Order 15 R. 14.**

Hendrick Alexander et al v Ralph Baynes et al

Saint Vincent and The Grenadines

Civ. Suit No. 537/99

Delivered: 22/2/01

Webster J



EASTERN CARIBBEAN SUPREME COURT

As at 28th February 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 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 [Ag.] - Antigua & Barbuda

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 & Barbuda

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

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

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

Her Lordship, the Hon. Justice Denys Barrow [Ag.] – Saint Lucia

His Lordship, the Hon. Justice John Lawrence O'Mealley [Ag.] – Antigua & Barbuda

His Lordship, the Hon. Justice Paul Webster [Ag.] – Saint Vincent & The Grenadines

His Lordship, the Hon. Justice Gerard St. C. Farara , QC [Ag.] – Grenada

Master Charmaine Pemberton

Master Hugh Rawlins

Mrs. Ianthea Leigertwood-Octave, Chief Registrar - Saint Lucia