

22,1974

IN THE PRIVY COUNCIL

No. 34 of 1972

O N A P P E A L
FROM THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

B E T W E E N :

JACQUELINE AWON

Appellant
(Defendant)

and

ELSIE ALLARD

Respondent
(Plaintiff)

RECORD OF PROCEEDINGS

ALBAN GOULD, BAKER & CO.,
404/6, Holloway Road,
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Solicitors for the Appellant

CHARLES RUSSELL & CO.,
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Solicitors for the Respondent

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INDEX OF REFERENCE

No.	Description of Document	Date	Page
	<u>IN THE HIGH COURT OF TRINIDAD AND TOBAGO</u>		
1.	Writ of Summons	7th April 1966	1
2.	Statement of Claim	30th January 1969	3
3.	Defence	7th March 1969	5
4.	Reply	22nd March 1969	6
5.	Amended Defence	13th January 1970	7
	<u>Plaintiff's Evidence</u>		
6.	David Munro	8th January 1971	8
7.	Louis Hansel Halsey McShine	8th January 1971	10
8.	David Munro (Recalled)	8th January 1971	11
9.	Clarence Gasking	8th January 1971	13
10.	Elsie Allard	8th January 1971	16
11.	Judgment	11th January 1971	18
12.	Order	11th January 1971	19

(ii)

No.	Description of Document	Date	Page
	<u>IN THE COURT OF APPEAL</u>		
13.	Notice of Appeal	20th February 1971	19
14.	Judgment of the Court of Appeal	12th April 1972	21
15.	Order of the Court of Appeal	12th April 1972	26
16.	Order granting conditional leave to appeal to Her Majesty in Council	9th May 1972	27
17.	Order granting final leave to appeal to Her Majesty in Council	7th November 1972	29
	<u>IN THE PRIVY COUNCIL</u>		
18.	Order granting special leave to defend <u>in forma pauperis</u>	20th June 1973	30

E X H I B I T

Exhibit Mark	Description of Document	Date	Page
"A"	Death Certificate of Thomas Allard (Inclusion objected to by Respondent's Solicitors)	20th April 1965	32

DOCUMENTS TRANSMITTED TO THE PRIVY COUNCIL BUT NOT REPRODUCED

Description of Document	Date
Grant of Letters of Administration of Estate of Thomas Allard deceased	3rd March 1966
Submissions	11th January 1971

IN THE PRIVY COUNCIL

No. 34 of 1972

O N A P P E A L
FROM THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

B E T W E E N :-

JACQUELINE AWON

Appellant
(Defendant)

- and -

ELSIE ALLARD

Respondent
(Plaintiff)

RECORD OF PROCEEDINGS

No. 1

WRIT OF SUMMONS

In the High
Court of
Trinidad &
Tobago

TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

No. 1

No. 715 of 1966

Writ of Summons
7th April 1966

Between

ELSIE ALLARD

(Administratrix of the Estate
of THOMAS ALLARD, deceased)

Plaintiff

10

AND

JACQUELINE AWON

Defendant

ELIZABETH THE SECOND, by the
Grace of God, Queen of Trinidad
and Tobago and of Her other
Realms and Territories, Head of
the Commonwealth.

20

TO: JACQUELINE AWON,
40 ROBERTS STREET,
WOODBROOK.

We command you, that within eight days after the
service of this Writ on you, inclusive of the day of
such service, you do cause an appearance to be
entered for you in an action at the suit of

ELSIE ALLARD

In the High
Court of
Trinidad &
Tobago

—
No. 1

Writ of Summons
7th April 1966
(continued)

and take notice that in default of your so doing, the Plaintiff may proceed therein, and judgment may be given in your absence.

WITNESS: The Honourable Sir Hugh Ollivierre Beresford Wooding, Kt., Q.C. Chief Justice of our said Court at Port-of-Spain, in the said Island of Trinidad, this 7th day of APRIL, 1966.

N.B. - This Writ is to be served within Twelve Calendar months from the date thereof or, if renewed, within Six Calendar months from the date of the last renewal, including the day of such date and not afterwards. 10

The Defendant may appear hereto by entering an appeazrance either personally or by Solicitor at the Registrar's Office at the Court House, in the City of Port-of-Spain.

The Plaintiff's claim is as Administratrix of the Estate of Thomas Allard, deceased, under the Provisions of the Judicature Ordinance No. 12 of 1962 and the Compensation for Injuries Ordinance Chapter 5 No. 5 for damages in respect of injuries to the said Thomas Allard and his death caused by the negligence of the Defendant her servant or agent in the driving of motor-car PG-5887 at Frederick Street, Port-of-Spain, on the 15th day of April, 1965. 20

This Writ was issued by Mr. Clarence Emmanuel Le Blanc whose address for service is No. 25 St. Vincent Street, Port-of-Spain, Solicitor for the said Plaintiff who resides at L'Anse Mitan, Point Cumana, Carenage, Diego Martin, in Trinidad. 30

/s/ C. Le Blanc
Plaintiff's Solicitor.

No. 2

STATEMENT OF CLAIMIn the High
Court of
Trinidad &
Tobago

No. 2

Statement of
Claim
30th January
1969

1. The Plaintiff is the Administratrix of the Estate of Thomas Allard (hereinafter called "the deceased") and brings this action as such administratrix for the benefit of the Estate under the Judicature Ordinance No. 12 of 1962 and also for the benefit of the dependants of the deceased under the compensation for Injuries Ordinance Chapter 5 No. 5.

2. The Defendant was at all material times the owner of motor car PG-5837.

3. On or about the 15th April, 1965 the deceased was riding his bicycle along Federick Street in the City of Port of Spain when he was involved in a collision with motor car PG 5837 owned and driven by the defendant, her servant and/or agent along the said street.

4. The said collision was caused by the negligence of the defendant, her servant and/or agent.

PARTICULARS OF NEGLIGENCE

- (a) Driving too fast;
- (b) Failing to keep any or any proper look-out or to observe or heed the presence of the deceased;
- (c) Running into the deceased from the rear;
- (d) Failing to sound her horn or give any indication of her approach;
- (e) Failing to apply her brakes in time or at all or so to steer or control motor car PG5837 so as to avoid the said collision.

5. By reason of the matters aforesaid the deceased suffered pain and injury, loss and damage and died on the 18th April, 1965.

PARTICULARS OF INJURIES

- (a) Compound fracture of the right humerus;
- (b) Urinary confused bladder;
- (c) Refro-peritoneal haematoma.

