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JAMAICA

IN THE COURT OF APPEAL

CAYMAN ISLAND CRIMINAL APPEAL (9/71)

BEFORE: The Hon. Mr. Justice Fox, Presiding
The Hon. Mr. Justice Hercules, J.A.
The Hon. Mr. Justice Swaby, J.A.

RHEWT H. BCFDEN v. MCTAGGART, ROY E.

Declaration as to title of land

W. K. Chin-See, Esq., appeared for the defendant.

R.N.A. Henriques, Esq., appeared for the appellant.

29th March, 1974

FOX, J.A.,

When this appeal was called on for hearing, Mr. R.N.A. Henriques who appeared for the appellant, with a frankness we find entirely commendable, conceded that there was no arguable point which he could usefully describe in support of his appeal. The appeal is, therefore, dismissed. We affirm the judgment of the court and in accordance with what has been agreed by both counsel in the course of exchanges between counsel and the bench, we make the following specific affirmations:

- (1) The Declaration asked for in relation to the land described in paragraph 4 of the statement of claim is affirmed. This land is described in a document received in evidence marked exhibit C dated 29th of October, 1963, which was registered on the 8th of August, 1966. It is identified as land on the landward side of the road.
- (2) As ancillary to the declaration in (1), we order that the land described in exhibit C, the subject of the declaration in this action be excised from the land described in exhibit 11 which is a document dated and registered on the 22nd of June, 1966. This

document described land on the seaward side of the road, as well as the land on the landward side of the road identified in exhibit C.

We order further that the register be rectified accordingly.

The respondent is to have the cost of this appeal to be agreed or taxed.