

LANDS COURT, NO. 1.

MINUTES.

Vol. I.

LANDS COURT MEMBERS - ALL PRESENT.
Assessors - Both Present.

Claim No. 1/48.

18. 5. 48.

Form B. No. 1. Tauso (m of Nui 63) v Afele (m of Nui 62)
Both parties present.

Claim. Pff. claims that part of the pit Tibontebike
recently dug by Afele!

Hearing Pff.
Tauso duly sworn states: -
Afele has extended his pit into my
land without asking permission. He is not
kaitani on the land because those who
have pits are not kaitani. He dug this
pit during the ^{2nd} world war. Kapua's
(my father) will said that if the pit
owners tried to extend into the dry
land they could be turned off it.
When my sister got married, Afele's
mother asked about the pit but
Kapua said he would keep it. Kapua
gave her permission to dig a pit
there but he said she was not to
extend it into the dry land. Now they
have extended the pit beyond the limits
set by Kapua. When I dug a pit
beside Afele's, the N.G. stopped me
because Afele said it was his land.
This is a big land by the
hospital. Many people have trees on it,
but they are not kaitani with us on the land.
Tauso

Ugatake L. G. 2/1/48. ROFC

U. G. 1/1/48
know the ngafa

Kapua's will, 1899, leaves all his children equal shares *kaitiaki*, ~~but~~ and claims he was absolute owner of the lands. It says nothing about *kaitiaki* owners not being *kaitiaki* on dry land.

Witness

Nouata (65 yrs, m.) duly sworn states: -
My father said this land was Tabua's and Tohau's. Tabua asked the N.C. to stop Afele digging in it, but they gave no decision.

Nouata
Alpha. L.G. & Interp.

R.O.F.C.

Case for *feff.* closed.

Dft.

Afele duly sworn states: -
We are all *kaitiaki* on this land from three brothers. They all had the right to dig pits on this land, *Tabua's* side, *Temita's* side, and my side. *Kapua* did not give us this land to dig because we always had it from before. The land cannot be divided. I am also claiming against *Tabua's* piece to be *kaitiaki* on it. I have ten or more trees here. I do not know the genealogy. I dug the new part before this war.

Afele
Alpha. L.G. & Interp.

R.O.F.C.

Witness

Katangi (m. 68 yrs) duly sworn states
 This pit is in the middle of
 the land. Kapua had possession of
 the land, but all members of the
 family are maitasi on it, Falam, Anelu,
 Ane, Katangi, Kamei (Afele's brother)
 It came from the three brothers, but
 I don't know the genealogy.
 Katar

Book of Nai genealogy produced by
 N.M. O'Keefe showed Kapua to be
 descended from Temangune and Afele
 from his brother Ahava, ~~and~~ many
 generations ago (about 5).

Case for aft. closed.

summing-up:

The Committee held 3-2 Afele's
 family had been maitasi on this
 land and as it had never been
 divided he was entitled to dig a pit
 in it. The L.C. pointed out that
 as there were other co-panceners there
 must be a limit to his right to dig.
 The Committee then held 5-0 a fair
 decision would be to let Afele keep
 what he has already dug, but restrict
 him from digging any further.

Findings:

The pit Tabontetike to remain in Afele's possession but he may not extend it any further into Tabuo's land.

Before me
Alphahe
L.G.

Claim No. 2/48.

18.5.48

Form B No. 46 Afele (m. of Nui 62 yrs) v Tabuo (m. of Nui 63 yrs)

Both parties present.

Claim.

Afele claims he should be kaitasi on this land Tabontetike as he is a descendant of Tehuwa, one of the original joint owners.

Hearing
Plff.

Afele duly sworn states: -
I should be kaitasi. My claim is substantially the same as in the previous case. Tabuo's crowd have been digging new pits in this land, and also they have taken some pits which other people dug here, so I claim a share of them. I and my close relatives are kaitasi on the pit which I own.

Afele
Alphahe. L.G. & Mt.

ROFC

Case for plff. closed.

Def.

Tabuo duly sworn states: -
My evidence is similar to the previous

case. When my father went to the
 Gilberts he left this land with some
 other people and when he returned
 he found they had dug a pit
 there, so he took it back from
 them as they did not have his
 permission to dig a pit.

Takuo
 Ughahne. L.G. - mt.

ROEC

Case for dft. closed.

summing up. The Ct. then inspected the land and
 pit in question. Found that Afele
 owns ^{say} nine trees on it. The Ct.
 held that he should now be given a
 piece of land ~~equivalent~~ bearing about
 4 to 12 trees as this would be
 a fair share of the land for him so
 far as can be ascertained at this
 late stage. It is clear that he had
 some rights to the land, but ~~at~~ ^{say}
 it must be presumed that ~~at~~ ^{say}
 rights were roughly equivalent to what
 he now holds, having regard also to
 the large number of co-tenants on
 this land.

However, after discussion, Afele advised
 the Court that he now withdrew
 his claim to the land and wished to
 hand over his scattered trees to Takuo.

The Ct. agreed to this on condition that Tabua compensated him by giving him an additional area of the pit. After considerable reluctance, Tabua agreed, but only after persuasion by the N.M.s.

Findings:

The land Tabontehine to remain in the possession of Tabua and family. Afele's trees on the said land to become the property of Tabua and family. A part of Tabua's pit Tabontehine, approx. 3 fathoms in length (N.M.s' figure) and on the seaward side of Afele's, transferred to Afele and family.

Before me,
By Lake.
L.G.

Claim No. 3/48
Form B No. 2

18.5.48.

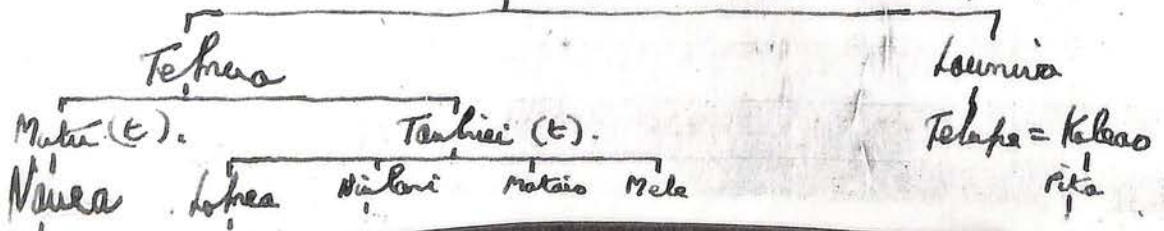
Fitalo (S. of Nui soya) v Alineti (M. of Nui)
Both parties present.

Claim:

Piff. claims her family were wrongfully dispossessed of the lands + pits claimed by Pta.

Hearing:

Fitalo duly sworn states in Katiwa = Siva



Lauviva was banished to Vaitupu because
 he killed Katea, King of Nui. After his
 departure Tevua looked after Katea's and
 inherited all his lands. Then Tehupe
 returned from Vaitupu and they divided
 the lands between them. Afterwards Tohea
 looked after the lands here. But
 then Pita, the child of Katea by another
 man, came and took ten of our
 lands, so I now claim them. They
 were taken in Katea's day (Rewise's time)
 Tehupe has a small part of Tehilavane'i.
 I withdraw my claim to Tehanawa.
 We still have part of the lands, but Pita took a large
 part of our share.

ROE-

X her mark.
 Ughabe. L.G. & Mt.

(cf. Nui, c. 20 yrs)

Witness.

Tama a duly sworn states :-
 Tehupe owned part of Teitewa,
 Aontepa and Tehilavane'i, and we had
 the other parts. Numa was Tautiie's.
 Palehalewa was originally Pita's from
 Tehupe, but when he claimed against
 Tautiie they divided this land in
 two and each side took half.
 Pealibi was Tautiie's. Both sides
 had parts of Tehainga. I don't know
 about Tehupu.

ROE

X her mark.
 Ughabe. L.G. & Mt.

Adjourned to 8am: 19.V.48.

19.V.48. Court as before.

dft.

Alineta duly sworn states :-
When Telupe returned from
Kaitupu, he got some lands but
Tehua's side kept the largest share.
Therefore we were still haitasi on
the remainder. So Pita claimed the
rest of our share and the W.C. gave it
to him.

Xd. Ct. Telupe and Kaleas were Pita's
parents. It is not true that Kaleas
was pregnant by another man.

ROFC

X his mark
Allyhabe: L. G. Jmt.

Case for dft. closed.

Tungoo's relatives do not know of any story
that he was Pita's father. Held by Ct.
that Telupe was Pita's father.
The N.M.s held 5-0 that according to
customs Tehua and Lamiva should
have shared their parents lands equally.
The question is therefore whether Lamiva's
side now has too large a share of
lands. According to the lots, Tehua's
side has 17 lands and 17 pits, while

bring up:

Launiva's side has 16 lands and 13 pits.
Hearing therefore adjourned pending
measurement of lands by two N. M. S.

Adjourned sine die.

See Vol. II p. 41.

Claim No. 448
Form B No. 3

19.5.48

Laima (f. of Nui 10 yrs) v Alineta (m. of Nui)
Both parties present.

Claim. Laima claims she was wrongfully dispossessed
of the land and pit Pahaas.

Hearing
Plff. Laima duly sworn states:-
Pahaas was Laima's. She left it
to Muter for looking after her. When
Pehape returned from Vartupe, an
investigation into the family lands was held
and Laima's will was proved, so Muter
retained Pahaas. Then Pita claimed in
Mr. Rusei day and got half the
land and pit.
Xd. Ct. / only know of this one
land and pit of Laima's.

Laima
Alphabe. h. G. & mt.

ROCK

Case for Plff. closed.

Dft:-

Alineti duly sworn states:-
Pita got this land and put in
the re-division of the family lands.

ROFC

x his mark.
Alphabe. L. G. & Int.

Case for dft. closed.

The Committee held there was insufficient
evidence to prove Sima's well, and
therefore the decision regarding this claim
should be held over pending the
measurement of the family lands. If
Kauriwa's side has too much, it
may be possible to return this land and
put to Tama.

Adjourned sine die.

See Vol. II. p. 42.

Claim No. 5/48
Form B/3A

Tama (S. of Nui roya) v Alineti (M. of Nui)
Both parties present.

Claim.

Tama claims that Mata lent this put
Pualiki to Telupe, but did not transfer
the property in it.

Hearing
left.

Tama duly sworn states:-
This put was Kauriwa's, but
Mata gave it to Telupe to eat off, but

when Telupe died it was to be returned to him.

Xd. or. Pita did not look after Lamuno. The transfer was made in my lifetime, but I don't know the details of it.

ROEC

Laina
Alphabe. L. G. & Mt.

Case for plff. closed.

Dft.

Aloneti duly sworn states :-
Lamuno gave this pit to Pita in return for looking after her.

ROEC

& his mark.
Alphabe. L. G.

Lamuno's will, 1901, contains no Pualimi.

Case for dft. closed.

winning-up.

The Committee held 5-0 that plff. had produced no evidence to prove this land was to be returned to Matee or Lamuno or Telupe's heirs. The L. v. concurred.

Finishing.

Case dismissed.
Before me, Alphabe. L. G.

Claim No. 648
Form B No. 4

19. 5. 48

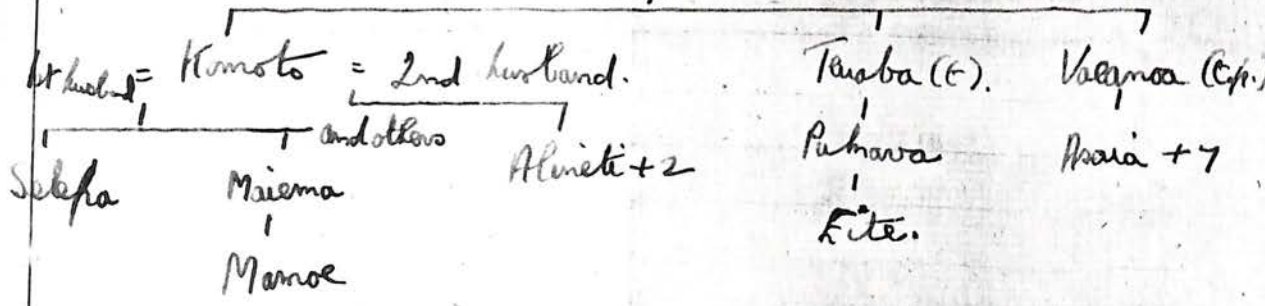
Mamoe (m. of Kui, 42 yrs) v Asaia (m. Nui. 67 yrs) Both parties present.

Claim.

Mamoe claims the lands and pits listed on the grounds that he is not satisfied with the division made by the N.C.

Hearing
puff.

Mamoe duly sworn states :-
Tautu = Temao



Vaeanoa was the adopted child of Temao. On Tautu's death the lands were divided up among the different branches, and Komoto's children by the first husband and Vaeanoa were haitari on the remainder. In return we were haitari on Vaeanoa's other lands from his other side. But in the 1930's, Asaia's word refused to let us go to their other lands, so we claimed to the N.C. for a division of the estate. They gave us 16 land and 6 pits and Asaia. 15 lands and ? pits, but we are not satisfied with this division. Xib. Ct. ~~Asaia~~ Vaeanoa was adopted while Tautu was still alive from Temao's family. Tautu's death he lived with us and looked after our lands, as

he was older.

S. Kamooe
Aghabe. L.G. & Mt.

ROF

Almehi has 1 land and 5 pits from Komoto.

Case for peff. closed.

iff:

Asaia duly sworn states:-
 My father was adopted by Tautu
 and Temao. On Tautu's death he looked
 after Komoto's kids by her 1st husband,
 and was maitasi on all the lands. I
 made the division of lands just recently
 on my return from Fiji.
 Xd. Ct. There was a will of Tautu which
 said Valanoa was in charge of his share of
 the lands. Tautu died before the flog.
 Xd. Ct. Komoto's children were maitasi on
 Valanoa's other lands, because all the lands
 were together in Valanoa's charge.
 Witness now says Komoto's children ~~are~~ were
 not maitasi on Valanoa's other lands.

ROF

Asaia
Aghabe. L.G. & Mt.

Tautu's will not in existence.

summing-up.

The Committee held 5-0 no will of Tautu had been proved, and that Valanoo had not been left any separate share of the lands. He had, however, been adopted by the family, and on Tautu's death he looked after Komoto's children by her first husband and cared for their lands. It therefore appeared he was entitled on the lands in return for services rendered; but that when Asaia divided the estate he took too big a share. They held 5-0 Asaia should retain 4 lands and 4 pits and the remainder be transferred to Mamoe and family. The parties were requested to come to an arrangement, taking this opinion as a guide.

After discussion, and an inspection of the lands, the parties have agreed upon the transfers to be made.

Finding:

The following lands transferred to Mamoe and the other descendants of Komoto by her first husband:-
 Motungongo, Teitewa, Tehanipuhia, Ahalae,
 Tengamui, Tehupe, Tehabingao, Tebanta.
 The following pits transferred to Mamoe:-
 Tehatai and Feruamibahu.

Mamoe's part of Tehalapinopino transferred to Asaia to be joined to the latter's part of the same land.

Before me,
 by Lake.

$\frac{1}{3}$ of Teitewa subsequently transferred back to Asaia. See 100/48 on p. 28 of Vol. II. Agt.

Claim No. 7/48
Form B No. 7

19.5.48

Eite (sp. of Kui, 49) v Asaia (m. of Kui 67yrs)
Both parties present.

Claim

Eite claims a share of Tautu's lands.

earing
Peff.

Eite duly sworn states:-
My claim is similar to Mamoe's.

Eite
dykabe. L.G. + mt. ROR

Case for peff. closed.

earing-up.

The Committee held Eite should go with
Mamoe and Asaia to re-arrange the
distribution of lands. Found she has
16 lands but only 3 pits, and should
therefore receive whatever pits may be
transferred from Asaia.
See previous page. Agreement reached
between Mamoe & Eite on division of
the spoils.

Funding.

The lands Teitewa I and Talwaha
and the pit Tanimainiha transferred to
Eite.

Before me,
dykabe.
L.G.

Claim No. 848
Form B - P. 9.

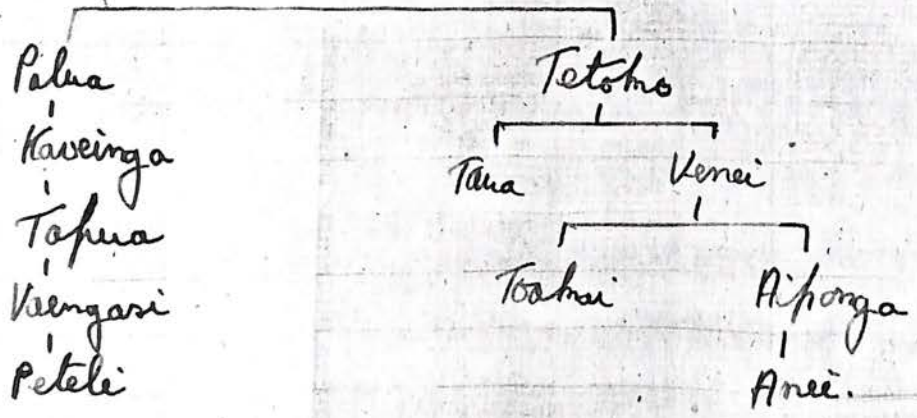
19. 5. 48.

Peteli (G. of Nui 68 yrs) v Anei (G. of Nui 73 yrs)
Both parties present.

Claim on Peteli claims she and family are maitasi on Teluabong.

Hearing P. Off.

Peteli duly sworn states :-
We are maitasi on this land.



Kaveinga looked after all of Toobai's lands when he was young. When Toobai grew up, Kaveinga gave him back all his lands, but Kaveinga was maitasi on this land.

ROFC

Peteli
d. u. a. h. t.

ht Witness

Katangi (m. Nui 68 yrs) duly sworn states :-
When Toobai was young, Kaveinga looked after his lands, but when he grew up, Kaveinga gave them back to him. But we are maitasi on the

land Teluabong. We all have trees there now.

Case for plff. closed

Dft.

Anei duly sworn, states:-
 Toabmai was orphaned in childhood,
 and all his lands were looked after
 by Kawinga. When Toabmai grew up,
 Kawinga gave them all back to him,
 including this land.

Then Toabmai left it to me in
 his will. He said that many other
 people had trees there, and to let
 them come to the trees, but that
 the lauhale was entirely his and if
 anyone tried to make use of it they
 should be ejected.

Xd. Ct. Toabmai said that Peteli's
 side have trees on the land.

ROF

x her mark.

By habe. L. G. & H.

Toabmai's will, 1908, leaves Teluabong to
 Anei.

The Committee held 3-1 that Peteli's
 family were not *makasi* on this land
 because (a) Kawinga handed it over to

Toohai without any distinction from the other lands (b) Toohai's will, (c) no evidence other than the family's story. P.C. concerned.

Finding

Tehuabong to remain in Anei's possession. Peteli's family not may retain any trees they may own at this date.

Before me
Alphabe
L.A.

LANDS COURT Nui.

20. V. 48.

NATIVE MEMBERS - Utime, Josepa, Salani., 2 N.M. absent.
ASSESSORS. - All present.

Claim No. 9/48
Form B No. 11.

20. V. 48.

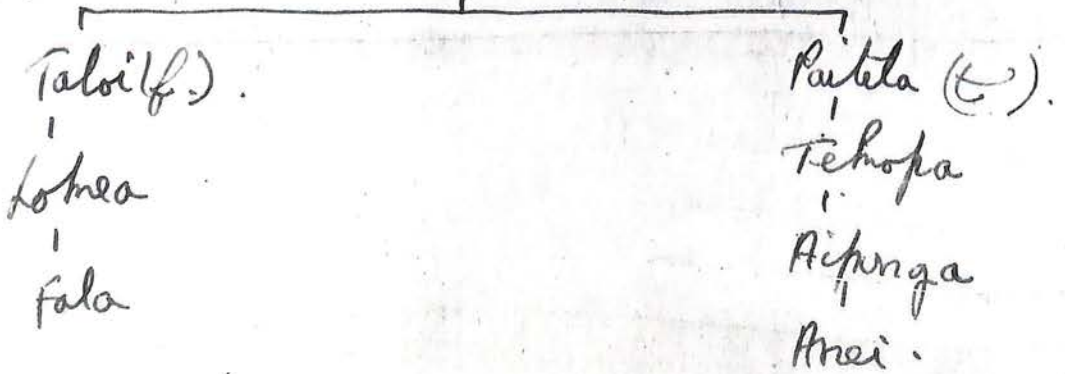
Fala (f. of Nui 68 yrs.) v Anei (f. of Nui 73 yrs.)
both parties present.

Claim.

Fala claims she should be kaitani on the pit Pualahi.

Hearing
Plff.

Fala duly sworn states:-
Suavao = Paklasi



I claim to be taitari on this pit from Luavao.

x.d. ut. I have two pits from him.

x.d. ut. I don't know whether Taloi's and Poutela's lands were divided or not, as I have long been absent.

ROFC

Taloi

ly habre. a. u. x. int.

Case for plff. closed.

dft.

Anei duly sworn states :-

When Toakrai was young all his lands were looked after by Toea (lands on mother's side). Toea was Taloi's relative. When Toakrai grew up Toea gave him his lands and Taloi hers.

ROFC

X her mark.

ly habre. L. A. x. int.

Case for dft. closed.

drawing-up

The Committee held 2-0 the estate was divided long ago (before flay) and each side have their share. The L. C. concurred.

Finding:

Claim dismissed.

Before me,
A. J. Lake
L.C.

Claim No. 1048
Form B No. 12.

20. 1. 48

Vaua (m. of 48 yrs) v Anei (f. of 73 yrs)
Both parties present.

Claim.

Vaua claims the pit Vutupu is his from Maholo.

Hearing
Puff

Vaua duly sworn states :-
Maholo, a Gilbertese, married Toobai.
When Maea was ill, Maholo looked after
her so Maea left her this pit.
When Maholo died she left it to me.
X.d. Ct. I used to live with Toobai's
family but I quarrelled with Anei
and returned to my own family, but
Anei still has this pit of mine.
X.d. Ct. My mother was adopted by Maholo & Toobai

Vaua
A. J. Lake. L.C. & Int.

RDFC

Maholo's will, 1908, leaves her lands to
her grandchildren, Vaua; Mimi and Tuana,
but does not list them.

Uttime, N.M. and ex-Scribe, produced minutes of an investigation of this claim by N.G. in 1937 in which it was held, proved that this pit and a land were Vava's from Maholo from Msea on the evidence of two old men, Nathan and Osea, unrelated to the parties, who are now dead.

Agd.

Cause for plff. closed.

Dft.

Anei duly sworn states :-

I looked after Toahai and Maholo. Msea left this ~~ap~~ ^{pit} to Toahai in return for looking after him and Toahai left it to me. Maholo owned no pits, and anyway she left no will because she was too weak to make one by the time the N.G. came.

ROFC

X her mark.
Alphabe. ~~the~~ L.G. & int.

Cause for dft. closed.

summing-up:

The Committee held 2-0 this pit was Vava's ~~and~~ from Maholo on the evidence of the old man in the previous investigation and on account of Maholo's

will. The L.G. concurred.

Finding:

The pit Vaitapu transferred to Uaua, Nume, Tuana in Matasi.

Before me,
A. H. H. H.
L.G.

Claim No. 11/48
Form B No. 16

20. V. 48.

Uitime (m. of Lui, 62 yrs) v. Eite (f. of Lui 49 yrs.)
Both parties present.

Claim.

Uitime claims the reversion of this land ^{to Manaku} as it was Taitai's.

Ewai = Tauchihili Lapi Taitai Uitime.	Tepapa Kilei Silopito Pahava Eite
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Hearing
P. H. H.

Uitime duly sworn states:—
 I claim a small part of this land, because my father Taitai gave it to the missionary Falaimo, who cleared and planted it. Falaimo was missionary from 1906-1915, when he died here intestate. On his death my father agreed with Pahava that the latter should look after it for the time being as he was an relative and owned the adjoining

piece of land.

Rose

Titime
Ugahne.

L. G. & Mt.

Case for plff. closed.

Dft.

Titime ~~was~~ ^{apt.} duly sworn states :-
I know nothing about this
land. My father got it, but I
don't know when, how, or from whom.
I think Taitai and Puhava were
kaitasi on it.

Rose

Titime

Ugahne.

L. G. & Mt.

Case for plff. closed.

Seemingly
-apt

The only member of the Committee
present held that the land should
remain with dft. as plff. had
produced no supporting evidence. The L.G.
held that plff. had produced a prima
facie claim which dft. had entirely
failed to refute.

Finching

That part of the land Temanohu which belonged to Taitai, and was given by him to the missionary Falaimo transferred to Vitene. The remainder to remain in Eile's possession.

Before me,
A. Lake.
L. G.

Claim No. 1248

20. V. 48.

Form B No. 20.

Kaisala (m. of Kii, 53 yrs) v ~~Tevai~~ ^{Tevai} (m. of Kii, 29 yrs)
~~Christoff present, defendant~~ Both parties present.

Claim

Pfff. claims dft.'s family stole part of his land Teulinibhoa about 1947.

Hearing:
Pfff.

Kaisala duly sworn states: -
This land was my mother's. We always had it until Tevai's crowd chased us off a year or two ago, but they have absolutely no right to it.

