

Name of Land in dispute.....PALAU/FAIBUSIA.....

Name of Plaintiff:.....DEAN KOTO & SAOKWAI.....

V.

Name of Defendant:.....CASPER BUAROBO & INI.....

D E C R E E

JUDGMENT:

Court finds that in comparing the KOKAO Dean Koto & Saokwai had 6 generations reaching KOOKAO/Lisa and Buarobo have 12 generations reaching KOOKAO. Saokwai and Dean 15 generations. Inifata and Casper 17 generations.

2) Angilabata (f) female Dean Koto stated that he was born of Angilabata daughter of Kookao (m) Inifata denied Dean Koto female related to Angilabata.

3) In Abufata custom site, Saokwai stated that this is the old settlement of Faibusia. Stated too the church blessed the custom site to weaken custom powers. After this occasion his two were buried outside of the custom site which remains and was shown to court on 25/7/89 and was seen by court party.

Mr. Inifata (m) deny the place of Faibusia but this Niubobone live in here whom was chased by Aroasi tribe of using custom magic to kill humans. In studying the two graves claimed by Saokwai (m) and bush track made by bird hunters the court had studied the track and 2 grave yards properly and come to conclude that it had doubt in the two graves and the bush track was not a temporary track but a permanent track used for so long.

4) Aibulu - Dean Koto claimed his original settlement where he was brought up. Inifata (m) claimed Niunamau (m) brought his father Kwalutaba (m) in here and worship in here no church men settled in here. Dean Koto's father settled in here, but out side of this tambu site.

NGALIULUA - Saokwai stated this is the ngali nut tree which was harvested by his father and his tribesmen. Inifata (m) this is a very special nut harvested by his father and all other nut trees can be harvested by the public. And stated too that when this ngali nut was harvested by his father they have ordered taro from Saokwai's brother for pudding making.

Saokwai (m) also stated that one day he was upset what INI's father have done of putting up notices to stop public of harvesting this special ngali nut and because of the wrong deed he had cut down that notice.

- 5) Inifata (m) stated that Saokwai's uncle Ngerekona (m) gave permission to his people to harvest the nut but Inifata (m)'s mother was against that idea and gave order for her tribesmen to gather the nuts that were on the ground.

Saokwai (m) asked as to where is Sale Buarobo from? From Faibusia tribe said Ini.

- 6) RAU Settlement Site - Saokwai (m) stated this is where his father and uncles lived in the time of church's arrival in Tangitalau and agreed and supported by Inifata (m). Court question - Did your father ever argue over this land? Inifata (m) replied no arguement was made due to that Saokwai and tribesmen live in Falau and Inifata, Casper and group lived in Faibusia. Saokwai stated to that Inifata and tribesmen lived in Ferafua in Faibusia land.

- 7) Gwaisirifena custom site Saokwai stated that this is where ancestors old Abuoli Dadamae (m) lived and in his old age, ordered Ludai (m) to build a coffin for him when or completion of that coffin he died and was put in the coffin and buried. Inifata (m) denied that Abuoli Dadamae (m) buried at Gwairufu as Saokwai have mentioned in the previous dispute over this (Faibusia land).

- 8) At Ferafua custom Site - Saokwai (m) stated this is where his ancestors of Falau lived and because of church cleared or spoilt everything no bones of his ancestors were seen.

Inifata (m) - This is my second sacrificed site like Aibulu where Niumaumau lived no custom signs were seen e.g. cooking stones no human too were seen. His father Niumaumau (m) took his devil Kwalutaba out of Aiferefua.

- 9) Gwaisimalau settlement site - Mosten said that this is his old settlement site and showed few ngali nut trees which claimed given to him by Koto (m) and Saokwai (m). Ini stated that they denied what Mosten had mentioned and this site is for harvesting of nuts and Sualu Mosten's devil did not live in here as mention by Mosten (m). Court question Inifata (m) as whether he knows Mosten? Ini said that he did not know of Mosten only when church arrived in Tangitalau.
- 10) A junior tambu site (BIBI) Saokwai pointed to one of pandamus tree which he claimed bibi to quiten and cooked of the devil's activities in the area. The court doubted this.
- 11) Cattle fence court question as to whom owns this cattle fence belongs? This fence belongs to my tribesmen said Saokwai (m). Court question again whether this fence is situated outside

or inside of Faibusia? Ini stated that this portion of land which the fence is situated near site a portion which he had already given Kofiu (m) relation of Mosten (m). This is another source of the dispute.

