

IN THE MALAITA LOCAL COURT

Held at Sikaiana on 5th June 1997.

Before: John Still Meke VP  
Martin Tautai CM  
N. Osifelo CM  
P. Peaka C/Clerk.

MANU LAND

Land Case no.2 fee paid \$50.00 GTR 535102.

Plaintiff: E. Huilani of Talama<sup>nu</sup>, Sikaian (present)

Defendant: J. Telanimao of Patua, Sikaiana (present)

Interpreter: Lot Matahia for Defendant

" Harold Molopili for Plaintiff.

Plaintiff's witness 1. J. Teni  
2. H. Halepouli

Objection invited to both sides

Plaintiff no objection to any members

Defendant no objection to any members.

Prayer opened by V/President.

Lot Matahia d/ss to the Bible

Statement of claim - E. Huilani claims Mama as his land not defendant.

Plea - Not liable.

Plaintiff d/ss to the Bible

Plaintiff state it is true the woman is not a chief because a man named LUAVAO, got two daughter and then handed the land to both of them. And Luxao divided the land among this two sisters, the other part to Lai and other part to Tehana. My genealogy from Tehana, their father Luavao got a brother, LUAVAO'S father divide the land among his sons. My generation came from Tehana. My granny and grandfather have properties on that land.

My granny named Paki he too build his house on that land and stay there for long time and build his custom house on that land. After war he moved out from the land. Even my father make garden on that land. In 1960 I moved on that land and build a fence pig there and plant some banana. 1996 I went to Honiara and came back I found out that they cut a canoe on

but they spoil all my properties. Thats all I have to say in Court.

E. Huilani ( signed )

Question to Plaintiff by Defendant

Q1: Where is your father's garden on that land?

A: The one I'm using now.

Q2: What place the custom house of your father built?

A: The custom house I'll show your later.

Court close and adjourned to half past 10.

Question by Court to Plaintiff

Q1: You in line to Defendant?

A: Yes.

Q2: Is there any sign on to show to the Court?

A: Cyclone Namu spoil/destroy every thing.

Q3: You say Luavao give the land to Tehana is there any land beside that?

A: Yes, Tanaloa.

Q4: You said Tanal~~oa~~<sup>oa</sup>, who own Tanal~~oa~~<sup>oa</sup> now?

A: The chiefly line use that land.

Q5: Can the chiefly line take the land at Man~~nu~~<sup>nu</sup>?

A: No.

Q6: You said after you came back from Honiara all your properties were damage, who did that?

A: Justine's line.

Q7: How close relation between you and Justin?

A: About seven.

Court close to Plaintiff side.

Plaintiff witness 1 state d/s to the Bible.

PW1 state: I stayed with my granny Paki we stayed at Manmu. His house stood at Manmu their land, thats why I know that I stay on that land. Because his house build at Manmu. His house close to Teutao, his house built near the tree called TEPUKA. Thats all I have to say.

Question by Defendant to PW1

Q1: Paki's house, where did he give too.

A: Stayed with them.

Q2: Have they got any thing on the land?

Question by Court to PW1

Q1: Do you know that Paki's got any custom house?

A: The one he build.

Q2: The house where Paki build is it on his land?

A: Yes.

Q3: The previous case, 1996 did you stay with them?

A: I do not know.

Q4: Where did you stay at that time?

A: I do not know.

Q5: Who stay on the land Mannu who stay there at first?

A: I did not see anyone.

Q6: What did you see when Pakai did you see defendant at Mannu?

A: Yes.

Q7: Did they plant any thing on the land?

A: Yes.

Court close to PW1.

PW2 - J. ETENI d/s to the Bible.

PW2 state: The one that we go together told him and said to him, that that, land belong to him too, then he said which one, and he said this swamp namely TEVAPAKU. Then I said whose swamp is that, and he said PAKI and from there we end our story.

ETENI (signed)

Question by Defendant to PW2

Q1: When Pakai died, who own at this time.

A: He did not tell me anything.

Question by Court

Q2: That swamp, is only the one he own?

A: Yes.

Q3: Are you talking about the swamp not the land?

A: Yes.

Q4: Any part of Tanaloa where Tehana own?

A: No.

Q5: Did Lai own any land at Tanaloa?

A: No.

Court to PW2 closed.

Case adjourn to half past one.

Defendant d/s to the Bible.

D. State: I am talking about land at Manmu the boundary at TEUTAO and boundary to LANAHATU and boundary to TALUANO. I'm talking about pig fences. First pig fence side to Teutao, that fence pig was given by Manihi to his daughter Temoa and her husband build that fence. Make two fences belongs to Talakai Teni and wife told him to build that fence and I said yes. That fence still today. The house that belong to Pakai was build by during war between German & England; Paki adopted Taina the daughter of my father another adopted daughter namely Teutateni and she is my sister cousin her father Eviq my uncle. The reason why that house was build on the land make three fence belongs to Manase he too asked his father to build that house. And father was agree to build. Another fence belong to my father and Frank. Those fence are in the land Tahiano. Side up the main road Banana garden first garden belongs to MOMAA of SALAU that garden belong to Manihi make two garden belongs to SANAI where Marausan's son cleared.

