

West Rennell Local Court

Held at Gotohenua Village on 5/10/88.

Before: President - Ani Piloe (Ag)
Justice - George Teika
Justice - Momoka Tekehu
Clerk - Eddie Muna

Parties

Plaintiff - Wilson Songeika of Gongona

Defendant - Morris Saueha of Hagemangama.

Statement of Claim

The plaintiff Wilson Songeika claims his lands namely Pouono & Maunga road are taken by Morris Saueha.

Plaintiff i/p.

Defendant i/p.

Ct - Case opened

Objection invited

Plaintiff - I have no objection to the members & clerk

Defendant - I also have no objection to the members and clerk

Ct - Claim read & explained

Plea - claim hem no true.

Plaintiff S.O.B.

I have appealed against the ruling of the two chiefs who had heard our case. I would like if the local court see what the said chiefs failed to consider in regard to what suppose our tribe Hagekumi should follow.

The history of Hangekumi is cleared everybody knows it was a tribe hated by the island and no woman interested in marrying to our tribe. My dad and I know that the father of the defendant was only a caretaker for us in respect of the lands due to us.

The defendant and I did not dispute land ownership in the past on the ground that both our mothers are closely related. Dad and the father of the D. also not involved in any land dispute on the ground that dad thought of when the father of the defendant adopted him.

These what had stopped us from going to court on land matter but dad and I know that the father of the defendant has ever since taken care of the lands of my father and I. Dad got seven sons and I am his first son and I have a son.

At then because we are multiplied I had asked Morris if we could divide the lands due to our tribe and families. D. refused my request.

In our latest case before the chiefs I was not satisfied at their finding. The chiefs ruling mainly base on "MAY BE" OR "I THINK" the lands of the D. chiefs stood against me who in my knowledge born in our district Tekungangoto. This witness twisted the well known history of our tribe Hagekumi and claimed the lands of the one who was only a care taker to us i.e the D's father.

I believe this witness is a liar because when he was brought to our district he was already a mature person. In our case before the chiefs this witness shifted the history of a place or land named Tamana and adopted it to Pouono land dispute. This what has impressed me to believe this witness is a liar.

There was a well known statement by a woman named Paieke when going pass Tamana said, "what a long long tract up." The witness I have described said this statement referred to Pouono in question.

This witness also said that because this is the only oldman left at Tekungangoto, the lands in question be of him. To me, his claim has no sense.

This witness had influenced the chiefs (2) who heard our case and decision of these chiefs went for the D. I would relate the history of Taupongi the originator of the tribe.

Taupongi came from Ghogau. He married Hakamangutango the daughter of Temangu'ugua.

Taupongi married to the tribe called Nikatemono. Sons of Taupongi were Muia and Teasoika.

Taupongi also married second wife Sungupua. His son from this wife was Teikangongo. So Taupongi got 3 sons Muia, Teasoika, Teikangongo.

Muia and Teasoika were murdered and Taupongi I don't know, killed or just died.

Taupongi owned all the lands right down to the seaside the lands of Temanguungua. As Taupongi and his 2 sons finished, Teikangongo went to Tongaba. His son Angongua. Angongua went and settled at Ubea. Angongua got a son from Taukiu and Taukiu went and settled at Patonu. Taukiu got a son from Saueha the first. Taukiu asked Saueha to go back to Hangekumi.

He came back and settled in the lands of Taupongi. He was not disturbed. Customary in our tribe the heir goes to the first born son. Saueha married several wives and settled at Hangekumi. Two women from Kangua West Rennell. They were Telanga and Tengaba. They were descended from Niteni and Tebaipuke.

Saueha got four sons from these wives. The sons were Tehaibakiu, Banini and Semua, sons of Tengaba. Telanga got one son Maungu.

Tehaibakiu first son settled at our HQ. Hangekumi. Tehaibakiu got one son Kaipue and both lived at our HQ. Hangekumi. Both however, were murdered.

It was Semua who took over and settled at our HQ. Hangekumi. He owned the lands right down to the seaside.

Semua got sons, Songoihenua, Tehaibakiu, Saueha, Bahenua. Semua during the blackbirding days was taken to Australia. Semua divided his lands from sons. The lands given to Sangoihenua were, Hongakaba, Tapakohe, Mataubea, Hangekumi, Tausukea, Pouono & Ahea. Sangoihenua married to Amoika and a son born Sauhonu who is my father.

Sangoihenua got 3 sons namely, Gakei, Taupongi and Atikake adopted & Huaikaaba.

Break 15 minutes.

Resume

From Sangoihenua to Gakei owned Hangekumi, Tausukea, and Pouono the bush areas and the Maunga road, these were owned by Sangoihenua. He gave two to Atikake. Ahea he had given it for Huaikaaba. From Saueha to the D. his lands were Tamana and Teutua.

These brothers had lived respectively on their lands given by Semua. Semua when divided his lands gave more to Sangoihenua than the other brothers.

Gakei married Mangienga of Matabaingei, West Bellona. Huaika'aba married Utuika and settled at Ahea. His land given by Sangoihenua.

Huaikaaba died and Taupongi married Utuika and again he had no son. Taupongi took over the land from Huaikaaba. At that time Gakei was killed.

Taupongi then married Mangienga wife of late Gakei. Mangienga bore Paaunga. Taupongi died, Mangienga, dad and Paaunga lived at Puono. Some one named Tepuke built a hut at Pouono and settled with this family. Topue dad of the D. later married Mangienga but Mangienga had settled with dad and Paauga at Pouono.

Topue married Mangienga and adopted my father and take care of all my father's lands namely, Hangekumi, Pouono, Tangomanganga, Tausukea and the Maunga road.

Customary, who ever owned our HQ owned the Maunga road. Dad also used this road. People of Tekungangoto had accessed to the road taking wild yam, fruits etc. but every body knew the land of my father kept by Topue and when dad attends his manhood would give him back.

In 1938 christianity came to Bellona. Missionaries from Rennell arrived and freed all tambu places.

It alleged Maunga road was a tambu place. No religious service conducted by the missionaries at Maunga. Niuhua a missionary went to a cave just in the area near the seaside. People went with him. Religious meetings conducted. Niuhua after asked, whose land is this. No one talked. Then Mangie replied, of Sauhonu but he was with his uncle at West Bellona, Taika.

Tekungangoto knows at that time the land of my father.

That was the only service or religious service taken at that place and every body of Tekungangoto who attended knew the land of my father.

Topue brushed and farmed in that road. We too cut canoes, harvest nuts etc. in the area.

Dad knows that Topue used the road area, he knows Topue had adopted him but thought Topue would give him back his land from his father.

Dad and I did not farm in that area. Other areas at Hangekumi for farming.

However, dad and I cut our canoes, harvest fruits in that area without asking some one. At one stage i blocked the area by cutting trees and no one disturbed.

D. and his father farmed in that place and adopted a new name to it, Ghaimenga Maunga the only name known. This new name not when freed by missionaries but when D's father worked in the area.

Dad and the D's dad argued at one stage in the area and the D's father said to him, you brush and farm in this road but the land of my family. Dad handed me all the areas to

deal with it with the D. and when I tried to discuss things with him in relation to this land he did not accept it and therefore I take the matter before the chiefs and now to this court. After dad and D's dad argued D. and his dad still brush and farm in the area, believing that whoever brush the land, owns it.

D's father argued with Tupeuhi of Sa'apai as he owns boundary to the area of Sa'apai. Tupeuhi said to the D's father, Sauhonu the right person for us to dispute in this area Tupeuhi said that because the D's father over boundary to the area of Sa'apai.

Later the D's father and Tepuke of Kongobainiu but of Sa'apai tribe argued. Tepuke also said the same statement. This is how the situation of the Maunga road. I would relate the story of Pouono.

I have mentioned Tepuke built his hut at Pouono and settled with dad Paunga and Manguenga at Pouono, Saueha and his son Topue did not use Pouono land.

It was at Pouono Sangoihenua who came down in our genealogy to reach dad & me who gave praise at when Puipuihenua was killed. Sangoihenua asked Puipuihenua and borrowed his dove and at Pouono he used this dove and lured other doves and caught them.

This dove died caused Puipuihenua to come and cut down coconuts at Pouono. It is evident it was Gakei who would own this land. These what Sangoihenua had done at Pouono. Our family had settled on this land and dad planted coconuts in the land. The coconuts are still on the land, Pouono.

