

BELLONA LOCAL COURT

The Court Parties together with the Plaintiff and Defendant went to the land dispute and took the sketch map on Friday 12.8.83.

The hearing is to be heard today, Tuesday 16/8/83.

This case held at Gongona Village 16.8.83.

Before:	Vice President	-	H. Topue
	Justice	-	Daniel Tuhamuku
	Justice	-	Taunga Andrew
	Clerk	-	Eddie Muna
	Plaintiff	-	Abidan Tesaukiu
	Defendant	-	Baiave Tekiou

Claim: Abidan Tesaukiu of Gotokanaua has complained that his area of lands namely Tesopii, Henvakapo, at his above land at Baitupu are taken by Baiave Tekiou of Matahenva.

Plea: Not liable.

Counter Claims:

Baiave Tekiou makes his counter claim in the same area that Abidan has also takes his land called, Baitupu.

Plea: Not liable.

FACTS: Abidan Sworn States:

I put my claim against Baiave because he has taken my lands which I believe is mind. I am not intending or pretend to make and cause trouble with Baiave but I believe whole heartedly the lands he has taken are my lands.

The area of lands I have claimed, I have shown it to the court parties when we went there on Friday 12.8.83. I also show the court parties the signs that show my boundaries.

Very surprisely, Baiave put his counter claim in the area to say that those areas are his areas and more than all he claims my homestead or land called Baitupu as his. I would like to assure the court that Baiave is totally making a liar in claiming my lands. To my understandind at the counter claim of Baiave, he is only angried at me for taking him to court and probably he is playing a trick at me, thinking that if the court makes any decision to our case, probably he would expect the court to own my area of lands he has taken and perhaps I would only own my land at Baitupu. After all, Baiave is a court Justice of the Bellona Local Court and at time this has happened at some of the decisions in land cases held and decided by the Bellona Local Court.

I could not understand why Baiave put his counter claim against me in those areas dispute and whose right did that permit him to enter that land.

Concerning those areas, they were not owned by Noah Sangaeha the father of Baiave. Noah Sangaeha knew it pretty well and every oldmen in our District (Sa'aiho) and probably some relatives of Matu who are of Ghogau District but went and lived with Matu at his end that the lands beginning at Baigau then to Henuakapo to Saova, those lands were owned by Matu but not Noah Sangaeha even though they were real brothers. Matu had owned those places before christianity came to Bellona island. When we went and took the sketch map of that lands, Baiave siad that there was a tree (banga) in that area that usually called or entitled to be at Angu'u, but actually there wasn't any area there got that name even though what Baiave said was said by people before. Baitupu land was a tambu place because it was near Gabega the most holy ground and Matu got it in 1938 after christianity came to Bellona. After Matu got that area where Baitupu and Angohi were, Noah Sangaeha started to brush Agohi and he was not permitted by Matu. Matu did not botter to talk to him.

When Matu started his homestead at Baitupu, after some times, he had allowed a man called Luaika to use that land I don't know how Luaika went out from that land but all I know was, Matu went there again and planted two coconuts in that land. The land was not settled by Matu at that time and it was really became bushes. After sometimes, Matu gave that land to Naeham my father. So my father started to work in that land and his homestead was set up in that land. When Matu gave that land to my father, Noah Sangaeha did not say any thing against Matu on my father, because he knew the land was not his. I remembered that my dad and Noah Sangaeha rowed two times in that area but only about their boundary but not the land. At their first rowing, Matu was supporting my father. At their second rowing, Matu was not attended but I was there and they were only disputing their boundary. Eventhough dad got some lands in our district, but it was at Baitupu did my father and his family settle for most of our time. While we were living at Baitupu, Noah Sangaeh and his family lived at Agohi that shares the same boundary to Baitupu. My father lived at Baitupu until his wife died, thus he got his second wife and we lived there. Dad farmed in that land but not Noah Sangaeha. The areas I have shown in my map when we went there were the areas my father did make his garden. Noah Sangaeha only farmed at his small area that shares its boundary to Gabenga the land of Takiika. The family of Noah Sangaeha and my father used the hill stone in our boundary as their toilet ground but the follow gardens above that toilet ground were owned by my father. There was a very big tree in that area above Agohi, Noah Sangaeha brushed it some years later and made his garden bananas there. Baiave the Defendant did not live with his father and family at Agohi but lived at Gotokanava. Baiave came to live at Agohi after his father became a member of the S.S.E.C. and went to Gotokanava. When Baiave came to Agohi, our father were already gone with his family to Gotokanava in 1953 and we left behind all our lands in that area included the land dispute.