In the High
Court of
Trinidad &
Tobago

No. 2

Statement of
Claim
30th January
1969
(continued)

PARTICULARS OF SPECIAL DAMAGE

(a)	Funeral Expenses	₹ 205.00
(b)	Administration Expenses	44.80
(c)	Bicycle - completely damaged	<u>101.00</u>
		<u>₹350.00</u>

6. The names of the persons for whom or whose benefit this action is brought under the compensation for Injuries Ordinance, Chapter 5 No. 5, are:-

Elsie Allard	- wife of the deceased	
Patricia Allard	- Daughter, age 18	
Christopher Allard	- Son, age 13	10
Bernard Allard	- Son, age 12	
Carol Allard	- Daughter, age 10	
Sonia Allard	- Daughter, age 9	
Mary Allard	- Daughter, age 7	

7. The deceased at the time of his death earned \$45.00 per week and was the sole support of his family.

And the Plaintiff claims:

- | | | |
|-----|---|----|
| (a) | Damages | |
| (b) | Costs | 20 |
| (c) | Such further and other relief as may be just. | |

/s/ L. Deyalsingh
Of Counsel.

DELIVERED this 30th day of JANUARY, 1969, by
Mr. Clarence Emmanuel Le Blanc of No. 25 St. Vincent
Street, Port of Spain, pursuant to the Order of
the Honourable Mr. Justice Dennis Malone dated the
30th day of January, 1969.

/s/ C. Le Blanc
Plaintiff's Solicitor. 30

To: MR. EDWARD CYRIL SIRJOO,
DEFENDANT'S SOLICITOR.

No. 3

DEFENCE

In the High
Court of
Trinidad &
Tobago

—
No. 3

Defence
7th March 1969

1. The Defendant admits paragraphs 2 and 3 of the Statement-of-Claim.

2. The Defendant does not admit paragraphs 1, 6 and 7 of the Statement-of-Claim.

3. The Defendant denies paragraphs 4 and 5 of the Statement of Claim.

10 4. The Defendant says that any pain, injury loss or damage suffered by the deceased was due to or contributed by his own fault.

5. The Defendant further says that no notice in conformity with section 7 of the Compensation for Injuries Ordinance, Chapter 5 No. 5 was served upon her.

20 6. Save as is hereinbefore expressly admitted, the Defendant denies each and every allegation and/or implication of fact in the Claim appearing as if the same were herein expressly set out and traversed seriatim.

/s/ L.A. Seemungal
Of Counsel.

Delivered this 7th day of March, 1969 by
Mr. Edward Cyril Sirjoo of No. 2 Sackville Street,
Port-of-Spain, Solicitor for the Defendant.

/s/ E.C. Sirjoo
Defendant's Solicitor.

In the High
Court of
Trinidad &
Tobago

No. 4

REPLY

—
No. 4

Reply
22nd March 1969

1. The Plaintiff admits that no notice in conformity with Section 7 of the Compensation for Injuries Ordinance, Chapter 5 No. 5 was served upon the Defendant but says that there was reasonable excuse for want of such notice, namely:-

(a) the Plaintiff was ill as a result of the death of her husband, and

10

(b) the Plaintiff was overcome by the problems suddenly brought about by the death of her husband.

2. The Plaintiff joins issue with the Defendant on the other matters contained in the Defence.

L.D. Deyalsingh
Of Counsel.

Delivered this 22nd May, 1969, by
Mr. Clarence Emmanuel Le Blanc of No. 25 St.
Vincent Street, Port-of-Spain, Solicitor for the
Plaintiff.

20

C.E. Le Blanc
Plaintiff's Solicitor.

I hereby accept delivery of the Reply herein although the time for so doing has expired.

/s/ Edw. C. Sirjoo
Defendant's Solicitor.

TO: MR. EDWARD C. SIRJOO,
2 Sackville Street,
Port-of-Spain,

30

DEFENDANT'S SOLICITOR.

AMENDED DEFENCE

In the High Court of Trinidad & Tobago

No. 5

Amended Defence
13th January 1970

- 1. The Defendant admits paragraphs 2 and 3 of the Statement of Claim.
- 2. The Defendant does not admit paragraphs 1, 6 and 7 of the Statement of Claim.
- 3. The Defendant denies paragraphs 4 and 5 of the Statement of Claim, and in particular that the collision was the cause of the death of the deceased.
- 10 4. In the alternative, the defendant says that any pain, injury, death, loss or damage suffered by the deceased was due to or contributed by his own negligence and/or fault.

PARTICULARS OF NEGLIGENCE AND/OR FAULT

- (1) The deceased suddenly and without any warning swung out into the path of the Defendant's car.
- (2) The deceased swerved so suddenly that he lost control of his said bicycle and fell into the path of the Defendant's motor car, when the said motor car was almost on him.

5. The Defendant further says that no notice in conformity with section 7 of the Compensation for Injuries Ordinance Chapter 5 No. 5 was served upon her.

6. Save as is hereinbefore expressly admitted, the Defendant denies each and every allegation and/or implication of fact in the Claim appearing as if the same were herein expressly set out and traversed seriatim.

L.A. Seemungal
Of Counsel

Delivered this 10th day of February, 1969, by Mr. Edward Cyril Sirjoo of No. 2 Sackville Street, Port-of-Spain, Solicitor for the Defendant.

Edw. C. Sirjoo
Defendant's Solicitor.

RE-DELIVERED this 13th day of January, 1970, by Mr. Edward Cyril Sirjoo of No. 2 Sackville Street, Port-of-Spain, Solicitor for the Defendant, pursuant to an order of Mr. Justice Achong dated the 7th day of January 1970.

Edw. C. Sirjoo
Defendant's Solicitor.

In the High Court of Trinidad & Tobago

No. 6

EVIDENCE OF DAVID MUNRO

Plaintiff's Evidence

No. 6

David Munro Examination 8th January 1971

DAVID MUNRO on oath:

Live Lady Young Road, Morvant, Greaser, Works Department. On 15th April, 1965 I witnessed accident on Frederick Street, in front of St. Mary's College about 8-8.15 p.m. I was walking down Frederick Street after visiting my girl friend at place of employee and was walking south on eastern sidewalk almost at right edge. Many cars parked on eastern side of road. Don't recall seeing any cars parked on west side.

10

Frederick Street is approximately 20- 22 ft. wide. I do not have a licence but I can drive. Three cars can fit abreast on Frederick Street.

I saw a man riding cycle past me riding very close to the parked cars. After he got about 20 ft. past me a motor came down very fast from behind me and past me and struck the cycle from behind. Cycle man fell and disappeared and car went on cycle fell almost in centre of road man fell in front of car. Car passed over the man and went on for certain distance stopped about 100 yards from point of impact. I heard screeching of brakes and car stopped. I saw car pass over man.. The left front of car and not apex (demonstrates). Man fell in the centre of the road. I and others ran to his assistance. A priest came out and also prayed. Aprison Officer drove up and he took man to hospital in his vehicle. I gave my name and address to priest who also collected bicycle and a bag from the road.