Paunga argued with someone named Kaipua which had caused Kaipua to cut down two coconuts of dad at Pouono. In that period D's father then married Manguenga and settled in that area.

At those times dad lived with his uncle Taika at West. D's father looked after the lands of my father as he was not fully mature.

D's father sent message to dad to come back as he heard that his uncle gave some lands for him. The message was, "come back to your lands or I would give them to some one if you fail to come." Dad came back left his lands given by his uncle. Dad lived with Topue, he gave back to dad, Hangekumi, Tausukea, left Pouono, Maunga road and Tangomanganga.

Later, Topue gave back dad Tangomanganga. Topue even divided this land from him and dad. Left the disputed areas in this case, and I report it, because they are our lands and been wishing him to give us back. Areas like Pouono, Ahea, Ubea etc ours is Pouono which the D's father claims them all for his son the D. If I am a highly minded person because we are the heir of the first born right in our tribe, I would have claim all of them. There are respective owners in each but D's father took them all. I only claim ours at Pouono we had been using it ever since.

So I take this to this court to consider the right person from Sangoihenua who had owned it. Suppose to own it. The rightful owner i.e us suffered while the defendant not. So I report it. That is all, thanks president.

Adjourn for 1.15 pm.

E. Muna

Resume 1.15 pm

Statement read for correction purposes.

Correction

The son of Amoika was Gakei and not dad and the mother of my father was Mangienga.

Pouono planted about 4 or 5 coconuts. Kaipua cut down some, Topue uprooted the other two and planted them at Hangemangama.

CXM by Defendant

- Q. Whom did Taunpongi inherit Pouono from?
- A. The land being of Nikatemono owned by Taupongi when married his daughter.
- Q. Which lands did Taupongi divide respectively from his sons?
- A. I only mentioned the lands of Sangoihenua but not of Tehaibakiu and Semua. They got lands but invaded by other of our tribes's enemies.
- Q. How many lands respectively of Sangoihenua and Saueha from their father Semua?
- A. Saueha owned Tamana and Teutua and Sangoihenua owned Hagekumi, Tausukea, Pouono, Ahea, Hongakaba etc.
- Q. Do you know because Hongakaba and Tamana were of Maungu and not of Saueha?
- A. The truth is what I have stated, you only invented yours.
- Q. Did Sangoihenua dispute Saueha when he built his house farmed at Pouono?
- A. Sangoihenua died first then Saueha did that.
- Q. Did Gakei dispute Saueha when he made his garden banana at Pouono?
- A. Gakei was already killed at the time referred.
- Q. From Semua gave Pouono to Saueha then to dad and me. Since then we had been using the land, who told you the land is your?
- A. I have learnt the truth of the land from dad. You only i.e from father looked after our land and your believe only invested stories.
- Q. Was Mangienga witnessed when Semua gave Pouono to Saueha?
- A. Mangienga was at the time when she married to our tribe. She had witnessed activities carried out at Pouono, told them to dad and dad related it to me.
- Q. Was the Maunga road a tambu place, or not?
- A. A tambu, not strictly forbidden but people had access to it.
- Q. Mautukua son of Saueha who came from Patonu cursed on that road and died, wasn't not that a tambu place?
- A. That is your story but none any mature person known to be cursed and died in that place. In fact our people had access to that area.
- A. If you denied Maunga road not a tambu place, why people not dress custom as required allowed to this place.

- A. It was not a restricted tambu place because the people of Tekungangoto had accessed to it by taking wild yam etc.
- Q. Why missionaries went down the road at Maunga?
- A. The tambu spot was near the seaside.
- Q. If you divide the bush & coastal areas in that road, how many names of that road?
- A. Only one, i.e. Maunga and the only tambu spot the area near the cave at the seaside.
- Q. From Taupongi founder of our tribe to dad, any body you know had farmed at the Maunga road?
- A. Our old people not, only your father who looked after the lands of my dad.
- Q. Was your grand father Gakei died or killed when he was only a youngman.
- A. No, at that time people not bother to farm in the big bush.
- Q. How many bush settlements do our tribe has at Maunga road?
- A. I do not know how many, how ever, my concern is the whole of the Maunga road, looked after by your dad for my dad now took it and refuse to give it back.
- Q. How many gardens you have at Maunga road as from 1938 - 1988?
- A. No, we only cut six canoe in that road without permission from you.
- Q. You claimed, cutting canoes, harvesting nuts, cutting trees and blocked the road, and where are we the owners?
- A. You were there but not argue because our recent dispute only occurred now.
- Q. Did you know because you father did ask me before cutting his canoe at Maunga road?
- A. Dad asked or informed you the tree cut could have fallen to your new brushing garden but not asked that to cut the tree for his canoe.
- Q. Whose garden was near that tree?
- A. Pungeingoto
- Q. Did you know because I had given you your share in my garden at Maunga road?
- A. Our relationship was o.k and that is our land.
- Q. Whom did I ask before I made my garden?
- A. No, you got the spirit of your father claiming our land.
- Q. You dispute me because your family are marrying now?
- A. That is one, and more than that our land.
- Q. Did you know because your witness was born at Togaba as you claimed mind not

of Tekungangoto.

A. But his father was Taupongi. Yours, brought from Tegua and adopted by Bangakaunga.

Q. Whose wife was Tetabake mother of my witness?

A. Bangakaunga but your witness adopted brought to Bangikaunga.

Q. Who from your dad & Paaunga born at Pouono?

A. Tekungangoto district where Pouono is.

Q. Do you know because Saueha told his sons the joke made by the woman Paieke referred to Pouono?

A. It was referred to Tamana not Pouono.

Q. Do you know because dad sent a message to Mangienga at Tangakitau to come and not at Pouono?

A. They were at Pouono but another land of Paaunga too was Tangakitai

Q. Did you do anything at Maunga road?

A. No, but remember your dad only caretaker for dad, in that area.

No further questions.

Break for 5 minutes

Resume 3 pm.

cxm by ct

Q. You claimed D's father looked after his lands, how many lands of your father D's father had given back?

A. Hangekumi, Tangomanganga but divided it.

Q. Do you think the handed back lands not satisfied you and your dad?

A. Not in that sense, but the lands due for my father and claimed them back.

Q. What important to you, your relationship with D. because you two are brothers or the land?

A. Both important but because D failed to do what I asked so we end up in court.

Q. Did the D. take your land at Pouono before or that only happened at this time?

A. D's dad took it after looking after it for dad when only a little boy.

Q. Any agreement that D's father looked after the land at Pouono for your dad?

A. D's father to marry Mangienga adopt dad & Paaunga and to look after this land for dad and other areas. That was the agreement.

Q. Was Topue, father or all the old people of your tribe attended when Niuhua freed that tambu place?

- A. Dad with his uncle, D's father was not only some attended.
- Q. Were your grand father and of the D argued over the ownership of those places?
- A. No, our tribe at that time was a hated tribe, not until after.
- Q. Did any one disturb D's father when farmed at Maungu road?
- A. Dad should but only a little boy. D's father the only one to look after or care for our respective lands.
- Q. How many times you asked D to settle your problem.?
- A. Two times to solve our problem
- Q. Did your father regard D's father looking after his lands that it would be easy to take it or them from D's father.
- A. Customary in the island, any person left in any tribe cared for the lands of his people to give them back later.
- Q. How do you regard when the 2 chiefs said we think or may be the lands of D?
- A. Chiefs ruling indicate uncertainty.
- Q. Where do you claim the whole of Maungu road or the sport you claimed that was the tambu place?
- A. The whole road.
- Q. Do you think D's father not entitled to any lands of the Hangekumi tribe?
- A. No, they got their respective lands. I am only concerned about ours D's father failed to give us back.
- Q. Did you and your dad ever brush Pouono and disturbed by D and his father?
- A. D's father and I argued over it at one time but my father respected D's father alot. Dad gave me now the title and now we are in court about it.
- Q. Do you owned any of the lands in your sketch?
- A. I only claimed Pouono, land of my father.

N.Q.