When we went away, Noah Sangaeha left behind and he did not brush the area even when we went away, people like Toomasi Taupong, Tetapua etc. asked my father and made their gardens in our areas claimed by Baiave in his counter claim.

I would like story about what my father told me concerning that land when Matu gave it to him and its boundaries. My father told me that the land was of Matu but gave it for him. My father told me that he had brushed and farmed in that land and yet Matu did not show him where were the boundaries.

My father told me he had only brushed Tesopii but not the area of Henuakapoo. My father told me that one day he had brushed the area above Baitupu called Tesopii and Matu came and brushed the area at its east and until they brushed the whole area. My father told me that it was then did Matu show him the boundaries of the area. My father told me that Matu said to him your land started at Baitupu and reached all the stonny areas. My father was really happy. Matu told dad that his boundary to Baigou is where a father garden is, this area was Reuben and he was allowed by Matu and after that my father took over. Even though Matu had allowed my father to own those areas and reached the stonny area, my father told me he didn't brush it some women of Matahenua brushed it and permitted by Elizabeth the wife of Matu. My father was not pleased because they did not get permission from him. He told Matu about it, that he would not own that place but his boundary would only reach the two tress (banga) I have shown you. Matu said to my father, because you left this area, I would give you the follow garden at Baigau to replace this area.

My father made his gardens (2) in that follow garden below Baigau and I had seen them. Matu and Noah Sangaeha rowed at one time and Noah Sangaeha cut down all the trees in that fallow garden. Dad was not pleased and told Matu to take it back. This is how my father came to own that land and used it and I had seen it.

When a Teacher of the S.D.A. named Ngatonga who was at Matahenua asked Matiu to allow the area dispute to make a road and Matiu went to my father and asked him so he allowed it.

When that road was made and finished, I found later that some body cut down the trees in our fallow garden and I was angried and blocked the road by cutting trees to it. Kaitu'u a teacher of Matahenua reported me and Matiu asked me about it and I told him that its true. Matiu told me that if I were to go to Court I would tell the Court that the land is mind and my dad. This is what Matiu told me about that land.

When Baiave came to that land, I allowed him after he asked me but Matiu died long time. He had formed in the area of Baigau because of John Tanga after he had given a son to John Tanga. Baiave asked me to make his garden potato at Baitupu and I allowed him. He asked me if the area would be planted with coconuts, I said yes then he said, it would be alright if I were to make garden potato in the area to keep its bushes short. After a while he made his potato there. In 1963 I went and brushed my garden there and Baiave also brushed his. Between 1972 and 1974 my father was very sick He asked me who allowed Baiave to make his garden in the area and I told him that its me.

For all the works Baiave had done in that area, I did not have any bad feeling towards him because I know he had asked me.

In 1973 my sister Kaniko who was at White River wrote to his sister. Marcy to ask me to allow Baitupu land so that she (Marcy) could brush it and plant some pandanus for her. Marcy asked our father about it but our father told me and I said to my sister Marcy its alright. So Marcy and her husband went and brushed the area. Marcy came and told me that Baiave wrote his letter in that area not to spoil his young bananas there.

Not very long I heard that Baiave planted that land with coconuts and that was after my dad died. I have shown you in our boundary that the father of Baiave Noah Saugaeha planted two (2) coconuts inside my land. Baiave told about it and he said he would cut them but nothing had done since then.

I wrote to him and asked him why he planted my land. I asked him to unroot them. He replied and said, you should talk to those who have taken your lands in our district but this land is not your land. I believe Baiave got the idea that just because the people in our district took my lands which is true, therefore he (Baiave) would like to take my land. He also said in his letter that only Tesopu is mind, but in his counter claim he claims Tesopu as his land. He also said if you don't believe the land is of John Tanga, it would be mind. He also said, if you believe Matiu did not talk to me about that land, it's alright but I would still claim it. By this I mean, Baiave is thinking of claiming it eventhough Matiu did not allow him to own it because Baiave and Matiu were of the Sauhakapoi tribe where as I am of the Matabaigei tribe.

I know and everybody in our District (Sa'aiho) knows that Baiave has no land in the area dispute. Even his elders brother Himan Haikiu knows it. Baiave has no land in the lands of Matiu.

