IN THE COURT OF APPEAL

SAINT VINCENT

Magistrate's Civil Appeal
No. 8 of 1970

Between: ROY POYER Appellant

and

LOUISE CHANCE Respondent

Before: The Honourable the Chief Justice
The Honourable Mr. Justice Gordon
The Honourable Mr. Justice P. Cecil Lewis

Appellant in person
Respondent in person

1970, December 15

The judgment of the Court was delivered by -

LEWIS, C.J.

In this case there were two informations under the Maintenance Ordinance. They both related to children alleged to have been born more than 12 months before the informations were laid.

The magistrate sat and heard the two informations together, which he had no authority to do because they do not relate to the same fact. It may be possible, although it would be inadvisable, to hear two informations relating to twins together but not two informations relating to births of children of differing ages. So the trial was a nullity. At the end of it the magistrate made one order in respect of the two informations so the order is also a nullity.

Furthermore, the Court has read the evidence and is quite clearly of the opinion that there was no corroboration of the testimony of the woman so there is nothing at all to support these orders. The orders must therefore be set aside.

The appeal is allowed.

(Allen Lewis)
Chief Justice