Break for 10 minutes

Resume 3.50 p.m

PW1 S.O.B. Paaunga

The land of our tribe Hangekumi at the northern side Kaukau ki Bangikaago we got it or inherited it from Taupongi. Taupongi was from Ghogau, son of Sangoihenua of Ghogau. Taupongi married Hakamangutango the daughter of Temanguigua who lived at Hangemangama of the Nikatemono tribe. Taupongi married his daughter owned all his lands. Lands began at the villages down to the seaside. He owned lands, bush settlements and bushes. He started a settlement at Hangekumi and lived there. Taupongi got two wives, Hakamangotungo and Sungupua. He got 3 sons from these wives. Muia and Teasoika sons of Hakamangutango and Teikagongo son of Sungupua.

Taupongi was killed, so as Muia at later stage. Teasoika died. The tribe ceased to generate.

Teikagongo left Hangekumi, went to Tongaba and settled there. Teikagongo left Hangekumi, intended to be only a tambu ground in honour of his father.

The idea to be like Oa land highly regarded tambu to the grave of Tupaukiu. Teikagongo at Tongaba got a son named Angongua. Angongua went and make his settlement at Ubea. His son was Taukiu who went and made his settlement at Patonu.

Saueha the son of Taukiu sent him to settle at Hangekumi.

Saueha at Hangekumi owned the lands of Taupongi at the first place. His grand father Saueha of Nukuitua gave him lands at the southern side. The lands given plus in at the northern side entitled Saueha to own lands at both sides i.e. north and South of Tekungangoto. Saueha married and got sons. His sons died survived only four namely, Tehaibakiu, Semua and Banini from Telanga and Maungu from Tengaba. These were the wives of Saueha. Saueha divided his lands among his sons in which Tehaibakiu owned our HQ at Hangekumi. The lands of Tehaibakiu at the northern side started at Hongakaba right up to Ahea.

Tamana and Matakитonga lands of Semua at the Southern side. Tehaibakiu married Teota woman from Matabaigei of the Taupongi clan. Her son was Kaipua. Semua married Katangoa of Angohi tribe. Her sons were Sangiohenua, Tehaibakiu, Saueha and Bahenua. Tehaibakiu who settled at our HQ Hangekumi was killed. His son Kaipua at later stage was killed. The descendants of the first son ended. His younger brother Semua took over our tribe, Hangekumi. Semua with his family at Hangekumi shared his family their lands. It was Sangiohenua who took our HQ. at Hangekumi. His lands at the northern side were Hongakaba, Tapakohe, Mataubea, Hangekumi (HQ) Tausukea Pouono and Ahea. Saueha owned two lands at the southern side, Tamana and Matakитonga. His land at the other side was Ubea. Tehaibakiu owned Tangakitai at the Southern side. After that ship called at Bellona in the black birding days. Semua boarded the ship to Australia. He left his family and died in Australia. Maungu adopted the sons left by Semua, son attended their state of manhood. Then Sangiohenua first son married Amoika. At one stage, he asked Puipuihenua for his dove to lure doves. The dove died Puipuihenua came or attended and brushed out whatever at Pouono.

Hangekumi was attended by Tangosia and did the same as Puipuihenua. Sangiohenua in returned killed Tangosia. Tangosia brother in-law of Puipuihenua. Puipuihenua killed Maungu who had adopted Sangiohenua. At Ngotoa the enemy accustom common practise gave praise for the victory they had achieved.

Sangiohenua when he had killed Puipuihenua gave praise for his victory at Pouono.

Sangiohenua got 3 sons from his wife Amoika namely, Gakei, Taupongi and Huaikaaba. Sangiohenua shared the lands of his sons. Three of Gakei at the northern side. Three of Taupongi at the southern side and one of Huaikaaba at the northern side. Thus Sangiohenua was killed. His brother Saueha married Amoika wife of late Sangiohenua and adopted the brothers of Gakei. He also looked after their lands. His son is Topue father of the D.

The lands of the brothers of Gakei looked after by Saueha, the lands of Gakei at the northern side were Hangekumi, Tausukea, and Pouono. The lands respectively stretched and reached seaside.

The lands of Taupongi looked after by Saueha at the southern side were Hongahenua, Nukuma'anu and Kangua. These lands were of Maungu. Maungu had no son; and when he was killed, Sangiohenua took over his lands and gave them for his son Taupongi. Tangakitai at the west end of these lands was of Tehaibakiu brother of Sangiohenua.

Tehaibakiu had no wife and Sangoihenua gave him a son from Taupongi my father. Tehaibakiu was killed and Taupongi took over his lands and added them to his lands from his father Sangoihenua thus owned the whole area. Huaikaaba at the northern side looked after by Saueha was Ahea. From the main road, Ahea only reached the garden area also Ubea of Saueha. Maunga though above Ahea and Ubea but it was of Gakei. Customary in our tribe, sons etc. owned their respective areas but only the one who settled at our HQ owned the whole bush. It was started from Saueha to Tehaibakiu, Sangoihenua, Gakei. They had settled at our HQ thus owned the bush area. The brothers of Gakei married and got children lived at their respective lands. Gakei married Mangienga settled at our HQ at Hangekumi and his son born is Sauhonu father of the plaintiff.

Taupongi not married. Huaikaaba married Utuika and settled or lived at Ahea. No children and Huaikaaba was killed. Taupongi married Utuika and settled at Ahea. Gakea elder brother was killed and Taupongi married a second wife Mangienga. Taupongi adopted Sauhonu father of plaintiff and take care for his lands. I am the son of Taupongi born by mum Mangienga at Hangemangama.

Taupongi died, Mangienga widow. We didn't live at the place of Taupongi but the land of Gakei at Pouono. We had a house at Pouono built by Tepuke of Tangomata. Mangienga and Tepuke were related in line. This, he helped us. We planted coconuts, banana and gardening at Pouono.

At one stage we were there when the news said people who came from Rennell were killed. We were at Pouono that night.

At Pouono Topue father of D came and married Mangienga. We went out and lived at the place of Topue who now married our mother. We lived at Hangemangama, Hatana and Tebolaghi, lands of D's father. Topue looked after the lands of Sauhonu and me because he married our mother. Our lands fallow gardens, bush settlements, bush, nut trees (Gemungi) baka or (Ghaimenga). Topue looked after them for us.

5.pm.

Adjourn for 1.30 pm 6/10/88

6/10/88 - 1.30pm

Parties attend.

PW1 continues

We lived with Topue and when tribal wars broke up we went and settled at Topue's bush settlement, at Bia road while at Bia road we attended and collected food at the Maunga road. i.e nut, wild yam etc. We got 3 wells of water at Maunga. Ngakei named them Nakau Kumete. Tepune at the eastern direction of the Maunga road. This was or is not of the Sa'apai tribe. A mountain is between Maunga and Tepune named, Teongo Tanahu. The boundary of the Hangekumi tribe and Sa'apai.

We were at Hangetapu at one time we came back to Hangemangama in 1938 when christianity came to the island D's father built a church building. We worshipped in this church. Finally Mangienga died. Later Topue married to Tengongomasi.

The Maunga road at one stage attended by Joseph of Sengena and brushed it. From Gikobaka tribe D's father argued with him. Matter reported; to church leaders. Bangakaugna witness to Topue said, Maunga road is of the Hangekumi tribe and none others. Missionary Gera ruled Topue won the case. Topue won on the name Hangekumi tribe. Witness did not say Maunga road of Topue but of the Hangekumi people.

However, if Maunga road is disputed by the Hangekumi tribe itself, one who owned our HQ the right owner. Our history, knowledge was what Bangakaugna had said in the

enquiry referred.

Our family Hangekumi know our respective lands. Now we dispute ownership between ourselves and we got different believe.

In the olden days. both male and female got access to the Maunga road and collected food. Now as we dispute, D. side claimed to be a tambu place. they would like to apply the highly restricted tambu at Gabenga and Oa.

Gabenga was restricted to people because of the two stones god brought and set up at Gabenga. West Bellona did not collect at Gabenga. Gabenga not entitled to any place at West Bellona. Takiika claimed it when christianity ended the tambu.

Oa was a tambu place 'cos of the grave of Tupaukiu. East Bellona not collected food at Oa. None at east Bellona entitled for the ownership of Oa. Christianity ended this tambu and taken by Tongaka.