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Cyclist was riding normal.. Cyclist did not swerve across front of car.

After man took him to hospital I went down to where the car had stopped and saw a lady in it crying. I also saw brake impression left by car brakes leading from behind to where car had stopped.

Cross-Examination

Cross-examined by Seemungal: I did not wait until police had arrived. I was not asked to give evidence. The Sunday after accident I offered the plaintiff to give evidence on the Sunday after the

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accident (Easter Sunday).

I gave no evidence at inquest into man's death.
I did not know deceased before nor Plaintiff.

Q. How did you come to offer?

A. I was at the Mortuary on Saturday with an attendant on the night who was my personal friend speaking about another man's death when plaintiff came up crying and speaking about her husband's death and I said I knew about accident and offered to give evidence. I gave no evidence on any traffic charge against the defendant. I gave no statement to police I never offered to give police a statement.

10

A long time after speaking to plaintiff at Mortuary she came back to me. I had given her my address at Mortuary and that I had left my name and address with the priest. I did not know his name. I told her about priest because I thought he had some means of contacting her. She also gave me her name and address. I made no attempt to contact her after Saturday. About two or three years after she came to me.

20

Accident occurred close to Easter but it is so long I can't say what day of week. I know that there is parking on different sides of the road on different days. I am 41 years, not born here but living here 22 years and have been coming to Port-of-Spain regularly during that time.

30

Can't say which day is for which side unless I see sign. I saw the car pass over the man. One and possibly two of car-wheels passed over man - the left side wheels. Cyclist was riding very close to parked cars. Cyclist was struck mid-left front of car (demonstrates). Don't recall make of car, or whether big or small - nor the colour. I would not be able to say what distance mid left front of car is from the left side of car. I can't say if it was four or five feet. That is too much. I was able to estimate width of road as I worked on Barber Green (gives accurate estimate of 2 feet distance marked off in Court). Can't say that it was about 2 feet, from the left side that struck man. Car was not scraping along parked cars. Cyclist was riding about 2 to 3 ft. from the parked cars. I was north of point of impact about 20 feet I was able to tell exactly what part of car struck cyclist even though parked cars on road and impact 20 ft.

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In the High
Court of
Trinidad &
Tobago

Plaintiff's
Evidence

No. 6

David Munro
Cross-
Examination
8th January
1971
(continued)

In the High Court of Trinidad & Tobago

Plaintiff's Evidence

No. 6

David Munro Cross-Examination 8th January 1971 (continued)

ahead of me. I would accept 15th April, 1965 was a Thursday and Easter Sunday was 18th April.

Q. Do you know parking on East is Monday, Wednesday, Friday and on West on Tuesday, Thursday and Saturday?

A. I do not know.

St. Mary's College is on West side of road. There were no cars parked on west side.

It was a prison van which took deceased away - not an ambulance. Now say it could have been an ambulance. I have never seen a green ambulance. I know all prison vans are green. I now say it is a prison van - green that took him away not an ambulance. An Ambulance is white red and black. Evelyn Gilbert is my girl friend. Some chinese people live at 124 Frederick Street. Don't know if it was Fabien's Guest House. Don't know if chinese man was a dentist. 10

(By consent witness stood down for Doctor's evidence). 20

No. 7

Louis Hansel Halsey McShine Examination

No. 7

EVIDENCE OF LOUIS HANSEL HALSLEY McSHINE

LOUIS HANSEL HALSLEY MC SHINE, on oath:

Member of Medical Board of Trinidad and Tobago F.R.C.S.

In April 1965 attached to General Hospital, Port-of-Spain. I saw patient Tommy Allard, he was brought in on 15th April, 1965. I don't recall time - it was evening. I examined him. He was in state of shock. Compound fracture of Right humerus. I operated on 16th April, 1965. While operating I found: - 1. Contused bladder; 2. large retro peritoneal haemotoma due to haemorrhage. Injuries consistent with vehicular accident. Patient died on 18th April, 1965. Cause of death from what I saw was shock - extensive due to his injuries all of which contributed to death. He was conscious when I first saw him. He was conscious after operation. He would have been in a lot of pain even after operation and was given drugs for pain up to his death. 30 40

Cross-examined by Seemungal: I did not sign death certificate. I know Dr. Lawrence Roach. Allard was about 35 years. Shown death certificate. Cause of death shown as Bile Peritonitis also liver sclerosis - sclerosis is cronic disease of a heavy drinker. I did not see him die nor after his death I was informed I don't know as a fact of his death I used to see him in Ward after my operation. I have never been called to give evidence earlier at inquest or otherwise. Certificate tendered and marked "Ex.A."

10

Deyalsingh: No objection, but not as to death. Peritonitis is the lining of the stomach. The haemorrhage behind the stomach in this case. The haematoma was in fact outside the peritoneum cavity. Fracture of Humerus contributed to shock.

Address given to be 7 Elizabeth Street, Cascade, not Salvation Army Hostel. For a man of 35 to have sclerosis is unusual. I saw no signs of it.

20

Re-examination declined.

DAVID MUNRO recalled. Cross-examination continued:

No. 8

DAVID MUNRO (Recalled)

(Hugh Roberts called into Court and sent out).

I have never seen that man before. Don't know he called ambulance which took cyclist to hospital. I did not see him that night. I was present when cyclist taken to hospital. From time he was struck to the time he was taken to hospital was about 10 minutes. There were a lot of people on side walks at time of accident.

30

Car stopped 100 yds. after it travelled for some time then I heard screeching of brakes. 100 yds. is 300 ft. I heard screeching after it travelled for about 200 ft. When car struck man he fell more to the centre of road, i.e. to his right. As far as I could see wheels passed over him. The left wheels. Car was going straight down Frederick Street, at time of impact not diagonally or otherwise - but very fast. Car struck the rear wheel from behind.

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In the High Court of Trinidad & Tobago

Plaintiff's Evidence

No. 7

Louis Hansel
Halsey McShine
Cross-
Examination
8th January
1971

No. 8

David Munro
(Recalled)

In the High Court of Trinidad & Tobago

Plaintiff's Evidence

No. 8

David Munro (Recalled) Cross-Examination 8th January 1971 (continued)

Q. Was cycle knocked from under the man?
A. Both man and cycle knocked down together and man fell sideways, head to west. He and cycle fell in one. He was not thrown back on bonnet of car. He was taken up a little distance beyond point of impact.

Car was travelling 50 to 60 m.p.h. I accept that is 88 ft. per second. Car dragged man about 10 ft. from point of impact towards centre of road but south of impact and for about 8 or 10 ft.