When Himan Haikiu, Lydia, John Tanga and Sauhonu Temasu'u, met at Gotokanava and made their enquiry, Himan told Sauhonu that all the lands of Matiu he had given to them had taken back even Baiave if he thinks he got lands from Matiu. Himan Haikiu knows Baiave has no right to own anything at Henuakapo and the land.

After we went and mapped the land dispute, on Friday 12.8.83, Himan Haikiu was not happy that Baiave claims my land at Baitupu. I totally deny the counter claim of Baiave in my land because even his elder brother Himan Haikiu disagrees at him. My father was so good to Matiu and for this reason he gave him that land but my father did not steal it.

XX'N BY THE DEFENDANT

- Q. Who told you about your boundaries in the area, Matiu or Naeham?
- A. Matiu had shown it to my father and my father had shown me and I had seen dad to use those areas even when Matiu was still alived.
- Q. Didn't you know because Matiu used to dispute against Noah Sangaeha and your dad in the area and do you know the name used to mentioned to them by Matiu?
- A. I only know that Noah Sangaeha and Matiu used the mistreat each other but not with dad and Matiu.
- Q. Do you know the original name of Baitupu after all it was a tambu place?
- A. I know it was a tambu place but what ever name was the original name of that tambu place, it was not named by you and your dad.
- Q. You have said that it was Matiu who got that tambu place, who was the one who used to dispute against Takiika who got Gabega in the area, Matiu or Noah Saugaeha?
- A. It was Matiu who first claimed the area but the disputing of Noah and Takiika came behind.
- Q. Who first brushed Asau later named Baitupu?
- A. The land was of Matiu and he first brushed it.
- Q. Are you sure Matiu had asked your dad when Ngatonga asked about that area to build a road there?
- A. Yes, Matiu had asked dad about it.
- Q. If Matiu asked your dad, why didn't your father help Matiu when he used to block the road and went to Court and demand to pay fine?
- A. Even though Matiu intended to stop the road he did not take it back from my dad.
- Q. You have said that Tetapua asked your father and made his garden banana at Baitupu, but why did Matiu destroy that garden?
- A. Matiu was only angried to Tetapua because his son Jack had stolen to him and cut his banana but he was not angried about the land.
- Q. Did Noah and Matiu row when Matiu gave Baitupu to your land?
- A. No.
- Q. Did Noah and your dad row on that land?
- A. They were disputed only at their boundary but not the lan

Q. Where did Noah and Matiu begin their rowing which was resulted that Noah cut down a coconut tree to fall to the house of Matiu of Pebaegangi?

A. It was a habit of Noah to angry at Matiu when ever Matiu gave lands to his relatives and especially when Matiu gave Pebaegangi land to his daughter Miriam and that caused Noah to angry and cut that coconut you are referring to fall at the house of Matiu.

Q. Whom did Matiu give Baitupu to, you or John Tanga?

A. Matiu gave it to my dad but not to John Tanga.

Q. Do you know how many decisions given by the D.C. at that time to Matiu and Noah in all their lands without Matiu consulting Noah?

A. There isn't any written documents to tell that but the owner of those lands was Matiu and Noah was only angried because Matiu had no son thought that all the lands of Matiu would be taken by his sons.

Q. Are you the son of Matiu or did your father give both you and John Tanga to be the sons of Matiu?

A. It was John Tanga who was given to be the son of Matiu but I only state that the land concerned was given by Matiu to my dad and then to me.

Q. Did your dad move away from Baitupu by his own willingness or did he go away because he was rowing with Noah Sangaeha?

A. My dad went along with Matiu to Gotokanava after Noah mistreated Matiu.

Q. Didn't you know because your dad told me Matiu had given him those areas to reach the land of Toomasi Taupongi at Patonu, why didn't you claim that land?

A. I only believe the area shown by dad to me and I don't believe dad said that to you. The fallow garden given by Matiu to dad shared the same boundary to the land of Toomas Taupongi and probably that's what dad had mention.

