29/81

IN THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL No. 51 of 1980

O N A P P E A L

FROM THE COURT OF APPEAL OF BERMUDA

B E T W E E N :

JEFFREY CHRISTOPHER ASTWOOD Appellant

- and -

JOYCE MARGARET ASTWOOD Respondent

CASE FOR THE RESPONDENT

Record

1. This is an appeal by the Appellant, a husband and Petitioner in divorce proceedings against the Respondent wife, against the order of the Bermuda Court of Appeal given on the 28th March, 1980, which by a majority allowed the Respondent's appeal against the grant to the Appellant, on the 30th July 1979, of a decree nisi of divorce on the grounds that the Appellant's and the Respondent's marriage had irretrievably broken down evidenced by the fact that the Respondent had behaved in such a way that the Appellant could not reasonably be expected to live with the Respondent. Conditional leave to appeal was granted by the Bermuda Court of Appeal on the 2nd April 1980 and Final leave to appeal on the 6th November, 1980.

2. The principal point of practical importance for the parties is that the Respondent could and probably would be ousted from the matrimonial home upon the Appellant obtaining a decree absolute, but the point that arises in this appeal is whether the Bermuda Court of Appeal were right in reversing the learned trial Judge's decision to grant the Appellant a decree nisi. That point in turn may be reduced to the question whether the appellate Court were right to reverse the learned trial Judge's finding of fact that the Appellant had found a certain document in late 1977

rather than in late 1976; or, if he found it in late 1977, that he had not thereafter cohabited with the Respondent to any degree sufficient to disentitle him from saying that he could not reasonably be expected to live with her. The document referred to, a draft letter prepared by the Respondent, was on its face susceptible of the inference (and so found at first instance and on appeal) that the Respondent had formed a close emotional and physical attachment while abroad to an Australian (who in fact died in 1978). In essence the Appellant's case was that the discovery of this letter in late 1977 was "the last straw", that he had taxed the Respondent with it and very shortly thereafter had withdrawn from effective cohabitation with her. It was common ground between the parties that sexual intercourse had ceased in about September 1977. The Respondent's case was that she had met the Australian in 1976, that she had drafted the letter in September 1976, and had been taxed by the Appellant on it in November 1976. Her evidence on these dates (particularly the last one) was unchallenged, and was strongly supported by the fact that the Appellant had written the date 14th September 1976 on the document and said in evidence that it was probably the date he had found it.

3. If the document was discovered by the Appellant in late 1976 the Respondent submits that his continued cohabitation with her until late 1977 would be fatal to his case, as he did not complain of any specific incident or conduct after the finding of the document.

4. In any event it was common ground that the Appellant and the Respondent, although ceasing sexual intercourse in about September 1977, shared the same bedroom until late 1977 or early 1978 when the Appellant moved to a different bedroom, that they shared a bedroom in April 1978 in Australia; that the Appellant moved back into the master bedroom in August 1978 and that thereafter the parties continued to live in the same house and were so living at the time of the hearing before the Court of Appeal.

5. The learned trial Judge found that the Appellant had moved out of the master bedroom "as soon as it was reasonably practicable" after finding the document. In the Court of Appeal Justice of Appeal Duffus (for dismissing the Respondent's appeal) declined to interfere with that finding, and Justice of Appeal Summerfield reversed it. The learned President gave the leading judgment and, while expressing grave doubts about the learned trial Judge's finding on the issue, seems to have based himself, in allowing the appeal, primarily on the continued cohabitation between the parties from late 1977 onwards. The Respondent

hereby submits that the learned President effectively reversed the learned trial Judge's finding on the issue of the document or, if he did not, that she should be allowed to argue that he ought to have done for the same reasons as those advanced by Justice of Appeal Summerfield.

6. The parties were married on the 15th January 1955, and they had four children namely Jean Mary Astwood born the 29th September, 1955, Margaret Ann Astwood, born on the 13th November, 1956, Jeffrey Bryan Astwood, born on the 14th July, 1960, and Bridget Caroline Astwood born on the 5th February, 1964. The marriage took place in Hong Kong, and in April, 1955 the parties moved to Bermuda where the last matrimonial home was Aberfeldy, Sandys Parish, Bermuda, a house in which both the Appellant and the Respondent and the four children still reside.

