

Held at Gizo

Land Jurisdiction

In the matter of: **ZOLATA LAND**

Between: **Paul Lepese** Plaintiff

AND: **Samuel Parubule** Defendant

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**JUDGMENT**  
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This is a case on the claim of ownership of Zolata land between Paul Lepese, (Plaintiff) and Samuel Parubule (Defendant). This matter was heard on 11<sup>th</sup> December, 2007 but due to problem with funds and other cases to be heard by the court at that time the survey for this case was deferred until 2008.

On 28<sup>th</sup> October 2008, two justices with the plaintiff and defendant and their parties started at Paraso village and proceeded for the survey at Zolata Land.

**Plaintiff's Evidence**

The evidence from the plaintiff is that the mother land was Kubo and he acquired the Zolata portion for his Sambe tribe. He had made three feasts and fed Kubo tribe. And the feasts were:

1. To buy the land from Devele side(Bungubungu)
2. For Topiosare land who held by Sambe tribe
3. For Paraso side (Aroale)

Plaintiff claim that his tribe has tambu site and other things. During the survey he claimed and showed the followings:

1. Heap of stones - A place in which fighters/warriors used to put or piled their shields before and after fighting
2. Heap of stones (much bigger) Mate-Bangara – Vaza nguni  
*(no further explanation)*
3. Pade vola – Foundation and is a boundary of Zolata from hill top. It is also a place of fortune (arare) where they receive blessings/luck from. To prove this, the plaintiff has many blessings including money and foods. More than that, he marries a very young girl. She was his student at Jones Adventist College (JAC) but because of that Arare, she became his wife.

4. Ngiano ko tapatekoi - This is a big stone in which a huge fish Ngiano got stuck during a time of Tsunami in their ancestor's time.
5. Tuluzae/Sasave - This is a very big black stone which is very rough that used by the chief to have sex.

### **Defendant's Evidence**

The Defendant Samuel Parubule is from Sorezaru tribe. He also claims the same land, but said that the mother land was originally owned by Virasare tribe and his Sorezaru tribe took the Zolata portion from them through a customary means or method called "pikezato".

Peka of Kabolasi tribe married Meso of Virasare and their son married Sakete. Sakete and her brother Puga wanted to take or acquire the Zolata land for her children and lineage. And so they arranged a customary purchase (pikezato) for Zolata land. The customary purchase for the land involved a feast. At that feast, Sakete and her brother Puga gave pigs, pudding, local foods, cooked and uncooked and custom money (Bakisa) to Virasare tribe who was the original owner of the land.

Also during the survey the defendant showed the sites observed by their tribes.

1. A place where their ancestors put the body of giant Gili. This giant lived with them but killed and ate the people one by one.
2. Bulo - A Heart of Sorezaru where our properties are kept:-
  - Foundation of the place
  - Mui - custom money, and where they are hidden/kept;
  - Arare - A place where they obtained fortune especially for fruitful garden.
  - Paka kelakela - A place where power of lightning & thunder comes from.
  - Vazanguni - Bamboo to identify place where custom moneys are kept/hidden.

Defendant disputed the claim of black stones as place used by the chiefs for sexual intercourse as it is memorial stone.

### **Findings of the Court**

The court considered the evidences and noted that the Plaintiff claimed three (3) feasts but did not disclosed or state that it was for the acquirement of Zolata portion of land. He just mentioned that three big feast were to buy land from Dovele side (Bungubungu); for Topiosare (Sambe held Topiosare land); and for Paraso side (Aroale)

The Defendant's tribe is originated from Vella La Vella and had made a custom feast for the purchase of Zolata portion of land. This was done according to custom of Vella la Vella called "pikezato".

For the Plaintiff, his Sambe tribe was a migrated tribe from Choiseul. And this is confirmed by Plaintiff's witness at the cross examination.

The court conducted a survey on Zolata land on 28<sup>th</sup> October 2008 to confirm Plaintiff's claim that custom money, skull and special place for worship. The court found nothing except stones and heap of stones on the site. At the site the plaintiff told them that custom money is now at Dovele and he had sent someone to bring it to them. No custom money was shown to them.

On the same site the Defendant's evidence is that it was a place of worship by their ancestors and they kept their traditional things and custom money owned by his tribe at the site. At the place where the bamboos (vaza nguni) and a plant (Rario) are growing is where the custom money are kept. The things are still there and we kept the information on this as secret matter among us.


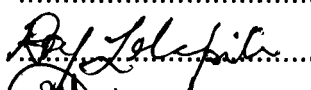
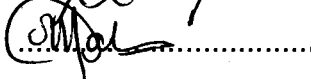
In Vella la Vella custom, customary and tribal things are sacred and heritage. These are restricted and cannot be removed from the tambu sites. The court believed evidences from the defendant and also satisfied with the explanations provided by him concerning the properties in Zolata or the tambu site.

Having considered the evidences, the court is satisfied on the balance of probability that the said portion of land is belongs to the Defendant's and his Sorezaru Tribe.

**DECISION/ORDER:**

1. That Zolata portion of land is owned by the Defendant, and his Sorezaru tribe.
2. No further order nor costs

Dated this at Gizo on the 28th of November, 2008

Signed:	Seth Luaboe	-	President	
	Walter Semepitu	-	Member	.....
	Roy Lelapitu	-	Member	
	Caroline Katovai	-	Clerk	

Right of Appeal Explained