

Held at Maka on 3rd November 1981. (21)

Before: Hunitaa Vice President
M. Inimae Court Member
Awasianimae " "

Interpreter: Jones Houla

Civil Case No. 8/81. Court fee paid \$10.00 GTR No. A41692 7/4/81.

Plaintiff: Mariano Wateliu of Oriore Village, and
: Moses Watesi of Oriore Village.

Defendant: Joe Maesiaro of Su'uri Village,
: Manemoru of Pulaha Village.

Statement of Claim - That I do claim Maesiaro to court because he was coming from Bauro in Makira then he wanted to take possession over my tribal land in Small Malaita. Area I wanted to make development inside this land but J. Maesiaro objected me.

Plea: Liable.

Plaintiff side M. Wateliu of Oriore Village, d/ss.

Facts - My name is Mariano Wateliu I am a chief of Haluteapu land. I have the right of the disputed land. Maesiaro's grandfather came from Makira Island but settled here in Small Malaita with different tribes in the island. At last they came to Aenaai place. When they reached Aenaai they asked permission from the land owners to settled there. They asked permission from Ienikeu. So this man Ienikeu did not grant them permission because no space for them to settle there. After that Ieniken said you just wait until I ask a man name Wachiona permission.

Then Wachiona said if they could stay for a short time I would allow them to stay but if they stay for generations then I would not let them to settle in here with us. Then the new comers replied him we would live here for a short period of time then go to another place. Wachiona allowed them to settle in Mouito and Walanimenu parcel of lands. He allowed them to settle inside these two parcel of lands for a short time before go away to any place they wanted to go. After then they went to a place called Holopau. When they settle there they went again to Menuaosao place after then they went to another place called Olo'olo. After staying at Oloolo they went to a place called Walona.

After staying at Walona they came to Pulaha and settle their until today. After staying at Pulaha when Walaihesue tribe appointing them to be the tribal chief for their two tribesmen. After staying there at Pulaha for sometimes then they just claim the disputed land as their land. They said that this disputed land was given for Maesiaro tribe. Only Omi to land just their parcel of land, but why they stay at Olopau but they did not claim as their parcel of land. They also stayed at Menoausau but they did not claim as their parcel of land. They also left Oloolo but they did not claim as their parcel of land. They settled at Walona then left the place but they did not claim the place as their own land. Then today they settled at Pulaha and own parcel of lands there. Moito place just same as the places which I mentioned earlier but they did not pay for the parcel of lands. When they settled there noone gave them land by any reasons I did not hear it from my grandfathers and forefathers stories. No one intermarriage to Haluleapu tribe

nor anyone from their tribe married a girl from my own tribe. I also did not hear any generation from Makira Island to Haluteapu tribe or Haluteapu related to Maesiaro and tribesmen. No one gave away such big land tribe the Haluteapu land in Small Malaita land. Even though the land which they settled at Pulaha at present not be as the land where we disputed about today. That's the very reason why I said this land was my true land. That's the end of my talk today in court.

Wateliu.

XX Defendant.

- Q: You denied that we did not have the right to own that disputed land but why I have some sacrificial tambu places there?
A: I did not know any of your tabu places within the disputed land but only tambu place you own is Moito where Hatapaewa and Ououtewa were buried there.
- Q: Why I own one tambu place near the sea on my tambu place situated at the bottom of the disputed land?
A: You was chased from Makira therefore you could offer sacrifice to your devil the shark at any place you settle.
- Q: Why you denied me not to own the land but why there is a drain dug to divide our boundaries called Hauteapu.
A: The drain was dividing the two tribes from being mixing with the new comers.
- Q: Why did the new comers have a boundary line if they gone stay only for a short period of time with your tribesmen?
A: They did not mean giving the land but just divide them from right some people, might get poison etc.

Q: By Court.

- Q: Did you know that Maesiaro came from Bauro in Makira?
A: He was from Small Mallita but his grandfathers were from Makira Island.
- Q: Where did Maesiaro's tribesmen first arrived in Small Malaita after left Makira?
A: He arrived at Mariseu place in East Small Malaita before they spread in the island.
- Q: Why did you come from Bauro to Small Malaita?
A: They came from civil wars against them.
- Q: Why did your father and Maesiaro's father did not dispute about the land but you and Maesiaro dispute about the mentioned land?
A: Our fathers had been disputed about the land many times but settle it with custom chieives. I am the custom chief of Haluteapu tribal land.
- Q: Was only Joe's Maesiaro migrant or come from different place to Small Malaita land?
A: Some tribesmen might come from some where in Small Malaita but they did not arrive to me so that I could know.

PW.1 Honiaupeina of Kakana Village d/ss.