- Tevai
- Kohito
- Tipani
- uama
- Kaisala

Ad. Ct. Tevai's crowd hold none of my land now.
Kaisala
A. Lake. L. G. & Mt. ROFC

Case for peff. closed.

Dft.

Fasai duly sworn states :-
 Both families have a share in
 this land. Kairala's side got theirs
 from Tarai and we got ours from Atia.
 Katoas' descendants also have part.
 We have always had part, and have
 never taken any of Kairala's.

1202

Levae

Alykabe. L. G. 2 mt.

Case for dft. closed.

In view of peff.'s remarkable statement
 that dft. holds none of his lands,
 the case is adjourned sine die
 pending an inspection of the boundaries.
 See p. 114 Alyk. L. G.

Claim No. 13/48

20. V. 48.

Form. B No. 21.

Falani (m. of Kui 52 yrs.) v Levae (m. of Kui 62 yrs.)
 Both parties present.

Claim.

Falani claims he should be trustee
 on this land.

Hearing.

After peff.'s case had been heard,
 defendant admitted the claim, said
 he had never denied it.

Findings:

Faloni, Kuisala, Tevai, Selema, Tonga,
te fanau a lohanga he haitosi i
te manafa mo Tehainga

Before me
A. G. H.
L. G.

Claim No. 14/48
Form B No. 23

20. V. 48.

Asi (f. of lui 48 yrs) v Tevae (m. of lui 62 yrs)
Both parties present.

Claim.

Asi claims she should be haitosi on Tehainga

Hearing
peff
off

Asi duly sworn states:-
I claim to be haitosi on this
land, because we always have been.
Xd. at. I don't know the ngofa but
we have been there.

ROFC

Asi
A. G. H. L. G. & Mt.

Case for peff. closed.

Def.

Tevae duly sworn states:-
is not haitosi on this land.
Tevae
A. G. H. L. G. & Mt.

ROFC

N.M. Faloni states that plff. is *kaitani* because she comes from another branch of his family, but he does not know the *ngafa*.

at Wickers
P. P. P.

Poni (m. 60 yrs) duly sworn states:-
We have five trees on this land. We are *kaitani* in it, but I don't know the *ngafa*.

ROFL.

X his marks.
Alphabe. L. G. shrt.

Case for dft. closed.

ing-up.

One N.M. held that since plff. has trees on the land, and is alleged to be related, she should be *kaitani*. The other N.M. and the L.G. held that this was insufficient since ~~age~~ plff. could not prove how she was related to the family in connection with this land, and 5 trees might be only "stranger".

Finding.

The land *Tehanga* to remain with *Tevai* and relatives. *Poni* and relatives own 5 trees on it. Before me, *Alphabe.*
L. G.

Claim No. 15/48

20. v. 48

Form B No. 24.

Matio (n. of Kii 65 yrs.) & Ule (n. of Kii 41 yrs.)
Matio represented by his brother
Sosene (n. of Kii 88 yrs.) Both present.

Claim.

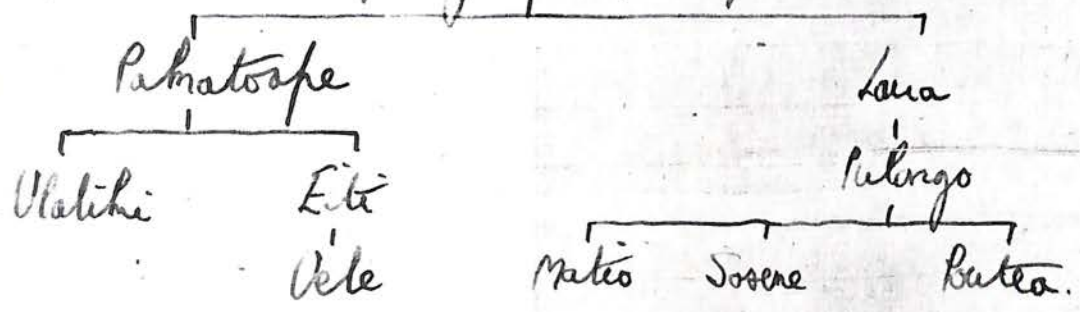
Pff. claims Putea on the grounds his
brother gave it away without consulting
the other co-parents:

Hearing
Pff.

Sosene duly sworn states :-

This land was ours, but Putea
gave it to Ulahi without consulting
the rest of us.

Kopunga = Mani-pola.



Ulahi asked Putea for some land
on the grounds he had n't enough so
Putea gave him this one in Mr. Rivers's
day.

It sd. U. Ule has Michai and Telapilapi
from Kopunga. Putea was Mani-pola's.

Sosene
Allydake.

d. G. & Mt.

ROSE

Care for pff. closed.

dft.

Ule duly sworn states:-

Ule were all part of one on this land because the lands were never divided. It was Kōpunga's. Xd. U. I don't know whether it was Manipola's or Kōpunga's.

ROFC

Ule
Aylake. L. A. & Pt.

Witness

N. M. Iosefa states that aua originally got all Kōpunga's and Manipola's lands, because Pabatoape's wife had a very large number of lands. But Pouta transferred this land to Olaliki because that branch of the family had none from their grand-parents.

Found on inspection of bits, Ule's side has 3 lands and 2 pits from this source while Matio's has 14 lands and 6 pits.

Case for dft. closed.

Swing-up

The Committee held 2-0 this land should remain with Ule, as he has the smallest share of the family lands.

Finching.

Chun dismissed.
Before me, Aylake. L. A.

LANDS COURT NUI

21. V. 48

NATIVE MEMBERS - Falani, Josefa, Utime, 2 N.M absent.
ASSESSORS = All present.

Claim No. 16/48
Form B No. 26.

21. V. 48

Koua (f. of Nui 64 yrs) v Utime (m. of Nui 62 yrs)
Both parties present. See p. 32.

Claim No. 17/48
Form B No. 27

21. V. 48.

Penianga (m. of Nui 60 yrs) v Utime (m. of Nui 62 yrs)
Both parties present.

Claim.
Hearing
reft.

Penianga claims his share of the family lands.

Penianga duly sworn states :-
Tolu = Einai

Kolapi
|
Taitai
|
Utime

Pati
|
Nahala
|
Penianga.

I claim my share of the lands under
my father's will. Pati and Kalapi lived
together but my father did not get
his share because he was a missionary
in New Guinea and died two days after
his return to Nui.
We have none now from Tolu and Einai.
The lands were not divided.

Xd. Ct. / I don't know whether Pate looked after Taubihihili or not, but he lived with the family.

ROFL

↳ his marks
Alphabe. L. G. + mt.

Nakala's will, 1904, makes no mention of lands from Tohe or Taubihihili.

Case for Jeff. closed.

Victor duly sworn states: -
Taubihihili left all his lands to Kolapi, because Tohe pre-deceased him.

Xd. Ct. / I don't know why Pate got no lands. He is not mentioned on the lands. Pate did not look after Taubihihili but went to look after his wife's family.

Xd. Ct. There was no quarrel between them.

Xd. Ct. Pate was adopted by his aunt, but Kolapi was not adopted.

ROFL

Victor
Alphabe. L. G. + mt.

Case for Jeff. closed.

Summary-up:

The Committee held 2-0 Penianga should get a share of the family lands since there were no grounds on which could have been distributed, and his branch of the family must be considered to have been always hantasi. Re L. G. concurred.

Finding reserved until the other claims against Vitime's estate are settled. See p. 129.

Claim No. 1448
Form B No. 26.

21. V. 48

Koua G. of Nui 64 yrs.) v Vitime (m. of Nui 62 yrs)
Both parties present.

Claim.

Ptff. claims pt. has taken part of her land Teibuaki.

Hearing Ptff.

Koua duly sworn states:-
This land was mine from Kopou, but now Vitime has planted trees in it.

ROFL

Ground
Teibuaki. A. G. x pt.

Witness.

M. Shuli (57 yrs m.) duly sworn states:-
This land is ours. We had two lands here, one from Kopou and the other from Tauri, but Vitime's family have planted their trees

in between.

ROFC

A'kuli
 Aylake. L. G. & Mt.

Case for peff. closed.

Dft. Vitime duly sworn states: -
 This land is ours. Vavao left it
 to me. Kouala land was all planted
 up, but ~~was~~ ~~had~~ part of ours
 on the boundary was still bush, so
 we cleared and planted it.

	Kiuni	Paia
Taitai =	Tubia	Tungao
Vitime		Vavao (t.p.).

This land was Tungao's, but Vavao
 gave it to ~~Tubia~~ ^{Tubia} before he died.
 Xd. Ct. He planted while Vavao was
 still alive, about 1912.

ROFC

Vitime
 Aylake. L. G. & Mt.

Vavao's will, 1935, leaves all his lands to
 his children.

1st Witness

Selema (f. 62 yrs) duly sworn states:-
This land belonged to Varao from
Tuhia's family, but he found that
Taitai had already planted it. Varao
said he would talk to Tuhia again
about it, but nothing was ever done
about it.

ROFC

Selema
Uy habe. L. G. & Mt.

Case for dft. closed.
See p. 117.

Adjourned sine die for boundary inspection.

Claim No. 18/48
Form B No. 28

21. V. 48

Peteli (f. of Hui, 68 yrs) v Utime (m. of Hui 62 yrs)
Both parties present.

Claim.

Plff. claims kaitosi on the estate.

Hearing
Plff.

Peteli duly sworn states:-
Kahapi = Poahi.



We should be kaitosi. We only
have one put from the family now.
Peteli
Uy habe. L. G. & Mt.

ROFC

Care for ~~plff.~~ closed.

dft.

Victime duly sworn, states:—
Poatui well says Taitai is
in charge, but Vinea's children
to get food from him.

Victime
by name. L. G. + H. R. 55

Poatui's will, 1906, Taitai in charge,
Vinea's children mantasi.

Care for ~~plff.~~^{dft.} closed.

summary.

The N.M. is held 2-0 Vinea's children are
mantasi and should now get their
share. The parties were requested
to make the division after Penianga
has got his share of the estate.
Adjourned sine die. See p. 197.

Claim No. 19/48

21. V. 48.

Form B No. 29.

Matio (m. of lui 6⁵ yrs.) v. Victime (m. of lui 62 yrs.)
Both parties present.

Claim.

Matio claims the inlet Purutei, on the
grounds he was wrongfully dispossessed by
Victime.

Hearing:
Peff

Matio duly sworn states :-

Kolupe_{sr}

Kawale = Kopunga

Lana

Pulongo

Matio.

This land was Kolupe's, who gave it to Lana to Pulongo to me. Vitime took it recently on the grounds that it belonged to his family.

ROFC

y his mark.
dy lake - L. G.

Care for peff. closed.

Dft.

Vitime duly sworn states :-

A Niuean woman, Pvai, lived with Tamihihili Kimaere (his relative) wanted to go to Naniua, so Tamihihili let him take Pvai in return for which Kimaere gave him this land. When we returned from the Gilberts - Matio's family had it but we got it back.

ROFC

Vitime
dy lake. L. G. & hts

Witness

N.M. Faloni, Kimaire's descendant, states Kimaire gave this land to Porai for reasons stated by dft. When Porai returned ultimately to Niuea, ~~she~~ she gave the land to Kaloi to Kopunga, sister of Vitime's ancestor Tene, so Kopunga gave the land back to Vitime's family.

Case for ~~page~~ dft. closed.

judged.

The Committee held this land was rightfully the property of Vitime's family. The L.C. continued.

finding.

Claim dismissed.

Before me,
My Lake.
L.C.

Claim No. 20/48
Form B No. 30.

21. V. 48

Saviki (f. of Nui 51 yrs.) v Vitime (m. of Nui 62 yrs.)
Both parties present.

Claim.

Pff. claims Vitime cut a part out of the centre of her land Tenama and called it Takoronteti.

Hearing.
Pff.

Pff. duly sworn states :-
The whole of this land was mine. I got it recently from Asara. But I suddenly found last year that Vitime had taken the middle of it, leaving me with the part on either

side. The name of the whole land is
Fonamo.

ROFC

Tovavili
Alphabe. L.C. & Mt.

Ext Witness

Asua (m. 67 yrs) duly sworn states:-
I gave this land recently to Tavili. I got it
from Vaemoa from Toamai. The boundary is with
Katangi. I don't know of any land of Utume's
there.

ROFC

Wasaea
Alphabe. L.C.

Case for plff. closed.

Toamai was adopted by Taupihihili

Dpl.

Utume duly sworn states:-
This land is mine from Poami.
I have always had it. Tavili has the
land on one side, but I did n't know
she had any on the other side.

Utume
Alphabe. L.C. & Mt.

ROFC.

See p. 116. Adjourned sine die for boundary inspection. Dpl.

Claim 21/48.
Form B. No. 31.

21. v. 48.

Mehule v. Utine.

Claim.

Obscure.

hearing:
Pff.

~~Pris~~ Mehule duly sworn states :-
This pit was Koloto's, who left
it to Lepa to Saiola.
Saiola is alive now. My mother
gave the pit to Lepa, but Utine has
fetched it. Saiola is the owner.

finding-up.

Pff. by his own admission is not
the right person to claim the pit
Terahaloa.

Finding.

Claim dismissed.

Before me,
My late
L. G.

Claim No. 22/48
Form B. No. 21.

21. v. 48

Telo (f. of Hui 48 yrs) v Tevae (m. of Hui 62 yrs.)
Both parties present.

Claim.

Telo claims this land on the grounds it
belonged to her ancestor.

hearing:
Pff.

Telo duly sworn states :-
This land belonged to my
ancestor Kumiaki, who allowed some

strangers the use of this land, but did not give them the property in it. I have trees and breadfruit there, but now Tevai's people have tried to eject me from the land, so I want it back.

I ero
Alyhabe.

L. G. & Mt.

ROFC

Case for plff. closed.

Jfr.

Tevai, they are sworn states: -
gave the land to Tapongea. Kumaire
Neta
Tevai

Tevae
Alyhabe.

L. G. & Mt.

ROFC

Case for Mf. closed.

Suming-afi

The committee first held 2-0 Tebo was not kaitasi, then 2-0 that she was kaitasi because it had been her family land and she still has trees there. The court agreed with the latter view.

Pinibing

Tebo to be kaitasi on the land Tebainga. Before me, Alyhabe. L. G.

Claim No. 23/48
Form B - No. 33

21. V. 48

Telo (p. of Nui 48 yrs.) v. Falani (m. of Nui 52 yrs.)
Both parties present.

Claim.

Telo claims Teulimabanoa and the pit
Palani on the grounds it has never left
her possession, but been wrongfully included
by Falani in his list.

Hearing:
ref.

Telo duly sworn states:-
Nine generations ago there was
a brother and a sister. We are
descended from the brother and Falani
from the sister. Their lands were divided,
and this land and pit belonged to us.
But now Falani has put them in
his list. He just started going
to them on my father's death.

Telo
Alphabe. l. G. & mt. ROE

st Witness

Kilisi (m. 57 yrs) duly sworn states:-
Falani's father and Falani
both claimed to plant trees there.
Nihani's family always
had the land but recently Falani has been
going to it.

Kilisi
Alphabe. l. G. & mt. ROE

Case for plff. closed.

Dft.

Falani duly sworn states: -
 We are all hakasi on this land, because the lands were never divided. When Naimai tried to give the land to the island to plant, the N.G. stopped him because my father had not agreed to it, and he was a joint owner.
 In 1900 the N.G. turned us off because they were related to Naimai's side.
 In 1915 we went back to the land.

ROFC

Frank
 Alghabe. L.G. & Mt.

Case for dft. closed.

Summing-up:

The Committee held 2-0 Falani and Telo were hakasi on this land, and the fit which should be registered in Telo's name as the descendant of the male line. The L.G. concurred.

Finding:

Teulmibahoa and the fit Palomia to be registered in Telo's name, Falani hakasi.
 Before me
 Alghabe.
 L.G.

Claim No. 24/48
Form B - No. 34.

21. V. 48

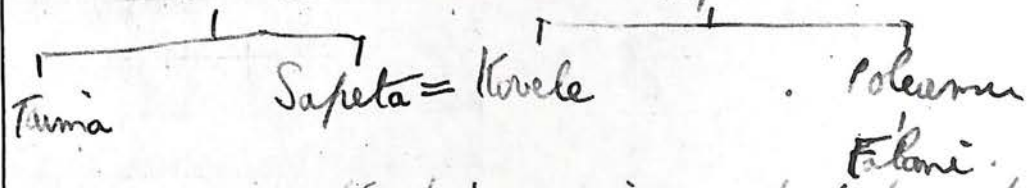
Taima (fe. of 111 yrs) v. Salani (m. of 52 yrs)
Both parties present.

Claim.

Taima claims this pit Pakaso on the
grounds that Sopota dug it in Nuea's
land.

Hearing
Plff.

Taima duly sworn states :-
This was Nuea's land. But
Sopota quarrelled with Poleamu, and
went to stay with Kovele, who was
married to Nuea's daughter, and he
dug this pit.



Xd. et. Kovele's family had the pit
after it was dug, and we have never
been to it since. It was dug
before the flag.

ROFC

Taima
Uyabe. L. G. & Mt.

Case for plff. closed.

Before the flag.

Claim dismissed. Before me, Uyabe. L. G.

Hearing up
fining

LANDS COURT NUI

25.5.48

NATIVE MEMBERS - Lema, Falani, Josefa, Nitime,
ASSESSORS - Pasiana except Sosene absent.

Claim No. 25/48
Form B No. 35

25.V.48

Kilisi (m. of Nui 57 yrs) v Enoka (m. of Nui)
Plaintiff present, defendant
represented by Falani (m. of Nui 52 yrs)

Claim No. 26/48
Form B No. 37

25.V.48

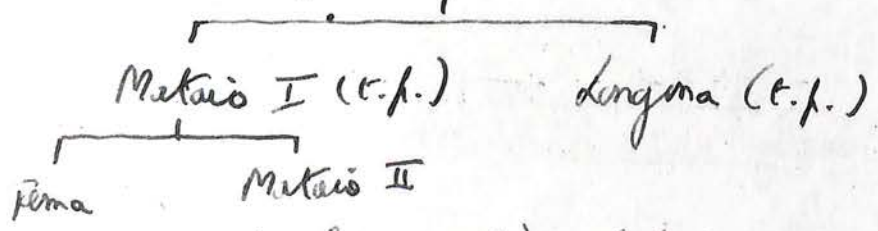
Lema (m. of Nui 58 yrs) v Lina G. of Nui, 30 yrs
Both parties present.

Claims.

Lema claims *mativasi* on these lands and pits
under the will of Tohrai.

Hearing
Plff.

Lema duly sworn states :-
Tohrai said that my father Mataio
and Longona should share these lands. In
Mr. Rusesi's day, the Govt. said the lands
should be divided, but Longona only
gave us one land and one pit.
Tohrai = Mela.



Xd. Ct. Tohrai died before Mataio I.
The latter was in New Guinea at the
time.
Xd. Ct. Mataio II's real name was Kopunga.

but he changed it to Mataio on his father's death!

ROFC

Lina
Alphahe L.G.

Tohrai's will, 1907, leaves all his lands etc. equally to Longona and Mataio ~~etc.~~ ^{etc.} does not specify which!

Case for plff. closed.

Dft.

Lina duly sworn states :-
Longona said the Mataio in the will was Mataio II, not Mataio I.
Tohrai and Maea agreed that Tohrai would provide for Maea's adopted children, and Maea would provide for Tohrai's.

Lina
Alphahe L.G. ROFC

Witness

Kiliata (f: 62 yrs) duly sworn states :-
I am Longona's widow. Longona said the Mataio in the will was Mataio II.
Xd. U. Mataio II's name was Kopunga. He changed it to Mataio on his father's death.

Kiliata Alphahe L.G. ROFC

Case for aft. closed.

Hearing up.

The Committee held 2-0 the Motais in the will was Matais I, because Matais I was still alive when the will was made and Matais II's name at that time was still Kopunga. Tema should therefore be kaitani on these lands. The L. G. concurred. The parties were requested to arrange the division of the state.

Adjourned sine die. See p. 130.

Claim No. 2748

25. 4. 48

Form B No. 36.

Tema (m. of Nui 58 yrs) v Enoka (m. of Nui
Plaintiff present, defendant represented
by ~~Enoka~~ Falani (m. of Nui 58 yrs) Both
parties present.

Claim.

Tema claims Falani has no land here, but only niu-noa.

Hearing:
peff.

Tema duly sworn states:-
Enoka has no land here, but only niu-noa. I don't know how he got them.

Tema
Alpha. L.G.

ROFC

At Witness

Ngingi (55 yrs. m) duly sworn states:-
Falani has about 4 niu-noa here, but no land. We got the land

from Taniila. We also have trees on the far side of Falani's, on Ani's boundary.
ROFC

Eggs
Alphabe. L.G.

Case for plff. closed.

D.H.

Falani duly sworn states:-
This is our land from Fatuae,
we have 10 or more trees here.

Falani
Alphabe. L.G. ROFC

Witness

Komolo (m. 40 yrs) duly sworn states:-
We have some trees planted here.
We got the land from Fatuae. The part
Tema claims is his. The other part is ours, not Enobha's.

Komolo
Alphabe. L.G. ROFC

Case adjourned sine die pending
boundary inspection.

See p. 119.

Claim No. 28/48
Form B No. 35

25. V. 48

Uitome (Co. of Nui 62 yrs) v Ngingi (Co. of Nui 55 yrs)
Both parties present.

Claim:

Uitome claims this pit ^{Tabotehine} was his mother's, but was transferred to Polau by Mr. Rewse.

Hearing
plff.

Uitome duly sworn states:-
This pit belonged to my mother Tubia, and it always belonged to my family. But Polau told Mr. Rewse it was Tapola's, so Mr. Rewse gave it to him.

x.d. Ct. Tubia argued with Mr. Rewse that it was her pit, but Polau told him it was Tapola's. I was away at the time.

Uitome
Uy Lake. L. G.

ROFC

case for plff. closed.

Dft.

Ngingi duly sworn states:-
Polau did not take this pit. Tapola got it from Mr. Rewse, but I don't know on what grounds. I am only the caretaker, but Tona told me to put it in my list.

Ngingi
Uy Lake. L. G.

ROFC

Mr. Rewse is said to have spent three months investigating land claims here in 1910.

Case for defendant closed.

Summary:

The Committee held 2-0 that since this case had been decided by Mr. Rewse in the presence of both parties, and Tapola was not now present to make his defence, that the pit should remain in Tapola's possession. The C. C. concurred. He stated that where it could be shown that Mr. Rewse had made a proper investigation of an individual case, and decided it on its merits, he would not, except in extraordinary circumstances, be prepared to upset that ~~decision~~ decision, since Mr. Rewse had better opportunities, through witnesses then living but now dead, of ascertaining the truth. This sort of decision by Mr. Rewse is quite different to an alleged general order (e.g. regarding lands of the adopted), which alleged order was never made, at Nuntao at any rate.

Finding:

Claim dismissed. The pit Tabortelike to be listed under Tapola's name.

Before me,
H. H. H. H.
L. C.

Claim No. 29/48
Form B No. 9.

25. V. 48.

Lina (f. of Hui 30 yrs.) v Sewae (m. of Hui 62 yrs.)
Both parties present.

Claim: Lina claims the whole of Tabontena is hers.

Hearing:
Plff.

Lina
apt. ~~Katangi~~ duly sworn states:-
This land is ours because it was
Longora's from Tohrai. Osea said he
owned part of it and now they have
written it in their list
Xd. Ct. We still have part of Tabontena,
and it is written in my list.
Xd. Ct. It was not investigated in Mr. Burre's
day.

ROFC

Lina
Alphabe. L. G.

Case for plff. closed.

Dft.

Sewae duly sworn states:-
This land belonged to four brothers,
Tepoe, Telelei, Palea, and Teatia. The part
which I have registered is on the northern
side. Tohrai was related to those four,
but she had her share of lands when
she married.
Xd. Ct. We started using the land in
Mr. Burre's day, because he said we were
Mauntasi on it.
Sewae

ROFC

Witness

Katangi (m. 63 yrs) deposes as follows:-
 There were 4 brothers, Tepe, Tebeke, Teata and Paka who owned this land. They cut it in half. Tepe and Tebeke were Makani on one half, which we now have. Teata and Paka shared the other half. Tevai's land comes on that half. I do not know about Sina, but Tohrai said Paka gave her his share as an adopted child.

ROFC

Katangi
 Ulyhabe. L.G.

Case for dft. closed.

Summary-up:

The Committee held 3-0 that Teata's and Paka's part of this land should be divided equally between Tevai and Sina. The L.G. agreed, on Katangi's evidence.

Finding:

That that part of Topontera derived from Teata and Paka be divided equally between Tevai and Sina, the Committee to adjust the boundary.
 Before me,
 Ulyhabe.
 L.G.

Boundary marked with stones by W.M. Fimuta, Sofala and Kivola. dpt.

Claim No. 3048
Form B No. 40.