- 12) Tangitalau - Court question - Who settled here? Saokwai said that his tribesmen live in and Ini and Casper were still pagan at that time. No argument was made in here.
- 13) Talebasi site - This portion of land both parties claimed only ngali nuts are around this site.
- 14) Adalkona site - Saokwai claimed Fera kanakana Ini said that his site is called Maengalikanakana a small water source Perakanakana is a house for custom singing.
- 15) Tofungaegwata and Liogege site (both situated in one site) Saokwai stated that his devil came and eat human flesh on this table stone and passed on to Falau (this is during canbolism) Ini (m) stated that his devil and Saokwai ate human flesh on this table stone. In Liogege Inifata stated that it is not a tambu site but an ordinary site for collection of nuts (this is in the late season of harvesting (Udu).
- 16) KAOLILIA site - Gwarimanu the brother of ILALA objected court party to enter in to the tambu site - Inifata said that he wanted to show the head of Dubora. Dean Koto and Saokwai also confirmed the tambu site of ILALA (m).
- 17) FAIBUSIA - Dean Koto showed one cooking place for (maoma) feast and nothing else in a principal tambu site. Ini showed 3 custom fire places 1 grave yard and one bone in rubbish dumping area Inifata (m) showed also 2 custom dancing sites. One is a secret dancing area and the other one for feasting. The bone was suspected to be fell off during the church men destroyed the tambu site.

Dean Koto said that Angilabata was first worshipped in here. Dean Koto who is your last custom priest? (Faalaabu)? SALE BUAROBO. The grave showed by Ini was of Lalamidi brother of Niuaumau.

- 18) Labungaitaloa Custom Site - Dean stood beside the grave yard said this where Kookao lie whom was killed by Inifata and Casper Buarobo's descendants. Kookao the descendant of Kanamae. If this grave yard is not mine I shouldn't have touched it. Last Court we have seen it and the other party accepted it. Casper asked who killed Kookao? Dean Koto said that Lakosia and Raetona belonging to Kaeso (PW1).
- 19). Ferasae Site - which was stated in court by Dean Koto to be a place to give supernatural powers for dogs to run pigs. Dean Koto had the way through the area but passed the area some 10 yards away and stood in wonder as to where the site exactly is. The court party stopped and wait on him to make up his mind and at that somebody shouted that the area already some 10 yards behind. The court party walked to the site and Dean Koto explained what had happened in here and this is where Lalamidi cure his dogs. Inifata (m) agreed this area belongs to Lalamidi (m)

- 20) SINASU tambu site - In stopping some distance away Ini stated that he will lead the Court party to the Sinasu tambu site and would not want while going through the site that no cutting of shrubs and trees must be made. Dean Koto said "SINASU" is a new name but Gwaialakona is the original name. Dean Koto said too that in here Ini & Casper had fled away of the killing Kookao (m).
- 21) GWAISUSURU tambu Site - There was no dispute over this site as Dean and Saokwai had admitted have nothing to do with the site and stated belongs to Inifata & Casper Buarobo (m). The boundary that claimed by Inifata was not disputed either.
- 22) Ini - should the boundary which he called Ngaligwana. Dean Koto & Saokwai said this area called Ngaligwana and this Adoaere, east boundary caused the dispute. John mark FW2 deny this boundary.

P/Note: The court have found most interesting points to support both parties and found supporting evidences from both parties witnesses which may establish and awarded a landowner to win this particular case. But sorry to say we can't judge beyond our capacity which we can't over ruled and that is a point in a Local Court Hand Book 1979 Chapter 2 page 8, section 19 page 11 which stated that a Local Court cannot change the decision given in another Local Court. Neither it can change a decision given by itself already this include land cases.

DECISION: Both parties still holds their rights in the said land. All parties will enjoy their ancestral rights in FALAU and FAIBUSIA land in cultivating and developing.

SAOKWAI, DEAN KOTO, INIFATA & CASPER BUAROBO have equal rights over the FAALAU and FAIBUSIA.

The decision bidding Fiu river and Kwaiafa river. Fauwasufu and Sitea portion of lands are excluded. All registered areas situated within the claimed area are also excluded in this case.

Right of Appeal Explained within 3 months or 90 days.

Signatures by Members:	S.T. Ratai	Vice President
	Anthony Ramoi	Court Member
	Brown Tolido	" "
	Lucian Kebai	" Clerk (North).

Dated this the 28th day of July 1989.