Facts - They were strangers from Bauro in Makira I stand. When they arrived at Aeraai place and settled there. Then Ieanikeu told

then to stay there because that place is not big enough. Ieniken said to Waohiona if you find any place big enough then you may allow them to settle there. Yes he said there was a place near the sea-shore still unoccupied. Then Waohiona allowed them to settle there within the same land. When they stayed with Waohiona on a small place but not big area because he had a big population too occupy big land. After then they left from the land. After they left the land they did not claim say their land. That the story I heard from grandfather and my father about the disputed land. That the story they told me about the land. That's all I have to say before court today.

Honiaupaine.

XX by Defendant.

Q: You said that Waohiona did not want them to stay there for a long time but why did they own burial places there inside the disputed land?

A: No, answer.

Q: You said that I did not stay there for long time but whose people or what people cultivating the land until today?

A: They worked there on the land on their own area but not cultivating the disputed land.

XX by Court.

Q: Why did strangers come and go away?

A: Some people die very quickly some lived longer time.

Q: Why did you admitting they have their own side and work on their own parcel of land but you said this in your statement that they settle, but left the land?

A: They did not cultivate the disputed land but work on their own area.

PW. 2. Maesihoula of Riverside, d/ss

Facts - Two words I wanted to say first were I am the chief of Kurutalau Moinoi tribe. The boundary line dividing Kukutalaunoinoi, Hoasiteimane tribal lands is the river called Waipeina. The boundary line which dividing these two tribesmen who disputing about this land. I did not know the names of the devils of Maesiaro but the devil by the name Waohiona allowed Maesiaro people to go to the land. Then Waohiona said to Ououlliosuliola you may look after these people who have been under my care and protection for sometimes you may look after them more. When they arrived to Ououlliosuliola the chief devil they settled at Oteote its principal tanbu place is Holopau. When they stayed there my people or devils did not allow them for doing any permanent settlement but because the area in the disputed land was too hilly so after then they left for different place called Tetele or Menuaosao. That's all I have to say before court today.

Maesihoula

Court adjourned at 6.30 pm 3/11/81 until 8 a.m. 4/11/81.

Court resumed at 8.15 a.m. 4/11/81. Continuation of PW.2 on questioning.

XX by Defendant.

- Q: You said that the boundary between Hoasiteiwane, Waipeina, Kurutalau, Waipeina but where is the parcel of land we disputed situated?
- A: My father and people said that boundary line is between Hoasiteimane and Waipeina and the land we talked about is situated inside Kurutalau tribal land.
- Q: Did Ouousuliola chief over this parce of land we talk about?
- A: He was chief of Haluteapu land and also big man of the wooden drums inside this tribe.
- Q: Maesiola did Oteotea parcel of land you mentioned in your statement situate inside the disputed land?
- A: Place your settled you have to name it and built houses there that's the place your devils settled it is not situated inside the disputed land.

XX by Court.

- Q: Did Manemoru have any relationship ship into this disputed land?
- A: No.

PW. 3 S. Sahuwewe of Riverside Village, d/ss.

Facts - I am here to witness on the Halutaapu parcel of land. I wanted to say something about what I know and what I have seen with my two own eyes. My forefathers uncles and fathers told me the story saying Waipeina passage Hoasiteimane come to it and Kurutalau boundary also come to the passages as well. They said that Haluteapu means one tribe represent Kukutalaumoinoi. Those New comers had settled at a place Maitoo. After they left the land but no one occupied or inhabited the land so the land returned to the land owners. After then no one of Maesiaro's tribesmen stayed there or cultivating the land until today. Waohiona told them to make gardens for food but not allowing to the to be come ownership of this disputed land. When they left Maitoo and went to Eliholo place to settle with Laealaha's people. After then they left Eliho and settled at Menuaosao with Wahu. Then they went to Oloolo place. Then they came to Walona place from then they came to Pulaha and stay with Walaihenue tribesmen. When they settled there for generations but they did not dispute about this land concerned. Now they just dispute about this land. That what I could remember about this disputed land Haluteapu land. That's all I have to say in court.

Sahuwewe.

XX by Defendant.

- Q: You said that we did not cultivate the land but why did we have a property of coconut trees in Heupaiola parcel of land.
- A: Haupeiola parcel of land is situated outside the disputed land.
- Q: Did we talk about Haluteapu or Moitoo land?
- A: Haluteapu tribe owns Moitoo tribal land.

XX by Court.

- Q: (How many years did) who appointing the chief for Hoasiteimane tribe if they were travellers?
- A: Umiusumoinoi and Walaihenue the tribesmen met together and electing the chieives.

Facts - I just want to say something about what I have heard from Rehe's people they came and made their chief in a parcel of land inside my tribal land with my tribesmen. Houlanafuiasi told me the story. He told me the place they made the chief in Walona in the area they made a house of 30 fathoms long. He also said that 30 fathom house Tohi for electing a chief inside to use it. Therefore Rehe's group have been settling in Pulaha until today. Inside his story I did not hear that any land they did not give any parcel of land to them. The 30 fathom house I did not hear any parcel of land given to Maesiaro's people beside the area given for the building of 30 fathom house. When my father told me those stories I did not remember all of them because during that time I was a small boy where they own land or only that male house and stay there. I did not hear where direction come from that become choosen Alaha or chief for the tribe. When they left the place then the are where the house of 30 fathom was built then the area was remembered as a memory. That's all I have to say before court today.

