

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 Honiara in the British Solomon
Islands Protectorate on *Tuesday* the
Sixth day of *August* 1968 at
Two o'clock in the *after* noon.

BETWEEN GESUNA AFUNA
(known as Gesuna Avuna)
Petitioner

AND KOININI
(known as Sam Konea)
Respondent

AND FOTOYIA
Co-respondent

CORAM: J. Bodilly, C.J.

PRESENT: *All parties present unrepresented.*

INTERPRETER: *Simon Jude Manemela (Longgu language)*
Timothy Kawaimani (Tombaito language)

Both Interpreters sworn on Bible.

Petitioner:

GESUNA ALFUA.

Sworn on Bible.

I pray as in my petition.

I was married at Bola to the Respondent on II.I2.I965. After the marriage we lived at Poposa. We have no children of the marriage. We lived together there for one year. Poposa is near Marau Sound, Guadalcanal. Then respondent committed adultery with Fotoyia, Co-Resp. The village people told jme about it. I cannot say how long ago that was. I then said to myself our marriage will be finished if he behaves like that. The adultery took place in the village of the Co-Resp. That village is in the bush. It is called Nangali. When this happened Resp: said to me that I could go back to Marau to my father because he already had a wife, in Fotoyia. I then went back my father's house. I have been in Marau since. Resp: is now living with Fotbyia. They have a child now. It is outside the court.

I ask for decree nisi and my costs.

XX by Resp:

I admit that you took up with Fotoyia afetr I went home. I went home to my people because you told me I could go as you already had a wife. I do not know if what you said was true or not. I deny that I left the house without telling you I was going.

XX by Co-Resp:

NIL.

Pet W I: Samual Olofia.
Marau Sound.

Sworn on Bible.

Pet: is my daughter. I also know Resp:

My daughter married Resp in 1965. Resp: then committed adultery. That happened in 1967. I knew that because the Co-Resp became pregnant. I know that because Fotoyia's father

ran Resp in before the local native court because of it. He was fined \$10 by the court. That happened after my daughter had returned to my house. She came back to my house because she was not happy with Resp: He did not care for her and used her badly.

XX by Resp: I admit I did not speak to you before I took my daughter away. That was because the ship was in a hurry and I only had time to collect my daughter and her belongings and take her away. What happened was that my daughter came home. As a result of what she told me I took her by ship back to Poposa and we collected her belongings and returned in the ship to Marau.

No XX by Co-Resp.

Closes Petitioners case.

DEFENCE

Resp:

I admit the ~~admit the~~ adultery but I wish to say something about it.

Respondent: Koinini sworn on Bible.

I want to tell how this trouble started when the family went to Marau. I did not know when ~~PW2~~ Pets' father took her away from me. I was absent from the village cutting copra. When I came home the people told me that she had gone away with her father. On the second Feb 1966 I went after them. There I asked my wife to come back with me and she refused to come. She said that she would refer the matter to the Church Committee at Marau and she would then write to me and let me know what they said. I then stayed two weeks in my village and then I received a letter from Arial Billy the President of the Church Committee saying that my wife would not come back to me. (Letter put in Marked A) . I did nothing on receipt of the letter. Not until December 1967 did I commit adultery with the Co-Resp. If Alfua had still wanted me and come back to me I would not have committed adultery.

ExA

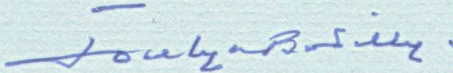
That is all I have to say.

No XX by Co-Resp.

No XX by Pet:

Co-Resp: States . I admit the adultery and have nothing to
say.

Order: Decree nisi to issue.
Costs against the Respondent.



Chief Justice.
6th August, 1968.