

ANGUILLA

IN THE COURT OF APPEAL

CIVIL APPEAL NO: 4/82

BETWEEN:

JESSE MACKALTON ROGERS

- Appellant

and

FLORENCE DRUSCILLA PHILLIPS

- Respondent

Miss Myrna Walwyn for Appellant
Mr. I.D. Mitchell for Repondent

April 28, 1986


Judgment of the Court - Robotham - C J


On April 28, 1986 the Court heard arguments from Miss Walwyn for the Appellant herein.


The main ground of appeal was that the Trial Judge erred in admitting secondary evidence of the existence and contents of a receipt, given in respect of the purchase of the land in dispute by the Respondent Florence Druscilla Phillips from Hilton Flemming. This document was admitted in evidence before the Adjudicating Officer and at the rehearing before the Judge, it was relied upon.

No objection having been taken at any time to the admission of the secondary evidence and it not having been challenged in any way, objections cannot now be taken to its admission at the hearing of this appeal.

The appeal is accordingly dismissed and the judgment of the Trial Judge is confirmed in every respect. There is no Order as to Costs.


L.L. Robotham
Chief Justice


G.C.R. Moe
Justice of Appeal


L. Williams
Justice of Appeal