The fence that belong to Stanley is in that garden. When Fred cleared that garden they found that some banana are already there and Fred told him about that, and they pull out some of them. And Temaela gave some news to him. At that time Fred start to plant some banana. So they pull some of them. Thats why I forward this to council of chiefs. Other garden banana belongs to Palai and other belongs to Nio fence and cut nut tree, and other garden belongs to Luavao boundary to Teutao. This people their property are in line to LAI. Where we leave to go that where we are one Tehana are sisters their father Luavao, Manmu was cleared by Luavao during king Mono, where Mono king gave to Luavao to cleared, king Mono the owner of land at Sikaiana. TEHANA daughter of Luavao married KATULI. Tehana married KATULI and they went to Tehaohi, Tehana was unkind to her father. LAI because he was kind to her father so she stayed with him, Luavao saw that Tehana was kind to him Luavao told Lai that Tehana has no land, same as Tehana's daughter Mata, thats his promise to LAI.

If happen that he died LAI cannot give any land to Tehana. If you give to her you will come behind me. Every thing Lai owner of every land. Lai got daughter named TAKATAKA and son SAVETE. Every land they have right.

TAKATAKA begot MANIOLO & TEVAKA

SAVETE begot TETIMONE & TAUMANU

All those places was given to them.

TEIMONE & TAUMANU has not got any sons.

Sons of TEVAKA were TEILAMEA, PEPEHI and MANIHI.

MANIOLO	-	TEIMONE
SIVALU		PALAI

These people are in this disputed area. Palai sons Luavao - Manihi - Teilamea  
 Teusuna Hikapuloto  
 &  
 Sanai.

Sivahi's son Teoko and Teoko's son defendant Telanimao. All this people are in this area. Tehana hasn't got any thing in this land. Pua and Tekana hasn't got anything in this land.

Signed - Telanimao.

Question to Defendant by Plaintiff

Q1: Why you mention all these people, are these people are your generation?

A: Yes.

Q2: Is it true that Pakai build on that land?

A: Yes he built because true his adopted daughter Taina and Teumalei.

Q3: Why your people during the time of Luavao planted, is there any garden banana on that area?

A: Still today.

Q4: Can you tell court all the garden in that land are all just planted?

A: No all these garden are old one belong to Luavao.

Q5: Is it true that you pull out some of plaintiff's banana?

A: Yes because in side my land.

Question by Court to Defendant

Q6: Is it true that Lai and Tehana are sisters?

A: Yes.

Q7: Before Tehana got any garden on that land?

A: No.

Q8: Why Tehana hasn't got any garden at Manmu?

A: Because she was unkind to her father.

Q9: Is Tehana got any land beside Manmu?

A: She married to Katuli and lived with him.

Q10: Those things you mention are they still today?

A:

Q11: How many piece of land Luavao has?

Q12: Luavao got three daughters, what about the other two?

A: Every land Lai own.

Q13: Do you know any swamp belong to Plaintiff?

A: No.

Q14: Where was that house build on the other side on this land?

A: I do not know.

Court adjourned.

JUDGMENT/COURT FINDING

Court find out that Tehana and Lai are sisters. They came out of one man called LUAVAO. Where the defendant Telanimae explained.

LUAVAO

LAI

TEHANA

TAKATAKA

MANIOLO

SIVALU

TEOKO

J. TELANIMAO (six (6))

1. This Court wonder why plaintiff you did not trace your genealogy.
2. When the plaintiff Edwin put his tribe in the Court he did not mention their names he just said number seven (7) so the Court think about it, therefore the Court has doubted. Plaintiff's statement because he did not mention his genealogy so that he can connect you with Tehana.
3. According to your custom of Sikaiana. A father have the right if he is not happy with one of his sons or daughters. He can drive them out of his properties as in this land case called Manu. The Court has look carefully, through statement produced by both sides. There are the point been discussed in our finding. Edwin witness No. 1 has said that the house was belong to PAKI was build on Edwin Plaintiff plot claim. The Court has been surveying the area and found it was not true. The house was within Manu land as claim by defedant, Justine Telanimae. Your witness 1 evidence given in Court stated that the house that you claim was not the area disputed. This court found that you both's evidence, one contridicting therefore this Court did not believed your claims.

DECISION: This Court looked into chiefs settlement, carefully.

According to custom of Sikaiana. The decision of chiefs still stand, this land MANNU belong to Justine TELANIMAO.

If you do not agree with this decision you may appeal within 90 days from June to September 1997.

Expired date 18 - 9 - 97.

Court officials signed:	John Still Meke	VP
	Martin Tautai	CM
	N. Osifelo	CM
	P. Peaka	C/Clerk.