10

I heard Doctor give evidence - no bruises on deceased. When I went to him cyclist was bleeding from his mouth. I can't remember if he had bruises on his body.

Only experience I have is standing in road and hearing people saying car driving 60 m.p.h. or from sitting in taxi doing 40 m.p.h. and another car overtaking, and taxi driver saying he doing sixty. Never had licence - never taken a driving test in my life.

20

I did not know 60 m.p.h. is 88 ft. per sec. Car stopped by where the car park is on Frederick Street, just approximately opposite to Empire. I know car park is there for about 2 years now. I go to Empire frequently for a long time now but not recently.

In 1965 I used to go once or twice.

A big car is about 80 inches wide, up to recently the largest car was 80 inches wide, now I believe is 76 inches.

30

I still could recall size, make and colour of car that knocked down cyclist.

I have never seen the priest since that day. I don't know him and I will not be able to recognise him again. I never asked him where he came from and what church or his name.

Q. Why did you give him your name and address?
A. Because I was one of the persons who handed him things taken up.

I know also it was an accident and if in case

40

I was called upon to say what I saw I would do so willingly and it appeared to me priest had some contact with cyclist.

Re-examined: Pavement is a little higher than the road on Frederick Street. I could see above the cars when walking on pavement.

Average height of car is about 4 feet. I saw over the parked cars what was happening on the road.

10 Western side was reasonably clear at point of accident nothing parked on west side. If there were any cars parked on west side north of accident there were only a few. I cannot recognise priest but I could recognise others, e.g. the driver of car - defendant - because she was crying.

11.15 - 11.30 Recess - Resumption

No. 9

EVIDENCE OF CLARENCE GASKING

CLARENCE GASKING on oath:

20 Live 11a Hinkson Lane, Belmont. Painter. On 15th April, 1965 I witnesses accident on Frederick Street, Port-of-Spain near to old building where car does park.

Q. Do you know the St. Mary's College?

A. Yes.

Q. Did accident occur near there.

A. Yes, in front the college.

(To Court): The old building is on left side going south lower down than C.I.C. an old upstairs house. The cars used to park on road outside old building.

30 It was about 8 p.m. I was going to Empire Cinema and was riding my cycle. I was living 11a Hinkson Lane then. I came riding from the top of Frederick Street.

Cars were parked on left hand side of Frederick Street facing South. None on right hand side. I saw none.

In the High Court of Trinidad & Tobago

Plaintiff's Evidence

No. 8

David Munro (Recalled) Cross-Examination 8th January 1971 (continued)

Re-examination

No. 9

Evidence of Clarence Gasking Examination

In the High Court of Trinidad & Tobago

Plaintiff's Evidence

No. 9

Evidence of Clarence Gasking Examination 8th January 1971 (continued)

I was riding on my left about 2 - 3 ft. from parked cars.

A cyclist, a man passed me going down between me and the parked cars.

A car came from behind me. Cyclist was about 25 - 30 ft. ahead at time it passed and then I heard a bounce, and I see the cyclist fall to the ground. I saw the car bounce the man. It bounce the back part of the cycle.

Cyclist was riding straight down Frederick Street at time and not shaky. I heard no horn at any time.

10

Car had headlights on.

When man fell car went over him. I rode on to catch up with the car, because she did not stop when I called out to her, i.e. the driver.

Car stopped by the car park about from 5th Civil Court to Police Headquarters. (Estimates about 200 ft.) I went to driver and said, "Madam look you lick down the man and did not stop." She came out and appeared frightened.

20

She walked back to scene. I went back up. I saw a priest there. I don't know where he came from. Other people were around. The gaol prison van came down - a blue van.

The priest took up the cycle. I took up the man and put him in the van. I saw no one in back of van. I got in and we went to hospital. I remained there until he was put in No. 5 Ward, then I left.

30

Cyclist did not to my knowledge ride across front of car. Cyclist was riding about 2 - 3 ft. from parked cars at time.

Cross-Examination

Cross-examined by Seemungal: I was riding more or less straight about 2 - 3 ft. from parked cars on my left. Car passed me on right going straight. So did Cyclist. He passed on my left between. He was 25 - 30 ft. ahead of me when he got bounce.

Q. Can you explain then, how he got bounced unless he swerved out, if both continued in a straight course?
 A. Cars were parked ahead of cyclist and he had come out and the car swung in on him. The cycle kept going straight and the car passed me and swung in on him.
 Car passed me more than 2 - 3 ft. from the parked cars.

In the High Court of Trinidad & Tobago

Plaintiff's Evidence

No. 9

10 Q. How much did car swerve out to strike cyclist?
 A. She was coming fast.

Evidence of Clarence Gasking Cross-Examination 8th January 1971 (continued)

Q. How much did car swerve out to strike cyclist?
 A. I am not dealing with speed, but with the car swinging in to be able to strike cyclist.
 A. ----- (None).

Q. When cyclist struck, was he nearer to parked cars than you?
 A. He had come out further than I was, so that he moved out to his right.

20 The car hit him the same time as he moved out. Car did not swerve. I do not have a driver's licence. Car was going about 20 m.p.h. and then it slowed down and I was able to call out to the driver and she stopped.

Re-examined:

Re-Examination

At time car bounced cyclist he was in a straight line with me going straight down. He just moved out about a foot or two as he could not ride into the other cars parked ahead.

30 To Court: The car bounced him as he moved to his right to get away from the other parked cars. He was then about 3 ft. from the line of parked cars.

The cyclist swung out fully not a sudden swing.

I was not riding fast at the time.

In the High Court of Trinidad & Tobago

EVIDENCE OF ELSIE ALLARD

Plaintiff's Evidence

No.10

Evidence of Elsie Allard Examination 8th January 1971

ELSIE ALLARD on oath:

Live L'Anse Mitan. Husband was Thomas Allard. I called him Tommy. We were married 15 years ago in Grenada in the Catholic Church on 11th November, 1950. We had six children. Patricia will be 20 this year May; Christopher will be 15 on 30th October, 1971; Bernard was 13 on 11th December, 1970; Carol will be 12 on 12th January, 1971; Sonia will be 11 on 30th April, 1971; Mary was born on 1st May, 1960. Husband died as a result of accident on 15th April, 1965 and I obtained Letters of Administration to his estate. (Letters of Administration admitted and marked E.A.1.); At death he was working as a "Jack of all Trades". He sometimes worked telephone department. He worked wherever he had a job. Sometimes he got \$60.00 sometimes less than that, sometimes more, sometimes overtime. He used to work every day. At time of his death I was living at Laventille but he did not come home every night. He sometimes used to work as a night watchman and I can't remember where he was working at time of his death I think it was Cascade - painting. He used to give me sometimes \$40 - \$45. I used to get food and pay transportation for children to school from that. I paid \$205.00 for funeral expenses. Administration expenses \$45.00. Bicycle he had that night was a new bicycle - he had bought it on 13th April, 1965 for \$101.00 (Deyalsingh not amending \$45.00 per week earnings.)