Q. In your letter to me, you mentioned that your area went as far as the stonny area, why didn't you claim that area?

A. I did not mention that in my letter. I only said, you have planted my land.

Q. Didn't you also mention that your boundary to the west end of the area dispute is the bottom of a tree (banga) there?

A. Yes, that's my boundary.

Q. Didn't you know because Matiu had told me that Henuakapo had given it to Kamukenga but as he left he gave it for me?

A. Matiu did not give that land to Kamukenga.

- Q. You have said that I got permission from you before farming in your land but why didn't I give you any banana or bag of yam and pana etc as an indication according to our custom I you had permitted me to farm in your land?
- A. You did not give me any but you had given two bag potatoes to my dad.
- Q. Do you think I had given my son for John Tanga because I want him to give me land?
- A. No, I only mentioned that you gave John a son and because you know the area next to where we are disputing are of John then you used to do farming there.
- Q. If ever Matiu and your dad still alived today who would get angry about my coconuts planted?
- A. I believed all of them would get angry.
- Q. Whom do you think will be the one to settle the disputing over the boundary your dad or any dad?
- A. Both of them.
- Q. You seem to take notice about me and Matiu when we were rowing, didn't you ever row with your dad?
- A. I never mistreat my dad like when you mentioned Matiu.
- Q. Who accompanied your dad to the central hospital you or me?
- A. I did not go with him but although his illness I took cared of him and when he died I was at his side bed when he came home from the Central Hospital
- Q. When Matiu and your dad were alived I rowed with Uku'uku in our boundaries, why didn't any of you row with Uku'uku?
- A. Your rowing with Uku'uku was not happened when Matiu and dad still alived.
- Q. Didn't you know because when John gave those areas to Buka my brother, I was angried with him, so John gave him Gotomoana didn't you know because this was happened when Matiu was alived?
- A. I know pretty well that this has happened but Matiu died already.
- Q. Where did Himan tell you that he is not happy at my claim on the land dispute?
- A. Stephen Kavei heard him and told me.

N.F.Q.

XX'N BY THE COURT MEMBERS

- Q. Did your father make his gardens in the area above Baitupu and Tesopii when Matiu was still alived?
- A. He brushed it except the little area between the pandanus trees and the 2 banga trees.

Q. Did you ever help your dad in his work done in that land?
A. Yes, I did.

Q. Did your father use that land just because your dad had given his son John Tanga to Matiu or did Matiu actually give that land to your father?
A. Matiu had given it to my dad.

Q. Was there any differences between you and Baiave when he asked you to make his garden in that land?
A. Our relationship was very good.

Q. Did you bring his attention when he planted his coconuts in your land?
A. I wrote to him and asked him to unroot his coconuts.

Q. Why did Matiu give that land to your dad seeing Noah might probably not happy about it
A. It was Matiu who owned it and gave it to my dad.

Q. Did Noah the father of Baiave angry when Matiu gave that land to your father?
A. No.

Q. You have said that Matiu planted some coconuts in that land and said its yours, did he say that to you or your dad?
A. He had said that to me but not to dad.

Q. Why did Matiu stop the road that was build there and not Noah or your dad?
A. That's how Matiu acted because he was a chief.

Q. Did Noah say anything to Matiu when Matiu blocked that road with stones?
A. No he didn't.

Q. Why didn't Noah get angry when people like you, Uku'uku etc. work in that land just above Agohi the homestead of Noah?
A. He knew that lands were of Matiu but had given it to my dad

Q. You have said Matiu gave you that land but in your mapping you did not reach those stonny area but Baiave why?

A. It was given by Matiu to dad to reach the stonny area but dad decided to reach only where the two banga trees stand because those women of Matahenua did not ask dad but asked Elizabeth the wife of Matiu so dad decided as he told Matiu that he would only reach the two banga trees.

- Q. Did any one before Matiu brush Henuakapo or was that the first time when Matiu brushed it and I saw it?
A. No body brushed it until Matiu did.
- Q. How do you know Noah had no right in that land seeing he was there by the time Matiu entered there?
A. Noah did not enter there by the time Matiu entered. Matiu was the one who entered first and claimed them.
- Q. Whom did Baiave ask before making his gardens there, Matiu, Noah or you?
A. Baiave had asked me and I allowed him and that was when Matiu had died.
- Q. Why didn't you interfere to that area when Baiave, Lydiah and her son Maungaika use to row about it?
A. Lydiah and her son and Baiave dispute in an area outside from where I claim it. Lydiah even know Baiave has no land in that place.
- Q. How do you know your boundary is not in straight line, did your dad tell you?
A. I know it that the 2 coconuts were planted inside my area.
- Q. Did Baiave ask you before making his gardens in the area?
A. He asked me at the first place.
- Q. Where was Matiu when Uku'uku asked you to make garden in that land?
A. Matiu died long time.

N.F.Q.

The Plaintiff does not need any witness.

Plaintiff side Ends.

This case is adjourned until
Thursday 18.8.83. The Court
will meet again to heard the
Defendant Side.

EDDIE MUNAH
16.8.83

This case continues today, Thursday 18.8.83.