25. V. 48

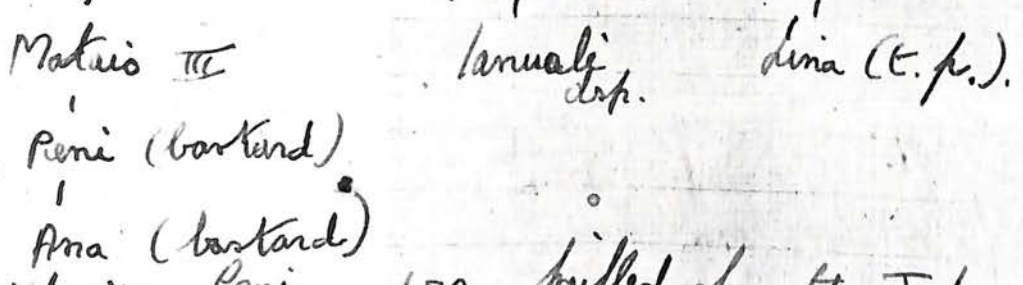
~~Alina~~ ^{Alina} (of Hui 10 yrs) v Lina (f. of Hui 30 yrs)
~~Alina~~ represented by Lina (f. of Hui 31 yrs) Both parties present.

Claim:

Tinia claims Peni's share of lands under Longona's will, on behalf of Peni's illegitimate daughter, Alina.

Hearing:
left

Tinia duly sworn states:-
When Peni went to Ocean Island, he told me he and Lina were haukasi on Longona's lands.
Longona



Matuaio III was killed by the Japs. but he left me bastard child on whose behalf I claim his share of lands under Longona's will. Alina already has one land and one pit from Longona.

X her mark.
Alphabe. L.G.

ROFC

Longona's will makes Lina, and Peni haukasi (except on those lands from Tokai), unless Peni on his

return from team goes back to his own family instead of staying with Longona's.

Case for plff. closed.

Dft.

Lina duly sworn states:-
Pene I asked Longona to give him one pit and one land for his child, but he said Longona should keep the rest.

ROSE

Lina
Uy habe. L. U.

Case for dft. closed.

Summary:

The Committee held 3-1 that Pene obtained ^{equal} ~~an~~ ~~estate~~ in dft's lands under Longona's will. The L. U. concerned. They held 3-1, however, that since Ana was a bastard child, and Pene died intestate that Ana would not get Pene's full share, but only one land and one pit in addition to that which she already has.

Finding:

Lepolepo and the pit Temunipa transferred to Ana.

Before me,
Uy habe.
L. U.

1st Witness:

Talo (f. 63 yrs) duly sworn states: -
 We have trees there. We will
 all mention. I don't know about
 my division with Tohrai. (Witness smile.)

X her marks.
 Ughake. L. U.

ROFL

2nd Witness

Saiola (f. 54 yrs) duly sworn states: -
 Ngatalo (my mother) told me
 that Kaulan ~~had had~~ share of these lands,
 but that Tohrai's, Malae's, and Kioletha's
 shares had not been divided.
 Kaulan's share was divided in my
 mother's day. I belong to Tutana's
 line.

Saiola
 Ughake. L. U.

ROFL

Case for plff. closed.

3rd

Lina duly sworn states: -
 These lands were longona's from
 Tohrai. Tohrai said that she, Kaulan,
 and Malae had done the division of
 the lands

Lina
 Ughake. L. U.

ROFL

~~Case~~ L.C.

Case for dft. closed.

Summing-up.

The Committee held 2-0 that the lands should remain in ~~the~~ dft's possession, as the details of the alleged transfer in 1895 are too obscure to justify a transfer at this late stage. The L.C. held there had been a division of lands either before or just after the flag; but pff. had failed to prove that Kaulan or Enoka had not agreed to it, or even if they did not agree, that the division was unfair, and therefore pff. must fail for lack of evidence.

Finding:

Claim dismissed.
Before me,
A. L. C.

LANDS COURT NUI 26.V.48
NATIVE MEMBERS - All present
ASSESSORS - All present

Claim No. 32/48 26.V.48
Form B No. 8
Uitima (m. of Nui 62 yrs) v Enoka (m. of Nui)
Plaintiff present, defendant
represented by Salani (m. of Nui 52 yrs)

Claim:

Uitima claims his family only left
Tatube to Salani's family, and wants it back.

Hearing: J. Piff.

Vitome duly sworn states:-
 This land was Nuhai's - Tawa -
 Taahihihili - Kolapi. But before the
 Church came the Teitewa family begged
 us to let them put their temple there,
 and we allowed them to. When the Mission
 came the people burnt all the old
 temples, but the Teitewa family
 planted trees where their temple
 had been although they had no
 right to the soil.
 x.d. ct. We have trees in Falani's part
 planted by my father.

ROFC

Vitome
 Aylahne. L. G.

Case for piff. closed.

dft.

Falani duly sworn states:-
 Our family (Teitewa) bought this
 land from Vitome's family for pearl
 shell and other precious things long
 ago in order to put our temple there.
 The land was halved, Vitome's family
 keeping half and selling us the
 other half. Vitome has no trees in
 our half. They sold us the property
 in the land.

ROFC

Falani
 Aylahne. L. G.

Case for dft. closed.

Summing-up:

The Committee were divided in their opinion but the tendency was to allot the parties half each. The L.C. held one man's word was as good as another's and it all happened long before the flag.

Finding:

Claim dismissed. Falani's part of Tutube to remain in his possession; the other half in Vitime's (already in his lot).
Before me,
Alphabe.
L.C.

Claim No. 39/48
Form B No. 18 A

26.V.48

Vitime (m. of Nui 62 yrs) v Enoka (m. of Nui)
Plaintiff present, dependant
represented by Falani (m. of Nui 52 yrs)

Claim:

Vitime claims Falani's mother pinched Nanghoto from his family c. 1893.

Hearing:
Plff.

Vitime duly sworn states:-
This land belonged to Tapouea who left it to Nui. Nui to Pōhaki to my father. But while my father was a pastor in the Gilberts, Tapungao and Pōkama pinched it at the time Tapungao was N.M.
- Xd. U. There were two sister Tapouea and Tūai. Falani is descended from Tūai. There were two lands, Nanghoto and Pōhohoho, and they each had 1/2

of each. Falani has part of Teholoholo now.
x.d. a. My aunt told my father
about this. It happened about 1893.
My father returned here in 1896. We
still have trees there.

ROE

Distance
by lake. L. U.

Case for plff. closed.

Dft.

Falani duly sworn states:-
Tapouea and Tia had one
land each. Tapouea had Teholoholo
and we had Narihoto. Tapouea did
not take any land from Vitime's family.
x.d. a. The lands by the name of
Teholoholo in my list came from another
branch of the family (Tepae and Somotia).

Falani
by lake. L. U. ROE

Case for dft. closed.

Summing-up.

The Committee held 2-0 plff. had
produced insufficient evidence to prove a claim.
The L. U. concurred.

Finding.

Claim dismissed.
Before me, by lake. L. U.

Claim No. 25/48
Form B No. 35.

26. V. 48

Kilisi (m. of Hui 57 yrs) v Enoka (m. of Hui
Plaintiff present dependant
represented by Talani (m. Hui 52 yrs)

Claim:

Kilisi claims Talani only has nin-noa
on Teititi, but as registered it as a land
in his ~~name~~ uncle's name.

Hearing:
Puff.

Kilisi duly sworn states :-
Enoka only has nin-noa here,
he does not own any of the land.
But now he has registered part of
the land as his. Enoka has 2 nin-noa.

Taupili = Kopungali Kabarina
Mauati
Ipeua
Kilisi.

ROFF

Kilisi
Ngake. L. G.

Witness:

Ari (ff. 50 yrs) duly sworn states :-
Enoka's family has no land here,
but only nin-noa. We had land here
before, but Kabarina recently gave
this part to Ipeua. She said
that Enoka had no land here. He banding
is with Koka and Alineti.

ROFF

x per mark.
Ngake. L. G.

2nd Witness

Almeti (m. 60 yrs) duly sworn states :-
 Enoha has no land here, but
 only nei-nea. Peiatoa told me.
 My boundary and Kilisi's marches
 with Lauponi.
 Xd. Ct. I am not related to Kilisi.

X his mark.
 Uylake. L. U.

ROFC

- Case for plff. closed.

Dft.

Falani duly sworn states :-
 This land has always belonged
 to us, it never passed to Kalairua.
 We have about 8 trees there.

Farani
 Uylake. L. U.

ROFC

Case for dft. closed.

Adjourned sine die for boundary
 inspection.

See p. 118.

Claim No. 34/48

26. V. 48

Form B No. 42

Tui (m. of Nui 45 yrs.) v Lina (f. of Nui 30 yrs.)
Both parties present.

Claim:

Tui claims a portion of Fernanohu on the grounds that it has never been divided between the family.

Hearing:
Plff.

Tui duly sworn states:-
When Tokmai and Kotema divided their lands, they did not divide this one, so I claim a share of it.
The division was done before the flag.

Kotema

Malia (C. P.)

Samuela

Tui.

.ROFC

Lui

By Lake - L. G.

Plff. called Falani who had no knowledge of the matter.

Kotema's will, 1903, says this land was never divided, and if it should later be divided he leaves his share to Malia.

Case for plff. closed.

Dft.

Lina duly sworn states:-
This was Longona's from Tohrai.
Tohrai said she and Koteha had
divided all their lands.

ROE

Lina
by Lake. L. G.

Case for dft. closed.

Remaining up:

The Committee held 2-0 that
Koteha shall ~~have~~ ^{have} a share of this land. The
L. G. differed, holding that the
estate had been divided before the flag;
that it was most unlikely one land
should have been omitted from the
division; that the mere fact Koteha
had no slice of this land did not
give him a right to claim a share
of it, as he may have received the
whole of some other land instead; that
the statement in his will proves nothing
as Alice wills are notoriously dishonest.

Funding:

Claim dismissed.

Claim No. 3548

26. V. 48

Form B No. 43.

Peteli (f. of Nui 68 yrs.) v Lina (f. of Nui 30 yrs.)
Both parties present.

Claim:

Peteli claims these lands and pits on the
grounds she and Ana were mara.

of living with Longona. Sifele did return to her family, but the will does not state who should get the lands in that case

Case for pff. closed.

dft.

Leina duly sworn states:-
These lands were Ana's share, as they were divided by Kopuli. Ana left them to Mataio and ~~Mataio~~ ¹⁹² Lusuati, and Mataio left them to Longona.
ROFF

Leina
Alphabe. L.A.

Case for dft. closed.

summary-up:

The Committee were divided 2-2 on whether the estate had been divided or whether Peteli and Ana were still haitasi on the latter's death. The L.A. held they were haitasi on Ana's death, since prior to Ana's death Peteli was only in possession of one land which was obviously not her full share, and moreover Longona's action in giving Peteli part of the estate after Ana's death is a clear admission that Peteli still had an estate in all the lands. The Committee then held ~~to~~ that, granted Ana & Peteli were haitasi, as a result of Ana's will, Peteli, Mataio,

lanuali and Kopunga became haitasi in all the lands; but as a result of the wills set out ~~at~~ ~~the~~ ~~foot~~ ~~of~~ ~~p.~~ ~~64~~, or rather the absence of wills (in lanuali's & Kopunga's case) that all the lands should now, according to custom, revert to the sole surviving co-possessor, Peteli. The L. is agreed.

Findings:

The lands Lapolepo and Temaniba, and the pits Apoa and Teleni transferred to Peteli.

Before me,
By Lake.
L. C.

See also 83/48 on p. 183.

Claim No. 36/48
Form B No. 50

26. V. 48

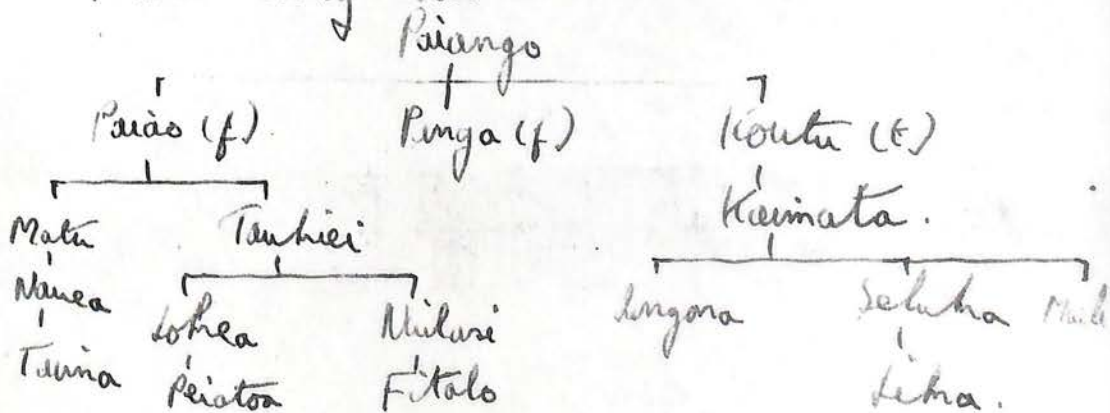
Fitalo (P. of Hui 509s) v Lika (P. of Hui 259s)
Both parties present.

Claim:

Fitalo claims Tehilwanei and Teiburahi on the grounds her father was wrongfully dispossessed by Longora and Pene.

Hearing: Ref.

Fitalo duly sworn states:-



Piango divided his lands, and gave Paiaso Tehilwanei, Tehilwanei and Penege and

one put as her share. Her family always had them until Nuiaraki went to Nuiaraki. He left the lands in Peiata's charge, but Pene and Hongona took them when Katea was magistrate. Xd. Ct. I don't know why they took them. My father said they were Peiata's.

X her mark. 90R
Uyabe. L. U.

At Witness: Taima (f. 70 yrs) duly sworn states:--
know nothing about
Fehilawamei and Teribuahi but my
father said Panyalei was Peiata's.

Taima
Uyabe. L. U. 90CC

Pff. also called Tema, who knew nothing of the case.

Case for pff. closed.

Dft.

Lima duly sworn states:--
Kaimata said all the lands in
his possession were his own, and that
he had no lands of other people.
Teribuahi was Kaimata's from his father
Pene. Peiata gave us Fehilawamei.
Xd. Ct. Hongona's side gave Melalunga

to Puias's side, as it was their, and
Puias gave Longona's side Tebelwanei in
exchange.

Lika.
Aylake. L.A.

ROFC

Mulso's will, 1942, mentions no lands by name.

Care for dft. closed.

Summing-up:

The Committee held 4-0 that
Tebelwanei had been obtained by Lika's
family by exchange, and that Jiff. had
not proved her claim to Tebeuahi, as
neither of the witnesses whom she called
could substantiate her claim. The L.A.
concluded.

Finding:

Claim dismissed.
Before me,
Aylake.
L.A.

Claim No. 31/48
Form B No. 51

26. V. 48

Peteli (f. of Tui 68 yrs) v Lika (m. of Tui 25 yrs)
Both parties present.

Claim:

Peteli claims she is heiress to the
land Talwaha.

Hearing:
Jiff.

Peteli duly sworn states:-
There were originally three sisters.
I am descended from one and Lika from

another. They were *kaitiaki* on this land and it has never been divided. The third sister whose descendant is Kona has her share. x.d. or. I don't know if the other lands of the three sisters were divided or not. I don't know the genealogical table.

Peteli
 Ughabe. L. or

ROFC

1st Witness:

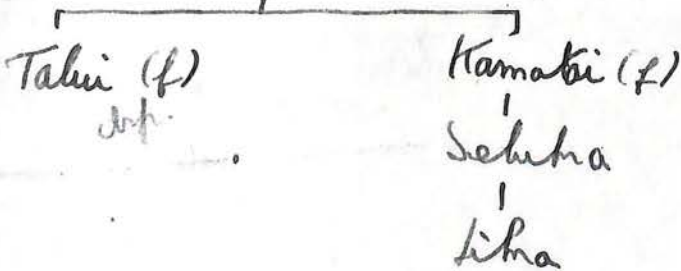
Kona (f. 64 yrs), descendant of the third sister, denies any knowledge of the affairs of the other two branches of the family. Ugh. 2.

Case for plff. closed.

2ft.

Lika duly sworn states:-
 This land was the share of Talui and Kamatai. Nobody else was *kaitiaki* on it.

Patuhi



Lika.

Ughabe. L. or.

Care for dft. closed.

Summing-up:-

The Committee 2-1 that Peleti was fraudulent. The L.G. agreed with the minority that Peleti, being unable to prove the links of the families, and her witness being unable to assist her story at all, must fail for lack of evidence. Moreover, this is a matter from long before the flag, Peleti admits that one of the 3 sisters has got her individual share, so it is likely their estate was divided long ago.

Finding:-

Claim dismissed.

Before me,
A. G. Lake.
L. G.

Claim No. 38/48
Form B No. 52.

26. V. 48

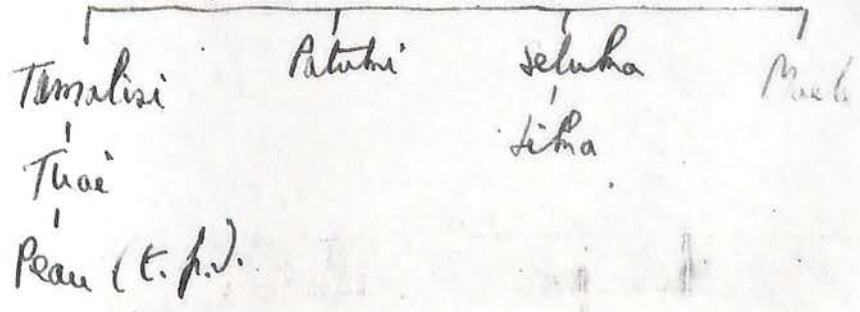
Peau (m. of Nui 27 yrs) v Lika (m. of Nui 25 yrs)
Both parties present.

Claim:

Peau claims these lands under Tuai's will.

Hearing Peff.

Peau duly sworn states :-



Tuai left his mother's lands to me. I don't know whether her lands had been divided from the rest of her family's. I don't know whether Tuai looked after Tamalisi or lived with her or not.

ROFC

Peau.

Alphabe. L. U.

Tuai's will, ~~made~~^{made} 1930, leaves his mother's lands to Peau.

Care for plff. closed.

Dft.

Lika duly sworn states:- Tamalisi stayed with Patuhi and when she was sick, Patuhi looked after her. Tuai hated her and refused to look after her. The N.V. were not present when Tamalisi made her will, but her brothers & sisters were.

Lika.

ROFC

Alphabe. L. U.

at witness

Maele (58 yrs) duly sworn states:- Tuai refused to look after Tamalisi in her last illness, so she left all her lands to Patuhi. She said that if

Patuhui loved (took pity on) Tuai, he should let him have some lands.

Xd. Ct. Each person in the family was using his own lands, but we still called them *matani* officially.

Xd. Ct. Tamahui died in the 1938's.

Male ROFC
Algabe L.G.

Case for dft. closed.

Summing-up:

The Committee held 4-0 that the evidence, especially Male's version of Tamahui's last words, was sufficient to warrant a reduction of Tuai's customary portion from his mother but not to disinherit him altogether. The average of their opinions was that ~~the~~ Tuai was entitled to 1 1/2 lands and 1/2 a pit of the 3 lands and one pit in the claim, and that Pear could successfully claim them under Tuai's will. The parties were requested to agree on a division accordingly.
Adjourned until the for division. Agt.

Finding:
27. v. 48.

The parties have agreed that Teitai (aimita) and half of Aontepa, and half the pit Tebantua be transferred to Pear.

Before me,
Algabe. L.G.

Finding duplicated on next page.

LANDS COURT NUI

27. V. 48

NATIVE MEMBERS - ~~All present, except Kaiwala~~, Femia, Falami, Utima, Iosefa, Tabuo.

ASSESSORS: Both present.

No. 38/48 Peau v. Lika (continued). 27. V. 48.

Findings: duplicated at bottom of previous page.

Taitai, half of Antepa, and half of the pit separately transferred to Peau. The remainder to remain in Lika's possession.

Before me,
Ag Lika.
L. C.

Claim No. 39/48

27. V. 48

Form B No. 54.

Utima (m. of Nui ⁶² yrs) v Lika (m. of Nui ²⁵ yrs)
Both parties present.

Claim: Utima claims part of Teaimarawa on the grounds that it belonged to his mother, & was only lent to Longona.

Hearing: Aff.

Utima duly sworn states:-
This belonged to my father, from whom Lika left it to Longona as "lauka". Longona had the next plot of land, which belonged to his family, so he asked Taitai to let him have this piece as well to look after, and Taitai let him be caretaker. Later I suggested to Longona we should fix the boundary, but we never did so.

x.d. Ct. Longona and ~~Poahi~~^{Taitai} ^{2nd} were ^{2nd} cousins.
x.d. Ct. It is only a small piece of land.

Witness:
Alykabe. L.A. ROFC

1st Witness:
f. 60 yrs.

Scene duly sworn states:-
This land belonged to Taitai from
Loia, but Longona asked Taitai for
the use of it, as he owned the adjoining
piece of land. When Taitai died he
told us to remember that piece of
land.

x.d. Ct. I used to go with my
parents to use this land, we climbed on it.
I was present when Taitai and Longona
made the agreement that Longona should
look after the land. I did not talk
as I was only 10 or 20 at the time, but
I was there. I don't know the size of
the land.

Witness:
Siemi
Alykabe. L.A. ROFC

Loia's will, 1900, leaves Teaimarawa
to Poahi. It is not mentioned in
Poahi's will. She did not list all her lands.

Case for reff. closed.

dft.

Lika duly sworn states :-
 This land belonged to
 Kurotai from Imolei. Taitai told
 Longona he owned some land there, and
 Altone did the same, so Longona
 said they would look at the boundaries
 as he knew of no land of theirs there;
 but they never went to look at the
 boundary.

ROEL

Lika.
 Ughabe. L. A.

Witness

Kilini (m. 57 yrs) duly sworn states :-
 I don't know about their land,
 but Longona's boundary comes up to
 my land.

Kilini
 Ughabe.

ROEL

Case for dft. closed.

summing up:

The Committee held 4-0 that a
 small part of this land had belonged
 to Altone's family from Aoi, and that
 Taitai had only lent it to Longona, as
 shown by peff. The L. A. concurred.

Findings:

A small part of the land Teaimarawa transferred to Vitime, the boundaries to be determined by the Native Members.

Before me,
Alphabe.
L. G.

Claim No. 40/48
Form B No. 55.

27. V. 48

Tangan (m. of Nui 41 yrs) v Lasela G. of Nui⁵²
Tangan represented by Vitime (m. of Nui 62 yrs)
Lasela represented by Silipu G. of Nui

Claim No. 41/48
Form B No. 57.

27. V. 48

Malua (m. of Nui 60 yrs) v Loti G. of Nui, (31 yrs)
Both parties present.

Claim:

Piff. claims these lands etc. under Siotepo's will, as the latter's adopted child.

Hearing: Piff.

Malua duly sworn states:-
Siotepo was my father's brother, by whom I was adopted. Siotepo had two daughters, Naile (dsp) and Lopanga, but no son. On his death he said that we three should be haitasi on his share. Later the lands of the brothers* were divided, and I had Siotepo's share. When I went to Fenufuti, I left them in charge of Lopanga, but when I returned she refused to allow me access to any of them.

I claimed several times to the N.O., who refused to allow my claim on the grounds there was no written will.

Mahua ROFC
 Dykabe. L.O.

1st Witness

Maeangs (f. 65 yrs) duly sworn states :-
 When Siotepo died, he said that that Mahua and his two daughters should be mantani.
 x.d. et. I was present. I supported him in his last moments. I was his adopted child.

ROFC

+ her mark.
 Dykabe L.O.

Care for peff. closed.

Dft.

Lote duly sworn states :-
 He & three brothers divided their lands. These were Siotepo's share.
 x.d. et. I don't know whether Mahua was adopted by Siotepo or not.

ROFC

Lote
 Dykabe. L.O.

Care for dft. closed.

Summing-up:

The Committee held 5-0 the fact of Malua's having lived with and looked after Siotepe, and Malango's evidence of his verbal will, entitled Malua to a share of this estate. They held 4-1 that Malua's share should be 4 lands and 5 pits. The parties were asked to arrange a transfer accordingly.

Adjourned sine die See p. 98.

Reduced to 2 lands & 3 pits as a result of subsequent transfers to outsiders. Sept.

Claim No. 42/48
Form B No. 58

27. V. 48

Tui (m. of Nui 45 yrs) v. Lote (f. of Nui 31 yrs)
Both parties present.

Claim:

Tui claims that Lote owns no land here but only nin = noa.

Hearing = plff.

Tui duly sworn states:-
Lote's family have no land here, but only 5 or 6 nin-noa which they planted long ago.
We got the land from Koteha. He, Enoha and Tohrai divided the land, and this was Koteha's share.

Tui
By Lote. L. G.

ROFC

Case for plff. closed.

Dft.

Lote says he knows nothing, and requests that Malua conduct the defence.

at Witness:

Malua (M. says) duly sworn states:-
 We used five or six trees here in Seotepo's day, but he did not say whether they were niu-noa or whether it was a land. Katangi says there is a land there.
 ad. et. Some of the trees stand all in one place, others are among Tui's trees.

Malua
 Aghabe . L. G.

ROCC

Case for dft. closed.

summing-up:

The Committee held 4-0 dft. has no land at Patnapuha, but only niu-noa. The L. G. agreed.

finding.

The land Patnapuha to be erased from Lote's list and included in that registered by Tui in Form B. Lote has no land here but retains the ownership of 5 or 6 trees.

Before me,
 Aghabe.
 L. G.

