

HCLA 15/88
HCLA 10/88

Betio
15th March 1988

Viliona Ariu)
Kamoti Uere)

Appellants

-v-

Teroko Tira

Respondent

The appellants appeal against the decision in case Ba 42/87 heard by the Magistrates Court (Lands) in South Tarawa on 26th November 1987. The case was a boundary determination for Temanokou (Ambo) 746 a and e.

The Court fixed a boundary but gave no reason at all for doing so. The record is very brief and it is apparent to us that witnesses who could have usefully spoken as to the boundaries were not called. None of the witness gave evidence on oath as they should have done and the proceedings are not satisfactory. The Peoples Lawyer has filed 4 grounds of appeal.

Ground 1 was that no reason for the decision of the court was given.

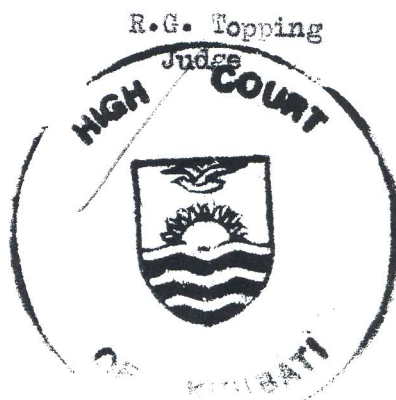
Ground 2 relates to the taking of Teatatas evidence.

Ground 3 was that the Magistrates did not take into account the relative sizes of the Land.

Ground 4 that the Court erred in fixing the boundary directly against the evidence of Iotaba.

The appeal must succeed. Time and again we have pointed out that the Magistrates must give reasons for their decisions. The public cannot have any confidence in an arbitrary decision unsupported by reasons. Procedure requires evidence on oath to be given. Statements not on oath are not evidence on which the Court can act. We order a retrial of case BA 42/87 and quash the decision given on 26 November 1987. No further fee is payable.

TOKA
Toka Tibau
Land Magistrate



Betero
Betero Kaitangare
Land Magistrate