

IN THE MALAITA LOCAL COURT

LAND CASE NO: 3 OF 1996 .....

DATE: 21ST APRIL, 1997 .....

SUBEAIANO

Name of Land in Dispute: .....

Name of Plaintiff: 1) JONATHAN RUA OF MAKU VILLAGE, EAST FATALEKA  
2) OLIFOA OF MAKU VILLAGE, EAST FATALEKA .....

Name of Defendant: 1) OLIGA OF KAKA'ANO VILLAGE, WEST FATALEKA  
2) ALFRED KIKI " " " " .....

D E C R E E

JUDGEMENT/COURT FINDINGS

Court finds that Plaintiff Rua claimed Subeaiano is his customary land. His devil Nafoo first settled at Olioli. From then Nafoo established his kingdom. Nafoo was the son of Tooniwane who first settled at Laokafo then went to settle at Akwafali then went to settle at Akwafali then begot four (4) sons one was Nafoo (m).

The 10th generations of Nafoo - Mui lived in Subeaiano land but Mui - Jason Maebiru live in E/Fataleka. That is eleven (11) generation. Rua also denied the new boundary which Oliga cut across his customary land Subeaiano.

2) Court also found that Alfred Kiki and Oliga descended of Buli (Baita) I the brother of Nafoo (m) which they built the male house of AKWAFALI. That Buli begot Olofiau and Nafoo begot Sao.

3) Mr. Rua owned sharks in Kwarea harbour and site for feeding at Taralamoa and fire for sacrifices for Soal of fish (Mamamu fish) in Kwakwale tambu site.

4) Rua also stated his land boundary of the disputed Subea runs from sea up the Kware baita river goes up the river then follows LOMAE river reaches KILU goes down to OLODA river and down the Kware rii river (east) down to ADOKWAI then runs northeast to FANU'ULE then turn west to SUA.

5) Mr. Alfred Kiki the son of Oliga the decree holder of Fuliaku land (who is very old and unable to attend this Court today), told Court that his devil BULL I inhabited FULLIABU land and had his own generations and tambu sites within the disputed land. These generations have their own modes of prayers to the devils of Fuliabu. Fuliabu men and Subeaino men did things together during civil wars and custom feastings (maoma). During those days his tribesmen lived on Fuliabu land they never heard of you in Subeaiano/Fuliabu lands. You never participated on any custom feasting (maoma) worriors (civil wars) or any wedding feasts (Luma'a).

6) Mr Jonathan Rua claimed that Alfred Kiki and father Oliga descended of Basilea who was chased out from Subeailangi tribe and went down to Subeaiano. Mr. Oliga descended of a female line of ALAKABU (f) who married SUTAU of DARISASAO. That the descendants of ALAKABU(f) and nine (9) other tribesmen who lived in Subeaiano land should not own any land within the disputed areas because of the swore which Buli did when argued with GWELLEKATA over their customary lands.

7) Court also found that Rua produced a copy of Local Court case between Oliga Vrs Gua at Gwaunatafu 6/3/73, Gua won the case. Later Oliga appealed to CLAC and won his land SUBEEA/FULLIABU in July 1976. Defendant produced a CLAC Judgement copy Ex I. in this Court Subeaiano land dispute 21/4/97.

8) Court also found that Plaintiff Rua strongly put Defendant Alfred Oliga descended of a woman ALAKABU (f) of BASILEA genealogy who was pushed out or chased out from Subeailangi to live in Subeaiano. In defending the woman ALAKABU defendant Mr. Alfred Kiki Oliga told Court that grandfather MADIOA not married Alakabu(f) but MAOMAI (f) of DARISASAO tribe begot GWANOO(m). Then Madioa killed at Failuma custom feast in GORIKI. MAOMAI took her son GWANOO to DARISASAO to her brother OIMAE. GWANOO married ALAMOA of AFOLOA tribe begot IANIGAO married OROANAFIU (f) of KULAWAI tribe the sister of DUFOOA. Later IANIGAO came back to FULLIABU and started his settlement there.

9) Court finds that PW2, 3 and 4 gave little surprising evidences in Court to Plaintiff's side that PW2 - Alfred Liufasia said that he and Rua are true owners os Subeaiano descended of one devil and offered one sacrificial pigs and lived on one male house and modes of prayer. I denied Oliga and son Alfred Kiki not of Subeaino I also denied the boundary they made on our land Subeaiano.

