

IN THE HIGH COURT WESTERN PACIFIC.

Held at Auki 14th November, 1968 at 9 a.m.

Parties:

David Tonawane ; Petitioner

Jemima Siulina : Respondent

Both present in person.

Coram: Bodilly C.J.

Interpreter: Bobi Koniara. (Dobeta Language)
Sworn On Bible.

Petitioner: David Tonawane.

Sworn on Bible.

I say as in my petition.

~~On 16th~~

I married the Respondent on a day early in March 1968. It was not the 16th January as shown on the Marriage certificate. Paster Kemuel married us in the S.S.E.Church at Robabata village in Malu'u district. After the wedding ~~I went to Robabata village which is where he lived before the wedding and Jemima (Respondent) I went back to Honiara. Before the wedding I was living in Honiara and Jemima the Respondent was living in my father's house. After the wedding I went back to Honiara and Jemima stayed on in my father's house. I never had intercourse with Jemima at all after the wedding. Jemima did not want sexual intercourse either. So we never did it. This came about in the following way. Jemima was before the marriage also living in Honiara. I met her in Honiara. ~~When~~ I and some friends went to the house where Jemima was living with her sister. Something was said at that party which made her sister angry against me. So she ~~she~~ swore by her custom that she would not have Jemima any more and that I must take her. So she turned us both out of the house and shut the door. So I took Jemima with me and we went to my brother in laws house and also the three friends who were with us. We all stayed that night in the house. I had no intercourse with Jemima. In the morning my brother came and said to me " are you now going to marry Jemima". I said "No". My brother insisted that I must marry her but I refused. My brother kept on pressing. Finally some friends~~

Raubatele
sent to ~~Babate~~^{Raubate} village and asked my father to come to Honiara. My father came over to Honiara. My father also insisted that I should marry Jemima. ~~My~~ I still refused and then my father insisted that if I did not marry then I must pay compensation to my brother in law for having brought the girl into his house. That is a custom. I did not pay the money. My father then again insisted that I married Jemima before he returned to Malaita. I still refused. So then Jemima went with my father back to Malaita. That is how it was that Jemima came to be living in my father's house at ~~Rabate~~^{Raubate} Village. That was in 1967 in February. I did not come over to Malaita myself till February 1968. I come home for a holiday. Then my father said again that he insisted on my marrying Jemima before I returned to Honiara. My father went on pressing till March. He said that ~~he~~ he was a teacher and that if I did not marry the girl it would be bad for both my name and his in the district. I said that it was not my wish to marry and that all this had arisen because Jemima's sister became angry. I then told my father that it was no good his forcing me to marry because I already was living and having intercourse with a girl in Honiara. My father said never mind that, Jemima has now been living in my house for a year and by custom she must marry you. I still refused and said I was already living with another girl. I said I was wanting to ^{marry} the other girl. My father was very upset and said that if I did not obey him I could cease to call him father. Finally in order to please my father I agreed to marry Jemima. In March we were married. Immediately after the marriage I returned to Honiara and Jemima remained with my father. We had no sexual intercourse at all. I went back to my girl friend in Honiara and she has now given me her child.

No XX by Respondent, who states: That is correct.
When David took me from my sister's house then by custom I thought that I must get married.
It is correct that we never consummated this marriage.
I do not oppose the petition.

Order: Decree nisi to issue.

No order as to costs.

Joseph Billy
Chief Justice.
14th November, 1968.

DECREE NISI FOR NULLITY: HUSBAND'S

UNDEFENDED PETITION

IN THE HIGH COURT
OF THE WESTERN PACIFIC }

1968 No. 8

(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 Thursday
the fourteenth day of
November, 1968.

BETWEEN: DAVID TONOWANE
Petitioner

AND: JEMIMA TONOWANE
(otherwise SIULINA)
Respondent

THE JUDGE having taken the oral evidence of the Petitioner in support of the Petition filed in this cause, the Respondent not defending the suit at the hearing DECREED that the marriage in fact had and solemnized on the sixteenth day of March, 1968, at the South Seas Evangelical Church, Raubabate, in the Malaita District of the British Solomon Islands Protectorate between DAVID TONOWANE the Petitioner, and JEMIMA TONOWANE otherwise JEMIMA SIULINA, spinster, the Respondent, be PRONOUNCED AND DECLARED to have been and to be absolutely null and void to all intents and purposes in the law whatsoever, by reason that the marriage has not been consummated owing to the wilful refusal of the Respondent to consummate the marriage and the Petitioner be pronounced to have been and to be free from all bond of marriage with the Respondent unless sufficient cause be shown to the Court why this decree should not be made absolute within three months from this date.

No order as to costs.

DATED at HONIARA in the British Solomon Islands Protectorate this sixteenth day of November, 1968.



A handwritten signature in blue ink, appearing to be "H. J. Bodilly", is written over the seal area.

Registrar of the High Court
of the Western Pacific