Emilio Noi.

XX by Defendant.

Q: Did we talk about chief or about land?

A: We talked about land and chief system is the base of settling inside the land before we disputing about.

XX by Court.

Q: Did we talk about Pulaha land or talk about Haluteapu land?

A: I own this land where they came and settled inside with my tribesmen.

Court closed on Plaintiff side of all witnesses and questions.

Court opened to Defendant side Joe Maesiaro of Suuri Village.

D/s Joe Maesiaro of Suuri village, d/ss.

Facts - before I could carry on with any story I wanted to say something first during the agreement made by Ngaumapaina and Waoihona they did not disputed this land. But until today we dispute about this land. But we talk about Maitoo land today. The reason why we talk about Moitoo land too is this because Aesiel Laelaha move his boundary line come to Waipeine river. At the first place Ngaumapaina and Waoihona they did not talk about this land. Ngaumapaina came from Bauro in Makira island. He left his home land and arrived at Waoihona. He was chief of Haluteapu tribe. He settled with Waoihona. He did not hate him or argued with him. Waoihona sorry for him and asked him to stay together with him in his own land. He sorry for him because he was a sea drifter from then they settled together there. They made friends, kind to each other. Then Ngaumapaina I wanted to say something I need it very much from you. Then he said what was that friend? Ngaumapaina could not I tell my problem for you or not? If I tell you but you might not like it. Waoihona said please tell me what was inside your mind, eventhough it was bad or good tell me. He said please could you allow me a parcel of land? So that I could buy it and stay together with you friend? Waoihona agreed that he could allow a piece of land for him. I knew and understood that you were oen of these custom doctors therefore I want you to give me one custom medicine for curing people, and you may take a piece of land. He replied him and said I could

allow it for you. If I could give you, I can't give it into your hands. I tell you that you must count until after eight days (8) you must awaiting for it at the point of Heutarihita. After the eight days. He went down privately and not stay close to the spot. I have mentioned earlier. He hide himself and quite few hours later wind, thunder and rainfall during that time the power of this mighty magic felt tress were fallen stones cracked into pieces. The very name of this power or devil was called Apuhuleihenu and its second name was Bosoiramo and its third name was called Huipeine that where it stays since it was arrive on the spot or site. Then Waohong went and made wall stones around that place where the incident happened. After then Waohiona carried the work or performed this magic. Waohiona decided or made up his mind to try out this magic which Ngaumapaina gave him. I must try it whether it got power or not. He took the power or magic and tried it out. He took the magic and went to a place call Heloupaine and killed 40 men and their chief called Ououpaine the man where I descendant from was Helongemane tribe. That the very reason why I have been talking about the land of Moitoo tribe. Ngaumapaine generation come until me Joe Maesiaro (present). That's the reason I think that Maitoo land is owned by me and tribesmen Ngaumapaina died and buried in the land of Maitoo it is called Moitoo tambu place. They owned a sacrificial tambu places for sharks in the sea. The name of that shark was Waipaewa, the name of the tambu place it stays is call Arona. It situated inside and beside the river Gilihane River. The boundary line goes up the river to the food of the hills. We got boundary lines by rivers drains and streams and valleys to divide different tribal lands. Came to the time of Ngaumapaina who married a woman called Soimatopo of Bauro in Makira Island. Then they begat (1) Lilimae (2) Matewa (m) when they got big and married the Matewa begat Waai. Then Lilimae begat Poramo. The Lilimae and his family settled permanently at Maitoo but Waai's family went away to Holopao place. Then they went to Menoasao then to Oloolo place when they settled there Waai begat Ahukelealaha begat Ararihuouou begat Maramouou. Then Hoasiteimane tribesmen decided to elect him to become their chief. They also survey the place for the male house to be built but Oloolo was not suitable site for the 30 fathom house for the chief. So all the chief searching the bush areas for the suitable site for the house. Then they have chosen a site in Ueniusu Moimoi tribal land. Mamuniore was the chief of this land mentioned. PW 4. Emelio was a descendant from this tribe. After staying there Maramo begat Lilimae Ouou (2) begat Reheouou begat Lilimae Ouou (3) begat Wachu (present) begat Maesipue (present). That's the generation where they roamers as the plaintiff side stated and his witnesses. People who settled at Maitoo lived there born and bred in the land. When they elect Maramo every tribesmen gathered. Poramo (m) beget Iroia Paina(m) begat Ahukela Tolooa (m) begat Mesiupe begat Rehehonimae begat Ahukela Tolooa (2) begat Joe Maesiaro (present) begat Ahukela Tolooa (3) present. The generation of those who settled at Maitoo where I am descendant from. That how me and Manemoru descend until today we talked in court today. That's the end of my state speech for today.