In the case of Maunga, the road of Taupongi and of the Hnagekumi tribe. We got things we had used in the old days. Saueha looked after Maunga road for Gakei after Sagoihenua was killed. Thus Taupongi looked after the said road for Sauhonu. Taupongi died and Topue looked after it for Sauhonu.

Moah did not free the Maunga road. Customary in our tribe i.e. Hangekumi, the first son got married and got their sons, if they were killed and left their sons behind, the younger sons looked after them.

The brothers of Sangoihenua were looked after by Maungu. These brothers grew up and owned their respective lands where Maungu had taken care.

The brothers of Gakei, their lands looked after by Saueha. These brothers attended their manhood state and owned their lands looked after by Saueha. Topue looked after our lands i.e Sauhonu and me.

We grew up, Topue gave back some of our lands others he still got them. Our lands he had taken from Sauhonu Maunga road and Pouono. Ahea is mind. These areas of land located in one place.

Pouono of Sauhonu father of the complainant, at the west end. Ubea of Topue in the centre and Ahea mind east end. These 3 blocks of land Topue got them all, right to the middle road at Maungu. Topue divided my land at Ahea into two places and named them Ahea and Kepumasi. I settled at my land at the southern side. He came over and took Tangakitai. We disputed it in court I won and took back my land. I asked Sauhonu to try and get one from his lands taken by Topue. Sauhonu said I am thinking of him because he is the one who had adopted me. I suggested if not just asked him to give you one or ask him if you could divide the Maunga road because quite big.

Sauhonu asked him and refused so dispute began. Sauhonu said, I leave it for our sons seeing they are cousin brothers in line. They might settle it peacefully than us.

It had been told to me by Kumigau that Topue said, these people i.e Sauhonu and me murmured against me about their lands that I had taken them. Topue said according to the story yes, their fathers but they were my brothers.

To me his comment used to take our lands by force but inherit them from his brothers. My reply is, provided his brothers had no son, or he would only causing trouble.

The sons of Topue who is the D. and son of Sauhonu who is the plaintiff did not settle what had been thought of by Sauhonu that they would settle it peacefully because they are one line.

We heard about a book written by D and his father containing the stories of Ahea and

Maunga and said they inherited them from Huaikaaba. Huaikaaba son of Sangoihenua whom we descended from being the first son. Ahea taken by Taupongi because Huaikaaba had no son.

Maunga not the road of Huaikaaba. We heard about the book Wilson wrote to D if they could divide the Maunga road. No reply. Matter reported to the chiefs. Plaintiff and dad suggested to divide Maunga road. D & his dad refused.

Matter reported for a proper hearing by the chiefs. On 6/5/89 hearing conducted.

Hearing adjourned. Resumed again two chiefs entertained by the witness of D. witness Temasi chief Joel announced the decision. Before that he told us we are one family and explained how difficulty it is to deal with family affairs.

The said Joel announced Pouono inherited by Topue from his father Saueha Joel based on a statement by a woman Paieke to be at Pouono. It was meant to Tamana. Joel said Maunga road a tambu place. Hangekumi claimed it but not used it. Until Xianity Topue brushed it, farmed and Topue inherited from the devils, said Joel.

Plaintiff announced not satisfied at the ruling and takes it to the local court.

Break for 10 minutes

Resume 2.55 p.m

Statement read for correction purposes.

Correction

Tangosia attended Hangekumi and cut down coconuts.

Puipuihenua attended Pouono and damaged bananas etc.

Bangakaunga served as witness for Topue at the time of Gera, his son Temasi now on witness for D. and his dad in this case.

Correction read & confirmed.

Paunga.

CXM BY D

Q. When devil Sikingimoemoe shored at Maunga, was the road at Maunga became a tambu place?

A. That was a story, different from the story of Gabenga.

Q. Was the Maunga road a tambu place or not?

A. Not a tambu place because we collected food or got accessed to it.

Q. Why then missionary Niuhua attended the road and freed the devil there?

A. If it was a tambu place, one who accompanied the missionary would claim it. Only attended sang songs came back. No one claims it.

Q. What do you mean when the missionary attended at the cave and sang songs?

A. He was told of the story when sikingimoemoe shared at that place.

Q. Was there any fallow garden of our tribe at the Maunga road.

- A. Their fallow gardens in the inland of the road but in the farming areas.
- Q. Why not farmed at the Maunga road seeing you said not a tambu place?
- A. We only used the areas below because lots of farming area there.
- Q. Why did Sangoihenua farm at the inland at Maunga road if we had enough farming areas below?
- A. The areas near the mountains they had lived but Maunga road quite far from them.
- Q. Where is our tohi at the Maunga road?
- A. The Tohi of Tebai O Tepuke and Tengukungaiho.
- Q. Who owned them?
- A. Those who owned the HQ at Hangekumi.
- Q. Who told you our boundary to Sa'apai is Teongotanahu.
- A. I brought up and know it.
- Q. Why did Gakei change the Tetungu to Tekaukumete?
- A. He preferred the later a good name.
- Q. Did you and plaintiff ever farm at the Maunga road since, 1938?
- A. No, because you took it and now we claimed it.
- Q. Did dad tell Joseph that Maunga road of Sauhonu?
- A. No, because he had intended to own it for himself.
- Q. You claimed Maunga road when Bangakaunga said the road of the Hangekumi tribe?
- A. He knew who is our tribe is the right one to own the road.
- Q. Are the ones who owned our HQ at Hangekumi the only people entitled for that tribe?
- A. No, all of us but only the one who owned the HQ is the owner of the road
- Q. Can we based our claim on Hangekumi if we dispute Tangomanganga to any other tribe?
- A. Based in our history but owned by one from our tribe.
- Q. Who from you, and your two sisters born at Pouono if you claimed, the land of Gakei?
- A. No, like other of our lands, we were not born there but it doesn't mean not our land.
- Q. Where were your coconuts claimed to be planted at Pouono?
- A. Others being cut down by your dad uprooted 2 and planted them at Hangemangama

- Q. Who told you Pouono your land i.e the one you serve in this case.
- A. If Puipuihenua attended and caused damage to the property of Sangoihenua, it is obvious, our. The fact that Sangoihenua settled in it justified to be ours.
- Q. but can you name the one who told you your land?
- A. But remember our first person Sangoihenua owned it and again it is obvious our land.
- Q. How many lands of Gakei given by Sangoihenua?
- A. Three, Hangekumi, Tausukea and Pouono.

Break for 10 minutes

Resume 4.30 pm

- Q. Sauhonu owns Mataubea now, who gave this land to Gakei father of Sauhonu?
- A. Mataubea land of Tangitonga his brother Atikake argued with Tangitonga about and Gakei asked Tangitonga to own Tausukea and he owned Mataubea. Tangitonga killed Teika uncle of Gakei so Gakei took this land Mataubea back and owned it.
- Q. Why did Gakei allow Tausukea an area of land limited in its area to the HQ at Hangekumi?
- A. That was all up to Gakei and that was his choice.
- Q. Who told you it was at Pouono Puipuihenua attended and damaged properties in that land?
- A. I had asked Tesua'anga and she told me the story.
- Q. Did Tesua'anga tell you the land of Sangoihenua?
- A. Yes, she did.
- Q. How many mouths of Saueha had?
- A. Only one.
- Q. Why did he say to dad it was his land and to Tesua'anga the land of Sangoihenua?
- A. Yours only invented to suit this case. Tesua'anga told me the truth. She was not aware of such dispute as in this case and therefore she was honest to say the land of Sangoihenua.
- Q. Do you think dad doesn't know his real land which in this case, Pouono land?
- A. He intends to claim Pouono like he did to Tangakitai.
- Q. Do you know because Saueha told dad it was at Pouono the woman Paieke made her joke about it?
- A. It is not, it was referred to Tamana not Pouono.

