

IN THE COURT OF APPEAL

ST. VINCENT

Civil Appeal No 3 of 1970(Magisterial)

BETWEEN

STELLA BROWNE

Appellant

and

SOLITA FORBES

Respondent

Before: The Hon. the Chief Justice (Ag.)
The Hon. Mr. Justice P. Cecil Lewis
The Hon. Mr. Justice St. Bernard (Ag.)

E.F. Adams for Appellant
Daniel Williams for Respondent

1970, May 26

JUDGMENT

GORDON C.J.(Ag.)

This is a simple appeal arising out of an incident which took place on the 19th December, 1969, in which the appellant is alleged to have pushed one Solita Forbes into the gutter as she was walking along the roadway. In an action brought by Solita Forbes the respondent against the appellant the learned trial magistrate on the 13th February, 1970, entered judgment for the plaintiff respondent in the sum of \$15.00 and \$13.88 costs.

The facts briefly were that three girls among whom was Stella Browne the appellant were waling together along this roadway. As the respondent approached them from the opposite direction Stella Browne detached herself from the group walked close up to the respondent and as she was about to pass her pushed her down into the canal at the same time using offensive language to her.

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The respondent protested loudly. A man Osmond Joshua who witnessed the incident supported the story of Solita Forbes at the trial.

The appellant who called no witnesses at the trial merely denied the incident. Counsel for the appellant today has urged that there was a conflict in the evidence of the two witnesses Solita Forbes and Osmond Joshua of so vital a nature that the learned magistrate ought never to have arrived at the decision to which he came. The learned magistrate had the witnesses before him; he saw them, and having assessed the degree of reliability which could be placed on the respective stories related by the witnesses came to his conclusion. Indeed there was overwhelming justification for the findings of fact which the trial magistrate came to and this Court cannot in the circumstances interfere with them. In my view this appeal must be dismissed with costs at \$15.00.

K.L. Gordon
Chief Justice(Ag.)

CECIL LEWIS, J.A.

I agree.

P. Cecil Lewis
Justice of Appeal

ST. BERNARD, J.A.

I Agree.

E.L. St. Bernard
Justice of Appeal(Ag.)