J. Maesiaro's Thumb print.

P. Manemoru the partner Defendant side d/ss.

Facts - I am going to talk about what the boundary line started at Filihana place down to Amaema drain down Peie Water fall to Aipa'asu fewer goes to Reuheli river up the river to the stream

called Ekeala goes to Sukemai goes to Turu Stream to Hulo river then come down to Waipeina river. That the boundary line on the disputed land. Meito Ngaumapeina was buried there. Rainibui the pig offered sacrifice to Ngaumapeina at Meito tambu hill. Another tambu or sacrificial tambu place called Walanimenu. The shark's name called Waipaewa the pig's name was Tarapeiwesi was offered for him in sacrifice. There were three main things where Waohiona gave to Ngaumapeina inside this land. Another two tabu places of the land where Wateliu stated that it is not inside the disputed land. One tambu place called Heusingori. A man name Tetea was burried inside (2) Porosu'u in the second tambu place. Buritohu was burried there on tambu places I just finished speaking about. When we worked on the old road we used to work from Hulo down to Sukemai on Wateliu started from Kelipele went to Sukemai place. That the time we work on this side that's the reason I thought it is our side or part of the land. But on Wateliu side or people started from Kelupele to Sukemai that's their area. I worked with them when I was young. That's the end of my speech in court today.

XX by Plaintiff.

- Q: You said that you own Haluteapu can you state the names of the 13 generations in Haluteapu down to me today?
- A: I did not know from Waohiona down to Wateliu.
- Q: Can you name the people who intermarriage to Haluteapu tribe between your tribe and my tribe?
- A: I did not hear or know any intermarriage between our tribes.
- Q: Have you any existing property own within the disputed land?
- A: I own some properties of coconut in Raraasi land.
- Q: You stated that there was no dispute between us until we today it is true or not true?
- A: I did not know but some of them killed themselves before.
- Q: Can you name the two men who make the magic or made the stone walling for the magic?
- A: I only Waohiona I knew and heard.
- Q: Are you that Haulereita the first place this magice first landed?
- A: Yes it is called Heutereita.
- Q: Did Daoiasi your grandfather or my grandfather that had told you the story?
- A: His grandfather who begat his father.
- Q: Did you sure that this magice of boil still inside this wall stone if we happen to see it during the survey?
- A: The magic was remove to Naosi hill.
- Q: Can you name the place where this Ria or ginger planted in Naosi?
- A: No, they planted at Noosi.
- Q: Did Ngauma or Waiparasi led your people that Haluteapu tribal land?
- A: Waiparasi was one of the Liu group of people part of my tribesmen.
- Q: Did Waiparaisi buried at Haluteapu or Ououmanemela led the people from Haluteapu?

A: Ououmanemela and Waiparaisi were brothers.

Q: Who was buried and call him Waipaewa after he was died and changed into shark?

A: Waisango was name after he died Waipaewa.

Q: It is true that only people from your tribe died and buried there but no one died from Haluteapu tribe died during that time and not buried there?

A; You have your own burial tambu places on the other side of the disputed land and my burial ground on this side.

Q: It is true A. Lialaha removed the boundary lines near Kukutalau and Hoasiteimane?

A: I said Laelaha moved Filihane to Weipeine river.

Q: Did the boundary line correct or wrong? Where dividing Hoasiteimane and Korutalau?

A: It was wrong.

Q: You said in your statement you been mentioned drain means boundary line or can represent different something?

A: This particulars drain stands for boundary line even though stands for different purposes.

Q: During Mr Bell we worked on road on certain distance or means working on their own areas?

A: It means working on their own areas as they said.

Q: Did you own a place Hauhanue to Supamai because you work on it?

A: I did not work at Hauhenue but at Hulo to Supamai.

XX by Court.

Q: Why did your people go away from Meito place?

A: Ououmanemela and Waiparaisi went away but Lilimae who born of Gammapaina stayed home.

Q: Did you talk about the boundary situated inside the land or not?

A: Yes, inside the boundary line or inside the disputed land.

Q: How many chief have you?

A: According to custom I both have owned the chiefs of Hoasiteimane and Korutalau.

Q: You mentioned you have chiefs at Kurutalau but why did the Korutalau chiefs against you about land?

A: We did not argue about Meito parcel of land.

Q: Did you have tambu places at Meito and offered sacrifices there?

A: During my forefathers grandfathers they used to worshiped sharks in the sea.

Q: Did both of you offered sacrifices at Meito and Walanimenu tambu places?

A: We offered sacrifices at Meito but not Wateliu tribesmen.

