

BEFORE: S. Palue - President
E. Tanirongo- Member
P. Itogo - Member

Charge: Toma of Komukea Vs Hare of Tiua because Hare claim the land at Tiua to be his. I signed agreement from Mr Skom for the Centre of Agriculture at Tina. Also I opened the Centre at Tina.

Plea: Liable

Plaintiff Statement:

When Lulua died they have talked together with the Ghaobata line before they have turned the water or stream to different direction. (TIU). The Ghaobata line were known as Bololo Pae and Tobani. After they have turned the water they made some food. My oldmen made the food. They made puddings a bowl soup (Se) and they killed two pigs. Also they got five custom money. They Ghaobata line said that they cannot replace what the oldmen had done and because of that my oldmen has been given a piece of that land. That is why I got the land of Tiua.

Are and Billy brought the European from Honiara. As they came they arrived at Dova. When the European asked who owned the land at Dova, Billy and Are said that the land was belongs to Gaobata line. As they continued eastward they arrived at Mavuana Vuria. The European asked Billy and Are whose land was it. Billy and Are said it was Ghaobata line's land. As they arrived at Tiua the European asked Billy and Are again and they answered it was the Nekama line's land. The European want to know the person who got that land and Are said that it was Toma Ngilia's land. The European told them to look for me. During that time Are was looking for me until he came to Paonadi. Are said to me that the European wanted to see me about the land at Tiua. Are and myself went to Thavoa Village to meet the European. The European then asked me. Are you Toma Ngilia? I said yes. My name is Toma Ngilia. The European asked me about the land at Tiua. I told him that it my land. The European asked me because he wanted to do some work at Tiua Land.

The European told me to visit that land the next morning. When we arrived at Tiua the next morning he showed me the place he wanted. He also asked me about my people and I said to him that they have stayed far distance from here. The European then asked me who else were my lines. I showed Are instead. That was the only time I took Are into that Tiua land. I only take Are to work together with me to build a cattle fence but I didn't take him became as an owner of the land. I took Are during the year 1964 only to build a fence. After all we signed an agreement for the land at Tiua in the presence of Mr Stephen Tahi. Stephen Tahi only made an agreement to make a cocoa project, Tobaccos and Tomatoes. The European asked me that he wanted about two acres of the land. Those who present when the agreement was made were Rongo, Gigilu, Kotirania, myself and Toma. The European name was Mr. Skom.

CXXD. Have you all signed the agreement?

A. Yes, we all signed the agreement.

CXXD. Why did you signed the agreement

A. I signed the agreement because the land was mine.

CXXD Why did Are signed the agreement with you?

A. He signed an agreement with me just for a witness because my people who should signed with me stayed very far distance.

DEFENDANT STATEMENT:

AS I went to Honiara I met Mr Skom on my way. I met him at Mavuana Vuria. He told to get back and slept at Terebuti. His companies were also coming after him. As we reached at Tiua we had a rest at the bottom of a nut tree. We had a rest also during that moment we had some puddings. While we were eating puddings he asked about the land. I informed him that the land was mine. The Gaobata line had given this land. He told me to contact those of us who fot the land so that when he will return in future he could be able to see us. I told him that the land was mine and Toma. I told him that I shall see him again in future after I have seen my people. We slept at Niu Tenebuti until morning when Mr Skom returned to Honiara. I came from Thegeona and I went eastward while others went down to Betikiki. I went eastward carrying with me a beating drum (Koko) until I arrived at Goraboko during the evening. The name of the beating Drum which I took with me was Manitalu. Sikua told me that the land was belongs to my brother in law. As we cannot went further because it was evening he told us to leave the Beating Drum until the next morning while they asked my Brother in Law if they could allow me to settle but if not I would continue eastward. This was Sikua told us. We burried the beating drum at the place after we had permission. Because of that we called the place Tavughi ni Koko.