7. Thereafter the principal background dates were as follows :-

In 1956 or 1957 the Respondent was discovered to be suffering from epilepsy, and although she has had no recurrence, she has had to have medication ever since that date.

In 1959 the Appellant and the Respondent visited Hong Kong, and in the same year the Appellant was left aberfeldy above by his uncle subject to the life interest of his grandmother, who in the result died in 1963.

During the 1960's the Appellant became increasingly interested in politics.

In 1965 the parties moved into Aberfeldy above.

From 1966 onwards the relationship between the Appellant and the Respondent deteriorated, and sexual intercourse between them became rare.

In 1967 the Respondent went to the United Kingdom for a mastectomy, and the Appellant wrote a letter to her whilst she was in the United Kingdom, dated the 29th June, 1967 rehearsing a number of complaints about her, and suggesting that she should not return. The Respondent did however return.

In 1970 the Appellant left the Respondent for a period of nine weeks.

In 1972 the Appellant was elected a Member of Parliament in Bermuda, and was re-elected in 1976.

In either late 1976 or late 1977 the Appellant found a draft letter written by the Respondent to one Bill Coggins.

In September 1977 sexual intercourse between the parties ceased.

In early 1978 the Appellant moved out of the matrimonial bedroom.

From the early part of 1978 the Appellant started an affair with one Denise Gallagher.

In April 1978 the Respondent joined the Appellant in Australia and there shared a bedroom with him.

In August 1978 the Appellant moved back into the matrimonial bedroom.

8. On the 20th December, 1978 the Appellant presented a Petition seeking dissolution of his marriage to the Respondent on the grounds that their marriage had irretrievably broken down as evidenced by the fact that the Respondent had behaved in such a way that the Appellant could not reasonably be expected to live with her. The Appellant's allegations in support thereof did not in the main refer to specific incidents, even as particularised in Further and Better Particulars and Amended Further and Better Particulars given on the 14th May, 1979, but essentially consisted of an attack on the Respondent's frame of mind towards and general behaviour in the marriage. In outline the Appellant alleged that the Respondent never liked living in Bermuda, that she gave him no support in any aspect of their lives, that she did not entertain his friends, that she made disparaging comments about his friends and family, that she declined to join in his social political or business interests, that she went off frequently on trips of her own, and that she did not join the Appellant in his enthusiasm for their children's religious upbringing. The Appellant finally alleged that the discovery, in September 1977, of the draft letter written by the Respondent to the said Bill Coggins was the factor that led to the final and complete breakdown of the marriage.

9. The Respondent defended the allegations of the Appellant by a bare denial, and the case came on for hearing before Puisne Justice Barcilon on the 9th and 10th July 1979. The Appellant gave evidence himself in support of the allegations in his Petition, and called in addition a

Miss Frances Dickinson who gave evidence in regard to the Respondent's lack of interest in Bermuda, and in regard to her having said, in 1978, that she had met the said Bill Coggins in Hong Kong and that she was very fond of him. The Appellant called no other evidence in support of his allegations. The only witness called on behalf of the Respondent was the Respondent herself.

10. On the 10th July 1979 the learned trial Judge found in the Appellant's favour and pronounced a decree nisi. The principal findings made by the learned Judge are as follows :-

> "Both the husband and the wife gave evidence before me. I formed the impression that the husband was trying to tell the truth to the best of his ability whereas I am completely satisfied that the wife had no respect whatsoever for the oath she had taken to tell the truth, the whole truth and nothing but the truth. I do not propose to give details of the various occasions when she was proved to have told deliberate lies - suffice it to say that in respect of some four or five matters she has made categorical statements that she later had to withdraw. As a result, where the wife's version of any incident or matter is in conflict with that of the husband, I accept the latter's version".

> "The husband was questioned about a notation '14th September, 1976'which appears on the copy of the wife's draft letter to Bill Coggins. The husband admitted that this notation was in his handwriting and, according to my note, 'it was probably the date I found it'. A few minutes later, he said, 'I did not say that I probably found the letter on 14th September, 1976. This was some doodling on my part. I found the letter in September 1977. I taxed her with it immediately and moved out of the master bedroom. I do not agree that I found the letter on the 14th September, 1976 and that I did not move out of the bedroom until January, 1978.'"