Claim No. 43/48
Form B No. 59

27. V. 48

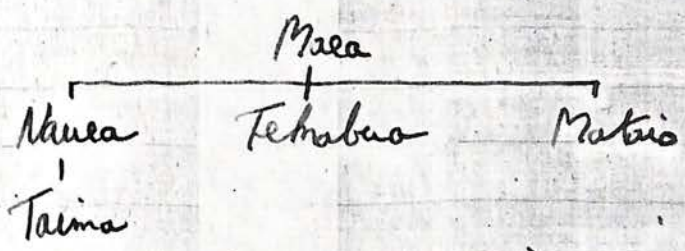
Taima (G. of Hui 10 yrs) v Lote (G. of Hui 31 yrs)
Both parties present.

Claim:

Plff. claims she was wrongfully dispossessed of Pongalei and pit Tabomanihakawa by Katea, in Mr. Rewse's time.

Hearing:
Plff.

Taima duly sworn states: -
This land & pit was Nanea's from Maea. Nanea said that Maea's father and uncle had divided their lands.



All three were adopted children. There were 5 lands from Maea of which they had one each, and two were kaitasi. They had one pit each on the main island, and one pit divided in thirds in the north. This was one of the kaitasi lands, and they each had 1/3 of the pit. Katea took these lands and pits in Mr. Rewse's day, when he was C.K. He took them after Mr. Rewse had gone.

Xd. Ct. Maea made a will.
Xd. Ct. We children of Maea have not divided our lands, Maea died before the flag.

Taima

Aylohe. L. G.

ROFC

Ex Witnesses:

Kauiua (m. 57 yrs) duly sworn states: -
 He three adopted children of
 Maea had 5 lands and 4 pits
 from him which they divided
 up. But then, after Mr. Rewae
 had gone, Katea took these lands
 and pits, I don't know why.
 x.d. Ct. I am Teihabua's descendant.

Kauiua
 Alphahe. L. A. ROFC

Case for plff. closed.

Dft.

Lote has nothing to say.

Ex Witnesses:

Malua (m. 60 yrs) duly sworn states: -
 Maea had these lands, but he
 had no natural children. ^{one Maea} and
 the other two were adopted. So Katea
 took these lands because he was the
 "blood". He left Tohinivae and half
 Tabonanihalawa with the adopted line.
 x.d. Ct. If it is true that these lands
 and pits should have reverted to the
 "blood" on Maea's death, how is it
 that they did not so revert at the
 time? Why did Katea's family wait
 30 or 40 years or more before claiming them?
 Witnesses did not answer.

Malua
 Alphahe. L. A. ROFC

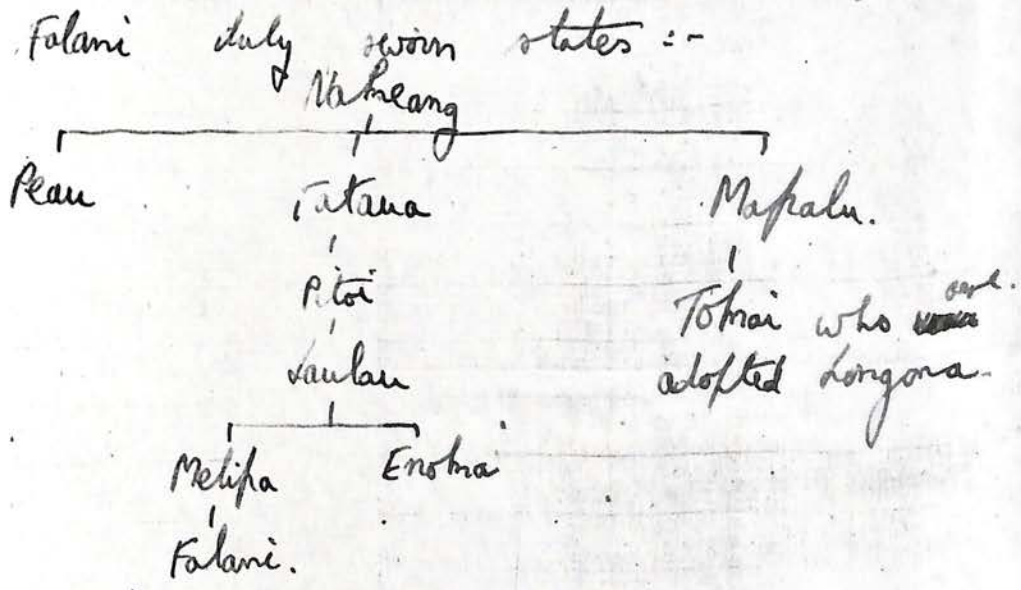
Claim No. 31/48
Form B No. ~~41~~

Enoka (m. of Nui ...) v Lina (f. of Nui 30 yrs.) Enoka represented by Falani (m. of Nui 52 yrs.) Both parties present.

Claim.

Enoka claims these lands Motuorongo, Petualua and Mataokala on the ~~islands~~ that he was fraudulently deprived of them by Tokmai.

Hearing: ~~off.~~



The three children of Naheang had their shares from long ago, until 1895, when Tokmai and Paubee claimed a redivision of the estate. So the N.G. ordered a redivision. They redivided the lands near the village but they did not complete the redivision of lands in the bush. Afterwards Enoka went to get these three lands which had been his share before but they refused to surrender them.

My habe. L.G. ROR

Farani:

Case for dft. closed.

Summing up:

The Committee held 4-0 these lands etc. had passed to Naea's ^{adopted} children according to custom, and they had been wrongfully taken by Katea while he was Chief Nambete. The L. C. concurred.

Finding:

Pangalei and the pit Tabonamihawa transferred to the children of Naea in Maitasi, to be registered in Taima's name. Tufama's ^{descendants} not Maitasi.

Before me,
A. J. Lake.
L. C.

Claim No. 44/48
Form B No. 63

27. VI. 48

Litangi (m. of Nui 17 yrs.) v Matio (m. of Nui 65 yrs.) Litangi represented by Numi (f. of Nui 49 yrs.) Both parties present.

Claim:

Litangi claims he should be Maitasi on Kolupi's lands, according to the latter's will.

Hearing: Jeff.

Numi duly sworn states: My child Litang was adopted by Kolupi. When Kolupi died, he ~~said~~ said that Litangi and his natural daughter Lau-papa should be Maitasi on his share of lands from his father. But Litangi has never got his share, because Kolupi's brother

Mateo has kept the lands.

Xd. U. Kolupi made his verbal will in the hospital. He did not say Letangi had to stay with kaupapa and her family.

~~Not~~

Numi

ROFC

Ay hahe. L. G.

Wt Witness

Evelina (f. 45 yrs) duly sworn states :-
I am no relation to the parties, but I happened to be present in the hospital when Kolupi nearly died there. He said that Letangi and kaupapa should be maritani on his share of the lands. He said nothing about Letangi having to stay with kaupapa.

ROFC

Evelina

Ay hahe. L. G.

Case for plff. closed.

Dft.

Mateo duly sworn states :-
Numi told me that Letangi should be maritani on Kolupi's lands but I replied there was no will in the N.G. book. kaupapa said Letangi could be maritani if he lived with us. X his mark.

ROFC

Ay hahe. L. G.

NATIVE MEMBERS : Iosefa, Tahuo, Sofola, Kaisala.
ASSESSORS : Both present.

44/48 Litangi v. Matio (cont.). 28. V. 48.

At Witness:

kaupapa (f. 25 yrs) duly sworn states :-
Kolupi said Litangi and I should
be kaitoni so long as he lived with us
but not if he returned to his own family.
x.d.c. He said it in the hospital. I
was the only person present.

kaupapa
Ug Lake. L.G.

ROFC

Case for dft. closed.

Summing-up:

The Committee held 2-0 that Kolupi
had expressed his intention that Litangi
should be kaitoni on his lands, and
that he had not qualified it by requiring
Litangi to stay with kaupapa, so
Litangi should now be given his share.
The L.G. held the division should be
postponed pending the settlement of other
outside claims against the estate.

See p. III of Vol. II. Adjourned sine die. Ugh.

Claim No. 45/48
Form B No. 67.

28. V. 08

Nohai (p. of Nui 64 yrs.) v Matis (m. of Nui
65 yrs.) Both parties present.

Claim: Nohai claims Montala belonged to her family but was stolen by Matis's on the departure of the missionary Krossome.

Hearing: Piff.

Nohai duly sworn states:-
Nihalawa said that this land belonged to us a Matis's family had none there. But when the missionary came, we lost it to him to me. When the missionary returned to Samoa he gave it back to Nihalawa, but when we went to the land we found Matis's family had taken it.

ROFC

Nohai
Alphabe. L. C.

At Witness: Kataragi (m. 68 yrs) duly sworn states:-
My mother told me this land was Taula's, and that he gave it to one of our ancestors as a reward for assisting him when someone tried to kill him. Later, Kaeava and Pongia begged the land from our family to do their magic there. So we allowed them to do so but did not give them the land. Then when the missionary came, he used the land and planted it. On

Care for dft. closed.

Summing-up:

The Committee held 2-0 this piece of land under dispute should be solved as they could not say whether Katangi or Sihale was right, whether the land was lost or sold. The L. G. held this land passed to Matiso's family before the arrival of the Mission, by the evidence of both sides, and that Matiso's family had regained it on the departure of the pastor Kirisome. It must therefore, at this late date, be presumed to have been sold to Matiso's family. They have had it since before the flag, and if Nohai's family's claim was not strong enough to succeed on the missionary's departure, it must be assumed that ~~she~~ her family had less right to the land than Matiso's.

Finding:

Claim dismissed.

Before me,
A. Lake.
L. G.

Claim No. 46/48
Form B No. 65.

28. V. 48.

Vele (m. of 41 yrs) v Matiso (m. of 41 yrs)
62 yrs) ~~the~~ Plaintiff present defendant
represented by Sosene (m. of 41 yrs)

Claims:

Vele claims that on the grounds the family lands have never been properly divided and he has an inadequate share.

Hearing: Plff.

Ule duly sworn states :-

We are kaitasi on this land.

Kopunga = Kawale

Kana (T)

Fahatoafe (T)

Kilongo

Neini

Sorene Matie

Ule.

The family lands were never divided, but were all in Kana's charge. Fahatoafe just had 2 lands & 2 pits for his use, as first of all the family were all living together but when Fahatoafe married he only took these two lands and pits as he had plenty on the woman's side. We claimed to Matie's family and got another land about 1900. But now they claim it back.

Ule

ROFC

Alfabe. L.A.

(Case for plff. closed.)

Dpl.

Sorene duly sworn states :-

Sorene's will states Fahatoafe already has his share. He has 3 lands and 2 pits that I know of. I know of no reason why Fahatoafe might have been disinherited.

ROFC

Sorene

Alfabe. L.A.

Kawai's will, 1906, as claimed by dft. app.

Found on inspection of lists, Ref. has 3 lands and 2 pits and dft. 16 lands and 3 pits from their ~~will~~ common ancestor.

Case for dft. closed.

Summing-up:

The Committee held 2-0 that Vele had never received his full share, and was entitled to half the estate. The L.C. held that as he only claimed one land that was all the Court should give him. Since Tualele is a big land and Josene's house stands on it, half Tualele should be transferred to Vele and another land ~~say~~ or part of a land equal in size to the half of Tualele to be retained by Josene. See p. 110 of vol. II

Claim No. 47/48
Form B No. 66

28. V. 48.

Liufo (m. of Nui 32 yrs.) v Matid (m. of Nui 62 yrs) Plaintiff present, dependant represented by Josene (m. of Nui boys).

Claim:

Liufo claims Tualele on the grounds that Kawai left it to him in his will.

Hearing: Ref.

Liufo duly sworn states: My grandfather ^{Kawai} was adopted by Kawai, who left him this land. etc. We now have 7 lands and one pit from Kawai, and some other things from Kopunga.

Xd. Ct. My family's record of the lands says those from Kopunga and Dana are different, but I don't know why.

ROFC

Supo.
Aghabe. L.A.

Dana's will, 1906, leaves his lands etc. equally to Pulongo and Korai.

Case for Jeff. closed.

Dft.

Soome duly sworn states:-
It is true the division of lands between Korai and Pulongo was never properly made, but when I suggested to him we make the division before the L.C.'s arrival, he did not agree. He has more than seven lands from Dana.
Xd. Ct. I have 16 lands and 3 pits from Dana.

ROFC

Soome
Aghabe. L.A.

Found on inspection of the lists, Jeff. has 12 lands and 5 or 6 pits from Kopunga and Dana.

Case for dft. closed.

summing-up:

The Committee at first held 2-0
Lupo had his full share on account of
the number of pits he holds, then
agreed with the L.G. it would be
better if the parties went and made a
proper division of the estate. The parties
were therefore requested to redvide the
estate by mutual agreement, if possible.

Adjourned sine die. See p. 110 of Vol. II

Claim No. 48/48
Form B No. 70.

.28. v. 48

Fitalo (f. of Nui 50 yrs.) v Matio (m. of Nui
62 yrs.) Plaintiff present, dependant
represented by Sesone (m. of Nui 60 yrs.)

Claim: Fitalo claims her grandfather Taubiee
gave the pit Tebantia to his bastard child,
which died in infancy, and the pit
should therefore be returned to her family.

Hearing:
Plff.

Fitalo duly sworn states:-
Taubiee had a bastard by Fevina,
and gave this pit for its support. The
child died after about a month, but
Fevina kept the pit and later gave it
to her brother Valeri, who gave it to
his ^{to} ~~brother~~ ^{to} ~~brother~~ Matio. But it should
have reverted to us. Matio admitted this
claim in Mr. Kennedy's day, when Tara came to
make the lists.
Xd. v. We have part of Tebantia now

Case for plff. closed.

Dfr.

Sosene duly sworn states:-

I know nothing about this, nor does Matio, but he has had it a long time.

Sosene

ROFC

Uphale. L. G.

2nd Witness

Matio (m. 62 yrs) duly sworn states:-

Sihali and I have divided this pit. We got it from Palango, who got it from Valasi, who got it from her father. xid. U. I know nothing about the plff.'s story.

xid. Plff. I did not admit this claim of yours in Mr. Kennedy's day.

X his mark.

ROFC

Uphale. L. G.

2nd Witness

Pina (m. 50 yrs) duly sworn states:-

I ~~had~~ made some lists here about 1940, but I don't remember anything between Fitelo and Matio, though I registered Matio's lands.

Caro Mael.

ROFC

Uphale. L. G.

Case for dft. closed.

Summing up:

The Committee held 3-0 plff. had failed to prove her claim, and also that this claim dates from before the flag and also that the part he already has is probably the whole of Taurua's part of this pit.

Finding:

Claim dismissed.

Before me
A. G. G.
L. G.

Claim No. 49/48
Form B No. 11.

28. V. 48

Matio (m. of Hui ⁶² yrs) v. Sala (f. of Hui 69 yrs) Matio represented by Sosene (m. of Hui 60 yrs) Both parties present.

Claim:

Plff. claims his brother exchanged pits without his permission, and wants their family pit restored.

Hearing:
Plff.

Sosene duly sworn states:-
This pit was ours, but Poatea gave it to Peiatoa in exchange for Tepaopao, which we now have. We want Pamo back because we do not want pits on the further island.

Sosene
A. G. G.

ROC-

L. G.

Case for plff. closed.

Claim No. 50/48
Form B No. 12

28. V. 48.

Kilisi (m. of Nui 52 yrs) v Malua (m. of Nui 60 yrs) Both parties present.

Claim: Kilisi claims his mother was forcibly dispossessed of Teha by Katea.

Hearing:
Jiff.

Kilisi duly sworn states: -
This land belonged to my ancestor
Hopungali and descended to my ~~mother~~ ^{grandparent} ~~grandparent~~ ^{Maunatu}. Then
~~Katea~~ ^{Katea, c. R.} took it by force, I don't
know why.

Kilisi
A. K. A.

ROSE

st Witness

Kauila (m. 57 yrs) duly sworn states: -
Kabaerna and Maunatu were traitors
on this land. Then Katea took it by
force. He called his brother together to
divide their lands, but said "None of
you must go to this land. I will keep
this my land from Kabaerna."
Jd. Ct. The transfer was made on
Mr. Reuser's order. Teube was thrown into
prison and taken to Betis because he
refused to give up the land, but my
father Kabaerna, his brother, told him to
give it up.
Jd. Ct. I don't know which story is correct.

My father told me both that Katea took it by force, and that the transfer was done on Mr. Reuser's order.

Xd. Ct. You say that Katea told his brothers he would keep this land for himself, and his brothers were not to go to it. How do you explain the fact that Mahua, Katea's nephew, has it now, and not Katea's children?

A. I don't know.

Kaunua.
Aghake.

Rofc
L.A.

Case for Jeff. closed.

Dft.

Mahua duly sworn states :-
My father Iopu was adopted by Kolupfi, from whom he received this land. We have always had it, and did not get it from Katea or Manatu.

Mahua
Aghake.

Rofc
L.A.

hts Witness

Josene (m. 60 yrs) duly sworn states :-
I am Kolupfi's descendant. The story in our family is that Kolupfi gave this land to Iopu.

Josene

Aghake. L.A.

Rofc

Care for dft. closed.

Summing-up:

The Committee held 4-0 that this land was Mahua's rightful property; and stated they considered the evidence for the defence more credible than the evidence for plff. The L. G. agreed, and noted Kivula's evidence was very confused.

Finding:

Claim dismissed.

Before me,
A. G. H. A. B. E.
L. G.

Claim No. 51/48

28. V. 48

Form B No. 77

Kiliata (f. of Nui 62 yrs.) v Mataio (m. of Nui 37 yrs.) Both parties present.

Claim:

Kiliata claims this land Temasa belonged to his father Katea but was taken by Maebon on his death.

Hearing
Plff.

Kiliata duly sworn states:-
His land belonged to Katea from his mother Tepate, but on Katea's death Mataio and Maeb claimed to be N. G. it was theirs and the N. G. gave it to them. But we had always had it up to that time.

Kiliata

ROCC

A. G. H. A. B. E.
L. G.

See bottom half of next page.

LANDS COURT NUI. - 31. V. 48
NATIVE MEMBERS and ASSESSORS - All present.

Claim No. 41/48 31. V. 48.
Form B. No. 57

Malua v. Lote. See pp. 76-78.

Findings :

Tarlahu, Aotepa, and the pits
Tehavavalihi (meang), Tehatai (tari) and Teupupu
transferred to Malua. The remainder to
remain in Lote's possession.

Before me,
Aghabe.
h. C.

Claim No. 56/48 31. V. 48
Form B No. 77.

Kiliata v Mataio. See previous page. (97)

Witness :

Katangi (m. 88yrs) duly sworn states :-
This land always belonged to
my father Katea. He planted it, and
there were never any claims against
it until his death. Then the N.G.
summoned me to look at the boundaries
and they said this part was Malle's.
We still have one side of
the land, but they gave the other
side to Moe's family.

Katangi ROFC
Aghabe. L.G.

Case for peff. closed.

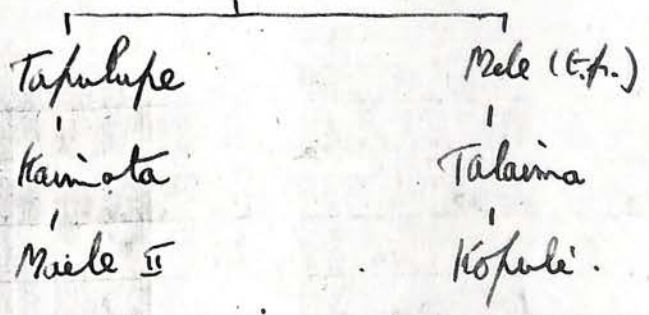
Dft. Kopule (m. 44 yrs), dft's brother, duly sworn states :-
 This land belonged to my grandmother from Maele.
 Xd. A. Kiliata's family own the land running inland. Our part is a small part, but when Kitea was in the N.G. he took it. He took the whole thing, & we had none left.

ROCE

Kopule
 Ughake. L. U.

1st Witness

Maele (f. 58 yrs) duly sworn states :-
 I heard from Kopuli's ancestor this was their land, so I asked my father, who said Maele gave it to her adopted child Mele.



Maele
 Ughake. L. G.

ROCE

Case for dft. closed.

Summary - up:

The Committee held 5-0 this land was Maele's land and she left it to

Mile, etc. The L. G. agreed.

Finding:

Claim dismissed. Each party to retain that part of the land they now possess.

Before me
Alphahe
L. G.

Temasa.

Claim No. 52/48
Form B No. 62.

31. V. 48

Kaisala (m. of Hui 53 yrs.) v Mamoc (m. of Hui. 47 yrs.) Both parties present.

Claim:

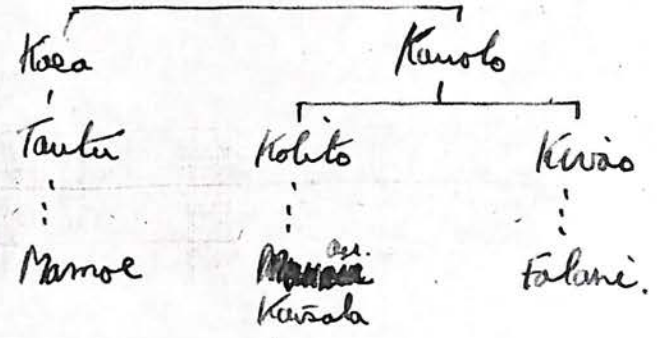
Kaisala claims Tehima is his family's land.

Hearing:
Spiff.

Kaisala duly sworn states :-
My ancestor Kohito and Kivai were brother and sister. My mother said that they each had half of this land. We had it until Lafaile took it by force, just recently, before this war.
x.d. et. Mr. Rewse divided the land in half, between Kohito's and Kivai's side. He did not give Tautu's side any.
x.d. et. My mother said the lands were divided long ago. I don't know when Lafaile took the land, but it may have been about 1910.
x.d. et. I have now the inland part of this land.
Kaisara
Alphahe. L. G.
ROFC

ht Witness

Falani (m. 52 yrs) duly sworn states :-



We had the whole of this land.
 Then about 1890 Kolito's crowd claimed
 half of it from us. Mamoe's crowd
 took Kolito's part about 1905.

Falani
 Ughabe. L. U. ROCC

Case for plff. closed.

Dft.

Mamoe, duly sworn states :-

This land belonged to the whole
 family Maitani. Then in Tautu's day it
 was divided up, Tautu and Kolito
 taking half each of the inland part,
 and Tautu and Kurolo half each of
 the seaward part. Then Falani's people
 claimed to Mr. Rewse their part was too
 small, so Mr. Rewse divided the
 land in half, giving Kurolo's descendants
 the whole of one side. On the other side
 he gave Kolito's people the inland
 part and Tautu's the seaward half.
 That is the part we have now, which
 Kurolo is claiming.

I. Mamoe
 Ughabe. L. U. ROCC

At Witness:

Araia (n. 67yr) duly sworn states:-
 Valamoa (my father) was looking
 after these lands in Mr. Reese's day.
 Originally Tautu's side had half the
 land inland and half on the seaward side.
 Mr. Reese gave half the inland part to
 Falani's side and half to Kaisala's.
 He gave half the seaward side to Falani's
 people and half to Tautu's and Kolito's
 descendants jointly. But Tautu's and
 Kolito's people agreed that Kolito's
 people would take ~~complete~~ sole possession
 of Teulmitakoa while Tautu's took sole
 possession of this part of Telihiai.
 Previously both parties were hakerei on
 both lands.

Id. at. This is my father's story. He was
 present when Mr. Reese did etc.

Wasail
 Aghabe.

L. A.

ROFC

Case for dft. closed.

Summary - upi:

The committee held 4-1 dft's story
 was the correct one, and Mamoe
 should retain his part of the land on
 the seaward side. The L.A. concurred.

Finding:

Claim dismissed. Mamoe retains his
 part of Telihiai on the seaward side.
 Before me, Aghabe. L. A.

Claim No. 53/48
Form B No. 68

31. V. 48

Vitime (m. of Nui 62 yrs) v Matio (m. of Nui 62 yrs) Plaintiff present, defendant represented by Sose (m. of Nui 60 yrs)

Claim:

Pff. claims the family lands were never divided and he wants a share.

Witness:
Pff.

Vitime duly sworn states:-

My father said the lands of Etere and Kopunga were never divided:-
1st wife = Konai = 2nd wife

Etere	Kopunga
Tolue	hana
Kolapi	Pulongo
Taitai	Matio
Vitime	

The old custom was that the brother took charge of the lands. so now I claim one land and one pit for Etere's branch of the family.
x.d. a. We have no lands from Konai now.

Vitime
Uyabe. L. A. Roge.

1st Witness:

Sane (f. 60 yrs) duly sworn states:-
My father said that when the

lands were divided, we should claim a share, as the family lands were all with Kopinga, and Eitene never got a share.

Siemi
Aylake. L.A.

ROFC

Care for plff. closed.

dft.

Mateo duly sworn states :-
Eitene got her share. Pouten told me that Lina said Eitene had been given her share, but I don't know the names of the lands.

X his mark.
Aylake. L.A.

ROFC

St Withers

Sosone (m. 60 yrs) duly sworn states:
My family said that Eitene got her share, but I don't know the names of the lands. Lina said she had her share.

Sosone
Aylake. L.A.

ROFC

Care for dft. closed.