Sikua was getting married to Hau. Hau was my oldman. Sikua was a Gaobata line. I was first arrived on the land and Itogho arrived next. Toma arrived last. Itogho and myself incharged of Toma at Reko.

CXXD. What did you say when you looked for Toma?

A. I told him to go and see Mr Skom

CXXD. How many years did you agree to sign for the agreement

Pl. I told him to lease only for 15 years. Mr Skom told me that the Agriculture will do work on the land until when it moved away the landowner will be taking in-charge of what the Agriculture had done on the land.

CXXD. Did you know what things he mentioned

A. Yes, I know.

P.W. (1) I only knew that Toma who got the land and also he signed the agreement. It was about 9 o'clock Am myself and Gigilu came from down from Thavoa Village. Mr Skom was at Thavoa before we came over there. However we came to Tiua together with Mr Skom. Mr Skom asked Toma about the land and Toma said that it was his land.

D.W. (1) I wasn't there when the agreement was signed.

D.W. I don't know how to witness a land case because I am too young when I grew up I only knew that the land was mine. Also I didn't know to whom I have given the land to. They themselves should know about it. Both of them mentioned that I here given the land to them. They knew more than myself.

P.W. The land was given to Toma by us. The oldmen told us that the land was Toma's land. They showed the spearline which we already followed. Thugea and Tapalia told us the spearline. I knew that I given the land. I knew that Sikua our great grandfather gave the land to Toma.

CXXD. Was there any sacrificing place on the land?
Def. I got a beating drum on the land.

CXXD. Was there any devil (Tidio) on the land?
Pl. No.

CXXD. Whose land was at Abia to Malatotora?
Pl. Ghaobata lines land.

CXXD. Whose land was at the West side?
Pl. Gaobata lines land.

CXXD. Which Gaobata own that land?
Pl. Bololo and Pae.

DEFENDANT XXD.

Q. Can he explain about Sikua?
A. I didn't really understand about Sikua.

Q. He mentioned that he gave the land to Toma can he explain why?
A. I can't understand it why.

P.W. (2) I knew that the land was Toma's land. They told me a story that it was Toma's land. Toma's land was the otherside and Ghaobata's land was at the other side. The spearline which I knew was followed today.

CXXD. Did you know any sacrificing place belongs to Toma on the land?
A. I don't know.

1. The Court findings of this land case was that the Plaintiff Toma claiming that Harry group the Defendant take possession of the land where the Agriculture ones centred the station of Agriculture at Tiua.

The agreement was signed by Toma for 15 years and when the agreement was due the stationed was taken over by the Harry group. The court proved that Toma had a right to claim the land.

2. The Court heard the statement that the land was given to Nekama by Gaobata line. It was proved that the Toma group was the true owner of the land because according to the statement which the Plaintiff issued that after the Tiu mean (Turn the water to different position and caught a lot of fish from the dry water), the Toma group had made a feast and gave two pigs, five red shell money, made some puddings, made some soup and green coconut and because of this food and shell money they gave the land to Toma's group.
3. The Court heard the statement of the Defendant that they burried the drum (Koko) which they carried about where ever they moved. When the court asked the Defendant whether there was any feast during the Burial of the drum, but the defendant said that there was no feast, not even money to pay for the land but the Gaobata line gave the land free because of the burial of the drum (Koko). According to the customary land ownership of the area Harry group hasn't got enough evidence to prove that he should own the land. The court tried to ask more witnesses to tell what they knew about the land but JOHN NGELEVAENA told the Court that he didn't want anybody to come and tell their stories to the court. Therefore the court have to give a decision to the case.

DECISION: Toma of Komukea Village was the true owner of the land at Tiua and Harry was under subjection of Toma group. According to the statement mentioned above the court proved that Toma group should be the owner of Tiua land including everything that was left by the Agriculture for the landowner. With the best of our knowledge we passed a decision to both parties and if there is any disagreement to any of the parties should apply direct to the Customary Land Appeal Court.

signed
President

signed
Clerk