> "The husband agreed that in August 1978, when one of the daughters came home, he moved out of her room and back into the master bedroom, but by then the divorce proceedings had been in the hands of his attorney and he had made attempts to get the wife to move out of the matrimonial home."

> "In April 1978 the husband went to Australia on some

official convention and the wife joined him there, uninvited and unannounced. The parties shared a bedroom in the hotel, and appeared in public together but he said this was in order not to cause a scene or embarrassment."

"In re-examination, the husband said that he could pin his removal out of the master bedroom by reference to his diary. In September 1977 they had taken their daughter Bridget to school in Boston, and on the October 1977 a business friend paid a visit to Bermuda. The husband said that he had moved out of the bedroom after the daughter had gone to school and before the business friend had arrived. In any event, the husband said positively that he moved out of the master bedroom soon after the finding of the letter."

"The date of the move out of the bedroom was obviously of great importance to the Defence. If the letter had been found by the husband on 14th September, 1976, and he only moved out of the bedroom over a year later, he could not be heard to say (with any chance of success) that the finding of the letter was the last straw that has broken the back of the marriage."

"According to the wife, the husband spoke to her about that letter in November, 1976 and she and her husband had continued to share the master bedroom until January 1978."

"Taking into account all the evidence on this issue I am satisfied that the husband moved out of the matrimonial bedroom soon after the finding of the letter."

"Regarding the draft letter which she wrote to Mr. Coggins, the wife maintained that in spite of its contents, nothing improper occurred between them. She had this to say about the relationship: - I knew Mr. Coggins for five days in 1976. I did not then tell him that I loved him. We did not talk at all of an intimate relationship as a possibility. In fact I did fall in love with him at that time. It was my wish to see him again in the future. I did write and type the draft letter exhibit 1. I would agree that anyone reading that letter would infer there was an intimate association with the addressee.

The wife also agreed that she had told Sir Jeffrey Astwood, her father-in-law and Miss Frances Dickinson that she had fallen in love with another man,

but she would not agree that it was in 1978 but in 1977 that she had spoken to Miss Dickinson about this matter. The wife described her feelings for Mr. Coggins as being an infatuation. However she may decribe it, the fact remains that she felt sufficiently strongly about him to tell Miss Dickinson some 15 months later (on her own admission) that she was in love with Mr. Coggins, and if she is to be believed, it was some 15 months after an innocent relationship which lasted five days in 1976 and the persons concerned had not seen each other since."

"I have covered at length the substance of the evidence given in this case and I am satisfied that from the beginning of the marriage the wife was antagonistic to everything connected with Bermuda, her husband's business, her husband's family and her husband's friends. In an oblique way the wife had admitted many of the husband's grounds of complaint, but she tried to explain it away by reference to her inate shyness and her dread of having epileptic fits in public. I think the wife has grossly exaggerated these two possible reasons for her conduct. If they had been the real reasons for her conduct, I feel sure that the husband would have had every sympathy for her and he would have made every allowance for her. I am quite satisfied that the wife is trying to put forward an untrue explanation for her conduct."

"..... in the Summer of 1977 comes the discovery of the draft letter addressed by the wife to Mr. Bill Coggins. I am satisfied from that letter that a sexual relationship had existed between the wife and Mr. Coggins and it is not surprising that the husband drew the same inference. Coupled with the reference that her love for her husband started to die in 1967, this letter must have dealt the death blow to the marriage, and I am satisfied that from the date of discovery of that letter (and I place that at September 1977) the marriage had irretrievably broken down."

"As soon as it was reasonably practicable after the finding of the letter, the husband moved out of the master bedroom and soon after Christmas in 1977, he was putting the matter in the hands of his attorneys, and making attempts to get the wife to leave Aberfeldy."

"There is no evidence before me as to the date when the husband began his intimate relationship with

Miss Gallagher. The wife said that it was in February 1978 but she got the impression that her husband was having an affair with Miss Gallagher. She obtained that impression because after speaking to the girl's mother on the telephone, the husband appeared embarrassed. In my opinion if the marriage had irretrievably broken down in September 1977 by reason of the wife's behaviour, then anything that the husband may have done after that date is irrelevant. In conclusion my findings are that the marriage between the parties has broken down irretrievably and the wife has behaved in such a way that the husband cannot reasonably be expected to live with her. I will therefore order a decree nisi."