D/s Patrick Manehunisiwe of Lolo Village d/ss

Facts - I am here to talk about what I heard my fathers they told me by the name O'ori, Ereninae. They were from Haluteapu land. They told me about the land where Waohiona gave to Ngaumapaina. They said that that land start from Filihane river goes to Waipeina, Waohiona gave to Ngaumapaina I did not hear that Gwaumapaina paid the land with any red money. I heard only that they friends and love each other that he had given the land for Ngaumapaina and own the land. Only one thing I heard was the reason of magic power Waohiona told Ngaumapaina if you have anything you have own please give it to me. Ngaumapaina said to him please stay first until after eight days before I could give you. On the eight days the magic power come down to Heutapaite every stone trees broke down into pieces Wahiona came and took the magic make the wall stone at Heutaraite for the magic devil to be offered sacrifice for him there. Waohiona took the power and used it at Toloasi 40 people were killed and Toloasi also died. The name of power was call Apuhuleihanue, Huipeine and Posoramo. That the short story I heard about the disputed land Haluteapu land. That's all I have to say before court.

Manehunisiwe.

XX by Plaintiff.

- Q: You have stated Ereninae and Naesi showed you the boundary from Gilihane to Waipeina and not around?
A: Up the Gilihane to Waipeine river I knew but up the bush areas I did not know.
- Q: You stated the magic did it happen before or during Maesiaro's people arrived?
A: Grandfathers said that Ngaumapaina asked the boil magic to be happened for him.
- Q: You said that the magice had 3 names Abuhuli Hamue Hiupaine, Posopaina are the Karutalau people gave the names or the late comers?
A: Those three names my father took the magic to Hiliedunge but still name after the three names.
- Q: Why those Naasi and Ereninae gave you stories but they were my grandfathers?
A: I was with those two old man.
- Q: Why did you hear the stories from my grandfathers because you responsible for their properties or me?
A: In telling stories some can tell true stories some can tell stories us the same old men like them too.
- Q: Is it Hautaraita is the true place where the magic started from?
A: I knew Hautaraite and its wall stone still at Suuri Ala.
- Q: Did Ououpaina killed by the devil magic by reason or for nothing?
A: They killed Ououpaina because they killed Wari Seuouou of Arosi in Makira.
- Q: Can you give me the truth of the magic power or ginger (Ria) of Haluteapu?
A: Posoiramo Huipeina Apuhuleihenue his names.

XX by Court.

- Q: Did Waohiona have power before for killing man or not?
A: Before Naosi tribesmen have it they called it Walomaemaena-si.
- Q: According to our custom a man who is wondering or liu can become landowners go and show boundary lines to him?
A: Yes man born related to that line his uncle or clan can show him boundary lines.
- Q: Why did you understand the story about the disputed land can you related or born inside the land?
A: I was born blood related to Walawalanimaie and Haluteapu tribes.
- Q: Is Walawalanimaie situated within the disputed land or outside of boundary line?
A: Walawalanimaie is the tribe with Haluteapu tribe.

DW.2. Thomas Paonga of Ruruhe d/ss.

Facts - I am here to say something about what I have heard concerning the land dispute. I heard it from Ereanimae also heard from Pisuenimane that the only two men I heard their names. We went on a canoe called Ahenaikaoero. We went to Peu and reached Filihane we come to Arona place. They said to me this is one of the tambu place or sacrificial tambu place for worshipping sharks. I asked them who own this tambu place we or who? They replied me and said this owned by Hoasiteimane tribe the chief of Inamauri tribe owns this sacrificial place. We had given the land for them because they come to us they also owned some tambu places in the bush areas. That's the story I heard from Ereanimae and Pisuenimane that's all I have to tell you court today.

Thomas Paonga's thumb print.

XX by Plaintiff.

- Q: Paonga you said you travelled inside Ahenaikaoere canoe in what time did you go with these two men before marching rule inside marching rule or behind marching rule?
A: Before Marching Rule.
- Q: You stated before marching rule did they still make the power on that worshipped pool for sharks or not?
A: Yes the power still strong or exist during that time.
- Q: Why did you say that my father crocodile bit him at the first place then you said that you travel inside that canoe with Ereanimae who was enemy with my father and go together with them?
A: You can't enemy with him who performed the custom court with him.
- Q: Did Ereanimae still live at Korutalau or already we at Liwe after the crocodile bit my father?
A: Hoeniau did not hate him or tell him to go but a man name Awasipoo was the one who ordered him to go out. He did not go to live at Liwe village.
- Q: Where did you come from Paonga?
A: I am from Kalaapea tribe.

Q: Pisu Watekiki Eranimae Peeu are your _____ can you directly tell me what relationship have you with them or they were my relations.

A: They were both related to us you and me.

Q: You stated that Erenimae did not go away from Korutalau but where did he bury?

A: I did not know where he was buried.

XX Court.

Q: Did you know Korutalau and Kalepea tribes are close related to each other?

A: They share in common and related to each other until today.

Q: Did you related to those who told you the story or Wateliu only?

A: We both related to those men mentioned in my statement.

Q: Why did Wateliu got property from Ereanimae then in which relationship have you with Ereanimae?

A: He said I am his grandson to Ereanimae.