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After I first bury my husband I took sick and couldn't control myself I had a nervous break down. It lasted for 2 months. I consulted Dr. Pierre at Carenage - a Government Doctor. I used to go once, sometimes twice per week. I was so sick I was sent to Hospital for 5 days. During first month of illness I was not able to attend to anything - the nurse used to help me with children I used to get pain in my chest and tremble and I was advised to rest after coming from hospital. I had only \$9.00 left after burying my husband. After 2 months I started selling provisions by the roadside to earn a living. During the 2 months illness I was in bed on advice of the doctor. Husband was 36 at death. He was never sick.

40

Cross-examined by Secmungal: On my statement of claim my husband was earning \$45.00 per week. And he used to make sometimes \$60.00 with overtime. He would give me \$40.00 per week, and sometimes \$45.00 when he made overtime. He rented a room at the Hostel for \$2.00 per week.

In the High Court of Trinidad & Tobago

Plaintiff's Evidence

No.10

Evidence of Elsie Allard Cross-Examination 8th January 1971

10 Sometimes he would not come home for the week if he was doing watchman job but he would come home on weekends then. He would speak to me on the phone where I used to work about what he needed. I used to work Bayshore when he died and before Maraval. When he did not come home he had to feed himself. I did not work all the time. I used to bring fruits over for him.

He did not drink. I never see him drink and smoke. He like fete, cricket, sport, races. He used to do extra work to get money for these things. He used to eat home only sometimes. When he worked at night he used to have to pay for transportation to and from home.

20 He would pay about \$2.00 per week for transportation. Sometimes he worked in San Fernando.

In my Estate Duty application I described him as living at Salvation Army Hostel, Edward Street. I am sure he used to come home. He lived home.

- Q. Why did you describe him as living at 30 Edward Street, if he lived home?
- A. ----- (none).

30 I used to work for \$60.00 per month as a domestic, I had spoken to my husband that morning on 15th April, 1965, he said he was going to sleep at Edward Street.

He used to work at 7 Elizabeth Street, Cascade. He lived there once. I don't know the name of the people. In 1955 he was living at Cascade, he has no other family up there. He had not lived in Cascade in 1965. He stopped living there in 1955. He only had a bed in the hospital.

Re-examined: Husband used to be home every week-end. I used to use my money to buy furniture.

Re-Examination

40 PLAINIFF'S CASE CLOSED.
Adjourned - Monday 11th January, 1971.

In the High
Court of
Trinidad &
Tobago

No. 11

JUDGMENT

Dated this 11th day of January 1971.

—
No.11

Judgment
11th January
1971

Mr. Deyalsingh for Plaintiff.
Mr. Seemungal for Defendant.

I reject the evidence of Munro who did not impress me that he saw accident his inability to be precise as to the vehicle in which the deceased was taken to the hospital, his evidence as to the speed of the defendant's vehicle, his explanation as to how he came to give evidence all left me without that feeling of conviction with which I could be satisfied he was a witness of truth and I am of the opinion that he was an "ad hoc" witness. I accordingly reject his evidence. 10

Clarence Gaskin impressed me as the more reliable witness, though he gave the impression he was more sympathetic to plaintiff's cause, and it was only after he realised that if, as he stated, the deceased cyclist passed on his, Gaskin's left side and defendant's car passed on his right and both continued on a straight course, then no collision would have taken place that he admitted that cyclist swung to his right and that the car struck him just as he did so. 20

If the cyclist passed Gaskin on his left then Gaskin must have been riding approximately 3 ft. away from line of parked cars, i.e. his left handle bar must have been approximately 3 ft. away to allow another cyclist to pass between him and the parked cars. The right handle bar must therefore have been approximately another 2 ft. away to that the car, allowing a minimum of 1 ft. for overtaking and that is close, must have been travelling about 6 ft. from the line of parked cars. Gaskin having finally conceded that cyclist swung out to his right while the car had passed him was travelling in a straight course, it follows that the cyclist must have swung out some four feet approximately from the line he was riding and about 6 ft. from the line of parked cars just as the vehicle was about to overtake him at about 20 miles per hour, - not a fast rate of speed. I find that his swerving to the right in circumstances was sole cause of accident and defendant is not to blame for the accident. 30 40

The car headlights were on and cyclist should have been aware of its presence and kept on a straight course as well.

Accordingly, I must dismiss the claim and enter judgment for defendant with costs.

K. McMillan.
Judge.

In the High
Court of
Trinidad &
Tobago

—
No.11

Judgment
11th January
1971
(continued)

No. 12

ORDER

No.12

Order
11th January
1971

10 Dated and Entered the 11th day of January, 1971
Before the Honourable Mr. Justice Kester Mc Millan.

This action having on the 11th day of January, 1971 been tried before the Honourable Mr. Justice Kester Mc Millan and the said Judge having this day ordered that Judgment as hereinafter provided be entered for the defendant

It is adjudged that the plaintiff do pay to the defendant his costs of this action to be taxed.

Sgd. Wendy Sandra Punett
Ag. Asst. Registrar.

20

No. 13

NOTICE OF APPEAL

In the Court
of Appeal

—
No.13

TAKE NOTICE that the Plaintiff-Appellant being dissatisfied with the decision more particularly stated in paragraph 2 hereof of the High Court of Justice, Port-of-Spain contained in the Judgment of His Lordship, Mr. Justice Mc Millan dated the 11th day of January, 1971 doth hereby appeal to the Court of Appeal upon the grounds set out in paragraph 3 and will at the hearing of the Appeal seek the relief set out in paragraph 4.

Notice of
Appeal
20th February
1971

30

1. And the Appellant further states that the names and addresses including her own of the persons directly affected by the appeal are those set out in paragraph 5.

In the Court
of Appeal

No.13

Notice of
Appeal
20th February
1971
(continued)

2. The Appellant hereby appeals against the whole of the Judgment of the learned Trial Judge.

3. GROUNDS OF APPEAL:

(1) The decision is erroneous in point of law in as much as the learned Judge was wrong:

(a) in upholding the submission of Counsel for the Defence that a prima-facie case had not been established either as the defendant's sole liability for the accident or that she had contributed thereto; and

10

(b) in finding that no notice was given under the Compensation for INjuries Ordinance as pleaded in paragraph 5 of the Defence.

(2) The decision is against the weight of evidence.

