

SAINT LUCIA

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

Claim No. 542 of 1999

BETWEEN:

AUGUSTE AUGUSTIN

Claimant

and

MATTHEW MONROE

Defendant

Appearances:

Mr. Alvin St. Clair for the Claimant

Ms. Siobhan Lloyd for the Defendant, absent

Defendant absent

2003: July 22

JUDGMENT

1. **HARIPRASHAD-CHARLES J:** On 16th July 1999, Auguste Augustin filed a Writ of Summons against Matthew Monroe claiming damages of \$14,505.00 for his crops and plants which he alleged were destroyed by Mr. Monroe.
2. The facts of this case are unfortunate. Mr. Augustin is a farmer by profession. On 1st November 1989, he was given permission by the Chief Forest and Lands Officer to occupy a vacant parcel of Crown Lands situate at Poisson, Mahaut in the Quarter of Micoud in exchange for his lands at Cattier La Porte which the Government of Saint Lucia was seeking to acquire for water catchment protection. Cabinet Conclusion No. 166 of 1996 confirmed Government's decision. As a consequence, Mr. Augustin began occupying the lands upon which he planted trees, crops, plantains, dasheen, yams and other produce. He also supplied bananas to the United Kingdom.

3. Mr. Monroe has a garden contiguous to Mr. Augustin's land. He also farmed on Crown Lands and was placed there by representatives of the Crown Lands Department. Problems ensued between the parties. One day in November 1996, Mr. Augustin went to his land and met Mr. Monroe, his wife and son there. In their presence, Mr. Monroe proceeded to uproot and cut down Mr. Augustin's trees, crops and produce. Mr. Augustin said that he could have done nothing. He is an aged man. He appeared feeble when I saw him in court. As a result of the damage to his crops, Mr. Augustin went to the police station and made a report. The police accompanied him to the land. There the police officer met and spoke to Mr. Monroe. Mr. Monroe claimed that the land is his. Mr. Augustin was then advised to get a valuation of the damaged crops.
4. The next day, he contacted Mr. Florent Cox who did a valuation. Mr. Cox gave oral testimony in this court. He said that he met Mr. Monroe on the land when he went the following day. Mr. Monroe admitted to him in very insulting language that he had destroyed the crops. Mr. Cox estimated the damage at \$14,505.00. As a result. Mr. Augustin instituted these proceedings claiming damages, interest and costs.
5. Mr. Monroe filed a defence in which he denied the allegations made against him. The matter was then referred to mediation. No settlement was reached. It came back before the court. At the case management conference, directions were given. Suffice it to say, Mr. Monroe did not comply with any of the directions. On the day of trial, Mr. Monroe did not appear. Neither did his lawyer Ms. Lloyd.
6. Judgment was therefore given in favour of Mr. Augustin in the sum of \$14,505.00 with interest at the rate of 6% per annum from 16th day of July 1999 to the date of judgment and costs of \$2,500.00.

INDRA HARIPRASHAD-CHARLES

High Court Judge

