

**IN THE GHORENA LOCAL COURT**

**WESTERN DISTRICT**

**SOLOMON ISLANDS**

**LC CASE NO: 01, 02, 03, 04/2015**

**IN THE MATTER OF: Section 105 of Wills, Probate and Administration Act (Cap.33)**

**And:**

**IN THE MATTER OF: Section 8 of the Local Court Act Amendment (Cap.19) 1985**

<b>Applicants:</b>	<b>Wilson Evo</b>	<b>First Applicant</b>
	<b>James Bosevolomo</b>	<b>Second Applicant</b>
	<b>Robert Biara</b>	<b>Third Applicant</b>
	<b>James Rizu</b>	<b>Fourth Applicant</b>

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**JUDGMENT**  
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**Introduction**

This case is a referral from the High Court in Civil Case Number 191 of 2014 for the devolution of Perpetual Estate in Parcel Number 098-004-1, under section 105 of the Wills, Probate and Administration Act. The Ghorena Local Court has the jurisdiction to hear the applications and thereafter to certify five trustees for the devolution of the estate on behalf of Lolobo tribe. There were four applications filed under Section 105 of the Wills, Probate and Administration Act (Cap.33) and this court will deal each applicants based on their respective submissions.

**Brief Background**

The land in Parcel Number 098-004-1 was registered on 19<sup>th</sup> April 1971, by Late Mulebei Boso and Reuben Saeve on behalf of Lolobo tribe. The portion of the registered land is part and parcel of Lolobo customary land and is owned by the Lolobo tribe. The persons namely Mulebei Boso and Reuben Saeve registered the said portion of land and held the estate until both died intestate. Both deceased were registered as joint owners in Parcel Number 098-004-1, under a statutory trust on behalf of the Lolobo tribe. The jointly estate owned by them does not form part of their respective estates according to law.

## **Issue**

1. The sole issue before this court is to certify five trustees of the PE in Parcel Number 098-004-1.

## **The Law**

Pursuant to Section 105 of the Wills, Probate and Administration Act states; *“Where a Solomon Islander dies intestate and any estates on perpetual estate owned by him does not form part of the intestacy residuary estate, the devolution of such perpetual estate shall be in accordance with the current customary usage as certified by the local court having jurisdiction in the area where the land is situated”*.

## **First Applicant’s Submission**

The first applicant Mr. Wilson Evo applied in his capacity as a representative of Kolombangara tribe. He claimed that Lolobo land is part of Kolombangara land and not a separate land. Though he denied the fact that there is no such Lolobo land, it is clear in his presentation in court that these two lands are separate land known as Lot 1, Lolobo land and Lot 2, Kolombangara land. Furthermore the first applicant claim is centered on Kolombangara tribe’s ownership and genealogy and nothing to do with Lolobo tribe. The issue of ownership was already being determined during the acquisition process. This court lacks jurisdiction to deal with the issue raised by the first applicant and accordingly dismissed the first applicant claim.

## **Second Applicant’s Submission**

The second applicant Mr. James Bosevolomo in his submission claimed he is the appointed successor of late Chief Steward Evo and that Lolobo/Kolombangara lands is under his authority. The second applicant simply contested the issue of chieftainship appointment which is a tribal matter and cannot be entertained in this court as this court lacks jurisdiction and accordingly dismissed the claim forthwith.

## **Third Applicant’s Submission**

The third applicant Mr. Robert Biara claimed is from Lolobo tribe of Arare clan which also has connection to Kurupiku. (Spelling or sound maybe different but Kurupiku or Kulpiku is the same person) The third applicant claimed his descendants come out of Kurupiku which also qualified them to also have right to Lolobo land. Third applicant also present genealogy, boundaries and other customary facts about Lolobo land and tribe. The third applicant in his the genealogy also declares that the fourth applicant is also a member of Lolobo tribe.

