

Name of Land in dispute...BITAKAULA.....

Name of Plaintiff:.....GAMANIEL AUMALEFO OF KOA VILLAGE, WEST KWARA'AE.....

V.

Name of Defendant:.....DICKSON DOLOUSIA OF HUMA VILLAGE.....

D E C R E E

JUDGMENT:

On the 6th June 1995 this Court proceeded and opened for the plaintiff and tribe. The plaintiff had rightly put out his claims as such.

(a) Masia was chased out from Ulukwalo tribe for practice of sourcerer (Kelema) and came to live at Kaole. Thinalau went down to Bitakaula and settled in there. After sometimes Masia (M) Whom they claimed adapted by them followed Ilimalau into Bitakaula dispute land. Which they claimed discover of the disputed land.

The Defendant's claimed borned female to Masia through Kogua son of Masia married Belalitoa (f) female of U'ula.

(b) The point to consider in here is the plaintiffs claimed adopted Masia and the the defendants claimed female blood related to Masia.

(c) Both parties claimed tabu sites in the disputed land in which this Court consider it seriously and take account of witnesses evidences as proofs whether true or not.

(d) This Court when compare evidences by both parties terms defendants more specific and plaintiffs as general.

(2) In survey the selected 4 areas as proofs in line with what had been mentioned in their evidences both (parties)

The first area selected was feratasisi Ulula on arrival there was nothing but both (claimed) into account, their old settlement site nothing much to take. In the second area is the purchased area by late BuJoleonard Alufurai from the defendants which dw2 Henry Kosui mentioned in his witnessing. This area had been purchased in 1963 and they still live and made settlement us here which this Court proofs true. In defence the plaintiff's claims these are some factors which leads to this dispute.

(3) Bitakaula Principal site was the third area of proof against what had been claim (sacrificiaal sites) within this principal site. In the site re plaintiffs showed the entrance of the site and showed the site of (Etea) and shown (Tafurae) which he claimed someone removed the bones. Other of his asites are in Kwa'an and Ngalitoba. The defendant's ran showed their sacrificiaal sites as (1) Skalirimae (2) Skalolabu-ngaimia (3) Skalonimaoma

(4) Skalo Maomakini (5) Tafuræ. The plaintiff claimed this only newly situated sites. The defendant's denied what was mentioned by plaintiffs as entrance of the site was not true as it was the middle of the wallstone they then showed the real entrance and showed the dancing ground.

The sit up according to custom was seen right with the defendant's. In the last area was Kooau site nothing much was seen but the plaintiffs showed the flowers wanted to mark the area which the defendants denied this. This area was claimed to be their area of Mao dance and end of the survey.

This Court was remitted to Local Court for a new fresh case and fresh members. There are lots of Courts which records had been in the files. Example 1935 case 1955 case which were in favour of David Dalousia.

Please note that even though CLAC remitted this case to the Local Court we have no Jurisdiction to change any Decision of Local Courts CLAC and High Court.

This Court can give its decision on this case it does not fall in the Category of page 11 section 19 of Local Courts handbook of 1979. Therefore, according to LC/MD/25 of 27 November 1989 by principal Magistrate (Malaita) rd Chetwyn - This Court up held his ruling as David Dalousia owner of Bitakaula.

DECISION.

Right of Appeal Explained to be made within 90 days.

Expiring date 15/6/95 - 15/9/95.

Signed: Sanga Ofadau

Anthony Ramoi

Beido

L. Kebai C/Clerk (N)

Dated 14/6/95.