Q: If Ereanimae die at Korutalau tribe can they sleep inside your house during his death?

A: No.

DW 3. Ishmuel Kaipulu of Matagasi Village, d/ss.

Facts - I am here before court to witness on the dispute about land. I only wanted not to talk much on this case but I just want to say something about what I have heard there were two men who told me the story Aotahoa the father of Wateliu and Moses. One man was Ngaingarouou. He was my father's brother he was my uncle. Aohotahoa was my cousin brother. He stayed with me like my two brothers who were on the plaintiff side. We in 1947 Raheouou he was from Pulaha he went to Tetele then he said to us I am here today to work on the land you gave me. He asked for the piece of land we gave him. He sent news Aowa to tell us about the piece of land where we dispute about today. During that time I went to stay with them. Then Aoha talked to Reheouou that parcel of land you asked for it from me. Its boundary line from Tilihane to Meito goes down following Aipa'asu River. Then he divided the sago palms owned by Ereanimae inside the piece of land which Rehe asked permission when reached Aipa'asu river and Meito you must not owner of that side up to the bush areas. Waohiona owns a piece of land he gave it to Ouounanemela is on the side sea areas or on the coastal areas. The Maniea was the recorder during the time they held meeting about this land. Now Aohotahoa talked to Reheouou the property of Sago palms were yours near this boundary line, but that land from bush down to the flat land down the sea coast where the sago palms situated or occupied. Anything like that the very thing Rehe and Aoa argued about. Because Rehe's tambu place for worshipping sharks is at Arona then Aoa talked again to Rehe the area in the bush you have no sacrificial place there. After then when they argued about the tambu places I was ran away from then during that time.

Ishmael Kaipulu.

XX by Plaintiff.

Q: Did Aoa when Rehe been inviting my father to talk about to Halutaapu just because Aoa was the chief there or chief of Haluteapu still there?

A: True chief of Haluteapu was there that time, but Rehe came to discuss with about the land we gave him to but he came and see Aoa already stayed with so they carry out the meeting.

Q: Where was I during the discussing time?

A: I was 14 years. True you were born but when we reached the age of 14 years we did not interest to hear the elders meetings.

Q: In what part of Korutalau did Aoa stay during the time of discussing?

A: They bought him to one tribe for Asiholoanimae tribe from his own tribe.

Q: Did Asiholoanimae have responsible to discuss about Haluleapu land or Haluteapu people self?

A: (Haluteapu and Wala) it was true that Aoa knew things in Korutalau tribe as well as in Hoasiteimane tribe.

Q: Did anyone have the right to talk about any tribal land?

A: According to custom if any tribal which nobody looks after or talks about you could represent the tribe and talk about it.

Q: Did Ereanimae still alive that time when Aoa talked about that land or not?

A: Ereanimae was there that time but not live quite on tribe but had gone away and died at Sa'a.

Q: When Chief wondering did he still have the power of Haluteapu or have no power that time?

A: Only body went away to other place but his powers ruling over his tribal land is still in that land and its properties.

Q: You stated that land was given to Ououmomanemela then the Defendant said that this disputed land was given to Ngaumapaine?

A: Those two men were same because they were from one tribe even though given to Ngaumapaine or Ououmomane.

Q: Can you tell me the parcel of land your tribe Ngatealaaha gave to Inemouri tribe?

A: Amolapeine they come to him at Oloolo they gave him Aonganifui parcel of land. There are two Aonganifui's one was given to them and one for us.

XX by Court.

Q: When Rehe inviting Aoa during any trouble happened or discuss only about land?

A: The trouble was Marching Rule movement.

Q: Who looks after the land record books from Marching rule till today?

A: On bookkeeping one book was kept by John Dorawewe of Haupaina and one book was with Ben Maesiwala of Matangasi Village but the White ants spoilt the book.

Q: Why did on you witness on Maesiaro then you said that you give power to Wateliu tribe. Where did you hear this story from Ereanimae or from where?

A: I heard from Wateliu last Tuesday saying that Ereanimae gave him power ruling tge tribe of Haluteapu land. He himself said before court.

Court adjourned at 4.30 pm. 5/11/81 until 8 am. on 6/11/81 when court members left for surveying the disputed land, and returned home at 5 pm.

Court resumed at 11 am when the decision is ready to be delivered or given on 10/11/81.

NB: Court asked the Plaintiff side if he wishes to say any more thing or bring any more witnesses in court.

