

IN THE MALAITA LOCAL COURT

LAND CASE NO. 1/90

DATE: 17/9/90

Name of Land in dispute: ROTA

Name of Plaintiff: JOE GWAUNAILE OF BAUNANI VILLAGE, WEST KWAIO

V.

Name of Defendant: EZEKIEL TELEFANAGANI OF MANABA VILLAGE, WEST KWAIO

DECREE

JUDGMENT:

COURT FINDING

Joe Gounaile you claim ROTA land as from ARAORO river to DIFIO creek. This is according to your statement and map coloured blue. Joe Gounaile in your statement you did not trace you genealogy even mention your devil which discovered ROTA.

Ezekiel Telefanagani you said that you did not agreed with word ROTA but claim that parcel of land disputed is within your land namely TOLA'ANGA. Again you also did not trace your genealogy before Court to be recorded and only claim TOLA'ANGA principal sacrifice place which spearline of it from ARA'ARO river to DIFIO creek both run down to sea coast.

Court saw LOUA CAVE were 30 people died, FOUANIUFU GRAVE, NGARIOSIRARA tambu place, burned graves of GOUNAILE people, Court did not accept them because it is North side of ARAORO river out side disputed area, which Ezekiel Telefanagani did not dispute.

At Ngarikofena tabu place. Joe Gounaile show tambu place but did not show any sacrifice altar, stones for cooking pig even any bones to prove that it is a sacrifice altar. Joe Gounaile said that this place is belong to his PW1 SALAMAURI. PW1 Salamauri said that his man died and buried there.

Defendant Ezekiel Telefanagani said that he agreed with PW1. This is our place, you born female to my tribe of TOLAANGA DW1 RURUNIU (f) from NGADOEMAE tribe married to BULOAG begat SALAMAURI PW1 born female for TOLA'ANGA land. RURUNIU (f) authorised his husband BULOAG to buried his father GENIFELE here, but GENIFELE and sisters did not related to RURUNIU (f) female of TOLA'ANGA. Court prove that Salamauri Pw1 is related to Ezekiel T. (defendant). Court find in the statment of DW1 mentioned that 2 tribes of ARUBE is ONGILA - OFANA (f) married to KWALOBULU, SALE TAKWAINAO and GIDEON son of Plaintiff related to TOLA'ANGA land. According to survey Court believe this connection must true. In fact Joe Gounaile also admitted.

At FOUSIAALA shark stone both parties claim the same stone even FOUKOLOKOLO for cooking for sharks. Joe said 5 sharks Joe said he cook the pig before giving to the sharks. Witness 1 Defendant said he killed the pig then give the uncooked pig to his shark. He also said his man died they throw him into the sea and became shark, he call his name BAEKWAABU. Court asked Joe G. how was his shark originated. He said shark followed a woman from GELA island who married to his man of Gounaile.

Court did not believe what Joe said, according to our custom how we worship shark in our island (Malaita). Court see DIFIO creek as both claim to be their spearline of the disputed area. Defendant Ezekiel T. show TOLAANGAASI which his people come down to camp when finding crabs, sea shells and shark feeding.

Court find that Joe Gounaile did not base your claim in the disputed area. He or Joe G. even claim properties out side the disputed area. In the disputed area or ROTA. Joe Gounaile did not show any principal sacrifice place as to qualify ROTA to be a parcel of land or tribal land apart from TOLA'ANGA land. Court also find that this name ROTA is not spotted in any map, even his map name ROTA is not located to show that it is customary name.

Court find that Alick Kwaifiona, Joe Gounaile's grandfather is only spokesman on behalf of the landowners as he is only man who can speak English in those days since 1920. Any documents sign in those days you should not claim as solid ground of owning customary land Court believe Defendant Ezekiel Telefanageni and his 3 witnesses for what they said in Court even what they show during survey. Is true because Ezekiel Telefanageni still have 3 custom priest over TOLA'ANGA land who still sacrifice pigs for shark DIFIO sore (basi) TOLA'ANGA LAND.

DECISION

Court disqualify Joe Gounaile's claim of ROTA LAND. Court upheld chiefs decision. That Defendant Ezekiel Telefanageni is primary owner of TOLA'ANGA land. Those who born of female to Ezekiel Telefanageni tribe may have right to claim their rights according to our customs.

Court confirm that the land is TOLA'ANGA land not ROTA land as Joe Gounaile claim.

R O A E

Party do not satisfied may appeal within 90 days as from today 21/9/90. Expiry date 21 December 1990.

signatures;	N. Oruwale	V/P
	Tofe	C/M
	W. Ilaria	C/M
	P. Silas	C/Clerk (M)