

IN THE MALAITTA LOCAL COURT

LAND CASE NO..18/97...

DATE:..2/4/98.....

Name of Land in dispute...BOSOMAE LAND.....

Name of Plaintiff:...(1) JACK SANIEL (2) JOSEPH SULIMAE.....

V.

Name of Defendant:...(1) GABRIEL LAUMANI (2) DANIEL FANAKUI.....

D E C R E E

JUDGMENT:

This Bosomae land dispute has been referred to west Fataleka council of chieives already for six months. Within that period, chiefs settlement has not been reached due to the fact that both parties do not turn up. As a result this land case is now logded before this court pursuant to section 8 D(1) (b) of the Local court (Amendment) Act 1985.

Plaintiff one (P1) JACK SANIEL and Plaintiff two (P2) JOSEPH SULIMAE are plaintiffs before this court. Defendant one (D1) GABRIEL LAUMANI and Defendant two (D2) DANIEL FANAKUI are defendants before this court.

The ownership of Bosomae land is the issue before this court. In fact the real issue before this court is whether P2 Joseph Sulimae has the right to sell Bosomae land being the rightful owner of LAGWAE LANGI customary land. Bosomae parcel of land is a land within Lagwae Langi land.

D1 Gabriel Laumani plea and dispute that P2 Joseph Sulimae has no right to sell Bosomae land because he is not the rightful owner of Lagwae Langi land.

Full proceeding of this case had been done and the court heard all their respective claims and therefore is in a position to come up with these following Finding/Judgments:-

(1) DISCOVERY

(a) P2 Joseph Sulimae in his statement claimed that his ancestor was the first discoverer/founder of Lagwae Langi land. He stated that his ancestors stayed therethrough few generations before P1 Gabriel Laumani arrived.

He stated that his discoverer/founder was GWATANGA who came from TAUWAO of Subea Langi, where he came and established LALIAGWE as his first principal site and settlement in Lagwae Langi.

During land survey/proof, P2 Sulimae showed to court Laliagwe principal site/settlement. He said that his ancestors did not offer sacrifice there and none of his ancestors have died and burried there. The court went in and saw this Laliagwe principal tabu site/settlement and therefore is satisfied that the discovered/founder of Lagwae Langi was GWATANGA and his principal tabu site/settlement is LALIAGWE.

(b) D2 Gabriel Laumani, on the other hand, stated clearly in his statement that when his ancestor GWAIGWAI TU'U (2) came to KWALINA'AREARE within LAGWAE LANGI, there was a man already living in Lagwae Langi. In other words, he is not the discoverer/founder of Lagwae Langi land, as implied in his statement. There was already someone there at Lagwae Langi land when his ancestor Gwasgwai came. Actually this is a conformation of P2 sulimae's claim that his ancestor Gwatanga was the discoverer/founder of Lagwae Langi land. Bosomae parcel of land is a land within Lagwae Langi.

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During land survey/proof D1 & D2 admitted that Laliagwe is the principal tabu site/settlement and claimed that their two ancestors were burried there. They were AKWARARA and RAURAU. They however did not show to court any remainings of human bones or anything else since they claimed that their two ancestors were burried there, to satisfy the court of their claim. They fail miserably to proof to court anything of Laliagwe principal tabu site/settlement. The court is therefore satisfied that the ancestors of D1 & D2 are not the discoverer/founder of Lagwae Langi land.

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(2) GENEALOGY

(a) P2 Joseph Sulimae denies that D1 Gabriel Laumani ever born related to him. PW2 Fredrick FAU gave evidence that DEMAOMA has a sister. He was however killed by his brother Demaoma.

(b) D1 Gabriel Laumani claimed that he born female of Lagwae Langi through woman by the name of SIULIFOIA (f). He stated that he came and reached Lagwae Langi during AKWARARA'S time, the sixth generation of P2 Joseph Sulimae. In other words, he conform that Akwarara is a true man of Lagwae Langi land and this man belongs to Joseph Sulimae. The court tried to proof whether Gabriel Laumanis claim that he born female to Lagwae Langi is true or not. No witness gave evidence to support this. Court do not believe therefore that SIULIFOIA is a woman line of Lagwae Langi.