- Q. Why do you denied what dad has told me, the one i.e dad who had lived with and assisted his father Saueha?
- A. Because all his stories invented when we argued over lands.
- Q. Dad helped his father in his works at Pouono like gardening, housing etc, whom did you assist in your side at any work carried out at Pouono?
- A. Your activities happened after Sangoihenua but it was Sangoihenua who had owned and used Pouono.
- Q. Did you see all activities carried out by Sangoihenua at Pouono as you claimed.
- A. No.
- Q. Did you see any activities by Gakei at Pouono?
- A. I was born the year Gakei was killed?
- Q. If you are not, why do you denied the story related by Saueha to dad then to me.
- A. We know in our history your dad not owned Pouono, only now he claims as his land.
- Q. Who first from dad and his father Saueha who had used Pouono?
- A. The lands of Gakei were kept or looked after by Saueha and therefore he used them included Pouono.
- Q. Why did Gakei give rewards to Saueha for looking after his lands being named today and at that time Saueha was still at Pouno or owned it?
- A. The lands of Gakei kept or looked after by Saueha, he gave them back.
- Q. You claimed the one who owned the HQ was the owner of the whole big bush is that included the tambu at Maunga road?
- A. From Bia to the Tepune boundary.
- Q. Why did Saueha bother to take care of the Maunga road for Gakei is that applied to tambu places?
- A. It was not tambu that I mean the Gemungi, Ghaimanga etc.
- Q. How many canoes Gakei cut at the bush at Maunga road?
- A. No, only at Bia near their settlements. Lots at Bia road and not bother to go over to the ones at Maunga road.
- Q. You claimed Ubea and Ahea at the farming or gardening areas, and then what was the name(s) of the rest of the road?
- A. The Maunga road only bush settlements got names.
- Q. Dad re-named Maunga road, Ghaimenga. Did you side name any name to that road?
- A. The name Ghaimenga a new name after your dad took it from Sauhonu, but our old name to the area was Tengukuangaiho.

- Q. Why didn't we use the area named Tengukuagaiho?
- A. That name was a name referred to the road at Maunga road.
- Q. You claimed gardens, houses at Pouono, are you claiming what dad had on that land?
- A. No, that, ours. Topue not yet married Mangienga.
- Q. Why not my grand mother Matanga'a not buried at Pouono?
- A. Sauhonu allowed to be buried in that area where Tebaipua had cleared up for her settlement.
- Q. What revenge of the damage happened at Pouono, as Solomon destroyed some pandanus at Hangekumi and dad attended at Hangekumi of Solomon?
- A. Sauhonu cut his coconuts i.e of Kaipua who had cut ours at Pouono.
- Q. Why dad denied your planting of coconuts at Pouono?
- A. We are now disputing the land. He tries to deny our stories.

No further questions.

.30 p.m

Adjourn for 1.00 pm tomorrow 7/10/88 - E. Muna.

Resume 8/10/88 1 p.m

PW1. attends

D. not attend

CXM by CT.

- Q. How many sub-groups to Hangekumi tribe you know?
- A. 3, Tongaba, Ubea and then Patonu
- Q. Di's father from which sub-group?
- A. He is of Hangekumi, descendant from the youngest brother.
- Q. Was there any person from Tongaba. Ubea and Patonu who looked after any of your land for you?
- A. No
- Q. How old were you and Sauhonu in 1938?
- A. Teenage (Bangoka)
- Q. If Maunga was not a tambu place what does it mean when Sikingimoemoe swan and shored at Maunga?
- A. It was a story he had shored at Maunga but our tribe got access to this road. It was not a tambu place to us.

- Q. Who led Niuhua the missionary to the spot regarded as the tambu area.
- A. Mangie and at the closing of the singing Niuhua asked as who owned this land and Mangie said, of Sauhonu.
- Q. Was Topue the only old man left in your tribe as you alleged the only one who looked after your lands and Sauhonu?
- A. There were other two, Atikake and Bangakaunga. But Topue looked after ours because he had married our mother.
- Q. Before missionary Niuhua in 1938 freed this tambu road, who from your two sides got access to this road?
- A. All of us i.e both D's side and our side.
- Q. Have you got any bush settlement, coconuts at the Maunga road?
- A. We got access both sides to trees naturally grow in that big bush, not until D's father took it from us, he did farm in that road.
- Q. Would it be unfair to you if Topue who had looked after your land gave you and Sauhonu any lands and then to his son D some?
- A. It is unfair because he has taken alot of our lands he had looked after.
- Q. How many times or how long your had been settled at Pouono?
- A. We settled at Pouono up to 1938 when christianity came to us.
- Q. The brothers of Topue were died except himself, don't you think he got all the right to own any of the lands his brothers had owned.
- A. It was our custom that whoever looked after our lands should be surrendered to the one who is entitled to. D's father took our lands from his own will.
- D. arrives - 1.30
- Q. Why did you dislike the D's father, is it because of land problem or is it because he is from the youngest of the family?
- A. Because of land dispute.
- Q. Where about then the tambu area at the Maunga road?
- A. No any area regarded as a tambu place.

No further questions.

Plaintiff case close.

D.S.O.B. Morris Saueha

Taupongi, came from Ghogau. There were 3 tribes had owned lands from. Taupongi. He owned lands from Tanguao his uncle. He owned lands from Temangu'ungua of Nikatemono tribe because he had married his daughter Hakamangutango. He also owned lands from the tribe called "Tehagetaane". It was Tebakatoa of this tribe who had given him lands on the ground that Tebakatoa married Tehau daughter of Taupongi. The disputed areas in this case were owned by the Tehangeta'ane beginning at Tabangaba to - Baisapini area.

I would relate myself in regard to my land at Pouono then to the tambu place at the Maunga road.

It was Tehange ta'ane who owned originally these areas. Because Tebakatoa of Tehangeta'ane married Tehau daughter of Taupongi the title transferred to Taupongi.

Taupongi the founder of our tribe Hangekumi. Teasoika the elder in the family of Taupongi. Muia and Teikangongo. When Taupongi was killed his children only kids. The people of Agohi came and took Teikangongo their relative (Taupengea) Muia settled with Tehangeta'ane where his sister Tehau had married to. Muia attended his state of manhood, returned and settled at our main HQ at Hangekumi. He was later killed having no son. Teikagongo also attended his manhood state he went west direction and settled at Tongaba land of Tongo tribe. He got his children or sons namely, Angikitangia, Agongua and Saugongo.

Angikitangia attended his manhood state but later died at sea. His dad mourned over him in seven years. Agongua got a son named Taukiu. Teikangongo was invited to see the born child. Teikangongo asked for the child to be regarded the son of his son Angikitangia who died without any son.

Taukiu attended his manhood state went and settled at Patonu. He got his children in which Saueha the elder son attended his manhood state came back and settled at our HQ at Hangekumi. Saueha got children and Tehaibakiu his elder son. Then others Semua and Banini and Tengaukatoa from others of his wives. Family lived together and being attended their manhood state he divided or shared his lands among them. That was the first time ever for the lands of our tribe to be divided and owned respectively. The elder Tehaibakiu got six lands. Semua got two, Tengaukatoa got two. When Tehaibakiu and his son Kaipua were killed, Semua took over the ownership of his brother's land and in addition to his, owned eight lands. Semua got four sons namely, Sangoihenua, Tehaibakiu, Saueha and Bahenua. The sons attended their manhood state and their father shared his lands among them.

Sangoihenua owned six lands namely, Hongakaba, Tapakohe, Abauta, Mataubea, Hangekumi and Tausukea. Semua gave Saueha two namely Pouono in dispute and Ubea. After the distribution of the lands and later Semua boarded a ship to Australia. Asked how about his sons, replied they were now mature. After years news brought home Semua died. If we are liar we would have changed what Semua had decided for his sons, so that we could claim 3 or 4 lands. But Semua said to his son Sangoihenua, you got six lands. The descendants of the family reached the plaintiff still owned six lands.

Semua to Saueha said, you got only two lands. Reaching me I still own two lands.

Pouono disputed, the permanent settlements of Saueha and Ubea land. Farmed and housed the land. Sangoihenua still alive at that time.

Pouono a place where Saueha learnt how to build house. He built his entrance at Pouono made a joke to it by a woman named Paieke.

These all happened when Sangoihenua was still alive. Dad attended his manhood state and worked with his dad at Pouono. farmed and built houses. Lots they had done that place. Gakei was present.

In 1938, christianity arrived on the island i.e. bellona. Since that year, dad built 3 houses at Pouono. Did alot of farming in that land, friends asked and made gardens at Pouono. Sauhonu father of the complainant present. I grew up assisted dad in his works at Pouono. In 1972 I built my house between Ubea and Pouono. In 1973 built another at Pouono. that would be two. The plaintiff infact assisted me in all I did at Pouono.