4. That the judgment of the learned Judge be set aside and in lieu thereof there be judgment for the Appellant and costs both in the Court of Appeal and in the Court below.

5. Persons directly affected by the Appeal:

20

(1) Elsie Allard of L'Anse Mitan, Point Cumana, Carenage.

(2) Jacqueline Awon, of 40 Roberts Street, Woodbrook.

Dated this 20th day of February, 1971.

/s/ Gordon O. Harper
Gordon Oscar Harper of
6 Sackville Street,
Port-of-Spain, Solicitor
for the Plaintiff-Appellant.

30

TO: THE REGISTRAR OF THE HIGH COURT OF JUSTICE
and

Mr. E.C. Sirjoo,
2 Sackville Street,
Port-of-Spain.

Solicitor for the Defendant-Respondent.

No. 14

JUDGMENT OF THE COURT OF APPEAL

In the Court
of Appeal

No.14

Coram: H.A. Fraser, J.A.
K.P. de la Bastide, J.A.
P.T. Georges, J.A. (Temp.)

Judgment of
the Court of
Appeal
12th April 1972

April 12, 1972

R. Barnwell - for the Appellant.
S. Maharaj - for the Respondent.

JUDGMENT

10 This was an action by a widow as the adminis-
tratrix of the estate of her deceased husband for
damages under the Supreme Court of Judicature Act,
1962 and the Compensation for Injuries Ordinance,
Chap. 5, No. 5, in respect of his death as a
result of injuries which it was alleged had been
caused by the negligence of the respondent in the
driving of her motor car PG-5887. She claimed on
behalf of herself and of six children whose ages
ranged from 18 to 7 years. The deceased was a
20 jack-of-all trades who earned approximately \$45 a
week.

Four witnesses testified for the plaintiff -
David Munro and Clarence Gaskin who were alleged
eye witnesses of the collision; the widow, who gave
evidence relevant to damages, and Mr. I.H.A. McShine
the surgeon who gave evidence as to the cause of
death. The record stated that counsel for the
defendant elected to call no witnesses. Although
there is no note that counsel wished to make a
30 submission of no case to answer and was as a result
put to his election, it is reasonable to conclude
from the note that that was the position.

The learned judge rejected the evidence of
Munro on the basis that he was not impressed with
his manner and demeanour. He described him as an
"ad hoc" witness - that is, a witness who was not
present but had merely been cited to give false
evidence. Reading the record this impression does
not come through very clearly; but we would not be
40 prepared to disagree with the opinion of the learned
judge who had seen and heard the witness. We would
note, however, that manner and demeanour are
imponderable matters very hard to assess. A witness

In the Court
of Appeal

No.14

Judgment of
the Court of
Appeal
12th April 1972
(continued)

may be hesitant because he is honest and, conscious of his oath, does not wish to be unduly positive. The self assured witness may well be the plausible rogue. It is usually best to assess a witness' evidence against the whole of the evidence in the case and to arrive at a finding as to its reliability on that basis - see Yuill v. Yuill (1945) 1 All E.R. 183 at p. 189-90.

Basically the learned judge accepted that the witness Clarence Gaskin was present at the scene of the collision and that he had sought to speak the truth though sympathetic to the plaintiff's case. He accepted Gaskin's evidence that he was riding south on Frederick Street about 3 feet from a line of cars parked on the eastern side of the road when the deceased overtook him on the inside - that is, between his cycle and the parked cars.

10

Gaskin had gone on to say that the deceased rode on and when about 25 - 30 feet in front he swung out a foot or two to avoid running into one of the parked cars. As he did this he was struck by the respondent's car which had come from behind both of them. The car did not stop immediately. It slowed down and eventually stopped some 200 feet further on after Gaskin had pedalled after it shouting. The learned judge made no specific finding as to whether he accepted this part of Gaskin's evidence.

20

Having stated that the deceased had passed between Gaskin and the cars the learned judge embarked on certain mathematical calculations from which he concluded that the deceased must have swung out some 4 feet from the course along which he was riding and about 6 feet from the line of parked cars just as the vehicle was about to overtake him at about 20 miles per hour. On this basis he held that the cyclist alone was to blame.

30

Mathematical calculations may seem a solid basis on which to reconstruct what must have happened to cause a collision but they are best avoided. The air of certainty is only apparent because there are usually too many variables assumed, the accuracy of which cannot be checked, so that in effect the exercise becomes largely one of speculation.

40

In any event, even if a cyclist did swerve into the road as a car was passing this of itself is not enough reason for concluding that the driver of the car had not contributed to the resulting collision. Every motorist in Port-of-Spain should know that cyclists do pull out to avoid obstacles which may not be immediately apparent to a driver and that there is need to keep a particularly sharp lookout when passing them. It is because motorists accept this duty and take prompt evasive action that there are more collisions involving motorists and cyclists. The respondent's failure to keep a proper lookout may have been a contributory factor to the collision even though the cyclist's manoeuvre may also have been a cause. Proof of negligence on the part of a plaintiff does not automatically mean absence of negligence on the part of a defendant. The fact still remained that the respondent had struck the defendant from behind while travelling along a straight road when he should have been clearly within her field of vision at all times if she had been keeping a proper lookout and there was no evidence that she had taken any evasive action either by swerving or by applying her brakes to prevent the collision.

10
(sic)

20

30

The learned judge held that the cyclist should have kept a straight course. The evidence was that he had swerved to avoid one of the parked cars. Although a cyclist may well be aware because of the light of headlamps that there is a car following, he may be quite unable to judge how near it is. If the respondent had been keeping a proper lookout she may well have anticipated this very manoeuvre which the cyclist carried out.

We are satisfied, therefore, that the learned judge failed properly to direct himself in evaluating the evidence.

There was a prima facie case of negligence on the part of the respondent on the evidence led. She should have seen the cyclist if she was keeping a proper lookout and she should also have taken action by braking or swerving to avoid him. There was positive evidence that she did not stop until she was about 200 feet from the place where the collision occurred. Had she testified she might have been able to rebut this evidence but she did not.

40

In the Court
of Appeal

—
No.14

Judgment of
the Court of
Appeal
12th April 1972
(continued)

In the Court
of Appeal

—
No.14

Judgment of
the Court of
Appeal
12th April 1972
(continued)

Accordingly we find that the collision was the result of negligent driving on the part of the respondent and negligent riding on the part of the deceased. We would apportion the liability as follows: 75% to the respondent and 25% to the appellant.

One of the defences raised in this matter was that the appellant had failed to give the appropriate notice in conformity with S. 7 of the Compensation for Injuries Ordinance, Cap. 5 No. 5. 10
In reply the appellant had pleaded ill- as a result of her husband's death which had prevented her from serving the notice. She gave evidence in support of this. She was not cross-examined on this aspect of her evidence. The learned judge's notes of counsel's argument show that counsel for the defence did not discuss this matter though counsel for the plaintiff asserted that - reasonable excuse had been established.