Summary-up:

The Committee held 4-2 that Matis (aft.) should retain possession of all lands etc. in the claim, since it was only one side's story against the other's, with no possibility of proving the truth after this length of time (5 generations). The L. G. agreed pointing out that the claim dated from very long before the flag.

Finding:

Claim dismissed.
Before me
Alphahe.

Claim No. 54/48
Form B No. 68 A.

31. V. 48

Uitime (m. of Nui 62 yrs) v Matis (m. of Nui 62 yrs) Plaintiff present, dependant represented by Sosene (m. of Nui 60 yrs)

Claim:

Pfff. claim's date is in his family land.

Hearing:
Pfff.

Uitime duly sworn states :-
My evidence is the same as in 19/48 on p. 35.

ROFC

Uitime
Alphahe. L. G.

Care for pfff. closed

aft.

Sosene duly sworn states :-

This is the other half of the land which we claimed from Utine. It is true that the land originally belonged to Utine's family but we bought it from them. I don't know the name of the ancestor who bought it, it was long ago. Then one of our ancestors gave it to Iofu, but he left the land and we took it back. I.d. a. Kolupi bought it from Utine's family and left it to Iofu, his adopted child. Kolupi's ancestor bought it from Utine's family and left it to Kolupi (sic).

I.d. a. Utine recently took the other half perhaps about 1970; we made the 'copia' case on it from very long ago.

Sosene
Iofu. L.G.

Rofe

At Witness:

Maha (m. 60 yrs) duly sworn states: -
When my father lived with ~~the~~ ^{age} Matia's family, he used to use this land, but when he went to Samoa he left it.

Maha
Iofu. L.G.

Rofe

Case for dft. closed.

Summary:

The Committee held 4-1 this land belonged to Vitime's family, and should be transferred to him, its origin being the same as that piece in claim 19/48 on p. 35. The L. G. agreed, holding that N. M. Faloni's story appeared to be the correct one, and Matic's family had probably re-entered the land while Matic was absent in the Gilberts. The other story about purchasing the land is new since the decision in 19/48.

Findings:

The whole of Lulutei subsequently transferred: Half to Ponanga and half to Peteti.

Lulutei to be transferred to Vitime, to be included in the part already in his list.

Before me,
Uyohabe.
L. G.

Claim No. 55/48
Form B No. 43.

31. V. 48

Vitime (m. of Hui 62 yrs) v Malua (m. of Hui 60 yrs) Both parties present.

Claim:

Vitime claims Tebato on the grounds it is his family property.

Hearing: J. Peff.

Vitime duly sworn states:-
Etere gave this land to her adopted child Toahai. Later Toahai gave it back to my father Taitai because Malua's family kept on going to etc. The case came up before the N. G. who held my father was right and awarded him the land, but Malua's family

have refused ever to give it up.
 Xd. Ct. We have part of the land now,
 but Malua has the other part.

Witness
 Aylake.

L. G.

ROFC

2d Witness

Anei (f. 72 yrs) duly sworn states:-
 I am Toahai's niece. This land
 belonged to Toahai from Taimelihile (Eteu's
 husband), from before the flag. But Toahai
 gave it to ~~Taitai~~ Taitai because
 many people kept on coming onto the land
 and he did n't know the history of the
 land well enough to keep them off.
 Xd. Ct. Anei now has Toahai's part.
 I know nothing about Malua's part.
 That was not Toahai's.

ROFC

X her mark.

Aylake. L. G.

Case for plff. closed.

3d.

Malua duly sworn states:-
 We got this land from our
 ancestors. My father and grandfather
 were present when the N.G. transferred
 part of it to Toahai on the grounds it
 was his from his adoptive parents. Toahai
 gave it to Taitai. But the part we
 have now, we have always had.

Ad. Ct. The transfer was made in Mialava's day.
(c. 1905-06).

Makua ROFC
Alykabe. L. G.

Ad. Witness:

Kiatangi (m. 68 yrs) duly sworn states:-
This land belongs to our family.
Toahai and we each had a part.
Toahai gave his part to Tutai and the
N.G. did the boundaries. This part was
always ours.

Kiatangi ROFC
Alykabe. L. G.

Case for dft. closed.

Summing-up:

The Committee held 6-0 this part of
the land was Makua's. The L. G.
concurred, pointing out plff.'s own
witness, Toahai's next-of-kin, was
against him.

Finding:

Claim dismissed.
Before me
Alykabe.
L. G.

Claim No 5648
Form B No 74

31. V. 48

Vitine (m. of Nui 62 yrs) v Mekuli (m. of Nui 51 yrs) Both parties present.

Claim:

Vitine claims part of Tepuhua on the grounds it belonged to his mother.

Hearing
off.

Vitine duly sworn states:-

Tubia and her sisters Kotoha and Kimala were orphaned young, and looked after by different people, ~~but~~ but were not adopted by them. Kimala was looked after by Koloto, so this land and a pit were put under Koloto's charge to provide for Kimala's support, but were not given to Koloto to own. But then Kimala went to Vaitupu, so when Mr. Reese came my mother claimed to him and got this land and pit. Then later Mekuli took this land from my cousin.

xd. It. The land was not given to Koloto as a reward for looking after Kimala.

xd. It. I was on the island during Mr. Reese's subanga.

xd. It. Teaiola was looked after by Tangeo, not Koloto.

xd. It. Tubia lent the land to Kotoha's child Viliamu, from whom Mekuli took it.

xd. It. We are not related to Koloto's family.

xd. It. In that case why was Kimala looked after by Koloto?

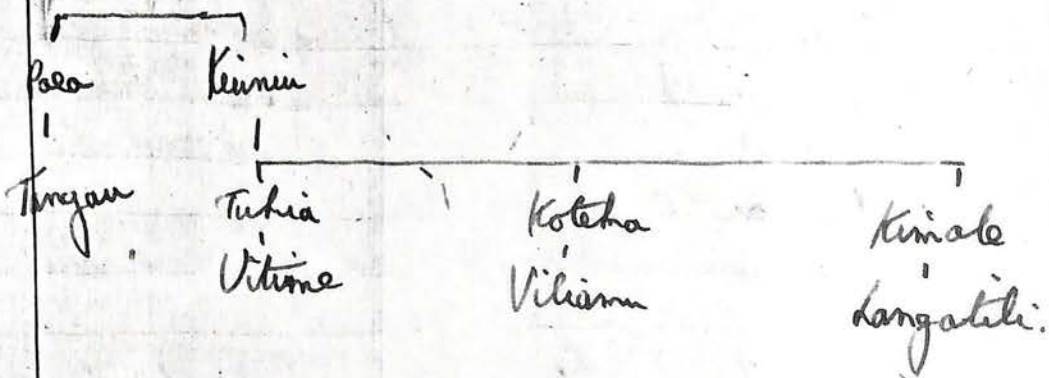
A. We are not related in so far as this land is concerned, but we are related on the woman's side. I forget how. Xd. Ct. Tubia got all our lands back in Mr. Revere's order. None were left with Kaunu or Koloto. When Metuhi's matter came before Mr. Revere she refused to take the oath.
 Vitime
 A. G. R. O. C.

At Witness:

Langatili (f. 68 yrs) duly sworn states:-
 Kaunu told me she and Koloto had some of our lands, but I don't know their names. Tubia got them back because I was at Vaitupu. I am Kinale's child.

Xd. Ct. Kaunu told me that at Vaitupu after the 1st World War, I don't know whether Tubia got the land from Kaunu or Koloto.

Langatili:
 A. G. R. O. C.

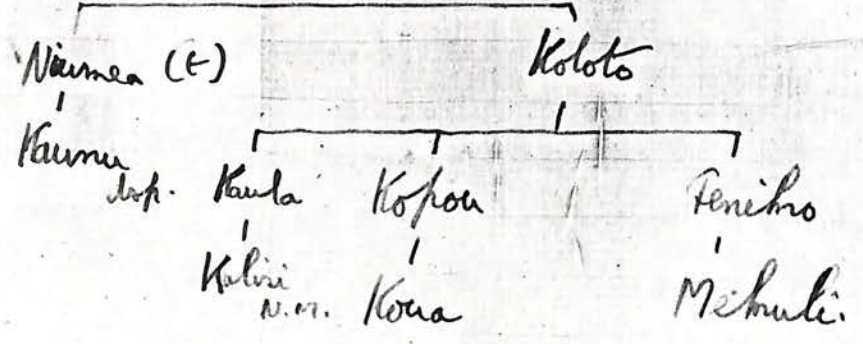


Case for plff. closed.

Dft.

Mekuli, duly sworn states :-

This land was given by Teiolo (Tubia's great-aunt) to Koloto in return for looking after her. Then, after Mr. Reese's day, Kauna took it on the grounds it was her father's share of the family estate.



When Kauna went to Vaitupu she gave this land and a pit to Tubia, and another pit to Tamei, to look after. I went to Vaitupu with the big expedition from Nui, and Kauna sent for me and said she admitted she had been wrong in taking the land from me, and that when I returned to Nui I should take it back. Kalisi, the N.M. of Nui, and Korai a Kaubure, were present, so I got it back when we all returned.

Xd. Ct. Kauna gave the land to Tubia in 1919.

Xd. Ct. Kiniali was not looked after by Koloto.

Xd. Ct. I did not get the pit because Utime refused to give it up.

Mekuli

Aylake L.A.

ROFC

bat Witness

Kona (cf. 64 yrs) duly sworn states:-
 This land belonged to Koloto
 from Peaiola. When Kāuna came here
 from Vaitupu before the 1st World War
 she took this land away from us.
 When she went back to Vaitupu
 she gave it to Tubia. Then when
 Kalisi went to Vaitupu, Kāuna told
 him to get back the land and get
 from Tubia. Kalisi told me this on
 his return from Vaitupu.

ROFC

Kona
 Ughabe. L.A.

Case for dft. closed.

Swimming-up:

The Committee held 4-3 that Vitone's
 story was correct; Two of them on
 the grounds that Vitone's family
 had only parted with the property,
 not the possession, of the land, and
 two because Mehuli's mother refused
 to take the oath at Mr. Rewse's investigation.
 The three dissentients held the land
 had been given by Vitone's family
 outright. The L.A. agreed with the
 minority opinion. He held that dft.
 story was correct. Plff. has no evidence
 other than his own word that Mr. Rewse

transferred this land to Tubia, whereas dft. has a witness who confirms his own story of the land's somewhat involved history. M. Reuse, Vitime (plff.) claims his mother Tubia regained all the family lands from Kaime and Koloto as a result of Mr. Reuse's order; ~~yet~~ yet his own witness says that Kaime told ^{her} she and Koloto still had some of their family lands after the ~~great~~ ^{1st} war, in which case Vitime's statement must be incorrect. The L. G. had the impression plff. was not always speaking the truth. The L. G. held this land had passed to Koloto, probably from Teaiola or possibly from Kiriaki in return for services rendered, and that Mr. Reuse had not returned it to Tubia.

Finding:

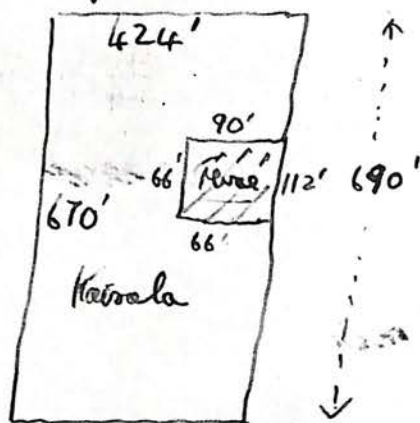
Claim dismissed.
 Before me,
 A. L. G.
 L. G.


LANDS COURT NUI. 1. VI. 48
 NATIVE MEMBERS - Josefa, Vitime, Takuo, Talani, Kausala, Tema, Temita.
 ASSESSORS. - Both absent.

Claim 12/48 1. VI. 48.
 Form B. No. 20. See pp. 24-25.
 Kausala v. Rewai.

dft. says the boundaries in the following sketch are wrong, claiming that his land runs right up to the top right

hand corner. The N.M.s who inspected the land say the boundaries are correctly shown.



 Part-claimed, transferred to Kairala.

There are 3 old trees and two young ones in Tevae's part.

Summing-up:

The Committee held 6-0 the piece under dispute was Kairala's land, as it was too small to be a real land and it fits into Kairala's land. The L.C. agreed.

Finding:

The piece of land under dispute, known as Teulmibahoa, transferred to Kairala, to be included as part of his land Teulmibahoa.

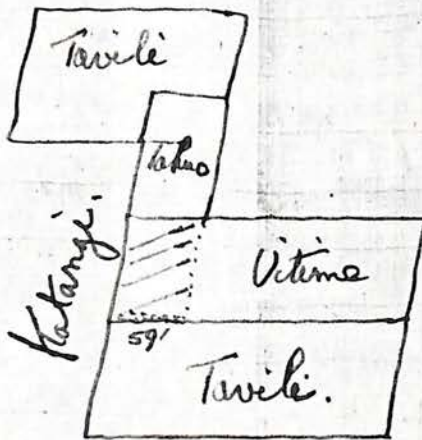
Before me
A. Hohe.
L. C.

Claim No. 20/48
Form B No. 2.

1. VI. 48

Tavili v Vitime

See pp. 37-38.



Part under claim,
remains with
Vitime.

The Committee held 4-1 plff.'s story that the two lands shown under her name in the diagram are in fact one land and that Vitime has misappropriated the joining passage is false; such a possibility is ruled out by the fact of Tahao's land, to which plff. does not even lay a claim, lying in the way. The L. & C. concurred, holding that plff.'s and dft.'s lands ~~to~~ run parallel to each other up to Katangi's boundary.

Finding:

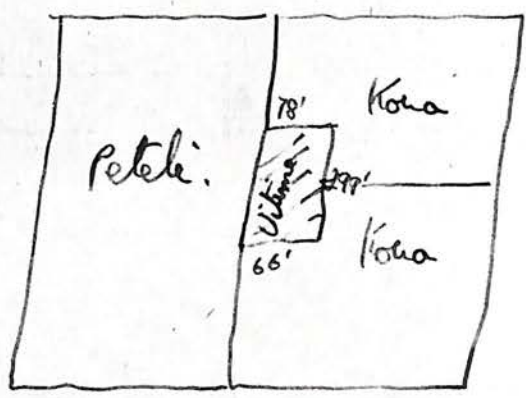
Claim dismissed.
Before me,
Alyhabe.
L. C.


Claim No. 16.
Form B No. 26.

1. VI. 48.

Koua v Vitime.

See pp. 32-34.



 Part under claim transferred to Koua. def.

Witness called by Ct.

Peteli (48 yrs), Vitime's cousin, duly sworn witness. My land marches with Koua's. It is a straight boundary all the way. I know of no land of Vitime's there.

Peteli

Summing-up:

The Committee held 4-2 the part in the claim is Koua's. The L. C. agreed.

Finding:

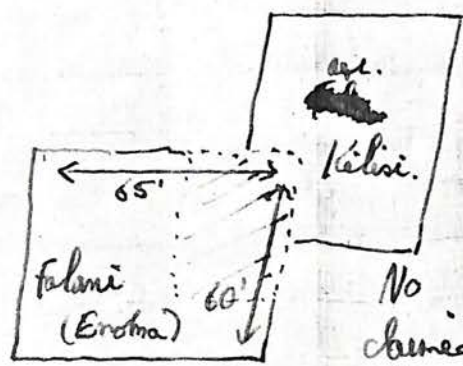
The land known as Telipuaahi in Koua's lands between Matamini and her land Telipuaahi transferred to Koua, to be included in her land Telipuaahi.

Before me,
A. G. L. C.

Claim No 25/48
Form B No. 35.

1. VI. 48

Kilisi v Enoka (Proxy Talani).
See pp. 60-61.



No coconut trees in piece claimed + Pandanus trees in it are Kilisi's.

⊗ Piece claimed, transferred to Kilisi. Agr.

Summing-up:

The Committee held 5-0 the piece claimed is Kilisi's, on the evidence of the witnesses. The L.C. was of the same opinion for the same reason plus the fact that Kilisi's owns the pandanus trees growing there.

Finding:

The piece of land in the claim (see diagram) transferred to Kilisi, to be registered as part of his land Tulahe.
Before me,
Alphabe.
L.W.

Claim No. 27/48
Form B No. 36.

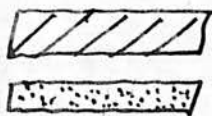
1. VI. 48

See pp. 46-47.

Tema v Enoka. (Proxy Falani)



Not been in part claimed.



Part claimed, transferred to Tema.
Part voluntarily relinquished by Falani, and given to Kaeula.

Summary - up:

The Committee held 5-0 the part claimed in Tema's. The L.G. concurred. Dft. then stated he gave up his claim to the other part in favour of Kaeula (head of Kamolo's family).

Finding:

The part claimed transferred to Tema, as ~~part~~ as part of his land Teabanga. The other part transferred to Kaeula as part of his land Tatalia. Enoka now has no land at Teabanga.

Before me,
Jy. H. H.
L. G.

Claim No. 57/48
Form B No. 82.

1. VI. 48

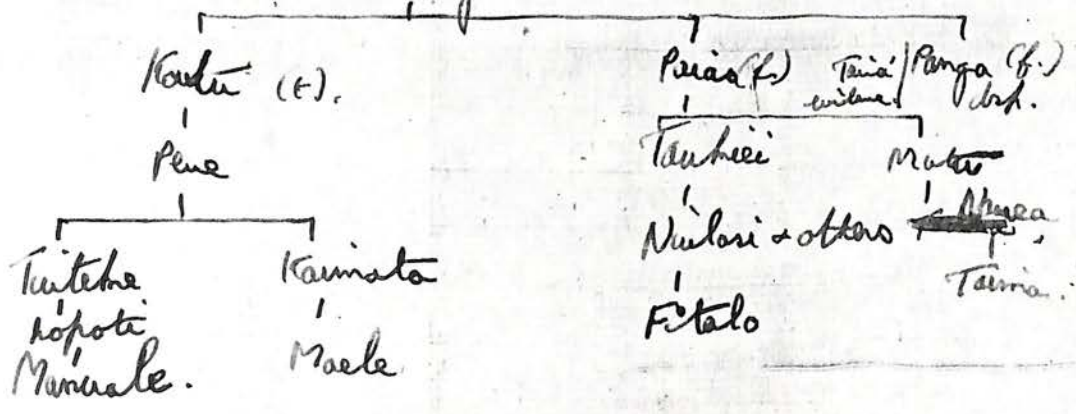
Fitalo (s. of Nui 50 yrs.) v Manuale (s. of Nui. 55 yrs.) Both parties present.

Claim :

Plff. claims, Lopote took her land Tengenge by force in Mr. Rewse's day.

Plff. Hearing :

Plff. duly sworn states :-
Paiongo



Paiongo gave Tengenge and the pit Teloni to Paiao as her share of the family lands, and Koutu, the man, had all the rest. Paiao left the land to Taubiee's children and the pit to Muter's side. They have the pit still. We had the land until my father and I went to Nulori in Mr. Rewse's day, but when my father returned in 1922 he found that Paiao's nephew had let Lopote take the land, because the said Paiao did not own it.

Xd. Ct. The case was not investigated by Mr. Rewse.

Xd. Ct. Longona's people gave us Maelalangi when they took our other lands.

X her mark.

Debate - L. G.

ROFC

At Witness :

Tama (70 yrs) duly sworn states :-
 We had this land in our possession before. Nuea said it was divided between Piao and Panga. Panga's part went to Tohrai to Longona. I don't know how Manuale's crowd got this land, as we were at Nutas when it was taken.
 Xd. u. We used this land before. We were haitasi with Touhiei's side!

Tama
 Ukahe. L. C.

ROFC

Case for plff. closed.

Dft.

Manuale duly sworn states :-
 We got this land from Pao. It does not march with Kaimata's Pengege.
 Xd. u. We only got it recently, I don't know when, it may have been M. Rewse's day. Longona's crowd had it, but they gave it to us on the division of the estate.

Manuale
 Ukahe. L. C.

ROFC

At Witness.

Mahe (f. 58 yrs) duly sworn states :-
 This land belonged to Kaimata and Tutuhe. We have always had it. My

Father told me this was Tutche's share, and we were not to go to it. That was in Mr. Reuser's day.

Xd. Ct. I never used this land. The division of the state was done in Kotea's day. They have Malaelonga and Telele (pft) from Pias.

Xd. Ct. We got Tenjenge from our ancestors, perhaps from Piangos and Koutu.

Maele

ROFC

Aylohe L. G.

case for dft. closed.

Summing-up:

The Committee held 4-2 this land was Muroale's, as Fitalo's share from Pias was Malaelonga. The minority held Tenjenge was Fitalo's on Taima's evidence. The L. G. agreed with the minority. He pointed out that Loha ^{ant.} (dft.'s relative) had said in case 36/48 p. 67-69 that his family gave Malaelonga to pft.'s family in exchange for Tehilwanei, which upsets Maele's evidence. Moreover Maele never personally visited the land at the time it is supposed to have been in her family's possession. Dft., on the other hand, is vague about when she got it, thinks it was probably in Mr. Reuser's day, which is the time that pft. alleges it was taken from her.

The L. G.'s reconstruction of events is that Kaimata's and Tutche's families divided their lands about Mr. Rouse's time, and that when doing so, one or other of them, fancying himself to have a claim to Tengenge, took it and included it as part of his share of the family estate.

Finding:

Tengenge transferred to Titalo, all Tauriaki's descendents to Maitahi. $\frac{1}{3}$ subsequently transferred to Taima. See 4/48 on p. 9 and Vol II, p. 42.
 Before me,
 A. H. H.
 L. G.

Claim No. 58/48
Form B No. 84.

1. VI. 48

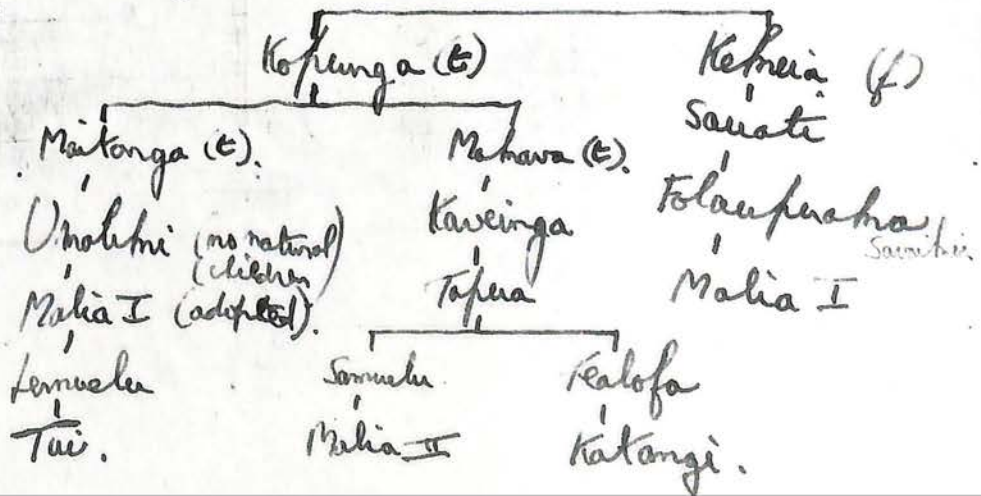
Koteka (f. of Nui 43 yrs) Represented by
Tui (m. of Nui 45 yrs) v Malia (f. of
Nui 53 yrs) Both parties present.

Claim:

Tui claims these lands etc. were wrongfully obtained by Malia's family as a result of Mr. Rouse's decision.

Hearing: Jeff.

Tui duly sworn states :-



Samuel's crowd claimed these lands from us because they said Umaliki's will should not be upheld as he had no natural children, Malia being adopted. So they took the lands by force. But we are also blood descendants (see table), and Kehria had no share of the family lands. We did not mind this so long as we had the lands from Umaliki by adoption.

xd. ct. The lands were taken from us by Mr. Reese's order.

xd. ct. We now have no lands from Umaliki or Kehria. Tabonihola came from Maitonga's wife, and Ahala from Umaliki's wife Koteha.

xd. ct. Malia said Maitonga's and Mahava's lands were divided before, but I don't know what Mahava's share was.

xd. ct. Malia said that we should only claim these 4 lands and the pit. She agreed to them keeping the rest as they had not enough.

ROFC

Tui
Alhaha. d. G.

ht witness

arela (f. 24 yrs) duly sworn states:-
Umaliki left all his lands to Malia, when he died. I was present and heard his words.

xd. ct. I don't know about Ahala.

Ahala was given by Kotcha to Mahia.

Laseela

Aghabe. L. G.

ROFC

Uele, called, does not know anything about Tabukola.

Uele

case for plff. closed.

Dft.

Mahia duly sworn states:-

Mahawa ~~was~~ and Martongo were ~~Maite~~ Maite. Mahawa looked after all the lands until his death, then Martongo had them all until his death. When Umaliki took charge of them all. They were never divided. When Umaliki died he left one pit to his wife, and the rest of the lands remained with Mahia. So in Mr. Reuse's day we claimed our share of the lands, and he gave us all of them except two lands which were left for the adopted branch - Tapukola and Ahalae.

Xd. Ct. We had none from Mahawa before. Mr. Reuse agreed we could give Mahia two lands instead of his first instruction to give one land & one pit, as we were short of pits and Umaliki had given one to his wife.

Mahia

Aghabe. L. G.

