

IN THE MALAITA LOCAL COURT

LAND CASE NO. 5/89

DATE: 18/7/89

Name of Land in dispute ANATE LAND

Name of Plaintiff: PHILIP NGANGATE

V

Name of Defendant: JOSEPH IROFALU OF FOLOTANA VILLAGE, N/MALAITA

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JUDGMENT

Court findings of Anate land between plaintiff Philip Ngangate and defendant Joseph Irofalu on 17 - 21/7/89.

1. Survey first started at Madalua which P. Ngangate had shown the old church house site which Mr. Mathew had brought in SSEFC church and also showed the conversional coconut plantation which his grands had given permission to the mission men. Mr. Joseph Irofalu (m) stated that if Mr. P. Ngangate's ancestors should own this Madalua area then why should Mathew went up in Uzuilangi to ask permission from Irofalu his uncle and father Tabao (m).
2. In Rongoeote Mr. P. Ngangate had shown to court that this is a tambu site belong to Kwaidani the Morodo man which the mission when arrived destroyed it completely and bones were kept on rocks on the sea side by due to cyclones these bones were swept away by waves and lost.
3. In Onebala site P/Ngangate asked Mr. Irofalu of what had occurred in here? In reply Mr. Irofalu said this is just an ordinary site with no dancing or feasting took place on it. Mr. P. Ngangate (m) stated that this site is a tambu place belonging to Kwadani (m) of Morodo Mr. Irofalu stated this Morodo people were mad people with no brains who were roaming all over the places. In assistance to Mr. P. Ngangate PW 1 Joe Suafalu (m) stated a very huge banyan (Abalolo) tree stood in here and because christianity the church men destroyed this tambu site.
4. In Aenafate Mr. P. Ngangate had shown his 25 men who were killed. He showed the court and how those graves were situated were believed by the court. During survey of 20/7/89 of the same site Joseph Irofalu had shown 2 of his tribesmen and was seen by court which was out of Malaita custom buried which was situated in front of a male house and further more Irofalu and his men have doubt in exactly shown the real spot of the two graves. The court have doubted this due to the

preparation he and his men had made.

5. In Kono site both plaintiff and defendant have agreed on the grave which Irofalu claimed the grave yard of KWAIARA (m) and P. Ngangate claimed the grave yard of KALEI brother of ORUMAE (f). P. Ngangate in his arguement stated that KWAIARA (m) was buried in Kekeru in Usuilangi and supported by his PW 2 Sikobongi and Mr. P. Ngangate was seen firm in claiming the grave of KALEI (m). In here Mr. P. Ngangate (M) had questioned Mr. Joseph Irofalu of where is his custom cooking stones for his devil preserved? Seeing that the cooking stones were too outstanding to be seen. Mr. Irofalu had no problem in showing the area. Mr. Irofalu had claimed this cooking stones were used for three (3) generations only as he had stated that his grandfather (Boi (m)) used the cooking stones. The court in studying the stones closely have seen that the stones were used much a longer period than 3 generations.

Mr. P. Ngangate questioned J. Irofalu whether he had other custom signs apart from the grave and cooking stones. Mr. Irofalu (m) shown on nothing and P. Ngangate had pointed at a Rose wood tree (hiki) which he calimed the reamining one of safety fence (labu) which was built by his ancestors.

6. In Lumaangitau both plaintiff and defendant had agreed on Mr. GEREAA's ownership Mr. P. Ngangate insisted if the court could have gone into the area so that he will show some bones but Mr. Irofalu and men had objected the idea.
7. In Thakwalo sacrificial site Mr. Irofalu and his men named it wrongly by saying they are in Baelalamoe. After much arguing before Irofalu (m) and his men had accepted Thakwalo as named by P. Ngangate (m).
8. In Baelalamoe site - before anyone mentioned anything Mr. P. Ngangate have asked Mr. Joseph Irofalu a question where is this place called Mr. Irofalu did not reply the question but his witness DW 1 N. Buaga (m) replied Ngaliadamu. Mr. P. Ngangate disagreed with the explanation but stated this is a old settlement area called Baelalamoe.
9. The party proceeded to P. Ngangate's tambu site called AME Mr. Irofalu'u agreed that this tambu site belongs to P. Ngangate (m). Plaintiff.
10. Going down south into Kwainafala river and turn west ward to the main road P. Ngangate had shown lots of cocoa plots and coconut plantations which he had filed lots of notices against these developments but they did not respond to the notices. The court had take notice of this and source of dispute.
11. Following the main road northward direction Mr. P. Ngangate had shown the ngali nut tree which Morodo people have cut

horizontal cuts with wild bamboo (keketo) and those cuts still clearly seen.

12. The court when looking at PW 1 Joe Suafalu statement the court had some support and light that Mr. Joe is of Usuilangi and said that Mr. Makunitoa (devil) when passing through this Anate land found ETE (m) inhabited the land. Mr. P. Ngangate's ancestor in Aenafate and passed onto Biana to Funamoli to Usuilangi where they lived in peace but when Tama and his children argued a custom bed it forced Ainagao to cross over into Anate land.
13. Looking at DW1 & DW2 both were born female related to Mr. Joseph Irofalu (m) and the found that when relation joint to assist each other in anything they must have an aim to establish themselves firm at all times likely to deny any thing that Irofalu (m) stated in his evidence.
14. And when compare PW1, PW 2 and PW3 they are all from different tribes which puts a weight of believe in P. Ngangate (m).
15. Both men did not objected Morodo owned sites. But all along both parties have agreed. Mr. P. Ngangate had stated after the Morodo people out of existence he had used those Morodo all sites and crops. This put a weight on Ngangate to qualify him for the owner of Anate land.
16. On referring to the 13 women that Irofalu had mentioned it quite evident that two witnesses PW1 Joe Suafalu (m) PW 2 Sikobongi both claim of Usuilangi whom in their statement certify that both had known and seen Irofalu in Usuilangi. Joe Suafalu specifically stated that he had stayed with Irofalu in Usuilangi. And due to Irofalu's people in dispute it has forced Irofalu to cross into Anate land.

The court therefore believes that those women are from Usuilangi.

Philip Ngangate had claimed born blood related on female line of Anate land. Joseph Irofalu claimed arrived in Anate in emptiness no one remain in Anate land. Joseph Irofalu mentioned his genealogy which the court have no question. No question had been raised against Mr. Ngangate's genealogy was not questioned by court either.

Out of all tambu sites mentioned by Joe Irofalu, Mr. Philip Ngangate had admitted only Gwauru which he infact crossed from Usuilangi and first settled in Anate land. Philip Ngangate claimed descendant of ETE through ORUMAE (f) original settler of Anate land.

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The court therefore in summarizing the whole assesement found that Joseph Irofalu was found coming into Anate land but not blood related. The court again when looked at Ngangate found he was blood related on female line to ORUMAE (f) to been seen by court firm and true. The decision therefore, falls on Philip Ngangate and

The Court therefore, orders that as from today Philip Ngangate and clan are responsible for all new developments or anything to do with Anate land. Must at all times seek Philip Ngangate and clans consultation.

The boundary lines of the disputed area startes from Madalua river mouth goes up the river in land through Kwaiano river goes south through TAFIKERE valley down KWAINAFALA river goes down west to the sea shore or river mouth goes north along the sea side to Madalua river mouth.

Right of appeal explained within 3 months or 90 days.

Signature of members:	B.T. Ratai	Vice President
	Anthony Ramoi	Court Member
	Joseph Taega	" "
	Lucian Kebai	" Clerk (N)

Dated this the 24th day of July 1989.