In 1987 we got difference between us and that was then he has claimed as his land.

Matter reported to custom elders Kaitu'u and R. Puia. No settlement reached. Wilson brought the matter to the custom chiefs. Joel and Javin he had called to hear the case. Kaitu'u and R. Puia assisted. Chiefs decision or judgment for me. He takes further dealing of the case before this court. This is my story concerning Pouono land. I would talk on the Maunga road. The said road regarded as a tambu place to Sikingimoemoe.

Since Taupongi owned that area from Tehange ta'ane to 1938, none from our tribe farmed in that road. No one without proper custom dress allowed into this place.

Saueha also got cursed. Maungaohiti one of our bases of the Kaitu'u clan. Far from Maunga road when dad attended his manhood state in the olden days he liked to brush it. He offered a custom ceremony called (Taumangoika) the entrance of Temaungaohiti then brushed it. He was cursed with a boil on his leg. He left the place untouched. In 1938, christianity arrived missionaries started to free all tambu places on the island.

A group led by one of the missionaries named, Niuhua followed the Maunga road. Arrived at the tambu and prayed. Went further down to the seashore hang picture of Jesus, sang songs and prayed. Returned when this tambu place declared free, both my father and of the plaintiff not attended. Mangie, Bangakaunga and Temasi with the others attended.

Story told to dad and dad said my area. After that dad went and put sign in all that areas. In 1948 dad farmed in that road. In 1950 Joseph attended and brushed east side of the Maunga road. Dad disturbed him. It happened several times. Enquiry finally held by a missionary Gera and dad won the case. In that hearing dad claimed the tambu of Hangekumi tribe. Dad stated our people who got cursed on that area. These what had made dad to win his case.

In 1958 dad brushed it again and made his garden but left it when his son died in that year. No one touch it and in 1964 dad again attended the area and brushed the inland of the road. He farmed his garden banana and named the area Ghaimenga.

From 1965 - 1968 dad farmed in that road.

In 1973 I grew up and helped dad in all his works in that place up to 1978.

Dad and I in 1978 made two gardens at the east side of the said road. That were our gardens alleged by the plaintiff that Tepuke attended and argued. No dad but me we argued. Sauhonu stood there. If Sauhonu knew his lands he would interrupt us but he did not. Lots argued with dad about the road but not Sauhonu.

Canoes allowed by dad to friends and cut at that road. Dad now too old. I had allowed Pungeingoto and cut his canoe in that area. I allowed Tanguika and cut his canoe in that road. Sauhonu father of complainant asked me about a tree (Ghaimenga) and I allowed him and plaintiff cut it for their canoe. Nut trees (Ghemungi) we got access to that road not from before but at these days in time we used them not plaintiff and his side. For all I have mentioned carried out by us at this road no one disturbed us.

Plaintiff and his witness claim whoever at our HQ. owns the bush. That is not true.

They were referring to the areas of the six lands of Sangoihenua but claimed and extend it to cover the Maunga road but this is wrong and false.

Plaintiff side claims Sangoihenua had borrowed the dove of Puipuihenua to destroyed property of Sangoihenua at Pouono. This is not true. The area attended and caused damage was Hangekumi of Sangoihenua who owned the land caused the death of the dove, but Pouono of Saueha.

Also claimed Sauhonu planted coconuts at Pouono but damaged by Kaipu. This is not true. Dad surprised when heard this story. Sauhonu received coconuts from his uncle Taika. He did not plant them, dad did that at Hangekumi and dad took 3 planted at

Hangemangama. This is the story but changed by the plaintiff and his witness.

Also claim Sangoihenua gave praise at Pouono when won his victory from enemy believing his land. This is not true. Pouono land of Saueha. Puipuihenua killed Maungu and gave praise of victory not conducted at there HQ but side land from their HQ.

Brothers of Sangoihenua displeased about it. At the death of Puipuihenua our people gave praise not at our HQ but at Puono land of Saueha.

PW1 claims born at Hangemangamia. Sauhonu born at Hangekumi. PW1 born at Tehakaihonga not our land. Tosoika at Tangakitai Lokoika at Tangakitai but Taupongi died already. Dad married Mangienga, Moeangoha born at Hangemangama. PW1 claimed name Kau Kumete named by Gakei. Not true. It was named by Saueha. Saueha named it because of the three water wells.

PW1 claimed or based his belief on the evidence of Bangakaunga in the enquiry before Gera who said Bangakaunga based his evidence on our tribe name, the name is our name. It does not include us. Our nickname but our lands were divided respectively and owned but Maunga road was a tambu place. This is the end of my story regarding my knowledge about our history I relate.

Break 10 minutes 3.10 pm.

Resume 3.25 pm

Statement read for corrections purposes.

D. confirmed.

Morries Saueha

CXM by Plaintiff

- Q. Traditionally our tribe was a hated tribe. One married, killed, younger married the widow and cared for the lands of the little sons, do you believe your dad looked after the lands of my father?
- A. Yes but his only 3 lands he had given back.
- Q. What about other lands apart from Hangekumi did your father say to my dad to come back and settle on them or else he would give give them away?
- A. The 3 places, Hangekumi, Tausukea and Mataubea.
- Q. Why did you deny the activities carried out by Sangoihenua, Mangienga and her sons at Pouono?
- A. Because from Semua - Saueha - dad and me had witnessed all activities carried out at Pouono only our side.
- Q. Where was your dad when Mangienga and her sons lived at Pouono before he married mangienga?
- A. Mangienga and sons not at Pouono at those time.
- Q. Why did I claim Pouono within the areas of land namely, Ahea, Ubea and Hangetapu located in one area?
- A. You just want to claim it because you displeased at me.

- Q. Did I claim it for nothing?
- A. You based your claim what had been happened at Hangekumi not at Pouono.
- Q. If you claimed the joke made by Paieke to the road at Tamana because it was long, how do you expect or claim to be referred to Pouono which road is only a short distance.
- A. It is long
- Q. Why the road at Tamana brought down to Hongahenua seeing Tamana was a good settlement?
- A. Maungu feared of the problem of toothache often occurred at Tamana.
- Q. Whose sons were Bangakaunga and Topue your dad?
- A. Sons of Saueha.
- Q. Why Bangakaunga owned one area from all the lands started at Ubea, Ahea then to the whole of Hangemangama seeing he was also the son of Saueha?
- A. Tamasi son of Bangakaunga owned 3 and Susan next son owned 2.
- Q. If Semua gave only 2 lands to saueha why did you own more than that now?
- A. I only mentioned the 2 lands at the area disputed.
- Q. Why Tangei and me same in our sketch map in claiming the Maunga road?
- A. Not the same
- Q. You based your story on Saueha, were not the same stories you argued over the case of Tangakitai and Ahea?
- A. Tangakitai land of Paunga but dad claimed it when he took my dad's land at Kagua.
- Q. HOW do you expect dad to do something at the time of Saueha, didn't you know because he was only a little boy at that time?
- A. I did not refer to your dad. I referred to Gakei at the time of Saueha and to your dad at the time of dad.
- Q. Do you know too that dad is highly respecting your father?
- A. If he is, we would not dispute in this case.
- Q. Why didn't dad dispute you and your dad before?
- A. He thinks about dad but probably asked you to dispute us.
- Break 15 minutes 4.30p.m
- E. Muna
- Resume 4.45 pm
- Q. Who inherited lands from the tribes you mentioned from your side and ours?
- A. Our families respectively owned the lands given by the tribes I mentioned.