THE DEFENDANT SWORN STATES - BAIIVE T.

Before I begin my statement about the land disputed, I would like to say that concerning the area dispute, I have divided the land at Baitupu I will talk about how Naeham, Matiu and Noah and Sangaeha came to own that area and above Baitupu I will mainly talk on Matiu and Naeham.

At the beginning of our case on Tuesday 16.8.83 I have noticed that Abidan is worrying about our sketch map about the land. When Abidan stated his statement, he was talking about the history of that land and also he has made some of his comments about me too personally.

Now I will do the same in my statement. I would like to start my statement about Baitupu area. Before our case was started Abidan was influenced by some of his friends like Abaeata, Stephen, John Tanga and when Abidan stated his statement, he was only stating what his friends told him but actually Abidan knows nothing about that land because he was only a little boy when those areas of land were settled.

In 1938 after Noah brought christianity to Bellona Island and started to make all the tambu places free from being tambu these three persons, Noah, Matiu and Naeham were not in those lands. One day while we were there, my father Noah came to us and asked if its true the most holy ground at Gabenga was made free by the missionary arrived. We told him it was. He asked who owned it then and we told him that different people claimed each block for them. Noah ran to that area at Gabega and brushed an area there and made his boundary to Takiika who owned that whole area at Gabega.

Now Noah got the area known in our language "MANGAE ATE HAINGA TUA" that means the area near the most holy place at Gabega where the two gods of the people of Bellona were kept and in this area people had to eat their dinner etc first before going to Gabega to worship the gods. This area was owned by Noah and Asau later named Baitupu. This had caused Takiika and Noah to row about their boundary and I had seen them but I do not know where were Matiu and Naeham at that time. The friends of Abidan two told him those stories were not at the area of land concerned at that time.

Between 1939 and 1940, the S.S.E.C. arrived or introduced at Bellona so Matiu became a member in that particular church and Noah was an SDA member, and he was working in that area.

One day Stephen Puia a chief of West Rennell being the brother in-law of Noah wrote to my dad and asked him to become a member of the S.S.E.C. so our family became S.S.E.C. members and we went to Pebaegangi the S.S.E.C. Village led by Matiu and we settled there.

There were many families in that village included the family of the Plaintiff. While we were there, I asked Tuhuika a woman so that we could go to Asau and farmed there. We went there and for the first time we brushed it and made our garden there. After our garden was harvested I went away and lived other boys in our District. I was told that Matiu and Noah were rowed. When I came to see them, they were rowed about that land Asau. I asked Noah why they were rowing and he told me that Matiu would like to take his land Asau. I told dad not to worry about that but for Matiu to have it. It was then did Matiu own that land and re-named it Baitupu.

After sometimes, Noah heard that Matiu gave that land to Naeham. Noah was really angried and there was a big row between Matiu and Noah. By that time, a Government Officer R.C. or Royal Commissioner came to Bellona and held a case between Matiu and Noah. The case decided that if ever Matiu wanted to give out any land to any of his friends, he must get his permission from Noah, because they were real brother. Noah noticed that Naeham still using Baitupu land so Noah was displeased about it included other lands given out by Matiu to other people. This had caused these two brothers to row at time after time. Then a Government Officer named Skipper came to Bellona and this case was brought before him.

After hearing the case between Matiu and Noah the Government Officer made his decide just like the decision made by the first Government Officer. R.C. People at Bellona expected Noah to receive a heavy punishment because Matiu at that time was the Headman of whole of Bellona, but this was the decision reached by Mr. Skipper that Matiu should notify his brother Noah before given out their lands.

When Naeham planted his coconuts at Baitupu, Noah was angried but I told Noah not to make any trouble. Naeham had used a big tree at the opposite side of Baitupu as their toilet area, Matiu was angried about it and he had some bad talks to Naeham. Its not true when Abidan states that Noah had secretly planted his coconuts inside his area. This is not true because Noah could not act in such a matter and he could not do anything secretly like that. After all, those lands were of his family.

This is what I know about Noah and Matiu and now I would like to talk about Naeham. In our first hearing, I have asked Abidan a question said, are you at time rowed with your father Naeham? He answered and said no. In his reply I have proved that Abidan is a liar.

I remember some years ago when we went to the Central Hospital Many of our one talks were admitted into the hospital after they were found to have the sick of T.B. included Naeham. I took care of them patience and one day after cooking some fish for them, Naeham and I were having our conversation.