The learned judge made no finding in the matter but it is clear that the appellant's evidence on this point was neither challenged nor controverted. We are satisfied that the learned judge did not reject it. We accept this evidence. 20
On the authority of Springer v. Lalla (1964) 7 W.L.R. 325 we are satisfied that there was reasonable excuse for not having given notice.

As all the evidence as regards dependency is on the record it is more convenient to assess damages here than to remit the matter for assessment. 30

The deceased earned \$45 weekly on the average. He gave his wife \$40 to run the household. He would himself have benefitted from the expenditure of this sum and we would assess the dependency of the wife and children at \$30 weekly - amounting to \$1560 per annum. The deceased was 36 years old at the date of his death and enjoyed good health. There is no evidence as to the plaintiff's age but we have seen her and she is obviously much the same age group as her husband. With six children to look after we would not consider her chances of re-marriage at all hopeful. Her dependency could reasonably be expected to continue until her death. In the circumstances a multiplier of 20 seems not unreasonable. 40

Adjusting for the fact that the award is made as a lump sum we would assess the general damages under the Supreme Court of Judicature Ordinance for loss of expectation of life at \$500. This must be subtracted from the total award under the Compensation for Injuries Ordinance reducing that sum of \$23,500. Special damages were proved in the sum of \$349.50 that is, funeral expenses \$205; Administration expenses \$44.80 and the damage to the bicycle which was a total wreck \$101.

In the Court
of Appeal

—
No.14

Judgment of
the Court of
Appeal
12th April 1972
(continued)

10

Accordingly the total damage suffered as a result of the death of the deceased is assessed at \$24,349.50 of which \$849.50 is in respect of the Supreme Court of Judicature Ordinance and \$23,500 in respect of the Compensation for Injuries Ordinance. Since the deceased has been found 25% liable for the collision there will be judgment for the plaintiff in the sum of \$18,262.10. Of this \$17,625 is to be divided among the dependents under the Compensation for Injuries Ordinance and the allocation is to be as follows:

20

Elsie Allard	\$9,625
Patricia Allard	\$ 400
Christopher Allard	\$1,100
Bernard Allard	\$1,250
Carol Allard	\$1,500
Sonia Allard	\$1,750
Mary Allard	\$2,000

30

The amounts awarded to the children are ordered to be paid to the Registrar for investment on their behalf. Except the sum of \$400; payable to Patricia Allard.

The sum of \$637.10 is awarded under the Supreme Court of Judicature Ordinance.

The respondent will pay to the appellant the taxed costs of this appeal and three-quarters of the taxed costs of the hearing at first instance.

40

H.A.Fraser
Justice of Appeal.

K.P. de la Bastide
Justice of Appeal.

P.T. Georges
Justice of Appeal.

In the Court
of Appeal

No. 15

ORDER OF THE COURT OF APPEAL

No.15

Order of the
Court of
Appeal
12th April 1972

Entered and Dated the 12th day of April, 1972
Before the Honourables MR. JUSTICE H.A. FRASER
MR. JUSTICE KARL DE LA
BASTIDE
MR. JUSTICE P.T. GEORGES

UPON READING the Notice of Appeal filed herein
on behalf of the above-named Plaintiff-Appellant
dated the 20th day of February, 1971 and the
judgment hereinafter mentioned 10

UPON READING the record filed herein

UPON HEARING Counsel for the Plaintiff-
Appellant and Counsel for the Defendant-Respondent

AND MATURE DELIBERATION THEREUPON HAD

IT IS ORDERED

- (i) that this appeal be allowed
- (ii) that the Order of the Honourable Mr. Justice
K. Mc Millan dated the 11th day of January,
1971, be set aside and there be substituted 20
therefor judgment for the Plaintiff in the
sum of \$18,262.10. Of this said sum
\$17,625.00 is to be divided among the
dependants under the Compensation for Injuries
Ordinance in the manner following:

ELSIE ALLARD	\$9,625.00	
PATRICIA ALLARD	400.00	
CHRISTOPHER ALLARD	1,100.00	
BERNARD ALLARD	1,250.00	
CAROL ALLARD	1,500.00	30
SONIA ALLARD	1,750.00	
MARY ALLARD	2,000.00	

IT IS FURTHER ORDERED that (a) the sum of
\$9,625.00 awarded to Elsie Allard be paid to her
for her absolute use and benefit; (b) the sum of
\$400 awarded to Patricia Allard be paid to her
for her absolute use and benefit; (c) the remaining
sums awarded to the other children to be invested
ny the Registrar on their behalf and (d) the sum of
\$637.10 awarded under the Supreme Court of
Judicature Ordinance be paid to Elsie Allard. 40

AND IT IS ALSO FURTHER ORDERED that the costs of this appeal and three-quarters of that incurred in the Court below be taxed and paid by the Defendant-Respondent to the Plaintiff-Appellant.

In the Court
of Appeal

No.15

Liberty to apply.

Wendy Sandra Punette.
Asst. Registrar.

Order of the
Court of
Appeal
12th April 1972
(continued)

No. 16

No.16

10

ORDER GRANTING CONDITIONAL LEAVE TO APPEAL
TO HER MAJESTY IN COUNCIL

Order granting
conditional
leave to appeal
to Her Majesty
in Council
9th May, 1972

Entered the 30th day of May, 1972.

On the 9th day of May, 1972.

Before The Honourable Mr. Justice Aubrey Fraser
(President)

Mr. Justice Karl De La Bastide
Mr. Justice T. Georges.

20

UPON HEARING THE PETITION of the above-named Petitioner dated the 29th day of April, 1972, preferred unto this Court this day, for leave to appeal to Her Majesty in Council against the judgment of the Court of Appeal made herein on the 12th day of April, 1972.

UPON READING the said Petition, and the affidavit of Jacqueline Williams formerly Jacqueline Awon, the Respondent-Petitioner sworn to on the 28th day of April, 1972 both filed herein

AND UPON HEARING COUNSEL for the Petitioner and Counsel for the Appellant.

