

(Civil Jurisdiction)

Between: BevaesRomol  
Godfrey Makenzie  
**Complainants**

And: Mason Albert  
Mathias Tabi  
**Defendants**

In the matter of payment of fine in the sum of 10,000 for entering plantation without permission and taking away mother cow.

**Coram:** Justice Alfred Welsam  
Justice David Mesigteltok  
Justice Keith Hopkins

**Clerk:** Fredington Aru

**Date of hearing:** 12<sup>th</sup> October 2011

**Appearance:** Both parties are served with summons and have appeared before the Court when it sat to determine the matter.

### **DECISION**

This Court sat at Sola to determine the Claim filed by the plaintiffs against the defendants.

On their claim, the plaintiffs (Bevaes and Godfrey) stated that the defendants (Mason and Mathias) have entered their plantation without their permission and took away their female cow.

The plaintiffs seek before this Court a relief of 5000 vatu fine from each defendant for their action of entering plantation without permission to take away their female cow.

Given the brief background, we will shift through their evidences adduced by this Court.

**Evidences:**

Bevaes Romol testified in Court that the defendants entered their plantation and took away their female cow. She said she is very unhappy over their action and it is this that prompted her to lodge a case before this Court to seek assistance and legal action.

Another plaintiff Godfrey Mackenzie testified in Court that the cattle that defendant Mason and the others took away had never been returned. He said its whereabouts and what exactly happened to it (cattle) is not known.

Defendant Mason on his defense testified that they took away the cow as a measure that the complainants must pay them fine since Bevaes's son Dickinson was threatening to slaughter his father whom they relate to as their uncle. He said their intention was to keep the cattle in their possession until the time the plaintiff pay them fine. He said he sent the chiefs to go and get the cattle.

Defendant Mason went on to testify that the cattle was slaughtered and eaten by Selwyn Manasseh and his tribe (known in Vanua Lava custom as tribe *Beut*).

After hearing both party's and their given evidence, we hereby ordered as follows:

**ORDERS:**

1. This case is sent back to the village chief in the area the issue arose to determine according to substantial Justice and Custom.
2. Any party who is aggrieved by this decision has liberty to lodge an appeal to the Magistrates Court within 30 days as of today's date.

**Dated at Sola this 12<sup>th</sup> October 2011**

*Alfred Welsam*

*David Mesigtelok*

*K. Hopkins*

Justice Alfred Welsam

Justice David Mesigtelok

Justice Keith Hopkins