## **Fourth Applicant’s Submission**

The fourth applicant in his submission claimed Mulebei Boso did tell him the genealogical tribal history of Lolobo land and tribe. Fourth applicant continues on to explain facts about Lolobo land and tribe and also traces his genealogy on how he connects to Lolobo tribe. He traced himself and his connection to Kulpiku. (Spelling or sound maybe different but

Kulpiku or Kurupiku is the same person).He counter argued what the first applicant present concerning Kolombangara/Lolobo is not true and further explained the Kolombangara and Lolobo lands. The fourth applicant also present evidence concerning the third applicant by totally denied that the third applicant is not from Lolobo tribe but Havoana and therefore have no standing to claim in Lolobo land.

#### **Analyzing the Third and Fourth Applicants' submissions**

According to the third applicant Lolobo land is owned by Lolobo tribe and similar claim raised by the fourth applicant and so there is no slightly difference of these two applicants' claim. The only contested issue between these two applicants for the court to deal with is the issue of genealogy and massive incest that had been done in the tribe from both sides and this court will generally dealt with these two issues. Third applicant did not deny the fourth applicant is from Lolobo tribe. On the other hand the fourth applicant denied the third applicant not from Lolobo land and tribe. The court when carefully analyzing the third and fourth applicants' genealogies, this court found out that both connect their genealogies to Kurupiku or Kulpiku. Though there are conflicts and differences but they lived and develop the land, therefore they both have right to claim in Lolobo.The issue of incest raised have very serious consequences in custom and cannot be left unattended but must be addressed. Though there are some means of covering these problems but customs rules remains perpetual. Therefore Lolobo tribe should settle all these past problems according to custom and be buried and not to be resurrected again in any future issues which affecting the Lolobo tribe. That anyone who attempts to resurrect all the issues settled in custom should be dealt with according to custom.

#### **Identifying and Certification of trustees**

The third applicant in his application submitted five trustees to represent Lolobo tribe. The fourth applicant did also submit five intended trustees in his submission as appears in the fourth applicant's minute of meeting in 2010 at Ilitona Village, where Lolobo tribe under the leadership of the fourth applicant held meeting and also identified five peoples but now others identified were deceased already.

The third applicant on the other hand takes the liberty and organizes his group and there after put forward names of the intended trustees. The Ghorena Local Court in exercising its jurisdiction is cautious and belief that Lolobo tribe must have fair representatives to look after the tribe. Those people appointed to be trustees must know that they have a big responsibility in looking after the tribe and that issue of tribal interest must always be their first priority. The appointed trustees must bring the Lolobo tribe together and work together with all tribal members in any development aspiration as desired by the Lolobo tribe.

**Decision**

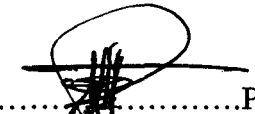
The Ghorena Local Court upon hearing submissions of all the applicants decided;

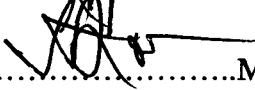
1. That the application of the third applicant is granted and accordingly the Ghorena Local Court certified, Robert Biara, Avasi Saeve and Eric Koti to be trustees in PE in Parcel Number 098-004-1 on behalf of Lolobo tribe.
2. That the application of the fourth applicant is granted and accordingly the Ghorena Local Court certified, James Rizu and Sese Rence, to be trustees in PE in Parcel Number 098-004-1 on behalf of Lolobo tribe.


**Order**


All members of Lolobo tribe to convene a meeting and cause reconciliation in order to sort out their differences.

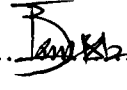
No further order as to cost.

Redley Amon..........President (Ag)

Joshua Lui..........Member

Edmond Ale..........Member

Donley Pako..........Member

Panaskai Tuke..........Clerk

Right of appeal is three months from the date of this judgment.

Dated this 16<sup>th</sup> day of May 2016  
At Gizo  
Western Province  
Solomon Islands

**THE COURT**