11. By Notice of Appeal dated the 9th August, 1979 the Respondent appealed from the decision of the learned trial Judge, and on the 28th March, 1980 the Court of Appeal of Bermuda allowed the Respondent's appeal and set aside the decree nisi.

12. The decision of the Court of Appeal was by a majority. The principal findings made by the majority were as follows:-

A. The learned President:-

"In cross-examination, the husband modified some of the allegations in his Petition. For example, as regards the wife's trips abroad, he agreed that he had heard that such trips were for business reasons in connection with the dress shop she ran for about seven years prior to the hearing of the Petition. He also admitted that the wife took his parents on holiday to the United Kingdom in 1957, to Austria in 1964 to Mexico in 1976, that she had paid the expenses and that his parents had accompanied the parties to Barbados on several occasions. He also admitted that in 1970 the whole family took a World cruise for eight weeks and that in 1977 she met his parents in Hong Kong and showed them around and that when the wife went to England, it was, amongst other things, to visit the children who were at school there. He admitted that, after the first attack of epilepsy the wife's attitude changed, that she could not face crowds or face social gatherings. He agreed that the epilepsy was one of the reasons why the wife would not take part in social activity, but he would not agree that it was the only reason. He agreed that anyone leaving Hong Kong would take time to get used to Bermuda; but he added that it was

only since the institution of the divorce proceedings that the wife has expressed a desire to live in Bermuda. He admitted that the wife had said that she wishes the family to continue to live at Aberfeldy and for the house to be a meeting place for the children. He admitted that she ordered a cake in celebration of his election victory in 1972. He also admitted that she contributed to the cost of Millwood and that four or five years after they moved to Aberfeldy he paid the wife her share of Millwood."

"There are three matters which, in my view, appear to call for particular mention:

(i) the wife's epilepsy;

(ii) the husband's absence from the matrimonial home in 1970; and

(iii) his statement in cross-examination that the 14th September 1976 was probably the date he found the draft letter to Bill Coggins."

"According to the Judge the explanation for the wife's conduct is that "from the beginning of the marriage the wife was antagonistic to everything connected with Bermuda, her husband's business, her husband's family, and her husband's friends. If that is the true explanation I cannot help wondering why she has remained in Bermuda for so many years and why she wants the marriage to continue. There is no suggestion that there is maintenance which is the determining factor. The evidence is that she comes from a wealthy family and has independent means. Her love for her children may have been the important factor during their formative years; but they are now no longer children, and we may presume, that, before long, they shall be branching out on their own. Why should she want the marriage to continue merely to enable her to be antagonistic to everything connected with Bermuda, her husband's business, family and friends?"

"The husband wrote '14th September 1976' on the wife's draft letter which he found 'in the rubbish'. As Counsel for the wife said, this letter is the high water mark of the husband's case. In his Petition and in his examination in chief he said that he found the letter in September 1977. He was not asked in examination in chief to explain the date '14th September 1976'. It

Record

was halfway through his cross-examination that he was asked some questions such as 'what is the significance of that date'. His answer was 'It was probably the date I found it'. Counsel for the wife then moved on to another subject; but the husband was then asked on what date he moved out of the master bedroom. His answer was 'I think it was September 1977'. We do not know what the next question was but the husband's answer to it was 'I did not say that I probably found the letter on the 14th September 1976'. Of course, that was precisely what he did say shortly before. We do not know what the next question was: but clearly it was some question such as 'Why did you write that date on the letter'; and the husband's answer was 'This was some doodling on my part'. In re-examination he said 'I cannot explain how the date 14th September 1976 came to be written by me'. In examination in chief the wife said that she wrote the draft letter in September 1976 and that in November 1976 the husband spoke to her about it. In cross-examination she was apparently asked again whether she wrote the letter and she said she did; but she was not cross-examined on the statement that she wrote it in September, 1976 and that the husband spoke to her about it November 1976. I apprehend that most people know the meaning of the word 'doodling'. The word 'doodle' is defined in the Concise Oxford Dictionary as to 'make an aimless scrawl while one's attention is engaged elsewhere'. Clearly the date '14th September 1976' is not an aimless scrawl. It is a definite date written distinctly; the abbreviated form of the word 'September' was in capital letters. On a plain reading of the record it would appear that the husband's immediate reaction to the question 'What is the significance of the date 14th September 1976', was to say that it was probably the date on which he found the letter. But, upon being reminded that he had said that he moved out of the master bedroom in September 1977, the significance of his remaining in that bedroom for a year after finding the letter, on which he placed so much reliance, struck him. He then tried to wriggle out of it by saying firstly that he did not say that he 'probably found the letter on the 14th September 1976' and then attempted to explain the presence of the date by asserting that he was doodling. Without having seen the witness, on a plain reading on this

portion of the record I find it surprising that the learned Judge rejected the wife's evidence and accepted the evidence of the husband that he found the letter in September 1977."