He told me something about Baitupu land. He told me how my father Noah was angried when Matiu gave him that land and he told me that if I were to come home I would have that land back. I asked him why he was thinking of such a decision. Then he told me that he was not happy at his son Abidan because Abidan wanted to marry a girl who is actually is my relative. Naeham told me that Abidan was angried and said to him (Naeham) he must die. Naeham told me that he was really disappointed at Abidan so told me to claim or have back Baitupu land. Naeham told me Abidan was really mistreated him.

When we came home, Naeham was really sick and was at the point of death. I brought some food from my gardens in the area dispute now and went to see Naeham. I arrived at where he was kept and after seeing him and his condition at that time was really bad, I cried and after that I went back without saying anything to him. The next day Noah asked me and said, did you visit to Naeham yesterday? I said yes. Then Noah said to me, didn't you know because he said he would like you to have back Baitupu land. I said to Noah I don't like because fault was actually of Matiu who had given this land out after he was angried at you.

Abidan states and put his strong urgument that I have no right to inherit any land of Matiu after referring to the time when I fought against Matiu. But I believe Matiu had forgiven me when we went together and made sack cloth to our faces and body etc and went to make reconciliation with the people of Nukuagoha when one of our brothers murdered one of their men, but I believe Naeham went to his grave remembering and not forgiving all the mistakes etc Abidan had done to him. In all our land cases held in all our lands in our own district (Savaiho) we never at time dispute over any land in the tribe of Sauhonu and Tangoeha where the Plaintiff belongs. All our land cases occured were all about the lands of my tribe Baiave and Haikiu.

I never have the intention of disturbing others about the lands given out by Matiu to other people.

In 1966 I was at my house at Matahenua when Matiu came to me. He brought with him a bush knife, a shirt and a calico. I asked him where did he come to visit me. He told me that he had heard that I got a cough medicine so he came to get treated. A treated him and after having his dinner he prepared to go back. Then he took me with him and we went to where we went when we went mapping and told me all about those areas. He asked me about a garden banana in the area and I told him that it was of Naeham. He said that area is mind. Then I said to him, is it true you had given those area to reach those stonny areas to Naeham, then he said no.

Matiu said to me the area called Tesopii is mind. I only gave the small area at Baitupu to Naeham because he had given his son John Tanga for me as my son. He told me that if I want to make garden in those areas I may do so.

Matiu explained and told me that I was his son given to him by Noah even when I was not yet born or when my mother was pregnant in me. He told me he had named me when I was born to be Kiveha. I did not say or answer any thing to him because I was sorry at us (Matiu and me) after everybody at Bellona said I used to mistreat Matiu.

Abidan stated that he had blocked the road built in the area because the land was his and Kaitu'u had taken him to Court. This is not true Abidan had crept to Matahenua Village at one night and found by Kaitu'u, so Abidan was angried and blocked that road and Kaitu'u reported him.

Its not true when Abidan says I had asked him to make my gardens in his area, it was Naeham did I ask permission from him. In my letter, replied to him, I only told him that he should worry about his real lands that were stolen by the people in our district but that land is the land of my family I had said that because he had ordered me to unroot my coconuts in the area. Abidan stated that his father Naeham and Matiu never at any time row.

Abidan is not true. I know that when ever Matiu and Naeham rowed, Matiu used to call Naeham a liar.

Abidan stated that I am a liar, but I would like to say this that Abidan is a liar. There is not any area of land in all the areas he has claimed is right in the areas disputed - Abidan has claimed that Matiu had given them those areas but he is not true. Abidan never do anything like gardening etc in the area but only me.

I totally deny the sketch map of Abidan taken in the area. Abidan should worry about his land called Beungu but he does not. That is his real land but has been taken away from him and I believe he does not know anything about and its boundary. I believe I am the rightful person to be the witness of Abidan in all his land cases but he has spoilt it.

CORRECTION:

Naeham told me that because Abidan mistreated him he had rejected him but Abidan went and asked Haniel to bring them together. Naeham told me that he had shake hand with Abidan but I came to this place to live here until I die.

Abidan stated that Toomasi Taupongi had asked his father and made his garden at Baitupu. This is not true. Toomasi Taupongi came and worked in the area where Tetapua made his garden but chased out by Matiu.

B. Tekiou

XX'N BY THE PLAINTIFF:

Q. Were the areas like Agohi and Baitupu were tambu places?
A. Yes they were.

Q. Who owned those free areas above Baitupu?
A. They were owned by Baiave the father of Matiu.

Q. Didn't you know because the whole area included the tambu places were owned by Matiu and not Noah
A. It was Noah who owned the tambu areas and Matiu at the free area.

