

IN THE MALAITA LOCAL COURT

LAND CASE NO: 2/96

DATE: 21ST FEBRUARY, 1998.

NAME OF LAND IN DISPUTE:..... TAKIBAKWA

NAME OF PLAINTIFF: 1) S. TATALU OF BASI'I VILLAGE, NORTH MALAITA **BOKA 2 Auk**
2) BANARBAS WANFAEKWA OF IRIDOFI VILLAGE (FOONDO)

V.

NAME OF DEFENDANT: 1) ELISON LIFUASI OF ORUKALIA VILLAGE, (FULI FOE)
2) ALBAN LEAGA OF GWALALAMOA VILLAGE,

DECREE

JUDGMENT/COURT FINDING

1) Court finds that Mr. Tatalu plaintiff one (1) (spokesman) and B. Wanefaekwa plaintiff two (2) both descended of Bulithanofamuabala male lineage of Takibakwa. Then Mr. Tatalu claimed he descended through heirs of Boi on female lineage of DINGAUSIA (f) and FALIEIA (f). Court also finds that Elison Lifuasi and Alban Leaga claimed they both Banarbas Wanefaekwa are the living descendants of RODOLIU through the two sons KURUFANUA and BURA on male line of Takibakwa (see C4/MAL/54 D. Court Exhib. 7).

2) This Court also finds that since 1954 case David Irofanua defended his tribesmen of Takibakwa land. Then late Lifuasi also defended his tribal land during recent cases which Banarbas Wanefaekwa, genealogy appears on these cases.

3) Mr. Steward Tatalu made a claim to connect himself with B. Wanefaekwa's genealogy on female lines of Dingausia and Faleia (f). In defending the plaintiffs' claim of female lines to Banarbas Wanefaekwa and Elison Lifuasi male line DW 1 & 2 defended that those women mentioned by Plaintiff one (1) Tatalu. Mr. Joriel Iroilalo also denied Tatalu made a false claim he did not descended of Faleia but DW1 J. D Iroilalo is the living descendant of

this woman and David Baesi the uncle of Reni descended of Mrs Dingausia (f) who married to Bofama of Manafilu tribe.

4) Court finds that in previous cases 1979 - 1993 Mr late Jeriel Lifuasi defended their tribal land Takibakwa with other tribesmen who claimed portion of tribal land within Takibakwa.

5) In Malaita customary land ownership male line should have known his female lines by maintaining its relationship tie with his female lines when ever tracing his male genealogy must mention his female line as well. In this particular land case you Mr. Tatalu just established your new female lineage to Banarbas Wanefaekwa of Takibakwa and Elison Lifuasi of both male lines.

6) Court finds that plaintiffs' witnesses never denied Elison Lifuasi from being a male member of Takibakwa. They did not mention S. Tatalu too blood related to Banarbas Wanefaekwa as they themselves claimed their relationship tie to Wanefaekwa and their female lineages which they descended.

7) Court finds that Mr. Tatalu established his new female line to the male line of Banarbas Wanefaekwa and Elison Lifuasi and Alban Leaga following the two mentioned women by the names Faleia and Dingausia. DW1 Jezriel Iroialo Dadii defended his woman Faleia (f) that Tatalu not descended but himself is the living descendant and DW 2 David Baesi of Magwarafu village defended his woman Dingausia (f) married to Bofama of Manafiu tribe which he is the living descendant of Reni's line (see case no. C4/MILA/54. Court D - Ex 7.) Therefore, this Local Court doubted S. Tatalu's new connection (on female) to B. Wanefaekwa's male genealogy.

8) In Plaintiff's summary stated that in 1979 - 1993 cases the written documents B. Wanefaekwa name was not written on the decisions. In those previous cases B. Wanefaekwa, his name did not appear or written on the decision because he was not a party to any of those cases. In 1954 he was a small boy that time and during other recent land cases late Jezriel Lifuasi defended their tribal land Takibakwa HC Case no. 160/90 13/8/91 judgment 19/8/91. And today's case B. Wanefaekwa did not give any evidence himself but you Steward Tatalu took up the case and separating him from his male partners Elison Lifuasi and Alban Leaga.

9) This Court also found that B. Wanefaekwa do not dispute with his male or female lines during the previous cases but others claim their right over their portion of lands within the boundary of Takibakwa land (e.g)

Case No. 59/79. Ben Kanabaca Vrs. A. Taba'ania Lumagwai tribal land within Takibakwa HC No. 160/90 on 13/8/91. page 2.

10) Court found that Plaintiffs witnesses from different tribes come to live on the disputed land Takibakwa by some reasons of intermarriages and females of B. Wanefaekwa's tribesmen of male linealogy of Takibakwa. These witnesses had mentioned that they blood related to B. Wanefaekwa and they did not mention S. Tatalu blood related to B. Wanefaekwa on male line.

11) During land survey plaintiff's 1 denied Maolifu's tribesmen have no properties on the land but defendants said that we the living descendants of Maolifu have existing properties before and after 1954 land case. Plaintiffs said these properties planted after the 1954 case.

12) This Court finds that 1954 Court case Irofanua & Iroakalo were not representing the following tribes as mentioned by S. Tatalu. Tribes Thangiabu, Afoa, Bakwa'abu, Hanafiu and lakale. They (Iroakalo & Irofanua) were against Hanafiu tribe as they are true landowners of Takibakwa.

13) In 1954 case (C4/MAL/54) B. Wanefaekwa was a small boy and Bingu represented him in Court page 55. Court also found that S. Tatalu descended of MOHOLI line through KOFITOA and KOLOFANUA then Kofitola's line Ruth descended begot Firisua begot S. Tatalu and then Kolofanua's descendant is Thomomole Tatalu's mother. Therefore you are already with the losing party in 1954 C4/MAL/54. Therefore, this Court doubted S. Tatalu's connection to the two women Faleia (f) and Dingusia (f) of Takibakwa tribe is not true.

During land surveying of the disputed land seems both men of the male lines pulling apart of the tambu sites we visited namely Furiadi, Taluo, Maa, Kwakwaru and La'ano.

The boundaries of the disputed Takibakwa land are as follows:-

Point A - Gwalalamoa goes inland to Fatanafiu passing Kwanafiu up and corner at Aenafura then across hill top passing Ma'a tambu site goes across to Daudautalo then down the Aero river to its river mouth goes north along the sea coast to Gwalalamoa again.

DECISION: Ellison Iifiasi, Alban Leaga and Banarbas Wanefaekwa and clans are the primary landowners of Takibakwa. Binded under HC CC 160/90 and C4/MAL/54.

Steward Tatalu's claim of female line to Banarbas genealogy has been dismissed.

R. O. A Explained.

90 days or 3 months from now 12/2/98 - 12/5/98.

Court officials: J.S Hoke
 I. Ilimanu
 P. Mackinac
 Lucian Kebai

VP
 CM
 CM
 C/Clerk 12/2/98.

Alha
John J. Humam
Mackinac
Kebai

Note: Defendants claimed expenses to be refunded by the Plaintiff the sum of three hundred eighty one dollars and forty cents (\$381.40). within 14 days from today 12/2/98 - 26/2/98. Receipts attached.

[Signature]
 12/2/98