

This court cannot define or take further the exact boundaries of ANOKWALEKWALE and TAFUITA and in the event of future dispute the question of definition will need to be referred to the local court.

- (iii) This court is bound by this earlier decision of the High Court of the Western Pacific relating to ANOKWALEKWALE and TAFUITA, which are parcels of land within Lesser Aenagono land.
- (b)(i) Considerable efforts have been made to trace the local court record of a case between GAGAME v MOSES TETEAU held at GWAUNATOLO in 1974 relating to two pieces of land known as TAFUITA and KWALDOU. The local court was held by Vice President K. KONAI and he has been consulted in the absence of the local court decided that both parcels of land TAFUITA and KWALDOU belonged to GAGAME.
- (ii) This court finds as a fact that KWALDOU is outside Lesser Aenagono land to the east thereof.
 - (iii) The local court followed the earlier decision of the High Court of the Western Pacific in recognizing GAGAME as the owner of the land called TAFUITA within Lesser Aenagono land.
3. This court finds that RAEA, the ancestor of GAGAME was driven out of his homeland of TARIU by war and fled then to the Aenagono line who gave shelter to him and his people. Raea and his people were so helpful to the people of Aenagono giving them money and fish for feasts that after a great feast the people of Aenagono line gave the pieces of land known as ANOKWALEKWALE and Raea. The court finds in custom that GAGAME is entitled by reason of custom gift to the two parcels of land known as ANOKWALEKWALE and TAFUITA within Lesser Aenagono land. The court also finds that the custom gift to GAGAME did not include any other land within Lesser Aenagono land.
4. This court attaches great importance to its findings upon the land survey and the court made the following finds relating thereto:-
- (i) Neither Donga nor Gagame had any sacrifice places within Lesser Aenagono land. (excluding ANOKWALEKWALE and TAFUITA)
 - (ii) The burial place at the village of Bae Lae did not relate to either Donga or Gagame.
 - (iii) In the area between the main road and the sea (excluding ANOKWALEKWALE and TAFUITA) Gagame indicated old coconut plantations claimed by him that were likely planted 40-50 years ago.

- (iv) On the other side of the main road (excluding ANOKWALEKWALE and TAFUITA) Gagame also claimed new coconut plantations planted 4 - 8 years ago.
 - (v) Gagame also indicated gnali nut trees claimed by him in the land (excluding ANOKWALEKWALE and TAFUITA).
 - (vi) Donga was unable to show any plantations of gnali nut trees or any property belonging to him within Lesser Aenagono land. (excluding ANOKWALEKWALE and TAFUITA) That is consistent with his agreed absence from the land.
5. The court finds the following facts as regards Lesser Aenagono land (excluding ANOKWALEKWALE and TAFUITA):-
- (a) GWEA was the first discoverer
 - (b) MATO'ONA was a direct male descendant of GWEA
 - (c) On the death of LIOFASI, the male descendant of MATO'ONA, the sister of LIOFASI (TORIKAO) became entitled to Lesser Aenagono land. (excluding ANOKWALEKWALE and TAFUITA)
 - (d) On the death of LIOFASI, the male line of GWEA died out
 - (e) DONGA USULI is a direct descendant through TORIKAO
 - (f) DONGA USULI and his line are entitled as primary owners through female line of descent, from TORIKAO, to the land known as Lesser Aenagono land (excluding ANOKWALEKWALE and TAFUITA)
6. This court makes no findings in relation to the rest of Aenagono land (ie greater Aenagono land) because it was required by the parties to consider only the land known as Lesser Aenagono land.
7. In custom, the court finds that, after the death of Liofasi, although he had no rights therein GAGAME used and now has many properties upon Lesser Aenagono land (excluding ANOKWALEKWALE and TAFUITA) such as coconut plantations. This must have occurred in the absence of the primary owners. This court now recognizes that, in custom, GAGAME has the right to remain and enjoy the the fruits and benefits from his properties so long as they are productive but he has no custom rights whatsoever to the land itself. DONGA must recognize this custom right of GAGAME to remain and enjoy the fruits and benefits from his properties so long as they are productive and whilst that right endures Gagame cannot be required to leave the land. GAGAME has no right whatsoever to commence any new development or replanting of any nature whatsoever

upon Lesser Aenagono land (excluding ANOKWALEKWALE and TAFUITA) without the full consent of the primary owners who are DONGA USULI and his line.

8. This court has taken into account all the comments made by the parties relating to the earlier decisions referred to herein.

DECREE

1. GAGAME is entitled to the ownership of ANOKWALEKWALE and TAFUITA within Lesser AENAGONO land.
2. DONGA USULI and his line are the primary owners in Lesser AENAGONO land (excluding ANOKWALEKWALE and TAFUITA). GAGAME has the custom right to remain and enjoy the fruits and benefits of his properties so long as they remain productive within Lesser Aenagono land (excluding ANOKWALEKWALE and TAFUITA) but he has no custom rights whatsoever in the land.
3. Further, GAGAME has no right whatsoever to commence any new development or replanting of any nature whatsoever in Lesser Aenagono land (excluding ANOKWALEKWALE and TAFUITA) without the full consent of the primary owners who are DONGA USULI and his line.

Dated this 6th day of October 1982.

Enoch. Fisu Vice-President
J. Rodoibiu
S. Kwaifii
Jeriel Fiku
Joseph Kaia
A.B. Parker