ROFC

Witness:

Katangi (m. 68 yrs) states:-

In Mr. Reuser's day, we got 9 1/2 lands and 3 pits from Mahia. We left them 1 1/2 lands Tabunihola and half of Ahalae. We have no other lands from Mahava. We took all the lands from Mahia except those mentioned, they have no others from Maitongo. Xd. Ct. I've never heard of Kheria.

ROF-

That an
Ahalae L. G.

Care for dft. closed.

Summing-up:

The Committee held 5-0 some lands should be returned to Tui, as Umalimi had left his share of the family lands to his adopted child Mahia I ~~Umalimi~~ ^{Tapu}, as custom entitled him to do. The L. G. repeated what he had stated in 28/48 on pp. 48-49 that he was most unwilling to reverse Mr. Reuser's decision ~~unless~~ ^{unless} unless it appeared imperative to do so to secure justice. However, in the matter of the lands of the adopted children, both the present L. G. at Naitao and Mr. Kennedy at N'nea, had found it necessary to do so. In this case, there is no substantial difference between the evidence of plff. and dft as to the facts, which are clear. The case therefore depends upon a ~~question~~ ^{question} of custom, upon which the committee are unanimous that Umalimi's verbal will entitles plff. to a share of Umalimi's family lands, in addition to the land Tabunihola and the pit which Umalimi gave to his wife - (they hold that Ahalae belonged to Kiotema, and is therefore separate from the family lands). The average of their opinions is that Tapu's descendants who benefited by Mr. Reuser's decision should return one land and half a pit to Tui. The parties

See p. 147.

Claim No. 5948
Form B No. 85.

1. VI. 48

Velemine (f. of Nui 55 yrs) v Malia III
(f. of Nui, 22 yrs) Plaintiff present,
defendant represented by Kotika (f. of
Nui 43 yrs.)

Claim : Velemine claims Tebrabutaha was her
father's, and wrongfully taken by
Kauna.

Hearing: Plff.

Velemine duly sworn states :-
Talaaha

Tanei

Martin Kleis (adopted).

Samueh

Velemine

Malia III

Talaaha gave this land to Kleis,
who left it to us. Then Kauna came
from Vaitupu and took it from us on
the grounds it was hers, not Talaaha's.
Kauna returned to Vaitupu and gave it
to Tanei. When the Nui expedition
went to Vaitupu the N.C. returned
with information that Kauna said the
land should be returned to us, but
they never summoned us to the Court to
transfer it to us.

Again when Tanei was dying he
admitted this land was ours, but we
never got it back.
Xd. Ct. We did not claim to the

N.G., as we were not sure about either Kaumu's wanting to give it back or Tanei's will.

Velermine,
Aghahe - L. A.

ROFC

Case for plff. closed.

Dft.

Koteka duly sworn states :-
Talaiba gave this land to M. Kleris.
Then Kaumu came from Vaitupu and took it on the grounds it was her's not Talaiba's. Kaumu gave it to Tanei, whom she had adopted.

Xd. Ct. I don't know on what grounds Kaumu took this land from Kleris's children. She may have been a relative of Talaiba's.

Xd. Ct. Tanei did not say give this land back, when he was dying, but only that we were not to go and claim any lands from Kleris's family in the L.A. Ct.

Koteka
Aghahe - L. A.

ROFC

Case for dft. closed.

Witness called
by U.

Vika (f. 56yr) duly sworn states :-
I was present when Kleiss
died. He left his lands obtained
by gift to myself and Vilemina.

ROFC

Vika
Alphabe. L.G.

summing-up:

The committee held 7-0 this land
had belonged to Talaiha, who had given
it to Martin Kleiss, trader, as land of the
stranger and it should therefore now be
returned to Kleiss's children. The L.G.
agreed on customary grounds, but suspended
judgment pending advice from Tarawa on
the capacity of Europeans to own land in
or about 1900.

Adjourned sine die. See p. 191.

Claim 17/48
Form B. 27.

1.VI.48.

Penianga v. Vika. See pp. 30-32.

Finishing:

The parties have agreed that half of each of the
following lands be transferred to Penianga :-
Tanivaha, Tetualua, Tehuaha (aita), Tehuamai (maiohi),
Tepono, Tutube, Pihiaive (maing), Palepate, Pontona,
Rurutei, Maiohi, Tabiteua, Tetawanang (maeo), Teleleua,
Potonteo II; and also the whole of Potonteo I.

Half of each of the following pits transferred to
Penianga :- Tanimeang, Teleleua, Teponphua, and the
old part of Kartupu. Before me, Alphabe. L.G.

Claim No. 26/48
Form B. No. 39.

1. VI. 48

See pp. 44-46.

Tema v. Tino.

Finding:

The parties have agreed that the following lands be transferred to Tema: - Tetualua (Tui), Teholoholo, Tebebea, Tehamawa, Matuoleala, and half of Temanohu (ainihu); and the following pits: - Tohinuwa and half of Tepela (to Tema).

Before me,
Alykabe.
L. C.

LANDS COURT NUI

2. VI. 48

NATIVE MEMBERS. - All present.

ASSESSORS. - Sosene.

Claim No. 60/48

2. VI. 48

Form B No. 88

Lutelu (m. of Nui 39 yrs.) v Nokai (f. of Nui, 44 yrs) Plaintiff present defendant represented by Kouata (m. of Nui 45 yrs.)

Claim:

Peff. claims that dfts. family has pinched half his land Nanghoto and half his pit Teneintalabea.

Hearing: Peff.

Lutelu duly sworn states: - This was my ancestor's share of the lands. Then while I was away Anehu

took half the land and pit & gave us $\frac{1}{2}$ Kihitai and $\frac{1}{2}$ the pit Tekunawa instead.
 Xd. Ct. The lands were not divided before I landed in the 1920's. At the division they gave us only $\frac{1}{2}$ Nungoto and $\frac{1}{2}$ the pit though we had the whole of them before.

(Witness' evidence was given in most confusing & contradictory manner. He is a fool).
 ROFC

Lectern
 Aylake. L.G.

At Witness:

Melina (f. 36 yrs) duly sworn states:-

We had the whole of this land and pit before the division of the estate in the 1920's, but when the estate was divided they only gave us half of each.
 Xd. Ct. When we had it, we were all still haitasi.

Xd. Ct. The division was done by the N.G. but I was the only member of our branch of the family present, as the old men were dead.

ROFC

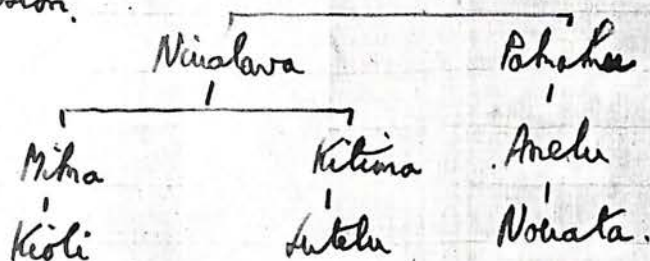
Melina
 Aylake. L.G.

Care for plff. closed.

Dft.

Nouata, for dft., duly sworn states:-

Jutehu claimed to have the share of his father divided when he was young. So Miha went to Anehu about it, and the lands were divided as they are now. Nanghoto was divided in $\frac{1}{2}$ and Kilitai in $\frac{1}{3}$.
 x.d. ct. Jutehu's family had them before the division.



ROFC

Nouata
 A. G.

Nivalawa's will, 1915, states that he and Pabahu are still *haitosi*, as the lands had not been divided, but that he was unable to get any more lands from Pabahu as the latter was too strong.

Case for aft. closed.

> wrong-up:

The committee held 5-0 that prior to the division in the 1920's, both Nivalawa's and Pabahu's lines were *haitosi*. This is admitted by plff., who nevertheless ~~now~~ ^{arg.} now claims the other half of ~~the~~ ^{arg.} the land and lit as though they owned it in *valvae* prior to the divisions, which is absurd. The committee held 5-0 that when the estate was divided each party received half of the land and lit.

and that this was a perfectly proper arrangement according to custom. The only grounds on which plff. could bring a successful claim are against the division as a whole, on the grounds that it was unfair to them. Plff. does not make such a claim.

Claim dismissed.

Before me
 J. K. K. K.
 L. K.

Claim No. 61/48
 Form B-10.89.

2. VI. 48

Tevae (m. of Nui 62 yrs.) v - Vokai (f. of Nui 64 yrs.) Plaintiff present, defendant represented by Nouata (m. of Nui 45 yrs.)

Tevae claims the seaward side of Moutala is his property.

Tevae duly sworn states:

Tauila and Koloua were brother and sister. This land was Tauila's, but we have a part from Koloua. Nouata's family also own part of the land.

xd. ct. I don't know when our part passed into Nouata's possession. I never went to the land because my brother Osea used it.

xd. ct. The missionary Falaimo had it, but we got it when he left. Osea had it before it was lent to the pastor. I don't know if pastor Kivisame also had it.

2nd Witness: Sitkale (m. 28 yrs) duly sworn states:-
I own the neighbouring land on one side.
I know of no land of Peave's there.

Sitkale

ROFC

Alykabe. L.G.

3rd Witness

Kitlongi (m. 68 yrs) duly sworn states:-
We own part of this land, boundary
with Tangan (Selima's son). I don't know
of any land of Peave's there.

Kitlongi

ROFC

Alykabe. L.G.

Case for Aft. closed.

Summing-up:

The Committee held 4-2 that Peave
owns no land here, since the balance of
evidence is against him. The L.G.
concurred, adding that Peave gave his
evidence in a most unconvincing manner,
and seemed to have little idea of where
the land came from.

Finding:

Claim dismissed.

Before me,
Alykabe.
L.G.

Claim No 62/48 3. VI. 48
 Form B No. 90, 91, 92, 153, 154.

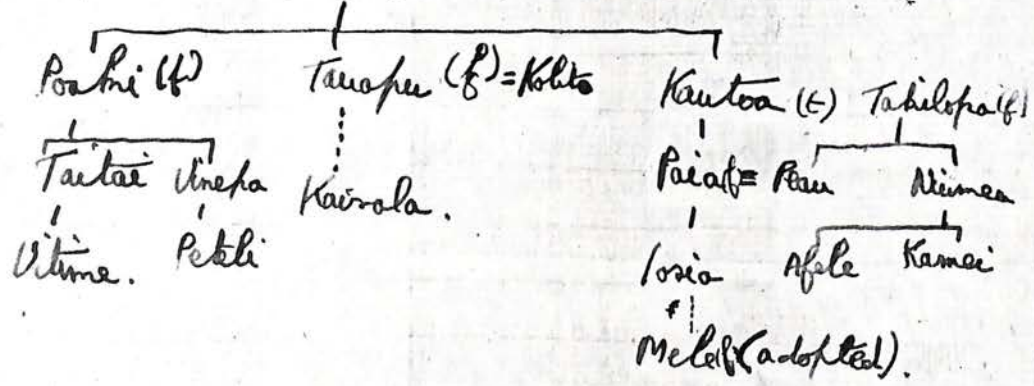
Kaisala (m of Nui 55 yrs) Peteli (f. of Nui
 represented by Utime (m. of
 Nui 62 yrs.) v Niimea (m. of Nui 24 yrs.)
 Plaintiff present defendant represented
 by Kamei (m. of Nui 42 yrs.)

Claim:

The pffs. claim the reversion of these
 lands etc. on the death intestate without
 will of Mele.

Hearing: Pff.

Utime, for all pffs, duly sworn states:-
 Kolumu



These lands were Kolumu's. He left them to
 his 3 children, and they were never divided,
 but Kautoa, the man, was in charge of
 them, and they then all passed into
 Iosia's charge. Iosia adopted Mele, and the
 2 of them lived with Niimea. Iosia
 left them to Mele, but she has now
 died without a will or blood children
 and the lands should therefore revert to us.
 Ad. Ct. Mele died in Samoa about 1938
 aged about 20 years.
 Kaitume Aylshere. L.G. ROFC

Case for ~~the~~ ^{left} ~~part~~ closed.

dft.

Kamei duly sworn states:-
 These lands were in my father's charge. They were Iosia's own share from his grandfather, as the lands had been divided. Pau was a missionary in New Guinea, but when Iosia came to get his lands Vitome's family hid them from him. So he got them through the M.G. Pau Iosia went as a doctor and left the lands with us. He returned with his adopted child Mele and lived with us. When he was dying, he told us to look after Mele and not let Vitome's side take any of the lands away as they were his share. Then he willed the lands to Mele. Mele lived with us until she went to school in Samoa, where she died young, intestate and without issue.

ROPC

Kamei.

Ayhahe.

L. G.

Iosia's will, 1930, leaves all his lands etc. to Mele, whover looks after Mele to look after the lands as well.
 Case for dft. closed.

Summing-up:

The Committee held 4-1 that Mele was "moter" and the lands and pits should all revert to Kouma's descendants in Matani. The L. G. concurred. The

custom on this point is clear and well established. The Committee held 3-2 that Niimea should retain one land and one pit as reward for looking after Mele. After some consideration the L. C. held that there was no authority for this in Nui custom — all N. M. s agreed — and that therefore it could not be done in this case. He pointed out that dft. has had the opportunity of providing himself with ample reward from the fact of having had possession of all the lands for 10 years after they should have reverted to plffs.

Findings:

Tabontelime, Uhinai, Tehiaiai, Temano^{*}nia, detaki, Tebatubatu I, Tebatubatu II, Teuanimaram, Unimai, Talarozae, Telupe, ~~Tabonihola~~ Tabonihola (ieta), and the pits Tabontapa, Tehatai, Manghoto, Tehobu (meang), and Teabanga transferred to the descendants of Koumū in Mantasi.

* The other name of detaki is dantowa.

See also:

18/48 on p. 197
105/48 on p. 39 of Vol. II
Agreement on p. 43 of Vol. II.

Before me,
Ulysses.
L. C.

See also p. 44 of Vol. I
A. 150/53
Att. 1/48 dismissed.
D. C. L. C.
A. Nui. 17. 10. 53

Claim No. 63/48
Form B 1099.

3. VI. 48

Kesia (f. of Nui 53 yrs) v Niimea (m. of Nui 84 yrs) Plaintiff present defendant represented by Kamei (m. of Nui 45 yrs)

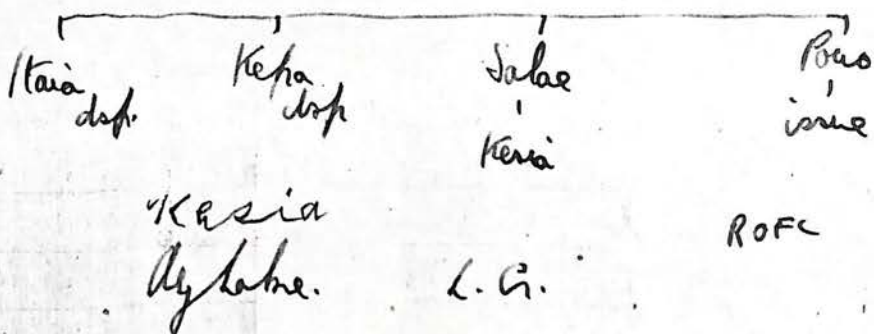
Claims:

Kesia claims the reversion of Tenouan,

Tebuangin and the pit Tabonetike on the death of Mele.

Hearing: Aff.

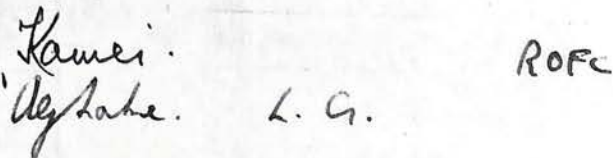
Kesia duly sworn states :-
 Kepa left these lands to Iosia, who left them to his adopted child Mele. I claim the reversion on her death intestate & without issue.



Kepa's will, 1907, leaves his lands to his sisters and $\frac{1}{2}$ to Iosia and Tebanawa. Case for aff. closed.

dft.

Kamei duly sworn states :-
 These lands were Iosia's from Kepa, as "te lantau".



Tebanawa was Iosia's wife, who also died childless and intestate.

Case for dft. closed.

Summing-up:

The Committee held ~~Page~~ 7-0 that Kesia was entitled to the revision of these lands etc; but ~~they~~ two of them held that Niimea should retain 1 land and 1 pit because he was a relative of Iosia, who looked after Kesa. For the L.C.'s view see previous case.

Finding:

~~the~~ ^{apt.} Tenoau, Tebuangui and the pit / Tabontelike transferred to Kesia, the descendants of Salal and Pous Martari.

Before me,
Ag. L.C.
L. C.

Claim No. 6448
Form B No. 94.

3. VI. 48

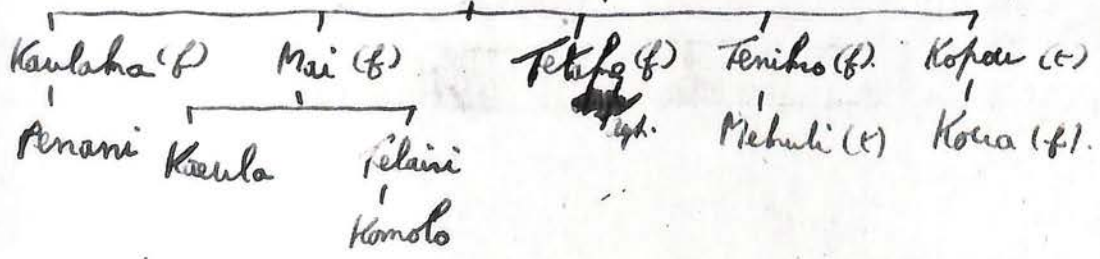
Kaeula (m. of Nui 51 yrs.) Represented by Komolo (m. of Nui 47 yrs.) v Mekuli (m. of Nui 51 yrs.) Both parties present.

Claim:

Kaeula claims his share of the family lands.

Finding: J. P. ff.

Komolo duly sworn states:--
Koloto = Topa



Koloto left no will, so all his lands were in charge of the man, Kopou, and

them Kona, but we are all Maori.
Kona and Mebuli recently divided the
lands, but we did not get any.

x.d. U. I have one pit and 1/2 land from Kopa
as Taulau.

x.d. U. The others have the rest of Tapa's
lands.

Komoro
Uyake .

L.G.

ROFC

Case for plff. closed.

Iff.

Mebuli duly sworn states :-

These lands were my mother's share of
lands from her parents. I asked my
mother if we were holding any lands of
any of the others and she replied
that the lands had been divided long
ago and they all had their shares.

x.d. U. Temo's and Tetake's shares
were being looked after by Kopa.

x.d. U. I don't know what Mai's share
was.

Mebuli
Uyake.

L.G.

ROFC

Plt Witness

Kona (f. 6 yrs) duly sworn states :-

The lands were divided while Kōhōto

and Tapa were still alive. Koloto's children all have their own share of the lands. I was looking after Peniha's and Tetehe's shares.
 x.d. u. I don't know what lands Mai got as her share, but my father said they had their share.

x.d. u. I have 2 lands and 2 pits from Tapa and 1 land and one pit from Koloto.

Koua

ROFC

Uyabe. L. G.

Found on inspection of the lots:-

Koua	:	9	lands	and	4	pits.
Mihuti	:	20	"	"	8	"
Penahi	:	6	"	"	1	"
Kaua	:	2	"	"	1	"

The vast majority of these lands derive from Tapa, only about ~~7~~ 7 lands and 5 pits being Koloto's.

Tapa's will, 1902, leaves the lands near the village to Kaua, Mai and Peniha; the lands on Mawihua to Koua and Tetehe; and the lands "i Motu" to all the children in Mawihua, except that Mai gets Penematoha to herself.

Case for aft. closed.

Summing up:

The Committee held 8-0 Tapa's will

was fair and according to custom, and that it should therefore be upheld. The whole family was therefore requested to adjust the distribution accordingly. See p. 198.

Claim No. 65/48

3. VI. 48

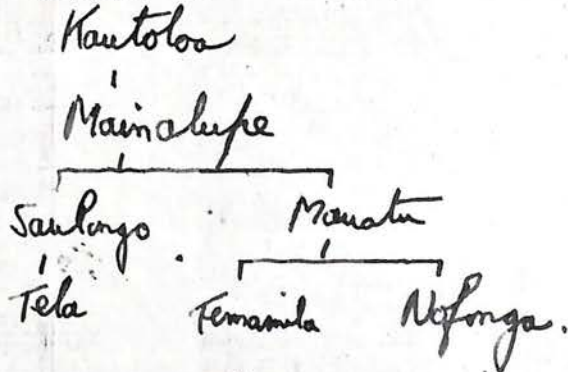
Form B No. 95:

Tela (m. of Nui-tao 50 yrs.) v Noki (m. of Nui, 43) Plaintiff present dependant represented by Sakalefu (m. of Nui 50 yrs.)

Claim: Tela claims Temaniba and the pits Patuha and Temanibaha on the grounds they were Mainalupe's.

Hearing: Plaintiff.

Tela duly sworn states:-



Kautoloa was a real Nui person who went to Nui-tao and married. Then Mainalupe and Tema came here. Mainalupe and Paulo divided their lands, 10 to Paulo and six to Mainalupe, in Katea's day. When Mainalupe went to Nui-tao she left them in Paulo's charge.

Xd. Ct. Mainalupe's lands here were Kemanaha, Temaniba, Pongolei, Pihiaewa, Tengarii, Pohiniwa and the pits Patuha and Temanibaha.
C.N.B. most of these are names of large areas or

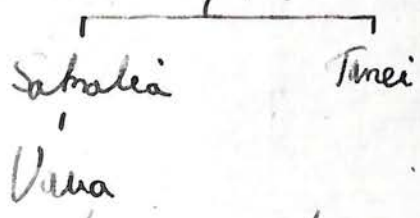
plots, and not names of individual lands. (q.h.).
x.d. cc. Minalupe and Paulo were probably related but I don't know how. Tanei's family are our closest relatives here but I don't know how we are related to them. Uena's father looked after these lands, perhaps on Paulo's death.

ROFC

Alphabe
Alphabe. L.A.

Witness:

Uena (m. 48) duly sworn states:-
My father did not look after these lands but my uncle told me to get them as they were Minalupe's.
Tahilopa



x.d. cc. I don't know how Paulo comes into the family tree. Tahilopa and Paulo agreed the latter should not sell these lands but return them to my father on his death.

x.d. cc. I don't know whether Tahilopa and Paulo were Mantasi. I don't know how our family is linked with Minalupe's.

x.d. cc. Tanei did not tell me the names of Minalupe's lands or how many there were.
Alphabe. L.A.

ROFC

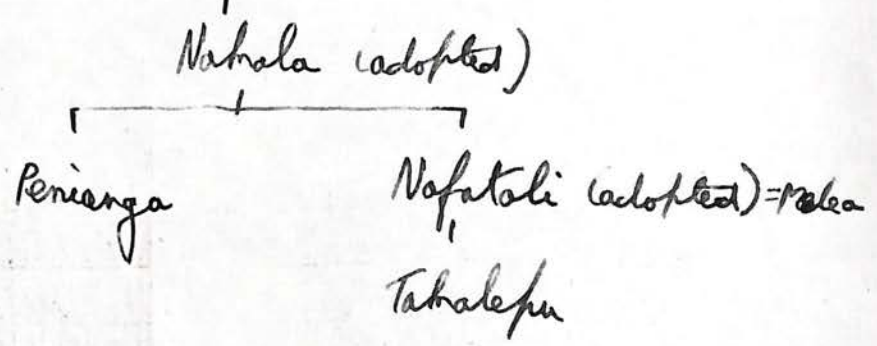
Saulongo's will, 1928 at Paulo's ^{deeds & he owns the districts, 10 manifa} and Nafatoli, and also some ^{lands} with Paulo, but that Maniulupe has left them all to Nofonga. It states Saulonga was mad at the time. ^{age 2.}

Utome, called as witness, knows nothing. Maniulupe's will (1914 at Nufaa) says he owns 6 lands here from the division with Paulo, but does not list them. ^{age 2.}

Case for plff. closed.

Dft.

Tabalepu duly sworn states:-
Paulo dep.



These lands were Paulo's, and we obtained them under his will.

Takarupu
Alyake. L. G. ROFC

Paulo's first will, 1902, leaves these lands etc. (they are all listed) to Nabala, his 2nd will, 1912, (after Nabala's death) to Nafatoli and his real grandchild, and some others to Melea.

ht Witness:

Penianga (m. says) duly sworn states:-
These lands were Paulo's, who left them to my father who left them to me. We were ^{part} with Nafatoli, but now I have given them their share.

I never heard that Tela's people had any share in our lands.

x his mark.
Alphabe. L. G.

ROFC

Mainalufe has no list of lands in the old Lands Register, made in 1906.

Case for dft. closed.

Summing-up:

The Committee held 6-0 these lands should remain in dft's possession, as plff. is unable to show how Mainalufe enters into Paulo's family tree. The L. G. agreed for that and the additional reasons that Mainalufe has no list in the 1906 register, though plff. says she obtained these lands as her own share in 1905; Vana denies plff.'s claim that his family ever looked after the lands on plff.'s behalf; and the old men of Nui say Kautoloa was one of the original inhabitants of Nui, and they know of none since, in which case Kautoloa could not have given these lands directly to Mainalufe as plff. made out.

Before me,
Alphabe.
L. G.

