

The court members meet today; Friday 19/8/83 to decide this land case.

JUDGMENT: After discussing the evidence of both the Plaintiff and Defendant, the following points below were found to give in favour that the Plaintiff Abidan Tesaukiu has won this land case.

1. The court in its judgment, believe that it was Matu who first claimed and owned the tambu areas knows MANGAE ATE HAINGA'ATUA later called Agohi and Asau later called Baitupu, Noah, father of the Defendant believed by the court to brush the areas especially Agohi later, believing that they were owned by Matu his real brother.
2. Even though Matu and Naeham were not real brothers but only cousins, the fact that Naeham had given respect to Matu and assisted in all his works especially in the church activities in the church building of Matu and lived with Matu although his life and in death did Matu left him, for all these goodness played by Naeham toward Matu, did Matu in return gave Baitupu land to Naeham father of the Plaintiff. The Defendant in his statement agreed that Baitupu land was given to Naeham by Matu.
3. A person who inherited any land given to him by the owner of that land, got all the right to own that land given to him. Unless the one who has given him that land intends to claim it back, did his claim of right over that land is not longer valid. In relating this aspect to Baitupu land, it was given by Matu the owner of that land to Naeham the father of the Plaintiff agreed by the Defendant in his statement. And seeing that Matu at no where claimed that land back from Naeham when they were still alived the court believe the Plaintiff has all the right to passess the land from his father given to him by Matu.
4. In the statement of the Defendant, he has mentioned that those areas of land were given to him by Matu in year 1966. The Defendant in court was asked if any body had heard and known that Matu had given him those areas of land. He stated that nobody knows except he himself. The court could not grant his claim of right from Matu as he has no witness to prove it.

The court believe the areas were given by Matu to Naeham the father of the Plaintiff because every body had seen and witnessed the settlement of Naeham and his family at Baitupu even when Matu was still alived; and in the letter written by the Defendant to the Plaintiff, justified that Baitupu and Tesepi. were given by Matu to the Plaintiff.

5. The Defendant taking it for granted that because Matu the owner of those lands was the real brother of his father Noah, and they were the people of Saukapoi, did the Defendant claim the right of ownership over those areas even if Matu didnot grant him.

The Defendant in his letter to the Plaintiff mentioned that even if Matu didnot grant him the right, he would still claim those areas because they were of the people of Saukaupoi included Matu.

6. The Defendant claims that Matu had given him those areas. Court could not accept it because if even Matu had given him, he could have used those areas for farming etc. when Matu was still alived. The gardens of the Defendant and all his coconuts inside the areas were made and planted after the death of Matu.

7. The court is convinced that there wasn't any disputing occured between Matu and Naeham or Noah and Naeham at Baitupu land to spoil any property of Naeham while settled at Baitupu. Noah and Naeham were only disputed in their boundary but not the land (Baitupu) claimed by the Defendant.

8. In evidences given in court, the court found that only Naeham and his son the Plaintiff did the people get their permission to farm in those area of land. The Defendant has stated that he had asked Naeham before making his gardens in the areas disputed.

This justified to the fact that those areas of land were owned by Naeham the father of the Plaintiff given by Matu.

DECISION:

For all the points stated above in the judgment, the court found the areas of land claimed by the Plaintiff Abidan Tesaukiu and the Defendant Baiave Tekou in their original and counter claim beginning at the main road to reach the two (banga) trees and won by the Plaintiff, Abidan Tesaukiu.

ORDER: The court made the order that Abidan Tesaukiu to compensate Baiave Tekiou at \$250.00 for all his coconuts, Pandanus trees and Mango trees inside the land to become his properties.

Letters are to send to Abidan Tesaukiu and Baiave Tekiou to attend court on Monday 22.8.83 at 9 o'clock am to hear the announcement of this case.

Abidan Tesaukiu and Baiave Tekiou attend in court this morning Monday 22.8.83 to hear the decision.