

STATE OF ANTIGUA

IN CHAMBERS

(CONSTITUTIONAL JURISDICTION)

APPEAL NO. 10 of 1977

BETWEEN: DONALD HALSTEAD Applicant/Appellant

and

THE COMMISSIONER OF POLICE
VICTOR BROWNE

Before: The Honourable Mr. Justice Peterkin

Appearances: Dr. F. Ramsahoye for Applicant
T. Hosein and Attorney-General
for Respondents, S. Charles with them.

1978; June 6 & 30

J U D G M E N T

PETERKIN, J.A.:

This is an application by Summons dated 24th May, 1978, to enlarge the time within which to deposit or file a bond of security for costs and for taking out all appointments necessary for settling the Record under an order made on 9th March last granting conditional leave to the Applicant to appeal to Her Majesty in Council. The order granting conditional leave was obtained under Section 5 of The West Indies Associated States (Appeals to Privy Council) Order 1967, (No.224 of 1967).

Acting under the Order in Council the Court fixed a period of six weeks, and the Applicant was required to file his Bond in the sum of \$2400, with one or more sureties, as security

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for costs within six weeks of the date of the order. The Applicant has not complied with the directions in the Order as the security for costs was not perfected within six weeks of the date of the order giving leave to appeal. The present application to enlarge the time for giving security for costs is made under Section 6(b) of the Order in Council.

The Applicant prays that the Court will exercise its powers contained in the Order in Council to grant the relief sought in the Summons.

The facts giving rise to this application are contained in the affidavit in support of the Summons sworn to by Sydney Preston Christian.

Learned Counsel on both sides have asked the Court to record that exactly the same submissions arise in this matter as were adumbrated and argued in the previous matter concluded (No. 2 of 1977). They have both asked the Court to adopt and apply those submissions for the purposes of deciding the issues in the instant application. I have acceded to Counsel's request, and acted accordingly. I now record that for the reasons stated in my written judgment in Application No. 2 of 1977, I would reluctantly conclude that this Court has no jurisdiction to grant the application sought.

Accordingly, the application is refused, and the Summons dismissed with costs to the Respondents to be taxed.

(N.A. Peterkin)
JUSTICE OF APPEAL