Q. Did Noah own any area of land beginning at Baigau to the West end in its boundary to Saova?
A. No.

Q. What can you prove that Baitupu was owned by Noah because I know it was owned by Matiu and I had seen him planted two coconuts in that land and he was the one who first brushed it?
A. Noah did not care but row with Matiu the Headman of Bellona when he gave that land to your father.

Q. If you believe the land was of Noah, why didn't he cut down the two coconuts planted by Matiu in the land and the ones planted by my father?
A. But he had cut the coconuts of Matu at his different lands.

Q. You have said that Noah was angried at Matu after he had given Baitupu land to my father and caused Noah to cut the coconut of Matu at his land at Pebaeangangi and why didn't Noah cut any coconut at Baitupu seeing this was where Noah crossed about it ?
A. Noah would like Matu to get the consquences because he was the one who had given out that land to your da.

Q. I understand and every body knows that Matu owned many lands than Noah, and why did Matu get the land of Noah at Baitupu and gave it out to dad seeing he got lots of lands ?
A. Matu got the intension of tempting Noah to get angry.

Q. Didn't you know because Matu and Noah rowed in 1953, resulted that Noah cut a coconut to fall at the house of Matu but our family long settled at Baitupu with all our coconuts there, how then did you say Noah got angried when Matu gave Baitupu to dad and cut that coconut to fall at the house of Matu ?
A. That's not true, in 1953 I had already got two children but I was only a single boy when Noah cut the coconut to fall at the house of Matu.

Q. Didn't you know because it was in 1953 did Matu take his church building at Pebaegangi to Gotokanava after Noah cut the coconut tree to fall to the house of Matu?

A. Your dating is wrong and that's not why Matu took his church building. It was a heavy sea that spoilt his church building and caused him to move out.

Q. If that is so, what year did Noah cut that coconut tree ?

A. I could not tell you any year but I know that's not the reason why Matu moved out.

Q. How big is the area known as Tesopii in the area disputed now ?

A. The area known as Tesopii begins at those big coconuts at Baitupu to where my coconuts above Baitupu are.

Q. Whom did Matu give that area called Tesopii to, you or my dad ?

A. At first I thought it was given by Matu to your dad but later Matu told me its mind.

Q. Why did you think Tesopii was owned by my dad ?

A. Your dad said it was his bug I heard Matu denied it.

Q. You have said that Matu gave you Tesopii in 1966, but in my letter to you about that land when I heard that you planted it with all your coconuts, you replied and said, I did not take your land, the Tesopii area is yours and still yours and how comes then did you say Tesopii is yours. After all, your letter was written in the 70's?

A. Matu told me that in 1966 but I did not accept it to own it, but when you take me to court about that land, I now claim the area Matu had talked to me about it.

Q. You have said that you did not accept the offer of Matu when he gave you those areas, and how comes then did you claim them after Matu died ?

A. Because Matu had talked to me about it.

Q. Was it true Toomasi Taupongi took over the garden of Tetapua, didn't you know because Toomasi Taupongi ask my father ?

A. No, that's not true.

Q. Who allowed Uku'uku and his wife to make their gardens in the area, you or me ?

A. Perhaps you but I told them not to go beyond the road there.

Q. Who made his garden at the east end of Baitupu as you claimed the area is yours ?

A. Samuel Taika my brother.

Q. Who allowed him to make his garden there because I had allowed Tepai to make his garden there ?

A. It was allowed by Naeham to Samuel and made his gardens there but probably Tepai came in later.

Q. In 198 I did pay a civil case against you in this land case, not long after that your wife write and asked my wife to make her garden of Tesopii, why if you believe its yours ?

A. I know nothing about that and if I know I would have stopped her.

Q. You have claimed those stonny areas as given to you by Matu, but why didn't you make any garden there till Matu died ?

A. I did make my gardens there.

Q. Did you plant your coconuts in my areas but Matu and dad were still alived ?

A. I planted them when they were died or after they were died.

Q. Did any one in the family of Matu like Miriam, Lydiah and John Tanga know that Matu had given you those areas ?

A. No.

Q. Did I ask you when I made my garden in that area in 1973 ?

A. No.

Q. How would you prove that those areas were given to you by Matu and what did you do in the areas when Matu was still alived ?

