

IN THE COURT OF APPEAL

VIRGIN ISLANDS

CIVIL APPEAL NO. 2 of 1975

BETWEEN:

ADELIA BREWSTER & OTHERS                      Objectors/Appellants

and

ALLAN CALLWOOD and                              Claimants/Respondents  
ALFREDO CALLWOOD

Before: The Honourable The Chief Justice  
The Honourable Mr. Justice St. Bernard  
The Honourable Mr. Justice Peterkin

McW. Todman for Objectors/Appellants

J. Smith-Hughes for Claimants/Respondents

---

1977, February 14, 1977.

---

PETERKIN J.A.:

This is an appeal against the decision of the Land Adjudication Officer dated 9th December 1974 in Petition No. 158/JVD/D/P in respect of certain lands situate at Jost Van Dyke. The matter first came on for hearing before . . . P.G. Owen, Adjudication Officer, who, after a hearing, handed down a decision dated 17th August 1974, that all the land claimed under Claim 402/19 is the property of the Objectors/Appellants as owners in common with equal shares and absolute title.

The record shows that on 9th December 1974 a Petition was brought under Section 20 of the Land Adjudication Ordinance, 1970, as amended by section 5 of the Land Adjudication (Amendment) Ordinance, 1971, by the Claimants/ Respondents in respect of the same property. Despite objection to the hearing by Counsel for the Objectors/Appellants, the Adjudication Officer, L.J. Howells, reversed the findings of the first Adjudication Officer. This, in my view, he had no jurisdiction to do under the section. Counsel for the Claimants/ Respondents has conceded that the second hearing would be a nullity. Counsel for the Objectors/Appellants agrees that in the circumstances the first order should not be allowed to stand and has asked the Court to remit the matter for rehearing.

In my opinion, the interests of justice require that the matter should be remitted for a rehearing before another Adjudication Officer, and I would so order.

*N.A. Peterkin*

.....  
(N.A. Peterkin)  
JUSTICE OF APPEAL.

I agree

*E.L. St. Bernard*

.....  
(E.L. St. Bernard)  
JUSTICE OF APPEAL.

I also agree. *There will be no order as to cost.*

*Maurice Davis*

.....  
(Maurice Davis)  
CHIEF JUSTICE