

IN THE HIGH COURT OF THE WESTERN PACIFIC

CIVIL JURISDICTION

(IN DIVORCE)

BEFORE: The Honourable Mr Justice J. Bodilly  
exercising jurisdiction under the  
provisions of the Western Pacific  
(Courts) Order in Council, 1961.

HOLDEN: At Auki in the British Solomon Islands  
Protectorate on Tuesday the ninth  
day of July 1968 at two o'clock  
in the afternoon.

<u>BETWEEN</u>	<u>CLARA LAGWANA</u>	Petitioner
<u>AND</u>	<u>PHILIP SALEMANU</u>	Respondent
<u>AND</u>	<u>JANIFFER WAEMANU</u>	Co-respondent

CORAM: J. Bodilly, C.J.

PRESENT: Petitioner  
Respondent All present in person.  
Co-Respondent

INTERPRETER: Frederick Sarufi ( Kwarae language)  
Sworn on Bible.

Petitioner:  
CLARA LAEWANA  
Sworn on Bible.

On 27th May 1962 I married respondent. Respondent is in  
Court ( indicates), I married him at Daedasalu Village  
on Malaita in the Anglican church.  
After that we lived together at Daedasalu village.  
There are two children of the marriage.  
Dina a daughter and Alban who is a son. Dina is four

am my son two years old.

The Respondent started to commit adultery with Janiffer four years ago. Janifer is the co-respondent in court (Indicates). I was told that this had happened because someone caught them. I then took them to court. It was to the native court and respondent was fined \$20. After that I went on living with him. Then after this again respondent committed adultery with Janiffer. That was two years ago. I learned about this because Janniffer became pregnant. She lives in a village close to my village. I know that she was pregnant by Philip because they both ran away into the bush. I then went back to my father. I have been living with my father since then. I have not spoken with Philip about this. I also have not spoken to Janiffer.

It is Philip who really wants the divorce. I do not want to live with him again but I want the custody of my two children. I do not withdraw my petition.

XX by Resp:

I cannot remember when the first or the second adultery actually took place. It was a long time ago. I admit I remember while we were still living together that someone came to ~~or~~ house. Nothing happened then. I shouted. I did not have sexual intercourse. I admit I followed the man outside. My house is built on sticks. I did not go down to the ground. I stayed up on the verandah. All the people in the village came to investigate what was happening. I don't know who the man was, nor did the villagers. He ran away into the bush. ~~Philip~~<sup>Your</sup> was away at Fuamu at the time. ~~Phillips~~<sup>Your</sup> sister who was a small girl was staying with me in the house. I admit that the man opened the door of my house. I do not know what the man came for. I deny that I did not have sexual intercourse with that man. I deny I have had sexual intercourse with anyone but you.

( Respondent says : I admit my adultery with Jannifer, but I say Petitioner has also committed adultery.)

I deny also that before our marriage I had had sexual intercourse with any man.

No XX by Co-respondent. ( She says " true. I live with Philip ).

Respondent: I admit the adultery. I am living as man and

wife with Janniffer and her baby is mine borne after my marriage to Petitioner. I want to marry Janniffer.

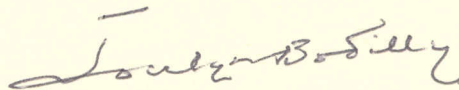
Co-Respondent: That is true. We want to get married and we are living together now.

Order: Decree nisi to issue.  
Custody of children of marriage Dina and Alban to be with Petitioner.

Petitioner: I ask an order for my costs. \$8 I have paid.

Order as to costs:

Respondent to pay Petitioner her costs of \$8.



Chief Justice.

DECREE NISI FOR DISSOLUTION OF MARRIAGE

WIFE'S DEFENDED PETITION: CUSTODY ORDER

IN THE HIGH COURT  
OF THE WESTERN PACIFIC )

1968 No. 4

(DIVORCE JURISDICTION)

BEFORE: The Honourable Mr Justice J. Bodilly Chief Justice of the Western Pacific, sitting at Auki in the Malaita District of the British Solomon Islands Protectorate on Tuesday the ninth day of July 1968

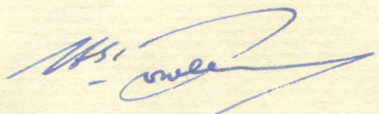
BETWEEN: CLARA LAGWANA  
Plaintiff  
AND: PHILIP SALEMANU  
Respondent  
AND: JANIFFER WAEMANU  
Co-respondent

THE JUDGE having taken the oral evidence of the Petitioner in support of the Petition filed in this cause, and the oral evidence of the Respondent and of the Co-respondent, PRONOUNCED that the Petitioner had sufficiently proved the contents of the said Petition, and DECREED that the marriage had and solemnized the twenty-seventh day of May 1962 at St Marys Gwaigeo in the Malaita District of the British Solomon Islands Protectorate between CLARA LAGWANA SALEMANU then CLARA LAGWANA spinster, the Petitioner and PHILIP SALEMANU, the Respondent be dissolved by reason that since the celebration thereof the Respondent has been guilty of adultery with the Co-respondent JANIFFER WAEMANU unless sufficient cause be shown to the Court why this Decree should not be made absolute within three months from the making thereof, and condemning the Respondent in the costs incurred and to be incurred on behalf of the Petitioner in this case.

AND upon the application of the Petitioner it is ORDERED that the children of the marriage DINA and ALBAN do remain in the custody of the Petitioner AND IT IS ORDERED that the said children be not removed from the jurisdiction of the Court until each child attains the age of sixteen years.

DATED at Honiara in the British Solomon Islands Protectorate this ninth day of July one thousand nine hundred and sixty-eight.



  
Registrar of the High Court  
of the Western Pacific.