- Q. Where were the lands we owned from Tanguao?
- A. Tangomanganga where you are etc. I know but forget the names.
- Q. Do you know because dad respects your dad in that he gave him part of Tangomanganga?
- A. You based your belief on your own invented story.
- Q. But why did dad own big area at Tangomanganga but only a little area your dad?
- A. Our story is different. Actually it was dad who gave your father Tangomanganga.
- Q. Is it true your dad asked dad to give him part of Tangomanganga to live there.
- A. Dad who adopted your dad's said his land.
- Q. Do you know because there are other areas of land of our tribe kept or looked after by your father insisted to give but in court transferred to the right owners?
- A. At Tangakitai dad claimed it when Paunga claimed his land at Kangua, Hangetapu won by Baitoko from me, your dad wrote me this letter and said he should serve as my witness knowing Baitoko not the right owner.
- Q. Did dad in his letter said Baitoko should not argue or based his argument on Sangoihenua but rather we are i.e my side?
- A. Your dad believed Hangetapu the land of Saueha otherwise I would not need him as my witness.
- Q. Do you believe the coconuts you referred to today in your statement were from the time of Taika or the ones at the time when Mangienga lived at Pouono?
- A. No coconuts at Pouono before. The ones I referred when christianity came and that after 1938.
- Q. Why in your question to my witness asked, where about revenge took place when property at Pouono were damaged?
- A. Dad told me the coconuts brought by your father from his uncle Taika were planted at Hangekumi not Pouono.
- Q. Why did Bangakaunga say the road at Maunga of Hangekumi and not Topue?
- A. The name of our HQ covers all our land but we owned them respectively.
- Q. Who should be recognised or identified from Hangekumi owner of the road if we refer to the statement of Bangakaunga?
- A. My father who first claim the tambu.

5.30 pm.

Adjourn for Mon 10/10/88 7.30 a.m

E. Muna

Resume 10/10/88 7.30 am

Parties attend

Q. continues

Q. You denied all been said in regard to Mangienga who had been at Pouono with her sons i.e my witness and dad, do you know because when this said Mangienga died her sons mentioned attended their teenage?

A. My father explained the said Mangienga married by Gakei and settled at Hangekumi, then by Taupongi married her and settled at Tangakitai, husband killed, dad married her and it was at Tangakitai dad went and got her from.

Q. Were the times the 3 husbands of the said Mangienga were long period or not?

A. The periods were long but when each married Mangienga lived at their own respective places but concerning Pouono, its of dad.

Q. You have said only Saueha who used the Maunga road, is it true?

A. I did not in my statement say Saueha use the Maunga road?

Q. Do you know because in your statement stated Saueha had named the well Tekau Kumete after all these wells at the said road. Wasn't that having access to the tambu?

A. It was only his name to the well but not for any of his settlement on the road etc.

Q. Why were the well Kau Kumete being used if they were in that tambu place?

A. Only the wells at Kangi and Tungiapou were commonly used, regarding the one at Maunga while it was also used but not as common as the ones mentioned.

Q. Why then used the well seeing you strongly uphold it was i.e (Maunga road) a tambu place?

A. Light activities like collecting of food, nuts, wild yam were not bound in getting access to in most of all tambu places on the island.

Q. Why not your father being mentioned after the service by Niuhua but the name of my father?

A. You cannot prove the name of your father was the name mentioned, but my father's name was mentioned. Dad attended later, put signs continue his work in that road ever since. It was Mangie who attended the service and told dad.

Q. Why did Mangie after the service tell your dad who is known only to look after land for my dad.

A. The lands of your father were kept by dad and when attended his state of manhood, he handed them back, but the disputed lands in this case are of dad.

Q. Do you know your argument with Tepuke Baiango not concern the Maunga road but because you extended your boundary to the land of Sa'apai tribe?

A. Not true, dad and I not extend our boundary. The tambu and free respective areas were known in that area.

- Q. What had caused your argument?
- A. In that area. We explained him the end of the tambu was where we had reached.
- Q. Why Tupeuhi and your dad argued in that area?
- A. Never known any argument from dad and Tupeuhi in that area.
- Q. Bia and Kogomea roads respectively owned by two families from our tribe to reach the sea side, why did dad only own the sea side and you claim the rest of the road?
- A. It was dad who gave your father that area.
- Q. Do you know because your father stated in his case against Mala that the area where he is now residing of Sangoihenua?
- A. That bush extended only to reach Tausukea not Maunga road, tambu place.
- Q. It is a common knowledge in our clan that a particular place is of such clan but the owner is a subtribe in that clan. In the same, who is known in our tribe as of Hangekumi your father or mind?
- A. Your dad, but for our whole tribe. Argument between two tribes.

No further questions

CXM by Court

- Q. Who was the last person from your tribe to be killed?
- A. Atikake.
- Q. Was your tribe at the time of Atikake got access to collecting fruits, nuts, cutting canoe at the Maunga road?
- A. Only for food.
- Q. Where is the beginning and ending of the Maunga road i.e road?
- A. Seaside to the gardening area.
- Q. Who owned Tengukuangaiho bush settlement from you and Wilson?
- A. The bush settlement of Sa'apai tribe not our tribe.
- Q. Who divided the lands of your tribe?
- A. Saueha first to divide our lands.
- Q. Was there any dispute among your family tribe after the distribution of the lands?
- A. No, only this new generation i.e me and Wilson.
- Q. At the time of your father claimed to be the caretaker of the lands to the father of the plaintiff and witness, any other oldman apart from your dad from your tribe who survived at that time?
- A. Bangakaunga and Atikake

Q. What is the relationship of your two fathers?

A. Father and son

Q. Why the Maunga road regarded as a tambu, covered the whole road?

A. It was known on the island and our tribe the whole road as I explained earlier was a tambu place or road.

Q. Who first brushed all gardening area at that road?

A. Dad

Q. Who settled at Pouono in year 1938?

A. Dad

Q. Who disputed you from your tribe when you allowed Tanguika to cut the nut tree (genungi) for his canoe?

A. None

Q. Did the other party aware you allowed that tree?

A. Yes.

CXM by Court - To Plaintiff

Q. Do you aware of it?

A. No, we were not aware it was a nut tree (gemungi)

Q. How do you prove the Mauga road was a tambu place?

A. Commonly used by our tribe.

No further questions

Adjourn for 15 minutes - E. Muna

Resume

DW 1 SOB. Temasi

Both parties in this case or even our tribe Hangekumi, our tribe was a subtribe to Ghogau. It was Sangoihenua who at Ghogau, his sons were Teugutiange and Taupongi. Tia'ange the wife, her sons were Teugutiange and Taupongi. As both attended their state of manhood Taupongi went away and left Teungutiange.

Tabangaba the gardening area and above Taupongi made his settlement at Hangekumi. He stayed with his relatives (Taupengea) Huaigupe tribe. East and were Tehangeta'ane disputed area reach Baisapingi.

Taupongi married Hakamangutango an got children. He also married Sungupua of Agohi. Sons of wife Hakamagutango were Muia and Teasoika. Daughters were Teangopaa and Tehaua.

Bakaatoa married Tehauu and Teangopaa married Tesui of Tanga tribe.

Tebakatoa gave their lands at the northern side to Taupongi. Sungupua's son was Teikangongo. Teikangongo still a little boy.

Sungupua took her son Teikangongo to Agohi and nursed her son there while Hakamangutango with her sons to her people of Huaigupe tribe.

These brothers attended their manhood state. Muia settled at Hangekumi and Teikangongo at Tongaba.

Teikagongo married Kaika and got 3 sons, Angikitangia, Angogua and Saungongo. Muia had no son.

Sons of Teikangongo attended their manhood state and that made Teikangongo and Muia to be together in relationship. As time went by Angogua and Angikitangia went with Nausu to Rennell but Angikitangia and Muia died. Teikangongo mourned Angogua married Kingima'a and a son named Taukiu born. Teikangongo was invited to see the child. Explained why he wanted him to come and see the child. Teikangongo named the child Taukiu be the son of his son Angikitangia.

Taukiu later at his manhood married Mauhenua of Nukuitua and a son born named Saueha. Saueha attended his state of manhood, told his father he would come and brush Hangekumi and decided to start it again the ended tribe. He settled there married Telanga of Tebaipuke. Got a son Tehaibakiu. The son attended his manhood state but killed. That left Semua.

Semua married Katongoa of Agohi. His children were Sangoihenua, Tehaibakiu and Saueha.

That was when Semua divided the lands of Hangekumi.

Semua gave six for Sangoihenua namely Hangekumi with two small areas at its side Tausukea and mataubea, Tapakohe, Abauta & Hongaubea.

Semua owned them but now gave them to his son Sangoihenua. Saueha given 2. Pouono and Ubea - reach the tambu at the Maunga road.

Sangoihenua married kamanga and Taukamua. His sons were Atikake and Gakei he gave Atikake Tapakohe, Hongakaba and Abauta.

No land for Tangitonga and Sangoihenua reminded Gakei said, Tangitonga is your brother. You would give him any land. He gave him Tausukea of Sauhonu because it was of Saueha.