Claim No. 58/48
Form B No. 84

3. VI. 48

Koteka (Proxy Tui) v. Malia.

See pp. 123.-126.

Finding:

The families concerned have agreed as follows:-

Tehanaava to be transferred from Peteli to Tui and the other descendants of Semuela in Maunasi.

Half the pit Tehua transferred from Pentanga to Tui and the other descendants of Semuela in Maunasi.

Before me,
A. G. S.
L. G.

LANDS COURT ~~At~~ Nui -

4. VI. 48

NATIVE MEMBERS

- All present

ASSESSORS.

- All present.

Claim No. 66/48

4. VI. 48

Form B No. 99

Tela (m. of Nintao 50 yrs) v Penianga
(m. of Nui 60 yrs) ~~Plaintiff~~ Both parties
~~present~~ present.

Claim:

Tela claims these lands are Mainalufe's share of the family estate.

Hearing:
V. G. S.

Tela duly sworn states:

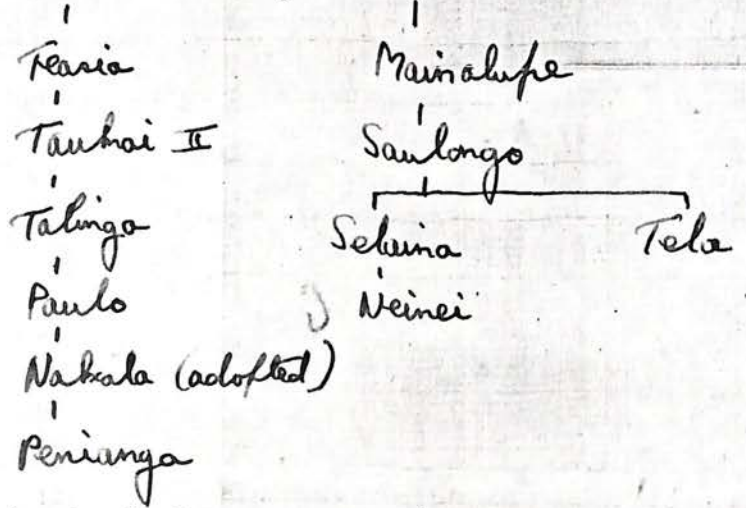
My story is the same as yesterday.
(See p. 143).

J. Elg. ROFC
Alphabe. L. G.

bt Witness

Neinei (m. 25 yrs) duly sworn states :-

bt Wife (Nai) = Kantaloo II = Makarae (Nutas)



When Mainalufe came here she and Paulo divided the lands, 10 to Paulo and six to Mainalufe. Then Mainalufe went to Nutas and left the lands in Paulo's charge.

x.d. ct. Mainalufe's lands were Oletenge, Teputo, Tualoi, Semampa, Pihieva, Tepono, and the pits Patube and Kolombahua.

x.d. ct. We are living with Penianga now.

x.d. ct. I don't know how we are related Vana and Tanei's side.

x.d. ct. Mainalufe returned to Nutas in 1906.

Neinei ROFC
Alphabe. L. G.

Uana (m. 48 yrs) duly sworn states :-

2nd Witness

My uncle told me to get these lands from Paulo. Tamei went to get them when Paulo was dying, but he refused and willed them to his adopted children. Xd. U. I was not present at Paulo's death.

Uana
Mahahe. L. U.

ROFC

All the lands listed by Neinei are under Nofotali's name in the 1916 lands register.

Case for plff. closed.

Summing-up:

The Committee held 5-0 plff's story was not to be believed, since from their knowledge Kautoloo could not be Mainahife's father. The L. C. compared this case with 65/48 on p. 143. The list of lands given by Tela is largely different from that given by Neinei. Moreover, although the Court gave about 3 hours of its time to the case yesterday, Tela said he had no other witness and did not call Neinei. This morning he produces Neinei as his no. 1. witnesses, showing an alleged Nui ancestry for Mainahife. Mainahife died in 1914 and Paulo in 1912 and both are said to have been about 80 years of age. There

was therefore about 2 years difference in their ages. Now if Teasia was born when Kautaloa was 20, and Teasia's ^{daughter} when Teasia was 20 and so on, Kautaloa would have been 80 when Paulo was born and 82 when his alleged daughter Mainalope was born. The L. C. therefore agreed that Keinei's version of the family tree could not be accepted for this reason, and the suspicious fact that it was not produced yesterday.

Coming to the alleged acquisition of the lands by Mainalope in 1905, p^lff. has failed to prove either that she did in fact get any, or if she did, which particular lands she obtained. Even if she did in some way acquire some, her right to them is not proved.

Finding:

Claim dismissed.

Before me,
 A. J. S. P.
 L. C.

Claim No. 67/48

4. 11. 48

Form B No. 104

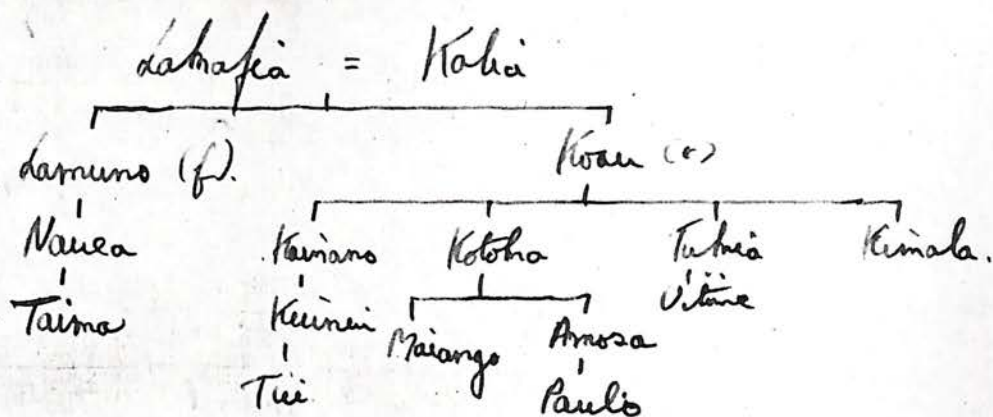
Paulo (m. of Hui, 24 yrs) Represented by
 Maiango (f. of Hui 65 yrs) v Lui (m. of
 Hui 45 yrs) Both parties present.

Claim:

P^lff. claims these lands ~~as~~ ^{are} the ~~guarantee~~ ^{guarantee} under Kamuro's will.

Hearing
 P^lff.

Maiango duly sworn states:—
 Kamuro was provided for by Kalia, and
 Koaui by Lohafia.



These lands were damuno's and she left them to Amosa, her adopted child. But when Keimui married, my parents asked us to let her have the use of Amosa's lands, until the latter returned from Samoa. However, he died in Samoa and they have left the lands. Keimui was looked after by my parents.

X her mark.
 Dykabe . L. G.

ROFC

St Witness

Taima (f. 70ys) duly sworn states :-

The lands Tanlake, Tehiaoa and Tenamo were damuno's and she left them to Amosa.

sd. it. We had them and used them prior to that.

sd. it. I have 5 lands from damuno and Elena has 3. ~~There~~ damuno had Kalia's lands, but none from dahaia.

Gaima
 Dykabe . L. G.

ROFC

Lamuno's will, 1907, leaves Renamo, Tinkabe, Tekiaou (Amihai) and the pit Tinkabe to Amosa.

Case for poff. closed.

Dft.

Tui duly sworn states:-

These lands were Koau's and Lamuno's. They had divided their lands. But Lamuno included these lands of Koau in her will. These were part of Koau's share. Koau's children divided their lands in 1910. Kototra did the division.

ROFC

Sui
Aylake. L.G.

at Witness

Vitome (m. 62yrs) duly sworn states:-

These lands were Koau's. Lamuno had her share. The division ^{of} ~~was~~ of lands among Koau's children was done in 1910, but before that we held them in Makusi, and Tamamata was our caretaker.

xd. ct. My mother said that that Koau had 3 lands from Kalia and Lamuno
4. I don't know about Lamofia's lands.

xd. ct. Kaimano has 7 lands, Kototra 6, Tubia 4, and Kimala 6.
Vikine
Aylake. L.G. ROFC.

Case for dft. closed.

Summing-up:

The Committee held 7-0 Lamuno's will was correct, and these lands were Amosa's; and they judged also by the present unequal distribution between Lamuno and Poan. The L. G. concurred.

Finding:

Tanlake (Tari), Tenamo, Tebiaou, and the pit Tanlake transferred to Paulo.

Before me,
Aghabe.
L. G.

Claim No. 68/48

4. 11. 48

Form B No. 105.

Maima (f. of Hui 42 yrs.) v Tekinene (m. of Hui, 65 yrs) Plaintiff present, dependant represented by Mataio (m. of Hui 37 yrs)

Claim:

Maima claims Tebaha and the pit Nuhua under Tebaniman's will.

Hearing:
Jeff.

Maima duly sworn states:-
When Tebaniman went to prison she had no relatives here, so my father Peni looked after her, and in return Tebaniman gave him this land and pit. X her mark. ROK
Aghabe. L. G.

Teubariman's will, 1908, leaves those lands in Peni's possession at the time to Peni, and those in Panapa's to Panapa; but says that if any of her children come they can eat on them but not take them away.

Case for ~~heff.~~ closed

dft.

Mataio duly sworn states:—
Tehabua gave this land to Teubariman in return for his passage money to Nartao. Teubariman adopted my father Tehimene. I don't know how we got possession of the land.

ROFC

M. A. S.

Ally Lake. L. C.

Case for ~~heff.~~ dft. closed.

Summing-up.

The Committee held 8-0 this land and fit is Maima's property under Teubariman's will but that Tehimene can use a share of the produce.

Finding:

Tehabua ~~Maima~~ and the fit Naha transferred to Maima, but Tehimene has a joint right of usufruct.
Before me,
Ally Lake.
L. C.

Claim No. 69/48
Form B No. 107.

4. VI. 48

Kona (f. of Nui 64 yrs) v Tekinene
(m. of Nui 65 yrs) Plaintiff, present,
defendant represented by Mataio
(m. of Nui 37 yrs.)

Claim:

Kona claims the pit Teitipelua was
only lent by her father to Teubaniman.

Hearing: Peff.

Kona duly sworn states:-

This pit belonged to Kopou.
He adopted Teubaniman, who begged him to
give her one land and one pit. So he
did so on condition she give them
back when she left the island. But
when she went to Vaitupu she gave
them to Ketea (Panapa) instead of to him.
She died at Vaitupu. She came here in 1894.

Kona
Alphabe. L. G.

ROFC

2d Witness:

Taanga (f. 53) duly sworn states:-
My evidence is identical with
Kona's. I was present at the
transaction.

Xd. Ct. There was about 9 years between the
transaction and Kopou's death.

Taanga
Alphabe. L. G.

ROFC

Kopou died in 1902. ^{Age.}
Case for Peff. closed.

Dft.

Mataio duly sworn states:-
Kopou gave this pit and a land to Tebanima in return for cash, because when Mr. Campbell came the Trader Martin Kleis complained to ^{him} ~~the~~ ~~Trader~~ ~~that~~ that Kopou had not paid his debts.

Mataio
Alphabe. L. G. ROFC.

Case for dft. closed.

Summing-up:

The Committee held 7-0 Tebaniman had bought this land for cash. The L. G. agreed. Taanga's claim to have been present at the transaction does not tally with the dates given and her age.

Findings:

Claim dismissed.
Before me,
Alphabe.
L. G.

Claim No. 10/48
Form B No. 108
4. VI. 4-8
Asaia (m. of Nui 67 yrs.) v Telo (f. of Nui 48 yrs.) Both parties present.

Claim:

the Plff. claims Tabontelike and Puhimilua on his side of the family grounds

Summing up:

The Committee held as follows:

- 4 to have the lands in the claim,
- 1 to transfer both to Jeff.
- 1 to leave both with Jeff.

The L. G. agreed with the last opinion. Tetia's descendants have 9 lands from Tangaba, while Nakau's, Mileoni's, Leispa's, and Salometa's only have 29 between four of them, or $7\frac{1}{4}$ each. Moreover, both parties admit the lands have long been divided, so it is unreasonable to suppose these two were omitted from the division.

Finding:

Claim dismissed.

Before me,
Deputy
L. G.

Claim No. 71/48

4. VI. 48

Form B No. 109.

Sikale (m. of Nui 27 yrs) v Selo G. of Nui
48 yrs.) Both parties present.

Claim:

Sikale claims Tetia was his grandfather's, but wrongfully taken by Nakau under an order of the N.C.

Hearing:

Jeff.
Sikale duly sworn states:-
My ancestor Katua gave this land to Tangaba in exchange for being allowed to dig a pit in Tangaba's land. Later Tangaba gave it back to my great-grandfather Pngia in return for looking after him.

But then Nabuan claimed to the N.C. in N.M. Polo's day, when my grandfather Kaiwa had the land, and the N.C. transferred it back to Nabuan. This was in Mr. Reese's time, but not his order. I don't know on what grounds they gave it back to Nabuan.

R.S.F.

Sit Kale
Alyhabe.

L.C.

Ex Witnesses

Uitome (m. 62 yrs) duly sworn states:-
My wife's father Kaiwa told me that his family gave this land to Tangoba in return for digging a pit in his land, but that later he ~~gave~~ gave it back to Pongia as a reward for looking after him. Then in Nabuan's day the N.C. gave it back to him. The N.M. Polo was Nabuan's brother-in-law.
Xd. et. I personally know that Kaiwa had the land.

Uitome
Alyhabe.

R.O.F.

L.C.

Case for plff. closed.

Dft.

Telo duly sworn states:-
My father said that Sibole's

people gave us this land in return for letting them dig a pit in our land, and that if they claimed it back they should give us the pit.

Xd. A: I know nothing about Pongia having given it back to Tangaba as a reward for looking after him.

Tero

Rofc.

Ay Lake. L. A.

Case for dft. closed.

Summing-up:

The Committee held 6-0 that this ~~land~~^{land} should remain in ~~the~~^{Telo's} possession, since it had been given to her family by Pelf. in exchange for a pit, and they are not prepared to accept the story of Pelf. and his father that Tangaba gave it back to Pongia. The L. A. held that Kawa had regained possession of this land after it was given to Tangaba, but that the fact of the N.G.'s giving it back to Naban was prima facie evidence that Kawa (or Pongia) had obtained it wrongfully; and he further felt that the Committee must have good reason for their firmly unanimous opinion.

Finding:

Claim dismissed.

Before me,
Ay Lake. L. A.

Claim No. 72/48
 Term. B No. 110.

4. VI. 48

Numi (s. of Nui 49 yrs.) v Telo (s. of
 Nui 48 yrs.) Both parties present.

Claim: Plff. claims a share of Puhimilua under
 Salaneta's will.

Hearing:
 Plff.

Numi duly sworn states:-
 Salaneta said I should have a
 share of this land in her will.

Numi
 Alpha. L.A.

ROFC.

Salaneta's will, 1909, says that when
 the lands are divided Numi should
 be given a share of this land.

Case for plff. closed.

Dft.

Telo duly sworn states:-
 We are all still haitani. The
 land has not been divided.

Telo
 Alpha. L.A.

ROFC.

Case for dft. closed.

Summing-up:

The Committee held 2-0 Nami was entitled to a share of this land.

Finishing:

A part of Puhimilaa transferred to Nami, the boundaries to be marked by N.M.s Temita & Sofala.

See 99/48 on p. 26 of Vol. II.

Before me, of Lake. L.C.

~~Witnessed by Puhimilaa~~ ~~Witnessed by Temita~~ ~~Witnessed by Sofala~~

Claim No. 13/48 Form B No. III

4. VI. 48

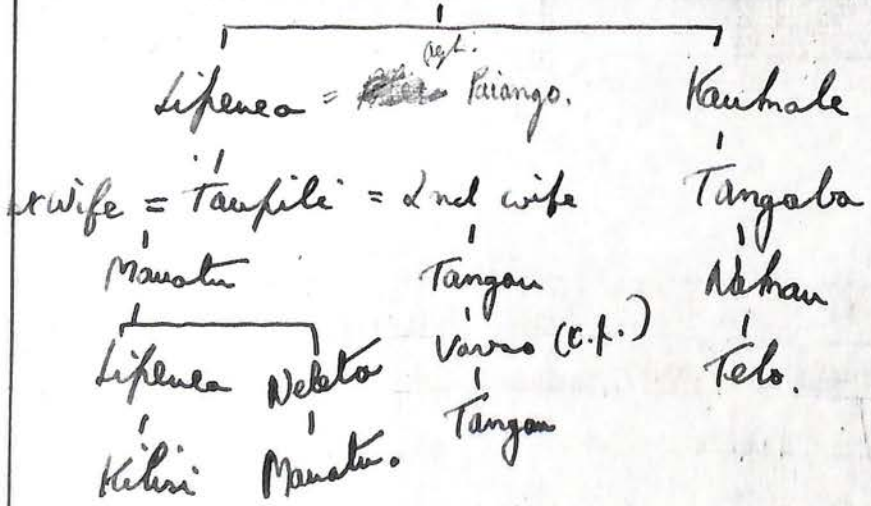
Kilisi (m. of Kai 57 yrs) v Telo (f. of Kai 48 yrs) Both parties present.

Claim:

Kilisi claims these lands are Manatu's and Tangau's share of the lands.

Hearing: Peff.

Kilisi duly sworn states: -
These lands were Manatu's share.
Talai



Manatu and Natran had separate shares as the lands had been divided. But on Manatu's death Natran took these lands.

xd. Ct. Manatu and Tangan have not
divided their lands.

xd. Ct. Then why have n't you put
Tangan kaitasi in your list?

xd. Ct. He has two labels from Manatu.

Kilisi

ROFC

Ay Lake. L. G.

Manatu's will, 1908, leaves his lands to
his children.

Tangan's will, 1890, leaves all his
lands to Karas, and says nobody
else has any right to them.

St Witness :

Falani (m. 52 yrs) duly sworn states :-
I know that Manatu had
Puhimilua and Tealalaulihi, because I
have the neighbouring lands.

Farani

ROFC

Ay Lake. L. G.

Case for plff. closed.

Dft.

Telo duly sworn states :-
My father said the lands had
been divided.

Xd. Ct. Whose are these lands?

No answer. (Witness very nervous).

Q. repeated.

A. They are Tangau's.

Q. Why have you registered them in your list, without even putting Tangau haitasi?

A. Incoherent.

Witness then continued: Tangau I left these lands to Kwao and Nahan in haitasi.

Dero

ROFC

Alphabe, L. G.

Case for dft. closed.

Summing-up:

The Committee held 5-1 these lands should remain in Telo's possession until Tangau came to give his side of ~~the~~ ^{the} case. The L. G. held it was proved beyond doubt that defendant has no right to these lands whatever, whereas it is certain they are Tangau's or Tangau's and Kishi's in haitasi. Plff. has produced a prima facie case that he and Tangau are haitasi on these lands.

Finding:

The lands Puhimera, Tenamo, Tealalaki, Tetuahea and Tehanawa transferred to Tangau and the children of Maneta in haitasi.

See also 107/48 on p. 80 of Vol. II.

See also 99/48 on p. 26 of Vol. II

Before me Alphabe, L. G.

LANDS COURT NUI

7. VI. 48

NATIVE MEMBERS & ASSESSORS - All present.

Claim No. 74/48

7. VI. 48

Form B No. 112

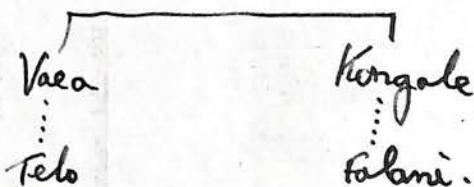
Falani (m. of Nui 52 yrs.) v Telo (f. of Nui 48 yrs.) Both parties present.

Claim:

Falani claims part of Pahiwea was his but wrongfully taken by Nahan.

Hearing: Ref.

Falani duly sworn states:-
This land was divided long ago, and each branch of the family had $\frac{1}{2}$ each.



Then in 1902, Nahan, Telo's father, took over half. It was given to him by the N. M. Polo, his brother in law.

Xd. Ct. It was planted. We did not claim to Mr. Reese to give us this land back because the investigation was hurriedly done.

ROFC

Farani

Alphabe. L. G.

At Witness:

Telo (f. 51 yrs) duly sworn states:-
This land was ours and we used to go to it with our father. Then in

1902 Poh took it and gave it to Nahman.
There were trees on it in those days.

Luta
Alphabe. L.G.

ROFC

Case for plff. closed.

dft.

Telo duly sworn states :-
My father said this land was
divided long before. But Palevatu
claimed to Mr. Campbell and failed, then
Poleamy claimed to Mr. Rewse and failed in
an attempt to get this land ~~for~~ from us for
Folani's side. We have had it for 9 generations.
Xd. Ct. I dont know where Folani's part of
the land is now.

Tero
Alphabe. L.G.

ROFC

Witness:

Kotitonga (of steps) duly sworn states :-
This land was always ours. I dont
know of any part of Folani's there, or of
any claims made to Mr. Rewse.

Kotitonga
Alphabe. L.G.

ROFC

Case for dft. closed.

Summing-up: The Committee held 3-2 that half this land was Falani's, on dft's own admission that plff. had a share of it in the original division. The L. G. agreed. This whole area has a somewhat chequered history. It is large and unplanted, and the various families have never properly divided out their shares; and there has been a good deal of unauthorized encroachment on other people's lands.

Finding: Half Puhimilua transferred to Falani.
See also 9/48 on p. 26 of Vol. II
Before me
Alphabe.
L. G.

Claim No. 75/48

7. VI. 48.

Form B No. 118

Telo (p. of Nui 48 yrs.) v Tema (m. of Nui 62 yrs.)
Both parties present.

Claim: Telo claims this land Puhimilua on the grounds Tema's uncle finished it.

Plff. Hearing.
Telo duly sworn states:-
Tema's family have no land here. They started to plant it but my father stopped them by complaining to the N.G. But now the trees are bearing, they are going to them again. When Nui-lani went to Nui-tio my father told him he owned no land here, as Tairi-ee had their part.
Xd. ct. I claim the whole of Tema's

and Fitalo's land. They planted it for two or three years.

x.d.c. I claim the whole 2 acres.

ROFC

Jeto

Alphabe. L.A.

Case for plff. closed.

Summing-up:

The Committee held 4-0 this land was Terna's and Fitalo's, one N.M. objecting on the grounds the truth had not been unearthed. The L.A. agreed with the 4 N.M.s that Felo's claim is absurd. This land is over 2 acres in extent, it is well known that dft's family owns the land here, and to claim that dft's uncle encroached on plff.'s land ~~over the boundary~~ ^{ext.} to the extent of 2 acres by illegal planting in the course of a year or two is absurd. The L.A. held that plff.'s claim is false, but that she may have had some grounds for claiming that the dft's have moved the boundary. However, instead of making an ordinary boundary claim, she has endeavoured to obtain possession of dft's entire land.

Claim dismissed.

Before me,
Alphabe.
L.A.

Finding

Claim No 76/48
Form B No. 116

7. VI. 48

Kilisi (m. of Nui, 50 yrs) v Tengei (m. of Nui, 24 yrs) Plaintiff present, defendant represented by Kimali (m. of Nui 24 yrs)

Claim: Kilisi claims Namdiki and Tehamunao (pit) were wrongfully taken from his mother by the N.C.

Hearing: peff

Kilisi duly sworn states :-
My mother had this land and pit, until Vili claimed to the N.C. who transferred half of each to him. I don't know how our family is related to his.

Xd. it. I was not in it. when the transfer was done, but I used to go with my mother to the land.

ROFC

Kilisi
Alphabe. L. C.

Hot Witness:
(a. 27 yrs).

Manahu duly sworn states :-
I don't know about this. We had all of the land until recently, but part was taken by Vili when I was about 10 yrs old.

Manahu
Alphabe. L. C.

ROFC

Care for peff. closed.

Dft. Kimali duly sworn states:-
 I am completely ignorant of
 anything and everything. My father is at
 Vaitape, but we have Nui blood.
 Kimali
 Aylake.

ROFL

Case for dft. closed.

Summing-up: The Committee held p-o plff. had
 not proved a good claim to this land
 and put. The L. G. concerned.

Finding: Claim dismissed.

Before me
 Aylake. J.S.
 L. G.

Claim No. 77/48
 Form. B No. 120.

7. VI. 48

- Malua (m. of Nui 60 yrs) v Lema (m. of Nui
 62 yrs) Both parties present.

Claim: Malua claims these lands etc on the
 grounds (a) that the lands have never
 been divided and (b) that she died intestate
 without issue.

Aff.
Hearding:

Malua duly sworn states:-

Kapili	Nanati (B)			
loelu	lio	Mata	Kouli	Malau.
Fulu (adopted)	Palae			

Kapili and Nanati were fratari. When Kapili died, lio had charge of the lands. On his death he called his sisters and loelu together and told them that he, loelu and Viliano (the foster child) were all fratari on Kapili's share of lands.

Later, when loelu returned from school, he took Tefuka, Tapontaba, Tehabiale, and Kengamii, and the pits Tapontaba, Tehatai and Tanlabe, but said he would give them back to us when he went, but now he has given them to Tema.

Xob. a. We have many lands from Kapili and Nanati (about 20 and 4 pits. agh).

Malua
Aghabe. L. G.