"Having carefully considered the record of the evidence in this case in the light of submissions of Counsel for the wife and in the light of the House of Lords decisions to which I have referred, I think that this Court must accept the learned Judge's findings as regards the primary facts. However the matter does not end there. Section 5(2) of the Matrimonial Causes Act provides that the Court shall not hold the marriage to have broken down irretrievably unless the Petitioner satisfies the Court of one or more of five "facts". In this case, the husband relies on paragraph (b) of Section 5(2) and contends that the wife has behaved in such a way that he cannot reasonably be expected to live with her."

"As the learned Judge in the Pheasant case said, before deciding whether a wife has behaved in such a way that the husband cannot reasonably be expected to live with her, the Court is required to make a valued judgement about the behaviour of the wife and its effect upon the husband; and, as regards that, an appellate court is in a stronger position than it is when asked to review a trial Judge's findings of primary fact. In this case, on the primary facts as found by the learned Judge the marriage no doubt has broken down; but as Ormrod, J. said in the Pheasant case, Parliament has not yet completely assimilated the law relating to marriage with the law of partnership; and the Court is not concerned only "to crush empty shells". With respect to the learned Judge's value judgement on this, I cannot bring myself to agree with it. Without the draft letter to Bill Coggins, in my view, no Court could reasonably conclude that the wife has behaved in such a way that the husband cannot reasonably be expected to live with her. The only question is: whether the finding by the husband of the letter to Coggins strengthens the husband's case sufficiently. I do not think so. Even if it is accepted that the wife committed adultery with Coggins in 1976, or that the husband had reasonable grounds for believing that she did, even if she did not, adultery per se is no longer a ground for divorce. Paragraph (a) of Section 5(2) reads: 'That the respondent has committed adultery and in consequence the petitioner finds it intolerable to live with the respondent.'

Even accepting that the husband found the letter in 1977, and not in 1976 as alleged by the wife (despite the date "14th September 1976" in the husband's handwriting on the letter) the parties have continued to live under the same roof. The learned Judge has found that they did so for the sake of the children. The Petition was not filed until 20th December, 1978. This is 1980. The husband is still living under the same roof as the wife. I would, myself, allow this Appeal with costs here and in the Court below and quash the decree nisi pronounced in the Court below."

B. Justice of Appeal Summerfield

"For the most part the real reason for the breakdown of this marriage, which has lasted some 24 years, has been mutual intolerance to minor human shortcomings. This has built a wall between them which appears to have become permanent with the husband's attachment to another woman. Some of the complaints against the wife no longer have any foundation - for example her earlier antipathy towards living in Bermuda and the present matrimonial home. Her subsequent conduct has removed the bases for these complaints. She had also agreed to make amends in other directions. The one exception to the catalogue of what I view as trivial complaints is the finding (in 1976 or 1977) of the copy of the letter sent to one Bill Coggins. This has been fully examined in the learned President's Judgement. There can be no doubt that serious misconduct could be inferred from that letter. It could reasonably lead the husband to conclude that the wife had an illicit relationship with Bill Coggins. It may be noted that the learned President's analysis of the evidence discloses that the wife could have had equal cause for complaint against the husband much earlier in their marriage - in 1970. The main issue with regard to that letter is the date it came to the husband's notice. The letter has on it the words "14th September 1976" in the husband's handwriting. He claims that he found it "in the rubbish" in September 1977 and then immediately moved out of the matrimonial bedroom, thereafter ceasing to live with her as husband and wife. If in fact he found the letter in September 1976 then, of course he can hardly claim that by reason thereof he could not reasonably be expected to live with her; because he did in fact live with her as man and wife for some twelve months after that date. The wife admitted that she sent the letter in September 1976 and stated that her husband tackled her about it in November of that year.