30

THE COURT DOETH BY CONSENT ORDER that subject to the performance by the Petitioner of the conditions hereinafter mentioned and subject also to the final order of this Honourable Court upon the due compliance with such conditions, leave to appeal to Her Majesty in Her Majesty's Privy Council against the said judgment be and the same is hereby granted to the Petitioner:

- (a) That the Petitioner do within a period of ninety (90) days from the date hereof provide security to the Appellant in the

In the Court
of Appeal

No.16

Order granting
conditional
leave to appeal
to Her Majesty
in Council
9th May 1972
(continued)

sum of Five Hundred Pounds sterling (£500),
to the satisfaction of the Registrar of
the Supreme Court of Judicature or deposit
into Court the said sum of Five Hundred
Pounds sterling (£500) for the due prose-
cution of the said Appeal and for the
payment of all such costs as may be payable
to her in the event of her not obtaining
the order granting her final leave to
appeal or of the appeal being dismissed 10
for non-prosecution or of the Judicial
Committee of the Privy Council ordering
her to pay the costs of the appeal.

(b) That the Petitioner do within ninety (90)
days from the date hereof in due course
take out all appointments that may be
necessary for settling and preparation of
the transcript record in such appeal to
enable the Registrar of the Supreme Court
of Judicature to certify that the said 20
transcript record has been settled and
that the provisions of this order on the
part of the Petitioner have been complied
with and that the said transcript record,
which the Petitioner proposes will be
printed in London, be transmitted to the
Registrar of the Privy Council within
sixty (60) days thereafter.

AND THIS COURT DOTH BY CONSENT FURTHER ORDER
that a stay of execution be granted on the condition 30
that the Petitioner enter into a bond with a surety
in the sum of \$18,262.10 to the satisfaction of the
Registrar of the Supreme Court of Judicature
pending the determination of the said appeal.

AND THIS COURT DOTH ALSO BY CONSENT FURTHER
ORDER that the costs of and incidental to this
petition be costs in the cause.

Leave is hereby granted the Petitioner to write up
the Order.

Ag. Assistant Registrar, 40
Supreme Court of Judicature.

No. 17

ORDER GRANTING FINAL LEAVE TO APPEAL TO
HER MAJESTY IN COUNCIL

In the Court
of Appeal

No.17

Entered and Dated the 7th day of November, 1972
Before the Honourables MR. JUSTICE I.E. HYATALI,
Chief Justice (President)
MR. JUSTICE C.E. PHILLIPS
MR. JUSTICE E. REES

Order granting
Final Leave to
Appeal to Her
Majesty in
Council
7th November
1972

10

UPON MOTION made unto this Court this day by
Counsel for the abovenamed Respondent/Petitioner
for an Order granting the said Respondent/Petitioner
final leave to appeal to Her Majesty in Her Privy
Council against the Judgment of the Court of Appeal
dated the 12th day of April, 1972 and Upon Reading
the said Notice of Motion dated the 23rd day of
October, 1972 the affidavit of Edward C. Sirjoo
sworn the 23rd day of October, 1972 together with
the exhibit therein referred to, all filed herein
and Upon Hearing Counsel for the Respondent/
Petitioner and Counsel for the Appellant

20

THIS COURT DOTH ORDER

That final leave be and the same is hereby
granted to the said Respondent/Petitioner to appeal
to Her Majesty in Her Privy Council against the said
Judgment and that the costs of this motion be costs
in the cause.

Wendy-Sandra Punnett
Assistant Registrar.

In the Privy
Council

No. 18

No.18

Order Granting
Special Leave
to Defend in
Forma Pauperis
20th June 1973

ORDER GRANTING SPECIAL LEAVE TO
DEFEND IN FORMA PAUPERIS

AT THE COURT AT WINDSWOR CASTLE

The 20th day of June 1973

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY IN
COUNCIL

WHEREAS there was this day read at the Board
a Report from the Judicial Committee of the Privy
Council dated the 6th day of June 1973 in the
words following viz:-

10

"WHEREAS by virtue of His late Majesty
King Edward the Seventh's Order in Council
of the 18th day of October 1909 there was
referred unto this Committee a humble
Petition of Elsie Allard in the matter of
an Appeal from the Court of Appeal of
Trinidad and Tobago between Jacqueline Awon
(Appellant) and the Petitioner (Respondent)
(Privy Council Appeal No. 34 of 1972)
setting forth that the Petitioner has
lodged in the Registry of the Privy Council
an Affidavit stating that she is not worth
£100 in the world except for her wearing
apparel and her interest in the subject
matter of this Appeal: And humbly praying
Your Majesty in Council to grant her leave
to defend this Appeal in forma pauperis:

20

"THE LORDS OF THE COMMITTEE in
obedience to His late Majesty's said Order
in Council have taken the humble Petition
into consideration and having heard Counsel
in support thereof and in opposition
thereto Their Lordships do this day agree
humbly to report to Your Majesty as their
opinion that leave ought to be granted to
the Petitioner to defend Privy Council
Appeal No. 34 of 1972 in forma pauperis:

30

"AND in case Your Majesty should be
pleased to approve of this Report then Their

40

Lordships do direct that there shall be paid by the Appellant to the Respondent her costs of this Petition in any event such costs to be taxed on the pauper scale."

In the Privy
Council

—
No.18

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

Order Granting
Special Leave
to Defend in
Forma Pauperis
20th June 1973
(continued)

10

Whereof the Governor-General or Officer administering the Government of Trinidad and Tobago for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

W. G. AGNEW

Exhibit P.1

Exhibit P.1

Death Certificate of
Thomas Allard
2nd May 1970

DEATH CERTIFICATE OF THOMAS ALLARD

21040

A No. 64198

TRINIDAD AND TOBAGO DEATH IN THE Central District of Port of Spain

No.	When Dead	Name and Surname	Sex	Age	Rank and Profession and country of birth	Cause of Death	Signature and Residence of Informant	When Registered	Signature of Registrar	Locality where died
288	18th April 1965	Tommy Allard	M	36 yrs	Grenada Salvation Hall Edward St. Retro P.O.S.	Bile peritonitis liver cirrhosis	M.S. Khan Undertaker Handyman	20th April 1965	E. Best	Gen. Hosp. P.O.S.

I, Vera Grannum 3rd Dept. Registrar General of Trinidad and Tobago, do certify that the above is a true and correct Copy of the Entry No. 288 Vol. 2.

In Witness whereof I have hereunto set my Hand and affix my Seal of Office, this 2nd day of May in the Year of Our Lord, One Thousand Nine hundred and Seventy

V. Grannum
3rd Dep Registrar General.

IN THE PRIVY COUNCIL

No. 34 of 1972

O N A P P E A L
FROM THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

B E T W E E N :

JACQUELINE AWON

Appellant
(Defendant)

and

ELSIE ALLARD

Respondent
(Plaintiff)

RECORD OF PROCEEDINGS

ALBAN GOULD, BAKER & CO.,
404/5, Holloway Road,
London, N.7.

Solicitors for the Appellant

CHARLES RUSSELL & CO.,
Hale Court,
Lincolns Inn,
London, WAC2 3UL
Solicitors for the Respondent