A. I made my gardens there when Matu was still alived.

Q. Is it our common practise of the people of Bellona to give some thing to others who are so good to you ?

A. Yes, but in your case Matu denied it and I know it.

Q. Who lived so closed to Matu from you and my dad ?

A. Your dad but Matu denied it that he had given him those places.

Q. You are refering to the cases of Matu and your dad decide by those Govt. officers before, how do you know that have you got any documents to prove that ?

A. No, but that was the power we know that worked in those days.

Q. Why did you say my father told you that I mistreated him, didn't you know because when he went to the Central Hospital my wife and take cared of his house and his garden and we went and visited him in the hospital and when my wife and I got our baby he named him to be Mamata ?

A. But he told me that.

Q. If you say that Matu had given your family every thing like lands especially, why did your family always deny Matu as the true land owner ?

A. That's different thing altogether but I am not denying Matu in this case.

Q. I know and every body knows that Matu used to called Noah by nick names because he had mistreated Matu and how comes did you say that Matu used to call my dad by nick names ?

A. I have heard Matu about that.

Q. You have said that Matu had given you those areas, but when Matu died, you told Erick Tapuika that because every body are claiming the lands of Matu I would get those places for me after Matu died didn't you know that ?

A. That's not true.

XX'N BY THE COURT MEMBERS

Q. Did you force Matu to tell you some thing about those areas as who owned them ?

A. No, I didn't force him.

Q. Didn't you know because that tambu was first claimed by Matu but later brushed by Noah ?

A. I only know that it was Noah who made his boundary to Takiika.

Q. Did Naeham steal Baitupu or did Matu give it to him ?

A. Matu gave it to him but after Matu and Noah rowed in the area, Naeham gave it back to you ?

A. I felt sorry about Abidan.

Q. How do you know that those areas you've shown to us are yours, did Matu tell you all that ?

A. Yes he did.

Q. If Matu didnt intend to take that land from Naeham, why then you ?

A. Matu had told me and also Naehan had given it back to me.

Q. You have stated that the Tesopii areas were his areas (matu). Who do you think is to get the rightful owner over those areas ?

A. Me because Matu had told me I am his son.

Q. Serveral of you have claimed Henuakapo, like you, John Tanga, Lydiah and even the Plaintiff, who from you all do you think owns that land ?

A. Me, because when Matu talked to me he was really sorry to our family.

Q. What is the boundary of Naeham or the area of Naeham in the area above Baitupu ?

A. I know Naeham got that area at first but later Matu told me that the boundary is where all the bit coconuts at Baitupu are.

Q. If you believe the areas are yours, why didn't Abidan ask for before making his garden there ?

A. I don't know but I was only sorry about Abidan and I believe we would sorts things out later, but when Abidan takes me to court about it, I want to claim the land of our family from Matu.

Q. Did you see Naeham to make his gardens at Henuakapo ?

A. No, only Tesopii.

Q. Did Noah make any sign at Baitupu to show Naeham that he was not happy about Baitupu given to him by Matu ?

A. Noah only rowed with Naeham in the boundary and after that Naeham left that land and went away.

Q. Why did you plant your coconuts at Tesopii ?

A. It was given to me by Matu.

Q. Did Matu say any thing to you in the 1940's and 50's in regard to those areas ?

A. No he didn't but he came to me in 1966 and he was whole heartedly talked to me about those areas.

Q. Did Matu and Naeham ever row ?

A. Yes, they did.

Q. Whom did Matu give Baitupu to, John Tanga or Naeham ?

A. Matu told me he had given it to Naeham to take it care for John Tanga.

Q. Where was that big tree used by the family of Naeham its bottom as their toilet, inside Baitupu or in the land of Matu ?

A. Inside the area of Matu.

Q. You've shown the boundary there to us marked with rocks, who told you that boundary Matu or Naeham ?

A. Matu told me.

Q. Whom did the people line Uku'uku get permission to farm in that area, you or Abidan ?

A. Abidan, but I had warned the son of Uku'uku, Tingia not to end it further.

Q. Whom did Uku'uku argue with when he planted his coconuts there ?

A. It's me I used to argue with Uku'uku but not Abidan.

Q. Did you and Uku'uku argue after or before the death of Matu ?

A. We rowed there once but Matu was still alive, but most of our rowings occurred after Matu died.

Q. If you believe Abidan has no right in those areas, why did he claim a big area than yours shown in your mapping?

A. I only followed what Matu had shown.

The Defendant does not need any witness.

This case is adjourned until tomorrow, Friday 19/8/83, at 9 o'clock. The court members will meet by themselves to decide this land case.