Pouono the land of Saueha but Sangoihenua gave praise in that area over his victory by killing Puipuihenua in return of when Maungu was killed by Puipuihenua he gave praise over his victory at an area of land beside their main HQ. Sangoihenua decided to return the same by praising his victory at Pouono beside our main HQ at Hangekumi, otherwise the land was of Saueha.

These lands were given by Saueha to his son Topue D's father. He made his garden banana at Pouono going east to another of his area. Saueha helped him. Teikabengo of Rennell came to Saueha at Pouono.

Saueha looked after Hangekumi for Sauhonu after Gakei was killed. Sometime, Saueha died and Topue married Mangienga.

He brushed Tausukea land for his wife Mangienga. He built a house at Tausukea. Mangienga brought her sons who got sores and kept in this house. Topue looked after Hangekumi and Tausukea for Sauhonu. Since Saueha gave Pouono to his son Topue, he used and settled there till christianity came to Bellona.

Pouono and Ubea got gardening areas above them. Those areas ended to the beginning of the tambu i.e. Maunga road. the tambu road i.e. Maunga started at the seaside to

reach the gardening areas of Topue.

The big bush near Hangekumi, that bush of those who took over the HQ at Hangekumi but Maunga road was a tambu. The names in that bush were Goia, Natebe and Bangika'ango. Those areas owned by those at our HQ i.e. Hangekumi.

Maunga Road was of Sikingimoemoe. For this reason the road has no other name. Got only one name from the beginning to the seaside. This tambu existed and when Moa came, tambu places on the island made free from devil.

One day Niuhua one of the missionaries came and said to us I would like to go and worship at Maunga road. Those who accompanied him were, Mangie, Bangakaunga, Saunga and myself. These were the ones I could remember.

Reaching the middle road Niuhua asked, where is the tambu place. Bangakaunga replied, it started at the seaside up to the gardening area.

Prayer conducted and we went to the seaside. On arrival picture of Jesus hang at the cave. Sang songs, read portion from the bible. Service ended with pray. No one says anything only Bangakaunga cut trees but Niuhua said let's go. We came back and Mangie went to Topue and told him that Maunga road now free. Topue said, my area. Topue later went and put signs all around.

Sauhonu quite a big man but not bother to say anything.

Tengukuangaiho claimed to be of Maunga or Hangekumi. It is not. The area of Tupeuhi. He attended the next and found Taika brushing. Both argued several time. Matter reported to a missionary Gera. Enquiry held at Gongona. Both sides argued. Paul and Bangakaunga involved.

Bangakaunga said our tambu i.e Hangekumi. But this does not mean the one who owned Hangekumi owns it.

Bangakaunga continued and whoever entered after being freed, the owner, in this case Topue.

Our tribe hated. Only we lived at Bia road, not Maunga road. Two years being there when Gakei was killed. Came back when tribal wars declared peace. Atikake killed, we went back to this place. We did not farm at Maunga Road tambu to Sikingimoemoe. It is not true Topue kept this road for Sauhonu. That cannot. It was a tambu place.

Topue got permission from before cutting canoes. To Ngatonga, Mangie, Polyn, Taupongi, Sa'atai and me.

This dispute started by Pw1. Disputed twice D's father in court on land. Three times disputed me about land. Asked Sauhonu to dispute Topue. Sauhonu refused. Asked Wilson and brings up this dispute.

I did not twist the history of our tribe as being alleged. I just explained how we came from Ghogau and to own HQ at Hangekumi.

Our stories told by Semua to Saueha to Topue then to his son, Sauhonu and PW1 adopted by Topue. Never bother to ask him about anything in our history but seeking from others.

Plaintiff believe because thing came through the first son and owned the HQ but we are divided into 3 sub-groups, Nangau, Hangemangama and Hangekumi. This has caused PW1 to stir up all our problems.

We do not take each other's land. Remind the same. End of my statement.

Break 5 minutes

Resume

Statement read again for correction purposes.

DW1 confirmed

B. Temasi

CXM By Plaintiff

- Q. Do you believe Saueha got two lands from Semua?
- A. Yes.
- Q. Who gave you the lands you now owned. Semua or Saueha who owned only two?
- A. The land I lived given by Tengaukatoa because he adopted Saueha.
- Q. Do you believe Topue had looked after the lands of dad?
- A. Yes, but the lands where you owned now.
- Q. Why did I dispute Pouono and not other areas within the same area?
- A. You just want to claim that land.
- Q. Is that the only area near Hangekumi?
- A. Fallow garden there but you just want to claim Pouono of Topue.
- Q. Do you believe our family did not do anything at Pouono before?
- A. Sangoihenua gave praise at Pouono but the land of Saueha father of Topue.
- Q. Was it true Mangienga and her sons PW1 and dad at Pouono when Tangangia of Rennell was killed?
- A. That was at Tausukea not Pouono.
- Q. Is there any course why I dispute Pouono?
- A. Nothing. The incident concerning the dove happened at Tausukea.
- Q. Did you know because D. agreed on coconuts being uprooted at Pouono?
- A. I don't know that incident.
- Q. Why didn't you know it?
- A. No coconuts in our area that time. We planted them in the bush.
- Q. If you alleged PW1 started our land dispute did PW1 success?
- A. You might talk about Tangakitai but that because PW1 got Kangua of Saueha given for his daughter Teotaika.
- Q. Do you know because in your comment in the past you said if D. refused to take matter before chiefs and if in court the truth would reveal?

- A. I did not say that.
- Q. Any other road to the sea side on the island to the inland?
- A. Yes one, bulumutu etc.
- Q. Any other activities carried out in the Maunga road?
- A. Collecting fruit nuts but not brushing.
- Q. Do you think we were happy when Topue allowed people to cut canoe at Maunga?
- A. But your father took part or helped out but not argued with topue.
- Q. How many argument happened at Maunga?
- A. Not until Topue and Tupeuhi Sauhonu was there.
- Q. Do you know D. and Tepuke also argued in that areas?
- A. I know that.
- Q. You said only one argument, now you said two, how?
- A. I only know Topue and Tupeuhi and heard about of D & Tepuke.
- Q. Why people of Hangekumi are there but Topue who looked after our lands argued?
- A. He argued it as his land not for Sauhonu.
- Q. Why did people get access to collect food at Maunga road.
- A. People on their own wish but some got curse.
- Q. Every old people of Hangekumi know our story, why in the enquiry your dad said, the road of Hangekumi if we did not own it before?
- A. Because two tribes argued i.e Hangekumi and Gikobaka.
- Q. Why not in that enquiry said the road of Topue but rather Hangekumi?
- A. Again the argument between two tribes.
- Q. Who owned Hangekumi from dad and Topue?
- A. Your dad but doesn't guarantee your father to own all lands of the tribe Hangekumi.

No further questions.

CXM by Court

- Q. Looking after lands for others was that practised by any other tribes on the island or only your tribe?
- A. Common practise in other tribes on the island.
- Q. Do you know Pouono being looked after by Topue for Sauhonu?

- A. No.
- Q. How about Maunga road?
- A. You cannot look after tambu place.
- Q. Whom did Semua give Pouono for?
- A. Saueha, father of Topue.
- Q. Pouono of Topue, who owned other areas at the eastern end of Pouono.
- A. The areas extended east owned by Saueha.
- Q. Who owned those areas like Ahea, Ubea, Hangetapu?
- A. Topue
- Q. Did you see any coconut planted by the plaintiff side at Pouono?
- A. No.
- Q. Who first brushed the garden areas at Maunga?
- A. Topue
- Q. Why the whole road regarded as a tambu place?
- A. Because the devil Sikingimoemoe owned the whole road.
- Q. Any one from the plaintiff side disputed when D's father allowed others and cut their canoes at Maunga road?
- A. no.
- Q. Who owned between Pouono and Maunga road?
- A. Topue.
- Q. Who owned the seaside spot of the Maunga road?
- A. Of Topue.
- Q. Any other bush in the area of Hangekumi or only that road?
- A. Between Hangekumi and east side of Bia road. This of Hangekumi.
- Q. Who owned the west end of Bia?
- A. Our tribe owned it to reach Mangokuna

No further questions

D. case close

Judgment to deliver at 9.am 11/10/88.