

WEST ISABEL LOCAL COURT

Civil Case No. 7 of 1980

Before: President - Lesly Miki At Buala Station  
Justice - Stephen Zaku 20.5.1980  
Justice - Wilson Vihu

Plaintiff: Peni

Defendant: Tao

Statement of Claim: Robinson Tao was complained Peni who is using the Lehesite land. He paid his (fee) court fee to the Isabel Province head office at Buala. Please refer. He Robinson Tao have claimed against Peni that Peni has no right or the rightful owner to use Lehesite land.

XXD By Peni: Why do you say that the land is not mine?

ANSWER: Plaintiff: The land is belongs to Lihu and Tetehu.

XXD By Court: Which clan is your father?

Robinson Tao states: He is Belama clan and married to my mother who is a posamogo clan, and settled in the land. The woman told me the history of the land. She said, her father made a customary registration by giving some food and things to Tetehu. Food given were: (4) four baskets taro, including 3 pigs with (500 custom money), 3 rarau, 2 vilihai, 5 fathoms calico (custom), 10 string bags. The land owner promised to give the land at the time he received the above food and money. After sometime the following things were given to the land-owner a second time, 4 pigs (1,000 rade, 5 vilihai) custom money, 6 fathoms pohesoni (cloth), 20 string bags and 5 baskets of taro. These men have told me about the land: Nelson Sohi, Nudima, H. Uka, G. Giladi. Sohi told me twice that the land is mine since I give the customary registration and showed me the area. Boniho told the same story.

XXD By Court: Is the food you give to thank the land-owners or to buy the land.

Plaintiff: To buy the land.

Mostyn Peni: Defendant Sworn states: Lehesite is not my land. Lehesite land is belongs to Posamogo clan, in which I married one of them. This clan did not buy this land. The land is handed down from generations until the present time. I am settling in this land not long ago. I stayed in the land from July where I started to make a plantation (coconut). On August Robinson Tao came and dispute about the land. The land is belongs to the Posamogo.

XXD By Court: Did they preserve some of the custom money?

Answer: Plaintiff: Robinson Tao - No.

Defendant Mostyn Peni: Though I am the son of the Posamogo I haven't heard any stories about the customary registration.

XXD By Court: Do you know that the land belongs to the Posamogo clan?

Answer: Plaintiff - Yes.

XXD By Court: Did you hear anything about the customary registration?

Answer: Defendant - No.

XXD By Court: Have you planted anything in the land?

Answer: Plaintiff - No, I want to settle the land first before do anything.

XXD By Court: Where did you stay before?

Answer: Plaintiff: First of all I was staying at Kolokofa and later moved to Togasalo.

XXD By Court: Why haven't you planted anything in the land first since you know that the land is yours.

Answer: Plaintiff: I forgot about the land until Mostyn Peni started working on the land.

XXD By Court: Why did you work on the land Peni?

Answer: Mostyn Peni Defendant: I have no doubts about the land. People who own the land told me to work, so that I continued to work.

Judgment: Robinson Tao have not enough evidence that he is the rightful owner of the land. He hasn't anything planted on the land and Mostyn Peni haven't heard of the customary registration made long ago.

Decision: Mostyn Peni must work and live in the place where he is working.

William H. Taylor  
Court Clerk, West Ysabel