

BEFORE THE GUADALCANAL CUSTOMARY LAND APPEAL COURT SITTING  
AT HONIARA - 7/82

FROM: TASIMBOKO LOCAL COURT NO. 2/82

ABOUT: BINU LAND

BETWEEN: CELESTINE KULAGOE

AND: WILLIAM MANELETEA

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JUDGMENT

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The land in dispute between the Appellant and the Respondent is known generally as BINU Land. These are cross appeals which were heard together. For the sake of convenience CELESTINE KULAGOE is referred to as the APPELLANT and WILLIAM MANELETEA as the RESPONDENT.

This appeal comes before us from the High Court with a direction to rehear the matter. Accordingly we have not informed ourselves of nor take regard of those matters stated in the previous Customary Land Appeal Court or High Court. We have conducted these proceedings as an appeal hearing from the original hearing at the Local Court.

Both parties dealt in turn with each of their points of appeal and answered the others. They both reiterated their reasons for claiming the land as their own. They both produced family trees AE Ex 1 and RE Ex 2. The appellant produced what he said were the Respondents real family tree and his false one.

It is impossible to take each and every detail in dispute and decide whether the Appellant or Respondent is correct. What is clear however is that both parties claim from common ancestors, TINONILE and BURARE, the trees of the two parties are mixed to the extent that one party or the other can choose a particular line of ancestors to substantiate his claim.

The court finds that the tribes now may be different but the line of each goes back to the same ancestors. In those circumstances in custom we must find that the land is jointly owned.

The Appellant has produced shell money to the court. Further the Respondent on his story should have collected all the people interested at the time of the Land Acquisition hearing - he did not appear to do this. Accordingly we find that the Appellant is their leader.

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DECREE

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1. The decisions of the Tasimboko Local Court are quashed
2. The Appellant and Respondent are declared joint owners of the land.
3. The Appellant is the leader.

Informed of rights of Appeal.

Signed: .....  
S. SETI  
Ag. President

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A. MOTU  
Ag. V. President

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A. OLI  
JA

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Z. CHIPI  
JA

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R.J. COVENTRY  
Magistrate/Clerk