Yes, Mr Mariano have something to say before the decision is passed. I wanted to talk about Haluteapu Mr Ereanimae said that there are three tribes live inside Haluteapu land. Their names are Lusuehuisata, Ahesianimae, Walamoru, and Walawalanimae. Walawalanimae tribe came from where the others side. When they arrived Hahuteapu tribe shared the land between them. Lumua and Holoholotangi and Licala those are the places given to the tribe who came from the otherside of the island. After then Maésiaro and Manemoru tribe arrived into the land. They asked the land to settle inside. The big devil by the name Wachiona said the land now not have enough space to stay for the visitor or new comers. I had shared the land between Walawalanimae tribe and my own tribesmen. Then Maesiaro's tribe leader said we would live only for a short time then go to another place. Then Wachiona said it was alright because you may live here for short time then my land would remain as it is. That's the very place we went to see on Thursday and Friday during the land survey of the disputed area. I my boundary line starts from Weipeine to Tilihane rivers. That's the boundary line dividing Hoasi-teimane and Korutalau Momoi tribal lands. The boundary line Aipaasu to Tilihane I did not like because it is on my boundary area. I suppose not to show it before court but that's the point I want to through it away because it is my true land. Mr Mariano Wateliu showed the 2 red monies before court that Ereanimae had given him the power of chief to be a chief of Hatueapu land. The generation of Wachiona but you come during the time of Wachiona who begat Wariseuouou begat Halepaina (2) begat Ououtewa (2) begat Hikinoa(2) begat Wacouou(2) begat Hirumaenoa(1) begat Roroe(2) begat Nacouou begat Suue begat Ereanimae. Then I am Wateliu this is only the genealogy of chiefs but not his own generation. He said that Hatepaewea and Ououtewa Roroi, Hikinao. He also talked about the ginger or Ria came to Haluteapu land. The ginger or magic reached Haluteapu during the time of Wacouou and Fisuitolooa before Maesiaro arrived into the land. Wacouou was the grandfather Wachiona but his true father was Fisuitolooa. The Ria or magic they got was about Bulekelaouou was from Gela who sent this ginger from Gela Island. Buanikela married a woman name called Tangiohainatawa near Nealahau point. Her father was Borohanikala after he had married this woman then sometimes came to south mala with his in-laws. Wacouou met him before he went to Gela Island. I want ginger or Ria from you to give me. I am going but not come back quick time but you ready the place for what you like me to do for you. When you ready after eight days when you see the rainbow and small rain fall then the power was there. After the promised days eight day he came and see the power

appeared. When he came to the actual spot he found the small canoe made out umbrella leaves stayed inside the wall stone prepared. He brought the thing to Naosi tambu place. Ououmatawa people who first bought this magic power or (Ria) they name it Haliolimane. Then the Ueniusu tribesmen came to buy it Watepaonga bought the power name it Huepeine. There was a man of Takataka name Rarumae came to pay the power, and name it Apuhuleihenu. Then the Wanemo tribe came to buy the power or ria and name it Riawanemo. Hatuleapu tribe called it Posoiramo or Naosi. From that reason I believed that they did not pay the land where we disputed with this power or ria as Maesiaro the defendant witnesses stated in their statement. The place where the power land is called Paramount but not Hautarahita as Maesiaro and witnesses stated in court. Ereaninae did not mention any paying of this land with this ria or power but live there only for a short period of time. This the short story I want to say before court.

NB: The court asked the defendant if he wishes to say any more thing before court or bring any more witnesses in court.

The defendant said yes he has something more to say before court. I already mentioned my statement and recorded already. I wanted to talk about the red monies which Wateliu have shown before court today. I can tell story about Haluteapu and Walawalaninae tribes. Ereaninae and Ahesianinae tribes and Walamoru tribe Ereaninae appointing Mariano Wateliu to be the chief of these two tribes mentioned it was true I did not deny him. I heard a story from Oori Albert father he told me that Albert was the leader or chief for these two tribes was Albert but not Wateliu as he stated before court. Albert also knew about the land where Wachiona came to Ngeunapaine and we disputed about today. Fisuitoloa, Sulufelepaine and Hirohiromanu I know these big men. Wachiona also gave part of this Korutalau to Walanilaninae tribe it was true. In small Malaita custom if you give away part of your land to some one by reason he has given it for good not for telling liars or for returning it later on. The land giving where we talked about today in Haluteapu land many people came also given us part of their tribal lands but I can't tell them in court. But they did not want to claim these given lands back. All the people big chief or small men who live in S/Malaita if they give land away they give it for reason and not to take back from the people they had given them land before. If Wateliu have given back the land where Wachiona given to Geunapaina it will cause trouble to some tribes who are now living in S/Malaita today concerning the returning of given lands. No one in South or Are Are tribes have missed this kind of land giving by reasons or rewards. Not only we the new comers they had given us parcel of land but one parcel of land where given away they only bought it with sea shell in the mangroves. Even though it is like that but according to custom of this he returned to the owners. The New system Mr Mariano Wateliu wanted to start it for us to lead our new generation I did not hear any system like that so that I could aware off or understand it. Albert was the source of this trouble between us because he was the chief of Haluteapu and Walawalaninae tribes. Wachiona also given him land apart of this tribal land disputed today. Even any land given return sometimes it is Okay but since I was born I do not hear any land like that

return to the owners. If chiefs of S/Malaita or in Are Are agreed to return all the given lands to the original land owners it is alright to me I did not worry. But I happen to make the things happen that way but the others are not then it is hard for me to carry out the new system of ruling the land in this island S/Malaita law and custom ruling cover everyone small and big man. I now look for the lands given away to be returned to the land owners then it is alright for me. Court can approve any given land to the Chief it is true or not. That's what I could remember about my statement today before court. That's all I have to say before court today.