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(3) SACRIFICE/WORSHIP

(a) P2 Joseph Sulimae stated that he has the following tabu sites:-

(1) LALIAGWE (2) LOLA'A (3) AIUBU (4) RAESAOA (5) FERELLALO (6) GWELABU (7) FONOSANAOMELA (8) ABULO (9) OTOSULUWE (10) ADASANE. Court believes that these are P2 Joseph Sulimae's tabu sites and since D1 & D2 did not dispute it, these tabu sites are rightfully belongs to Joseph Sulimae. Further court believe that P2 Joseph Sulimaes ancestor did sacrifices in LOLA'A sacrificial tabu house.

(b) D2 Gabriel Laumani claimed that he took over the priesthood of Lagwae Langi through the female SIULIFOIA. Although it can be done, but court believes that priesthoodship can be handed to anyone as the devil choses but the ownership of Lagwae Langi is still vested in the discoverer/founder which in this case,court is satisfied that GWATANGA is the discoverer/founder of Lagwae Langi land. Furthermore, the fact that D1 Gabriel Laumani claimed that he raise Lagwae Langi sacrifice and then also in Lagwae Ano sacrifice show inconsistency according to custom. Court however believe that both P2 Sulimae and D1 Laumani's ancestor did sacrifice together in FONOSANAOMELA sacrificial tabu house.

(4) REWARDED AND SOLD PARCEL OF LAND WITHIN LAGWE LANGI

(a) PW1 PIUS ROFANA gave evidence in support that P2 Sulimae's ancestor gave GWANAOA land to him. PW2 FREDRICK FAU gave evidence in support that P2 Sulimae's ancestor by the name of KILUMALEFO gave FORAE land to him. PW3 CLEMENT DIOLESI gave evidence in support that P2 Sulimae's ancestor gave MANAUSI land to him. PW4 DAVID RAINAO gave evidence in support that P2 Sulimae's ancestor by the name of LAUGWARO gave ADOKWAI land to him. PW5 DAVID KABINI gave evidence in support that P2 Sulimae's ancestor by the name of RONOLBURI gave GNALINANAO land to his ancestor KOSAGWE (f). PW6 SIMON UFUNONI gave evidence in support that he born female of P2 Joseph Sulimae's line and he was given the land called GWEGWEDARI.

(b) DW1 DOMINIKO SURIOA and DW2 DEVE BAEMANA did not at all gave evidence in support that D1 Gabriel Laumani ever did give any parcel of land to anybody. Court believe that only the owner of a land can give any parcel of his land to someone. The fact that D1 Laumani did not do this show's that he is, not the owner of Lagwae Langi land. Moreover,his ancestors did not dispute P2 Sulimae's ancestors when they gave or sold these parcel of lands.

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(a) P2 Joseph Sulimae stated that he has the following tabu sites:-

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(1) P2 JOSEPH SULIMAE has the primary right of ownership over LAGWAE LANGI land and so therefore he has full right to sell BOSOMAE Land.

(2) D1 GABRIEL LAUMANI has secondary right of ownership over LAGWAE LANGI land because his ancestor Gwaigwai came behind P2 Joseph Sulimae's ancestor by the name of GWATANGA.

(3) Appeal against part or whole of this decision to be done within three (3) months; effective as from 30/3/98 and to be lapsed on 29/6/98.

(4) D1 & D2 to pay P1 & P2's court cost in the sum of \$200.00, been for transport cost and court fee only. Pay within one month.

R. O. A. E

Court Officials

J. S. MEKE V/P  
A. ADI C/M  
I. ILIMANU C/M  
H. KALA C/C



Dated this 30th day of March 1998.