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IN THE MALAITA LOCAL COURT

LAND CASE NO..... DATE: 18th April 1995

Name of Land in dispute. AIMARAKO

Name of Plaintiff: 1. Willy Fiori Taeburi, Lilisiana village
2. Matthew Wale , P.O Box 1004, Honiara

V.

Name of Defendant: 1. Jonathan Malai of Tarabebe village, Near Auki
2. Francis Hano of Tasabebe village,

D E C R E E

JUDGMENT:

(1) Plaintiff 1 & 2 claim Oteote or nick name Afuimae came out from Aimarako Tolo, because of row between him and his two sons. When his two sons fast asleep he took up his long journey follow down Fiu river then follow coast. He name Borokata, Fauabu (stone) Kakataaniki then Gwaugwauasi claim discover give name Aimarako then later transfer to live in the island now name Auki Island. Plaintiffs witness 2 paramount chief Jeriel Misalo for Siale told Court that Oteote Afuimae came to Aimarako with his wife Court doubt this evidence.

(2) The paramount chiefs settling the dispute should not involve to give evidence on one side party as witness unless the Court asked, then to give evidence in Court. in this case, Court believe that chiefs decision in 1988 is bias.

(3) Plaintiff 1 & 2 claim Oteote Afuimae discovered Aimarako Asi and established his principal tambu site at Gwaugwauasi Lilisiana. During survey Court found that the site was now under dwelling houses. Court did not see any signs of discovery. Court did not believe that, because you did not preserve your holy custom signs.

(4) During survey Court seen 3 bibi which defendant (J. Malai) stated in court. Court confirm the bibi as it is a holy sign in custom.

(5) At Auki island Court seen tambus called "SAE" which plaintiffs claim. Court witness that, the wall stones still there. Defendant J. Malai did not dispute that. He said that the island (Auki) is outside his land Aisisiki. Court believe Oteote might come down to sea coast, just because he want to live in the sea to use saltwater.

(6) Plaintiff claim Oteote Afuimae came down and discover Aimarako Asi. In the previous case 1/79 ANISEDERE also claim Afuimae came down to sea coast. Court believe that both plaintiffs Willy Fiori and Matthew Wale are related to Anisedere who already lost in a case against Francis Hano defendant 2 in 1979 (case 1/79).

(7) this Court search from files and records, found that there are number of cases claim different lands within Asisiki land. Those cases result in a decision declaring Asisiki land from bush to the sea coast.

(8) Under Local Court jurisdiction Local Court have no power to change the decision of the CLAC or the High Court.

DECISION

Court dismissed the plaintiffs claim as Aimarako land. The land remains Aisisiki land. From bush to the sea coast in the sketch map. Auki island excluded. Plaintiffs 1 & 2 and their clan to own their tambus (Sae) in the island. Any of you not satisfy with decision may appeal against decision within 90 days today's date 28.4.95 - Expiry date 28.7.95.

Court Officials:	Sanga Ofadau	(VP)
	A. Martin	(CM)
	Waneai	(CM)
	Philip Silas	(Clerk) Local Court

Dated this 28th day of April 1995.