

ST. VINCENT AND THE GRENADINES

IN THE HIGH COURT OF JUSTICE

CIVIL SUIT NO. SVGHCV0501 / 2001

BETWEEN:

CHARLES GUNSAM

Claimant

and

ELIZABETH DAVIS

Defendant

Appearances:

Mr. Ronald C. Jack for the claimant.

Mr. Emery Robertson for the defendant.

2002: October 21

2003: July 31

JUDGMENT

ALLEYNE J.

- [1] Charles Gunsam has a documentary title to certain lands at Evesham Vale or La Croix, St. Vincent, beginning with the probate of the will of Beatrice Gunsam, who died on 19th May 1948, and probate of whose will was granted on 13th January 1949. By deed of assent dated 30th March 1961 and registered as deed 474 of 1961, title to the land was conveyed to Christina Gunsam, who conveyed the title to Charles Gunsam by deed of conveyance dated 20th July 1972 and registered as deed No. 1516 of 1972. The subject land is described as two lots butted and bounded on the north by lands of Charles N. Bowman, on the south by lands of



Joseph Samuel, on the east by a public road, and on the west by lands of Joseph Samuel.

- [2] Elizabeth Davis obtained letters of administration of the estate of Joseph Samuel on 26th March 1974, Joseph Samuel having died on 19th August 1954.
- [3] Charles Gunsam complains that some time in the year 2000 Elizabeth Davis entered his land and planted a dasheen crop. He says he destroyed the cultivation but in July 2001 Elizabeth Davis again entered his land and planted dasheen and corn.
- [4] In her affidavit filed on 14th February 2002, which was ordered to stand as pleadings in the case, Ms. Davis denies that Charles Gunsam or his predecessors in title have any interest in any land in the area. She claims that the entire portion of land belongs to the estate of Joseph Samuel, and that Mr. Gunsam has been attempting to oust her out of possession by force and threats.
- [5] It is clear from the evidence of Ms. Davis that this dispute has been ongoing ever since at least 1973. She acknowledged that Beatrice Gunsam was living on the land in 1948, but she describes the land where Beatrice lived as "my father's land". Her case is clearly a denial of the Gunsam title, which dates back to a duly proved and registered will made in 1948 and admitted to probate in 1949. The documentary title is evidenced by subsequent registered deeds as listed earlier. Charles Gunsam thus has a good documentary title, and on the evidence of Ms. Davis herself, he has not been dispossessed. His title acknowledges that his land is bounded on two sides by the land of Joseph Samuel, in whose estate Ms. Davis claims.
- [6] Charles Gunsam, Dermot Feddows and Joseph Gaymes all gave evidence in support of Mr. Gunsam's claim to title and possession of the land. In compliance with an order of the court made on 25th September 2002, Mr. Mc Arthur Robertson demarcated on a plan the disputed area. He did not submit a report as ordered,

but his plan makes it clear that the disputed area is the land claimed by Mr. Gunsam, and that that land conforms with the land described in his documentary title, and is bounded on two sides by land of the heirs of Joseph Samuel.

[7] It is clear to me that the claimant has made out his claim, that the defendant has trespassed on the land of the claimant, and that the claimant is entitled to judgment.

[8] It is ordered that the defendant forthwith remove all crops planted by her on the subject land, that she be restrained, whether by herself, her servant or agents or otherwise from entering the said land, cultivating the same, or exercising any rights of ownership over the same. The defendant is ordered to pay the claimant damages in the sum of \$1000.00 and costs of \$3,000.00 agreed.

Brian G.K. Alleyne
High Court Judge