JUDGMENT

Court found that the both parties did not stem from one generation but came from two different tribes. Court also found that Maesiaro's tribesmen or forefathers came from Bauro in Makira island and shored in Small Malaita. They landed and settled with Laelaha and Mariano's tribe with a nan name Waohiona of Korutalau but incharge of the disputed land Haluteapu tribal land Maesiaro's devil who first arrived to the land was Ngeunapaina of Bauro Makira Island.

Court also found that Waohiona the devil of Haluteapu tribal land asked Geunapaina the new comer to settle with him in order to ask a magic power to be used or perform for some purpose or reason so the magic power came to him and used this power and killed 40 people and a chief by the name Ououpaina of Helonganane died and 40 people mentioned. Court also found that Maesiaro's devil Ngeunapaina lived at Meito and Walaninane tambu places.

Court found that after staying in the land for 5 generations, then they left the given part of the Korutalau tribal land and went away to Hoasiteinane tribal land and living in other tribal lands for nine generations following their relationship with these tribes on female side.

Court also found that Mr Mariano Wateliu divided the disputed land by a dug drain connecting the two valleys of Tilihane river down the Pie river goes to Aipa'asu river down the main river Waipeina river.

Court also found that Mr Mariano Wateliu did not give out his table of genealogy to show how he first settle and inhabited the land before Maesiaro's devil arrived to him in Korutalau tribal land. Court also found that both sides witnesses admitted that it was true that Maesiaro's devil Ngeunapaina arrived and settled at Meito and Walaninanu tambu places and he also have one sacrificial tambu place for offering sacrifices for the sharks at Arona in the sea side along the Maramasika passage. Court also found that when Maesiaro's devils left Meito then went to settle at Holopau then to Menuaosao then went to Oloolo then to Walona and Pulaha. Where their people still living there until today.

Court also found that both parties left the land unoccupy and cultivated for some generations. That the disputed land is now a sub-tropical forest which is suitable for sawmill operations in the future.

Mr Mariano Wateliu and Manenoruru did not sure about the disputed land and all the name of the pieces of land inside the disputed

land. Haluteapu tribal land in Korutalau customary land. Court also found that Mr M. Wateliu lead the court staff wrong way from the main drain called Anaama and also went wrong and stopped court waiting for an half hour while he was searching for the tanbu places Meito and Walaninenu. Court also waiting for him while he was searching for the drain dug boundary dividing Korutalau and Hatuleapu disputed land for 45 minutes. Maesiaro's men too did not know these places situated inside Haluteapu land. Court also found that both parties have no properties like coconut plantations nut trees and Sago palms inside the disputed land but occupied by wild pigs and horn bills in the dense forest.

Court also found that Wateliu did not prepare his boundary lines showing the disputed land before the actual date of surveying the disputed Haluteapu land.

Court believe that Meito and Walaninenu tanbu places did not look fit for the true landowners tanbu places because there were no signs of coconut trees and decorative live along flowers present around the grave yards. The two tanbu places are covered with canopy of big forest trees.

Court also found that both Wateliu the plaintiff and Manemoru (defendant side) failed to show the graves where Hatapaewa Ouou-tewa, (1), Roroie (1), Hikinao (1) and Manemoru (defendant) was also did not show to court the grave yard of Ngeunapaine who was first buried there as Maesiaro stated in his statement.

Court also found that Mariano Wateliu wanted to take back the part of Korutalau tribal land known as Haluteapu which his devil Wao-hiona gave to Maesiaro's first devil named Ngeunapaine that he took possession over this part of the land for five generations before they went away from the disputed land. Even though Maesiaro's tribe roaming from the given land but he still have the power to own the land according to custom of this area as well as whole of Malaita Province.

Court found that during the arguing over the Haluteapu land Mariano Wateliu and group just started a new communal farm this year on the coastal ridge inside the disputed land. Court also found that both parties did not tell the court what had caused the disputed between them before this case was arranged and heard.

DECISION.

From Weipaine River up to Aipa'asu to Pie River up to Ana-Ana drain down the Tilihane River that's the boundary lines of the Haluteapu land where both Maesiaro and Mariano Wateliu have shared.

Mr Joe Maesiaro have the primary right over the disputed land while Mariano Wateliu have the secondary right over the Haluteapu land dispute.

Right of Appeal explained.

Signatures: L. Kebai Court Clerk (north)
 D. Hunita'a Vice President (E/Are Are).

NB: The cost of the case was not refundable because both parties are living closely to the court hearing centre at Afio Headquarters. They both using the canoes puddling to Afio.