

Before	S. PALUA	PRESIDENT
	J. TABALA	MEMBER
	L. TAPALIA	MEMBER

CLAIM: According to the direction from the Magistrate Reference CLAC 1/81 Jack Gusa of Vovo Village against Henry Raigela of Sadeleni Village about the boundary of Tupaoli piece of land which said to be causing trouble.

PLEA - LIABLE.

PLAINTIFF STATEMENTS: Tupaoli piece of land was given to Puti's ancestors. They were Nua, Uruvia and Musua. Their uncle were Barani and Saile. Tangitonga was the name of the oldman who gave that piece of land. The spearline of that piece of land was from Tenabagea to Ngaligore. Ngaligore was a nali nut tree. From Ngaligore and walking right angle to your right you would come to another nali nut tree called Tupaoli. From Tupaoli you would come to a creek called (Kabi). This was the place of Puti's ancestors once settled. Walking further you would come to a breadfruit tree called Begotathi and also a nali nut tree called Laurua. When turning to the West again you would come to Tupa Tangitoga which is also a nut tree and from Tupa Tangitoga you will come to Tena Bagea again.

CXXD. Who else do they know about the spearline?

Plaintiff: Mangoli and Toma know about the spearline.

CXXD. What would you say about the spearline?

Defendant: I want to know Lanetelia's generation who came from Mala.

CXXD. Who were your Generation who settled at Mala.

Def. Sepini and Tupa.

Defendent: CXXD.

Q. How many times did they cut the spearline?

A. I have cut the spearlines three times.

DEFENDENT STATEMENT

At the beginning when big Tangitoga gave the land to Uruvia, Musua Nua and Barani they settled at Longatoba. During their settlement from there Tangitoga planted the Lega tree for a spearline of the land. They made some in payment of the land. They killed 40 pigs and they made one hundred parcel of red money. The beginning of the spearline at the west side goes up from Longa ni Vavo and at the east side there was a banian tree to a bamboo. The spearline goes up from Longanivaro to Kabi Valo and from Kabi Volo to Daloviatu to Tuvailake.

Plaintiff XXD.

Q. Whose ancestors arrived first?

A. I don't know about you because you have come from Mala.

- Q. Who planted those coconut trees?
- A. Thangevulu planted those coconut trees.
- Q. Why Thangavulu planted those coconut trees?
- A. Thangavulu and Tangitoga planted those because they already got the payment of the land.
- Q. If he claimed the whole land. Where is the piece of land that left for Nekama?
- A. You haven't got land at all.
- Q. Why don't the people to whom we gave the land didn't make the dispute after we sold the land to you?
- A. I didn't know.
- Q. Are you sure that you don't know about the spearline before Tome came to lead you to cut the spearline?
- A. No.
- Q. Why don't you contact the Tangitoga tribe before you cut the spearline?
- A. It was difficult because we are always argue amongst ourselves.
- Q. Did Tangitoga give the whole land to you or just a piece of land?
- A. I didn't touch onto the rest of the land except where my ancestors born sacrifice.

COURT XXD.

- Q. Did you agree with the spearline which Gusa cut?
- A. No. The spearline was not correct.
- Q. Did you know about Nali nuts and Tenabagea?
- A. I knew about those except Nali nuts called Tupa Tangitoga.
- Q. Did you know about the spearline?
- A. Yes I knew about the spearline.

PW.1 I was getting married before Garitiboe died. When I asked about the spearline he told me all about it. The boundry I knew that Garitiboe told was mentioned already by the plaintiff.

DEFENDENT XXD.

- Q. Did Garitiboe tell you about the spearline?
- A. Yes he told me about the spearline.
- Q. Were you there when Garitiboe cut the spearline?
- A. We only cut the spearline when the dispute was going on; but we didn't cut the spearline at the beginning.

D.W.1 I don't know about the first spearline. Tome has told you about the spearline from the east. That spearline was from June 1944. I didn't know very much about the customs but what I heard from Dao who tole me a story in the year 1946 Gusa hasn't got any land. I went to Garitiboe and he told me about the spearlines. During 1953 when Garitiboe and Puti went to court Puti won the case.

Plaintiff XXD.

Q. Why did you buy the land from Poe?

A. Because he told us to give him \$200.00 clear up the land from him.

JUDGEMENT.

The court when surveyed the spearlines it found three spearlines. The first spearline was cut by the Henry Raigela's Group while the Gusa's group had cut the second spearline. The third spearline was not been approved by the two parties. According to the defendant statement the spearline was marked by the first settler who first settled on this land. During the survey of the Local Court it found that the spearline which cut by Henry Raigela's group was very large for a piece of land that has been given for a beating drum. The court surveyed the spearline which had been cut before in 1944 and 1953 and because of this the court was not certain to the old boundary. Therefore the court has to keep to the spearline which Gusa gave to the Defendant. The Court doesn't favoured any of the two parties except that he done what has been ordered by the chief justice.

DECISION.

Therefore according to the Plaintiff statement the Local Court had approved that Tupaoli Boundary should be the only Boundary for Henry Raigela's group. Tupaoli was the same land as Tiviale land. The property on this boundary was not included because this should be dealt separately if they wish to,

S. PALUA
PRESIDENT.

19.5.82.