The learned Judge accepted as a fact that the husband found it in September 1977 and "soon after" left the matrimonial bedroom. It is with that finding of fact I feel obliged to take serious issue. In his evidence in chief the husband stated that he found a copy of the letter in September 1977, but gave no explanation of the words in his own handwriting on it. In cross examination when asked about the date he said: "It was probably the date I found it". A little later presumably when he realised the effect that that admission might have, he not only resiled from this explanation but stated falsely: "I did not say that I probably found the letter on the 14th September, 1976". Later he unconvincingly tried to explain away the words as doodling on his part. Finally on re-examination he said that he could not explain how the date 14th September 1976 came to be written by him.

The approach of an appellate court to findings of fact by a trial Judge is well settled. The learned President reviewed the authorities in his Judgement. Any such finding deserves great respect. Here, the learned Judge reached a finding of fact without any explanation - save that he preferred the evidence of the husband to that of the wife. He gave no reason for accepting that the husband found the letter in September 1977 in the face of his unguarded admission that it was probably in September 1976; his false denial that he had made that admission; his subsequent unconvincing explanation as to the origin of the words on the letter and his final inability to give any explanation at all for the words.

We are not here dealing with a Judge's assessment of witnesses - whether truth lies as between one witness and another - where the Judge's ringside seat gives him an advantage denied to this Court we are dealing with the resolution of conflicts in the evidence of a witness he finds convincing, where that resolution appears to defy the inherent probabilities, is founded on highly suspect explanations and is unsupported by any reason in the learned Judge's judgement.

It seems highly unlikely that the copy of the letter (presumably a draft) would have been found "in the rubbish" after lying around for a year or so. The notation on the copy speaks for itself. What is the obvious explanation for it? In the absence of an acceptable explanation the inference is straightforward enough.

Record

The husband's provarication merely strengthens that inference. The obvious inference accords more closely with the wife's version of events.

In my view it would be wrong for an appellate court to allow a case of this nature to turn on a finding of fact which has such an unsatisfactory basis. What makes a self-serving statement by a convincing witness more worthy of credence than an unguarded admission against interest which is more consonant with the probabilities? Nothing on the record answers this question. The resultant finding of fact made the wife the "guilty" party (to use an archaic concept) in the breakdown of the marriage. It would be unfair that she should be so branded on a finding based on such insubstantial grounds - particularly having regard to the other flimsy grounds of complaint and the evidence as a whole."

C. Justice of Appeal Duffus

"The husband had written the date 14th September 1976 on the letter. He agreed that he wrote this date and at first said that this was the date he found the letter, and later he corrected this and said he was doodling as he found the letter in September, 1977, and then after taxing his wife with it, immediately moved out of the matrimonial bedroom. The learned Judge fully considered this issue and said: 'Taking into account all the evidence on this issue I am satisfied that the husband moved out of the matrimonial bedroom soon after the finding of that letter". The trial Judge had the considerable advantage of the parties giving their evidence before him. He accepted and believed the evidence of the husband, and I can, with respect, find no reason to differ from this finding."

13. The Respondent humbly submits that this Appeal ought to be dismissed with Costs for the following among other

R E A S O N S

(i) BECAUSE the facts as found by the learned trial Judge did not in any event render the Respondent guilty of behaving in such a manner that the Appellant could not reasonably be expected to live with her.

(ii) BECAUSE the learned trial Judge's finding of fact in regard to the draft letter to the said

Bill Coggins was contrary to the weight of the evidence and/or one that no reasonable tribunal could have reached.

(iii) BECAUSE whatever the correct date when the Appellant had found the said draft letter he continued thereafter to cohabit with the Respondent, and cannot therefore be heard to say that he could not reasonably be expected to live with her by reason of her behaviour.

10 (iv) BECAUSE of the reasons given by the Court of Appeal.

R.B. HOLROYD-PEARCE
Q.C.

JOHN HAMILTON

No. 51 of 1980

IN THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL

ON APPEAL

FROM THE COURT OF APPEAL
OF BERMUDA

BETWEEN:

JEFFREY CHRISTOPHER ASTWOOD
Appellant

- and -

JOYCE MARGARET ASTWOOD
Respondent

CASE FOR THE RESPONDENT

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