

IN THE HIGH COURT OF THE WESTERN PACIFIC

CIVIL JURISDICTION

(IN DIVORCE)

BEFORE: The Honourable Mr Justice J. Bodilly  
exercising jurisdiction under the  
provisions of the Western Pacific  
(Courts) Order in Council, 1961.

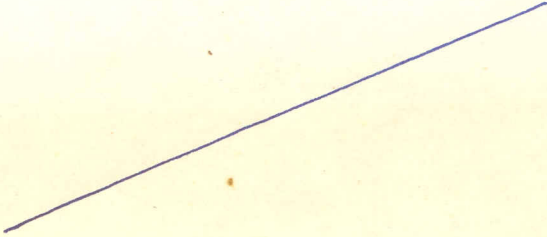
HOLDEN: At Gizo in the British Solomon Islands  
Protectorate on *Monday* the *16<sup>th</sup>*  
day of *June* 1968 at *3*  
o'clock in the *after* noon.

<u>BETWEEN</u>	<u>TOKAETA TIBWERE</u>	Petitioner
<u>AND</u>	<u>NEI TIRI</u>	Respondent
<u>AND</u>	<u>TEIKONA</u>	Co-respondent

CORAM: J. Bodilly, C.J.

PRESENT: *Petitioner in person.*  
*Respondent in person*  
*Co-Respondent in person.*

INTERPRETER: *John Nakase: Sworn*  
*to interpret*  
*Gilbertese.*



Petitioner :

TOKAETA TIBWERE.  
Of Honiara.

Sworn on Bible.

I am a surveying assistant and I live in Honiara. This is my home now. I came from the Gilberts about 5 years ago. I say I am domiciled in the Solomons.

I married my wife, the Respondent on the 6th October, 1967, here in Gizo. Her name is Nei Tiri. She is Gilbertese as I am. We have no children of the marriage. I have instituted no previous proceedings for divorce elsewhere.

I say that my wife has been committing adultery with the Co-Respondent Teikona. The adultery took place in Gizo. About four months after the marriage I brought her to Gizo to live with her relatives. I did that because she made trouble with another man in Honiara so I took her to her relatives in Gizo. About a month ago I heard from other people that my wife was committing adultery with the Co-Respondent Teikona. My father's sister wrote me a letter to Honiara and told me. I then wrote to my mother's sister Tigana and asked her for confirmation ~~and~~ but I did not get a reply. I then instituted these proceedings on the strength of the letter from my father's sister.

Last week, when the case was set down, I came to Gizo for the case and sitting outside the courthouse waiting for this case to begin I had a chat with the Co-Respondent and he admitted to me that I was right. He has been committing adultery with the Respondent. I did not speak to my wife outside the court.

I do not ask damages. All I want is that the marriage be now dissolved. I do not ask my costs from ~~any~~ either of them. I would rather leave that as it is.

No XX by Respondent who states: That is true. I have been committing adultery with Teikona.

No XX by Co-Respondant: states: That is true. I have been committing adultery with Nei Tiri.

*July 1968*

Order: Decree nisi to issue:  
No order as to costs.

*July 1968*  
Chief Justice.  
17th June, 1968.

Note of oral Judgement.

I am quite satisfied that adultery has taken place as alleged by the Petitioner. The evidence upon which he instituted the proceedings might not have carried him very far, but the admission of the Co-Respondent outside this court and the admissions of both ~~parties~~ before the Co-Respondent and the Respondent before me now in Court takes the matter beyond doubt. ~~and~~ The Petitioner is a Gilbertese but



by origin but now on his evidence domiciled in the Solomons but the Native Divorce Ordinance is applicable to him as he falls within the definition of "native" as contained in ~~the~~ Cap 3I, the Definition (Native) Ordinance.

A decree Nisi will therefore issue. I shall make no order as to costs or damages as the Petitioner states that he wishes neither.

*Franklin B. Bailey*  
Chief Justice.

17-6-68