PW3 - Stephen Seti stated Rua, Liufasia and myself descended of Subeaiano tribe sacrifice one devil modes of prayer and one male house. I denied Oliga not descended of Subeaiano tribe but came out of ALAKABU of Subeailangi tribe. I denied the boundary lines they disputed Oliga and Gua starts Onoue - Lomae river. The lands areas disputed starts at Sasue and ends at Sauke. Then Oliga extending the new boundary which I denied.

PW4 - Dominic Beliga ( the paramount chief) of Subea tribes. He made a repeatation of what the plaintiffs stated in their statements yesterday.

10) DW1 - G. Laumani said he is of Lagwaeilangi this side of Kware Rii river north side and Fuliabu land on other side of Kware Rii river south which Oliga and son Kiki won in CIAC Appeal Case.

DW2 - Sepriano Rifalea of Tawaodo village, strongly stated that Alfred Kiki and father Oliga are from Fuliabu and him from Subeaiano descend of Nafoo the devil of Subeaiano. He inhabited Subeaiano for 17 generations. Fuliabu and Subeaino are two customary lands do things in common feasting maoma civil wars, at beginning one modes of prayer but as generations branching out they have two modes of prayer. There is a boundary dividing Fuliabu down and Subeaiano top starts at Onoue river goes down Kwaitaa stream goes to Lomae river goes down Kwarebaita to the sea coast areas and eastern side bottom Onoue stream goes down Kware Rii river to sea.

Subeaiano boundaried reaches Fusai land in areas Kwakwale is a different tribal land not included in Subeaiano land boundaries disputed. I denied Rua not offering sacrificial pigs at Olioli my tambu site. No properties at Darinabiue. I am of Subeaiano and Alfred Kiki Oliga of Fuliabu land and you Jonathan Rua descended of Sanga and Maeteru (f) of Talito in Ata'a area (Baegu) Asifola constituency).

11) DW2 - Andrew Tafanga told Court that he own Kwakale tribal land with his modes of prayer that one Alfred Kiki's grandfather lived with them at Aisisiki before left for their mother land Fuliabu.

DW3 - Sepriano Rifalea strongly defending the defendant Alfred Kiki Oliga that he is from Subeaiano, Mr. Rua was wrong when claiming Subeaiano his land. He never heard of his name owned the land or has any properties there and tambu sites. Jonathan Rua was called to come and claim the Subeaiano land advised by paramount chief Beliga and Alfred Liufasia and their committee members ( land dispute ). Mr. Sepriano also stated that was no famine (Fioloa) happened in Subea land but its tribesmen broke out and went to live in other parts of Malaita.

DW4 - Jezimiel Forman of Aota said that he is blood related to Alfred following a woman grandmother ANGITALAU of FULIABU tribe. Alfred Kiki own Fuliabu land.

12) Court found that the disputed Fuliabu land there were about 4 times had been heard in Court cases DC Court in 1952, Native Court 1958 West Kwara'ae N.C in 1973, CLAC MD/LAC/4/76 on 8/7/76 and LC/3/96 on 21/4/97. After listening to the evidences from both sides, studying the maps of both parties, genealogies. Records of this Local Court and other previous Court cases and also walking over the land and seen tambu sites, this Court comes to the following conclusions:

DECREE:

- 1) This Court upheld the decision of Fuliabu land CLAC No. MD/LAC/4 8/7/76. Referred to section 19 Local Court Handbook 1979 page 11 which stated "A Local Court cannot change decision given by another Local Court, Magistrates Court or High Court. Neither can it change a decision giving by itself already. This includes land case.
- 2) ALFRED KIKI and clans have the primary rights to the whole FULIABU land. Excluded Kwakwale tribal land.
- 3) Jonathan Rua and clans have the right to SUBEALIANO upper customary land areas outside of Fuliabu binded boundaries. Included Kwakwale tribal land reaches Rufoki stream not over lapping SUA/SABITAKWAI disputed areas.

FULIABU land boundaries are as follows:-

Sea shore mouth of Kware baita river west goes up the river south follows Lomae river to Kwaitaa river southeast direction to source of ONOUE river goes down northwest Onoue river to Kware Rii river down north to the sea coast again.

Right of Appeal Explained 1/5/97 - 1/8/97.

<u>Court Officials:</u>	Ofadau Sanga	VP
	G.W Ganita	CM
	B. Tolido	CM
	Lucian Kebai	C/Clerk. 1/5/97