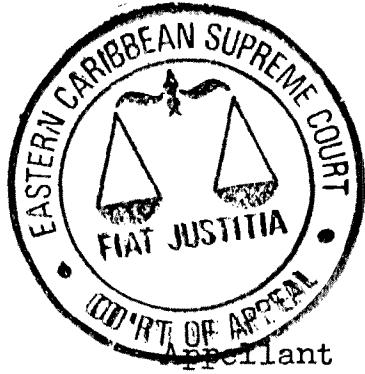


IN THE COURT OF APPEAL

SAINT VINCENT

Magistrate's Civil Appeal
No. 2 of 1970



Between:

DELFORD LEE

and

BOYSIE BURKE

Respondent

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

Appellant in person
Daniel Williams for Respondent

1970, May 26

JUDGMENT

GORDON, C.J. (Ag.)

On the 21st November, 1969, an incident arose out of a collision between a car driven by the appellant which ran into a car belonging to one Hillocks which was parked on the side of the Mesopotamia road. In an action brought by the appellant against the respondent for damage done to his car as a result of this incident the learned magistrate of Kings-town entered judgment for the respondent in the sum of \$83.00 and \$14.72 costs.

The appellant has appealed against this decision. By way of grounds for appeal he states:

"that the decision is unwarranted by the evidence, and there was not sufficient evidence to sustain the verdict."

In support of his ground of appeal he has merely stated today that he was not the driver of the car on the day in question. The circumstances as related by the respondent and his witnesses were that the respondent's car was parked on the road when the appellant, driving his car, ran into it from behind. The appellant, who was helped out of the car, was obviously so drunk that when he got out he fell down and had

/to be helped

to be helped to his feet. He was indeed a lamentable spectacle and was fortunate that more damage did not result from his driving a vehicle in the state in which he obviously was.

By way of defence all the appellant had to say was - "I am a driver. I don't know what Mr. Burke bring me here for. I used to help a fellow Bailey with car P 2220 because he had no licence. I gave him the car on the 2nd day of May."

On a proper evaluation of the evidence in the case, the learned magistrate accepted the story of the respondent and his witnesses and entered judgment for the respondent.

There is no merit whatsoever in this appeal, and it is therefore 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. (Ag.)

I agree.

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