

COMMONWEALTH OF DOMINICA  
IN THE HIGH COURT OF JUSTICE

SUIT NO. 37 OF 1996

BETWEEN:

STEPHANIE ANNA JAMES

Claimant

AND

LENNARD PETER MOISE

Defendant

Appearances:

Ms. Dawn Yearwood of Counsel for the Claimant

Ms. Ronan A. David of Counsel for the Defendant

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21<sup>st</sup> November, 2001.  
DECISION: 4<sup>th</sup> December, 2001.  
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JUDGEMENT

[1] **CHONG J.; Ag.** The issues to be decided in this case are as follows:-

- (1) That the defendant at a certain place and in the presence of certain persons, did use the words to wit: " The only reason why your father left you that portion of land was because he was your man."
- (2) Whether the said words, if said were capable of conveying a defamatory meaning and further that the said words were meant and understood to mean
- (3) (a) that the Claimant had a romantic relationship with her father;
- (4) that the Claimant had committed incest;
- (5) that the Claimant had been unchaste or had committed adultery.

The significance of (b) and (c) above were to permit the Claimant's clam to fall within the exception, wherein an action of slander will lie within proof of special damage.

- [2] Issue No. 1 is purely a question of fact and based on the evidence I find as a fact that the Defendant at Petite Savanne in the presence of at least six persons did use the following words namely: "The only reason why our father left you the portion of land was because he was your man
- [3] This conclusion is fortified by the fact that when the Defendant was asked by the Claimant on two occasions if that is what he said, he said nothing and walked away.
- [4] Having found that the words complained of were in fact said, the second final issue to be decided is whether as a matter of law, the words complained of are capable of conveying a defamatory meaning and in so doing lowered the Claimant in the estimation of ordinary right thinking persons in the community of Petite Savanne.
- [5] In finding the legal answer to this issue, it is instructive to point out that the Defendant's Defence was not that the words complained of did not or could not have the meaning ascribed to them by the Claimant, but that the Defendant did not use the words complained of, but used other words namely: "It seems that when our father bought the land, you were with him." and in his evidence in chief, "It seems you were there when he was sharing the land." Clearly, it is the opinion of the court that Defendant's Defence is somewhat tantamount common to an admission that the words complained of were capable of conveying defamatory meaning.
- [6] That aside and bearing in mind the local idiosyncrasy of Caribbean society such as Petite Savanne the words used by the Defendant and in particular the words, "Your man." Given the context in which said words were uttered could only have conveyed the meaning ascribed to them by the Claimant that she had a romantic relationship with her father which was not of a desirable nature and unchaste. The Claimant has therefore satisfied the onus placed on her and has in the opinion of the Court prove that the words used by the Defendant were defamatory of the Claimant and lowered her in the estimation of the Ordinary right thinking persons of the village of Petite Savanne, and I so find.
- [7] By finding, as a matter of fact and law that the Claimant has proved her case of slander against the Defendant, there are two further issues that require the Court's consideration namely:
- i. the damage to be awarded and
  - ii whether there is need for an injunction.
- [8] Guided by the authorities submitted in the Court by Counsel for the Claimant, the Court is of the view based on the 1999, Dominican case of G.O.N. Emanuel and Theodoris Lawrence that an award of \$3,000.00 in this case would not only be sufficient but adequate compensation for the injury suffered by the Claimant at the mouth of the Defendant.

[9] With regards to the issue of an injunction, the Claimant has not led any evidence to convince the Court that there is any reason to apprehend further repetition of the publication of the slander and for this reason I find no grounds for granting the injunction.

[10] In conclusion therefore my order is as follows:

1. Judgement for the Claimant in the sum of \$3,000.00.
2. Injunction refused
3. Costs to be agreed or otherwise taxed.

**JUSTICE TYRONE CHONG  
HIGH COURT JUDGE**