

Name of Land in dispute..... BAEIO

Name of Plaintiff: SELWYN TAFIMAE OF FULIFOOA VILLAGE

V.

Name of Defendant: MARTIN SADE OF GWAURUU VILLAGE

DE C R E E

JUDGMENT:

Court Findings: Court finds that both Selwyn and Martin come from two different tribes. Selwyn Tafimae descended of Kooifera of Merekiana and Martin Sade descended of KOOMASU (m) of Saa in Kwaru land. Selwyn claimed the discovery of Baeio and Martin claimed the discovery of BIRANAKWAO the vast land covering all the tribal lands of the areas. Court finds that Selwyn said that five tribesmen arrived to him in BAEIO. They were:

- (1) UINIMALAU of Folangi tribe.
- (2) MAUNIHARATEE of Kwaru with his children son Kolaea (m) daughter Hisina'au (f) and KOSAO his father-in-law brought dead body BISINA'AU (m) buried at Ngalifitafita.

Both Selwyn and Martin claimed the bringing of the dead body from Kwaru is very confusing who was telling the true story, that Martin Sade stated that KOOMASU (m) his wife ELOSAU (1) son Tufumanu (2) Tufufii (m) two daughters (1) Siunabora (f) (2) Autea (f) arrived in Biranakwao.

- (3) GWAIMAE (m) arrived and fell in love with a girl name HAOI (f) of MANUIHARA's tribe.

- (4) TUHUMANU the fourth man arrived in Baeio land.

- (5) GWAOFI (m) arrived in the land my devil Aurara found and brought to Baeio then he murdered SIMAE the son of MASIA (m).

Court also found that Martin Sade too claimed his devil Koomasu met KOETEE at sea side and brought to live at Kwalakela his burial (TAFURAE) at OLOTAFI Gwalumani represented today.

Court also finds that Selwyn said a man name SULUKETA beget ATONGIA (2) UBUUBU then he was killed at Gulatoli later a reward was offered by Suluketa. The Uinimalau and warriors, Boloi, Maealasia (m) Ulasia (m) killed Ianigao and Maebua. Then all tribesmen fled to their various places in the bush lands.

WITNESSES

Court finds that PW1 and 2 were strongly supporting the Plaintiff. Saefilia said that they Martin are from Folangi tribe. PW2 Albert Tofoloa of Rofaa tribe lives on the upper part of Baeio land.

PW3 - 5 were talking about blood relationship to Selwyn and harvesting of some Ngali nut trees on the land.

Court also finds that Martin Sade mentioned that he has own Biranakwao land. Court also finds that Martin was spokesman for Biranakwao tribe. When surveying of the disputed areas Martin claimed the things burial sites and properties shown by Selwyn the properties belongs to his tribe Biranakwao.

Court finds that the vast customary land was once called whole Biranakwao but as tribes migrated into this land that these tribesmen inhabited some parts of Biranakwao and the land becomes divided into tribal lands one is Baeio disputed land today. Court also finds that Defendant witnesses DW1 - 5 were denying the Plaintiff Selwyn not known or heard own Baeio. They just heard his name own this land in 1991.

DECISION

Court offered Mr Selwyn Tafimae and clans to be owership of BAEIO disputed areas. Excluding KWARUIASI and bought piece of land FAUDEMA. While Martin Sade and clans have owned the free unoccupying portions of Biranakwao customary land. Excluding all bought pieces of land mentioned in Court.

The boundary of the disputed areas commencing from mouth of KWAINANGALI stream south to Kwaiafa river following the river passing Buiano settlement follows Sasale stream goes north following ORAU stream down AALA stream northwest direction through Bia valley to TOOSI OGA turn south passing Sasasu stream then to Kaofolo stream and back to foot of the hills following Kwaruimadu and Kwaruiasi valley to the mouth of Kwainangali stream (south) again.

Right of Appeal Explained;

Signed: Samuel Ratai
George W. Ganita
Paul Tuia
Lucian Kebai

Vice President *S. Ratai*
Court Member *G. W. Ganita*
" "
" Clerk (M) *P. TUIA*

Seban

Dated this the 29th of May 1991.