ROFC

1st Witness:

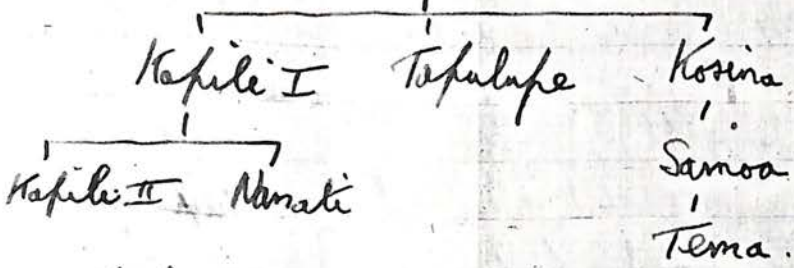
Tema (f. 6 yrs) duly sworn states:-
I never heard lio say anything about these lands. I know nothing about them.
Terra
Aghabe. L. G.

ROFC

Case for plff. closed.

Tema
Dft.

Tema duly sworn states:-
Uto = Moele



loelu said the lands had been divided. Lio looked after loelu's place, and on Lio's death Palae looked after them. When loelu went away, he gave them to me to look after, and we lived together. Later he returned to Niui, and when he died he left them to me and Fuhii in haitari. He said nobody else had any right to them.

ROFC

Tema
Uylohe. L. G.

Witness:

Foloi
Fuhii (23 yrs, f) duly sworn states:-
I was present at loelu's death. He said Tema and I were to be haitari on his lands. I heard his words. It was in 1937. Pna and Tema were also present.

Foloi
Uylohe. L. G.

ROFC

Case for dft. closed.

Summing-up:

The Committee held 4-1 that the parties should have the lands in the claim, on the grounds his was *mantani* on Kapili II's share of the lands. The L.G. pointed out that we only have *plff.*'s unsupported evidence that he said at the time of his death that he was *mantani* on ^{Kapili's} ~~share~~ share. There apparently had been no suggestion of it prior to that time. Secondly, *Ioelu*, Kapili's son, only has 4 lands as compared with *Nanati*'s descendants 20. The L.G. therefore held all these lands were *Ioelu*'s share. The Committee held 5-0, *Ioelu*'s will leaving them to *Tema* and *Fului* was proved.

Finding:

Temafoati, *Tenganui*, *Tepuha*, *Tapontapa* and the pits *Tehatai*, *Tapontapa* and *Tanlake* ~~to~~ to remain in *Tema*'s and *Fului*'s possession.

Before me
A. G. G.
L. G.

Claim No. 78/48
Form B No. 121

7. VI. 48

Maele (p. of *Hei* 58 yrs.) v *Tema* (p. of *Hei* 60 yrs.) Both parties present.

See p. 175.

Claim No. 19/48
Form B No. 125

7. VI. 48

Velemine
~~M. K.~~ Cf. of Nui) v Talaika (M. of Nui
Plaintiff present, dependant represented by Tolonga Cf. of Nui

Claim:

Velemine claims the pit Talaika was hers, but wrongfully taken by Kaunu.

Hearing: P. eff.

Velemine duly sworn states:-
My claim is the same as in 59/48 on p.

xd. Ct. Tonga and Tepulapula we have now but they were Talaika's (Talaika's wife).
xd. Ct. Kaunu took this pit after Talaika's death.

Velemine
Deponent. L. G. ROFC

Talaika's will, 1908, does not mention the pit Talaika.

Case for plff. closed.

Def.

Tolonga duly sworn states:-
Talaika gave this pit to M. Kleis, but Kaunu took it and gave it to Tanei.
xd. Ct. I don't know the grounds on which Kaunu took it.

Tolonga
Deponent. L. G. ROFC

Case for Aft. closed.

Summing up:

The Committee held 8-0 this pit was Talaiha's, and given by him to Kleis; and that Kauna seized it wrongfully.

Finding:

The pit Talaiha transferred to Vilemuni, Kleis's descendants haitasi.

Before me,
Aly Lake.
L. A.

Claim No. 78/48
Form B No. 121.

7. VI. 48

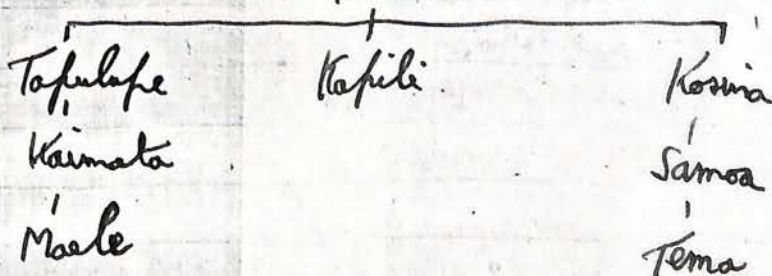
Maele v Tema. See p. 173.

Claim:

Maele claims her family is still haitasi on Tengani.

Hearing: Pff.

Maele duly sworn states :-



My father said that Kosina and Tofulufe gave this land to Kapili to look after, but they were all still haitasi on it. Then later he took it as his own share.

x.d. ut. The lands have now been divided, before the flag. But we used all to

use it if the family ran on hard times.
ROFC

Malle
Uy Lake. L. G.

Wit. W. Williams:

Anai (f. 72 yrs) duly sworn states :-
Tutehe told me we were all
traitari on this land. We used to go to it
before Tutehe went to Samoa but after
that Kaimata's crowd had it.

X her mark.
Uy Lake. L. G.

ROFC

Case for plff. closed.

Dft.

Tema duly sworn states :-
Korima told me all the lands had
been divided.

Tema
Uy Lake. L. G.

ROFC

Altine, called by dft, knows nothing.

Case for dft. closed.

Summing-up:

The Committee held 5-0 Mael's family were *kaitiaki* on this land. The L.G. pointed out *peff.* admitted the lands had been divided, and found it hard to believe this one land was omitted from the division. The Committee replied that it was an old Nui custom, on dividing an estate, to leave one land or two out of the division, and put it under the charge of the male head of the family for future emergencies. They held that this with *Anei's* evidence to support it, proved *peff.'s* case, and the L.G. then agreed.

Finding:

Tapalape's descendants to be *kaitiaki* on *Pengani*.

Before me
A. Lake.
L.G.

See also p. 117 Vol. II.

Claim No. 8048
Form B No. 136.

7. VI. 48

Takuo (m. of *Nui* 63 yrs.) v *Katangi* (m. of *Nui* 68 yrs.) Both parties present.

Claims:

Takuo claims the reversionary right to the land and pit *Tapontebine*.

Hearing:
peff.

Takuo duly sworn states:-
Kapua and *Kitapo* were brother and sister. *Kapua* was my father. When he went to the *Gilberts* he left their lands in *Malenga's* charge, and said that

Kitapo could eat off them but was not to take any away. However, on his return he found Kitapo had taken this land and pit, and she left it to Solomaru, her adopted child. Solomaru left it in Tealofa's charge, and returned to Vaetupu where he died, without a will or issue.

Taruro
Aylake. L. G.

ROFC

Case for plff. closed.

dft.

Katangi duly sworn states:-
 Kitapo gave this land and pit to her adopted child Solomaru. It was not a whole land and pit, but only a part. When Solomaru returned to Vaetupu, he said this was his land and pit and that he gave it to me, as he was not coming back there. I have done a lot of work in the pits, and nobody stopped me.
 x.d. ct. I know of no will of Solomaru.
 x.d. ct. He gave it to me before Mr. Russel's time.

Taruro
Aylake. L. G.

ROFC

Case for dft. closed.

Summing up:

The ^{held} Committee 4-1 that this land had passed to Solomon and become his rightful property, but that he had died intestate and without issue and it should therefore revert to Tabao, since there was no evidence to show that when Solomon went to Vaitupu he gave Katangi any more than a caretaker's rights over the land. The C. M. agreed, but reserved judgement pending a search for Solomon's will at Vaitupu.

Adjourned sine die. See p. 39 of Vol. II.

Claim No. 8148

7. 11. 48

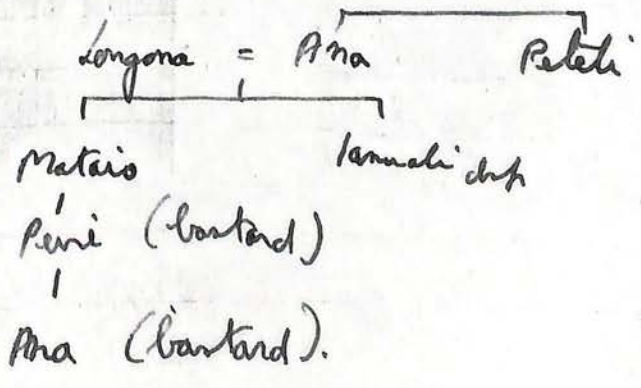
Journ B No. 131

Tinia (f. of Nui 61 yrs.) v Peteli (f. of Nui 68 yrs) Both parties present.

Claim: Ana claims these lands etc. under lamuali's will.

Hearing: Peteli

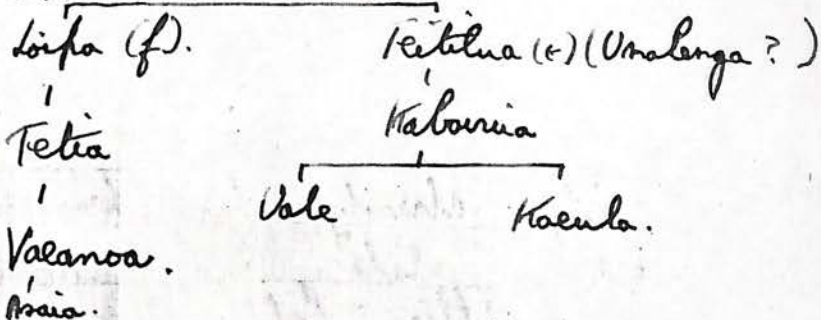
Tinia duly sworn states:- lamuali in his will left all his lands to Peni alone. Before he went to Ocean he told me to claim them.



awarded half of each to him in Kalisi's day.

hearing: Pelf.

Asaia, duly sworn states :-
I have no lands from Kaeula,
but Valanoa said we have some from
them. In Kalisi's day, the N.G.
divided these two lands between myself
and Vale.



These two lands were Loipa's. We
have no lands, but two pits from
Loipa.

ROTC

Asaia CV
Uy. L.G.

So far as can be ascertained, Pelf. has
about 13 lands and 8 pits from Loipa,
but he is such a hardened liar it is
hard to tell for certain. agt.

Case for Pelf. closed.

dft.

Komoto duly sworn states :-

We got these lands from Tongo, and have always had them

Tabu (+)
Loipa
etc.

Tongo
Kaeula
Umalenga
Kabaiala
etc.

I was a policeman in Kalini's day, so I know that the N.G. made no order about these lands. Some other lands from another branch of the family were transferred by the N.G. from us to Asaia, and later returned to us.

xd. ca. 31 never heard of Teitua. Kobavina said the lands were divided long ago, before the flag.

This Teitua does not come from Tongo, but we have another which does.

Komoto
Alpha. L.A.

ROCC

Kaeula's branch of the family has 25 lands and 5 pits from their source.

Case for dft. closed.

Summing-up:

The Committee held 3-2 that the family lands were divided before the flag, and that the division should not now be altered. The L.C. concurred.

Finding:

Claim dismissed.
Before me
Aylsham
L.C.

Claim No. 83/48

8. VI. 48

Form B No. 144.

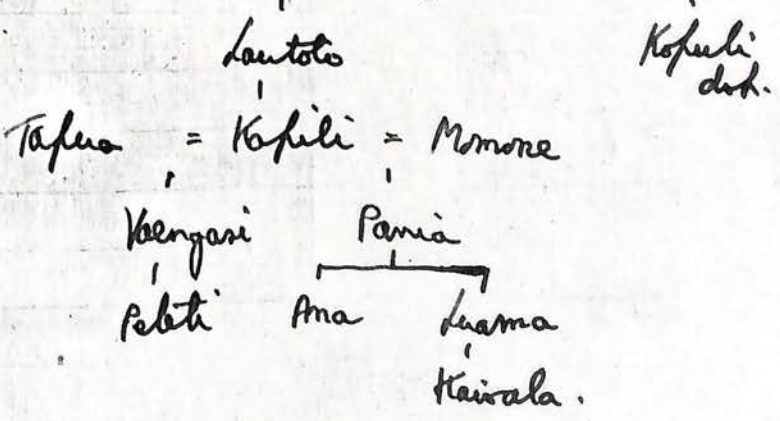
Kaisala (m. of Kui 55 yrs.) v Peteli (f. of Kui 43)
Both present.

Claim:

Kaisala claims the reversion of Ana's share of these lands etc.

Hearing: J. Peff.

Kaisala duly sworn states:-



Kopuli left these lands to Ana and Peteli in Maitasi, so now I claim Ana's share out and left no wills.
Kaisala
Aylsham. L.C. ROFC.

Case for plff. closed.

Dft.

Peteli duly sworn states:
My evidence in case is the same as
in 35/48 on p. 63.

ROFC

Peteli
Aytahé. L.A.

Case for dft. closed.

Agreement - afi:

The Committee held 3-0 that in the
above case Ana's share should revert
to Kaisala and Pania's other descendants in
haitani.

Finding:
Cancelled by
mutual agmt.
See below

Lepolepo and half Temaniba (see 35/48 on p. 63)
transferred to Kaisala; and half Temou and
half Tapontona transferred to Kaisala.
The pit Ahoa transferred to Kaisala.
(see 35/48 on p. 63)

Before me
Aytahé.
L.A.

AGREEMENT.
16. VI. 48.

The parties have now agreed on a different distribution,
as follows: -

PETELI: Temaniba, Tanlahé, half of Tapontona,
and half the pit Teloni. She also retains Telipuaki.
KAISALA: Temou, Lepolepo, half of Tapontona,
half the pit Ahoa and half the pit Teloni.
Before me, Aytahé. L.A.

Claim No. 84/48
Form B No. 147.

8. VI. 48

Afele (m. of Nui 62 yrs.) v. Lika (m. of Nui 25 yrs.)
Both present.

Claim :

Pfff. Lamin dfti. family took this
land Tapotali by force.

Hearing
Pfff.

Afele duly sworn states :-
This land was ours, but Lika's
family took it by force. They killed
one of our ancestors in the dark ages
(before the Mission) and took two of our
lands. We got one back in Mr. Keese's
day, but not this one.
Xd. Ct. We have never had this land
since Lika's family took it.

Afele
Alphabe. L.G.

ROFF

Case for pfff. closed.

Summing-up :

Before the flag.

Finding :

Claim dismissed.

Before me,
Alphabe.
L.G.

Claim No. 85/48
Form B No. 150. and 151

8. VI. 48

Kiliata (G. of Nui 60 yrs.) Represented by
Katangi (m. of Nui 68 yrs.) v Hokai (G. of
Nui) represented by Houata (m. Nui 45 yrs.)

Both parties present.

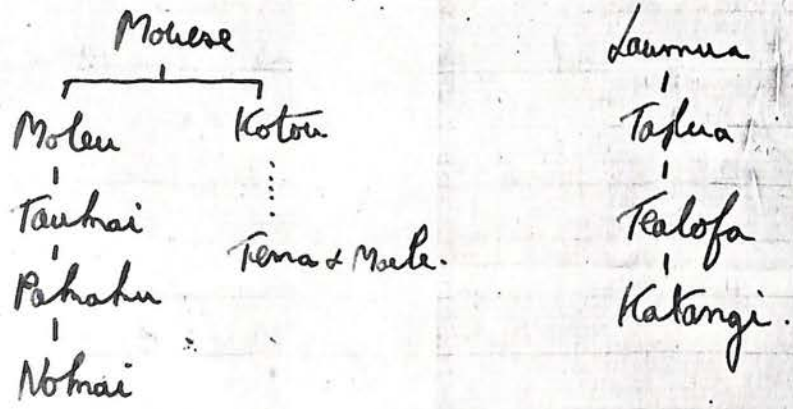
Katangi v. Tema heard conjointly with above case.

Claim :

Katangi claims his share of the
family land Tenganui is too small.

Hearing :
Plff.

Katangi duly sworn states :-
Tongiabo



The two lands Moutala and Tenganui were not divided, though all the best were the family used to go all together to this land. Then in Houata's day after the flag, the land was divided, but they gave us - Laumua's side - much too small a share.

ROFC

Katangi
Ally Houata. L. G.

Case for plff. closed.

Dft.

Mouata duly sworn states :-

The family was haitasi on
Tengamui. My father said it had
been divided and Mouma had his
share.

Xd. U. Katongi's part is the same as Tolaila's.
I don't know why it is smaller than ours.

Mouata
Ally Lake. L. G.

ROFC

Witness:

Tema (Goyro m.) duly sworn states :-

My ancestor said that this
land had been divided, and that
Mouma had her share. I don't
know which side has the largest share.

Xd. Ct. I don't know when it was divided,
but it was long ago. I don't know of
any reason their share should be smaller.

Tema
Ally Lake. L. G.

ROFC

Case for dft. closed.

Summing-up:

Summing-up. The Committee held 3-0
Mouma and her descendants should have received
equal shares of this land on the division
of the estate, and that the parts held by
their respective descendants should be
measured with a view to adjusting the

portions if necessary.

Adjourned sine die. See p. 117 of Vol. II

Claim No. 86/48

8. VI. 48

Form B No. 162

Saiolo (G. of Nui 55 yrs.) v Kitime (m. of Nui 62 yrs.) Both present.

Claim:

Saiolo claims the pit Tevahaloa was wrongfully taken by Kaunu.

Hearing:
Speff.

Saiolo duly sworn states:-
This pit belonged to my father Lepa from Koloto, his adoptive parent. But after Lepa's death, Kaunu came from Vaitupu and took it away from us. When she returned to Vaitupu, she gave it to Tubia. Kaunu took it in 1911, while the Ct. We have none now.

ROFC

Saiolo
Aly Lake. L. G.

Not Witness

Mekuli (m. 51 yrs) duly sworn states:-
My evidence concerning this pit is the same as that in 56/48 on p. 110 concerning the land Tepuhia. This pit was not investigated in Werham's day.

Mekuli
Aly Lake. L. G.

ROFC

2nd Witness

Kona (f. 64 yrs) duly sworn states:-
 This pit was the same as the land.
 Kauna took it and gave it to Vitime's
 family.

Xd. et. She took it while Mr. Rowse
 was on the island, but it was not done
 by his order.

ROFC

Kona
 Ughabe. L. U.

Ipa's will, 1911, leaves Tevakaloa to Suiolo.

Case for plff. closed.

Dft.

Vitime duly sworn states:-
 This pit was Tubia's from
 Kiimui. My mother said Nalei dug it.
 Tanjou's crowd gave it to Koloto for
 Kimbela's support, but it did not
 belong to Koloto. So my mother
 claimed to Mr. Rowse and got it back.
 I know nothing about Kauna's taking it.
 When Meshui returned from Vaitupu, he
 claimed this pit but the old men did
 not give it to him, as they said Nalei
 dug it and it was not Teaiola's.
 Teaiola was not related to Nalei.
 Xd. et. Tubia got it from Koloto.

Vitime
 Ughabe. L. U.

ROFC

1st Witness

Afele (62 yrs. m) duly sworn states:-
 I know of ~~no~~^{no} investigation in Mr. Wemham's day, but in Kolini's days, after the 1st World War, Kaunu claimed this pit and Tepaha, so Kolini and Niinea transferred it to her, because she said it was her. She then gave it to Tubia, I don't know why.

Afele
 Alphahe. L.A. Rofc

Case for dft. closed.

Summing-up:

The Committee held 2-1 this ~~land~~^{apt.} pit should be halved; the dissentient holding it should remain in Utine's possession. The L.A. could not agree. There are 4 witnesses to the fact that this pit was taken by Kaunu after Lepa's death, and not by Tubia from Koloto (who died before Lepa), as claimed by dft. Dft. cannot produce a single witness to support any part of his claim. The evidence against him is overwhelming. If, by any chance, Kaunu was the rightful owner, the pit would, on her useless death, revert to Koloto's descendants and not to Tubia's but the L.A. held the land had in any case belonged to Koloto.

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Finding:

The pit Tevababa transferred to Saiolo.

Before me,
A. Lake,
L.C.

Claim No. 59/48
Form B No. 85.

8. VI. 48

Velemine v Malia (Proxy Koteka)
See p. 127.

Finding:

The land Tehabutaha transferred to Velemine and the descendants of M. Kilewi in Matasi.

Before me,
A. Lake,
L.C.

Claim No. 89/48
Form B No. 157

8. VI. 48

Kiete (p. of Nui 8 yrs) represented by Lote (p. of Nui 31 yrs) v Malua (m. of Nui 62 yrs) Both parties present.

Claim:

Kiete claims he should be hantasi on these lands etc. under loba's will.

Hearing:
J. Jeff.

Lote duly sworn states:-

Bioteha	loba
lofanga	malua
lote	

Kiete (bastard)

Iobu's will said Kete should be
Maitasi.

x.d. Kete & I lived with Malua until
I married, after Iobu's death. The children
now 8 years old.

ROFC

Lote
Alphabe. L. G.

Iobu's will, 1940, says that Kete should be
Maitasi on all his lands; and that all
the co-panceners should live together, the
estate is not to be divided, and if any
of them leaves the family, he is not to
take any lands.

Case for pff. closed.

dft.

Malua, duly sworn states:-
I asked Iobu if he meant the
lands should be divided among the 4 of
us, and he said no but they are
Maitasi as long as they live with you.
x.d. Before Iobu's death, Kete lived with
us, but now she is living with her mother.

Malua
Alphabe. L. G.

ROFC

Case for dft. closed.

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Summing-up:

The Committee held 5-0 that Kieta should be *kaitiaki* on these lands provided that, on reaching adult status, she goes to live with Mahua's family. They held that Kieta's having been removed from Mahua's family by her mother did not cause her to forfeit her rights under the will. The L. C. concurred.

Findings:

Kieta to be *kaitiaki* on all Iobu's lands and pits, provided that on reaching adult status (21) she goes to live with ~~the~~ Iobu's descendants. If she goes to Iobu's family, but leaves them again before the family lands are divided (~~she~~ ^{she} ~~would receive~~ ~~the~~ ~~lands~~ ~~as~~ ~~per~~ ~~the~~ ~~will~~) she shall forfeit all her rights to these lands and pits, and can neither receive a share in *waiwae* or be *kaitiaki*. If she does not go to live with Iobu's family on reaching the age of 21 years, she forfeits all rights to any of these lands or pits.

Before me,
Alyahne.
L. C.

Form B No. 158.

8. VI. 48.

Agreement.

The L.M.S. Pastor Foleunhu and Malua have agreed that, according to the terms of Iobeli's will (1925), the pastors of the London Missionary Society shall have the sole use of the land Tapontenige so long as the L.M.S. maintains a pastor at Nui Island. If, at any future date, the L.M.S. ceases to maintain a ~~missionary~~ pastor at Nui, the land shall revert to Malua's heirs.

Before me,
By name,
L. G.

Claim No. 88/48

8. VI. 48.

Form B No. 160. and 166.

Talita (f. of Vaitupu 36 yrs) Represented by Veseli (m. of Vaitupu 53 yrs) & Niamea (m. of Nui 84 yrs) Represented by Afele (m. of Nui, 60 yrs) Both present.

Claim:

Talita claims the 61 lands and 6 pits in the claim on the grounds she is Iosia's child.

Hearing:
Plff.

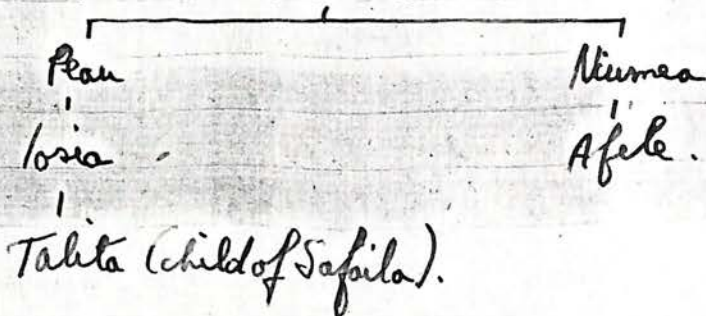
Veseli, ^{husband} plff.'s ~~wife~~ ^{deputy}, duly sworn states:-

~~deputy~~ Talita claims some of Iosia's lands

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from his father's family on the grounds
that she is his son.

Talaita



Safala says that Iosia was Talita's
father. Safala and Iosia were not married.

Ueseli
Alphabe. L.A. ROFC

Case for plff. closed.

Dft.

Afele duly sworn states :-
I never heard that Iosia had
a child. Iosia was mantari on those lands.
He never told us he had a child, though he lived
with us.

Afele
Alphabe. L.A. ROFC

Iosia's will, 1920 leaves all his lands
to his adopted child Mele.
Case for dft. closed.

Summing-up:

The Committee held 5-0 that even if it were proved that Tabita is Iosia's child, ~~it is~~ ^{app.} Tabita cannot now claim any of his lands as his will bars any such claim, and it is too long since her birth for a bastard to succeed.

The L.G. reserved judgement pending a search for relative legislation c. 1904.

Adjourned sine die. See p. 70 of Vol. II

Claim No. 89/48
Form B No. 168

8. VI. 48

Taima (f. of Hui 20 yrs.) v Hokai (f. of Hui 64 yrs. Both present.

Claim:

Taima claims that her portion of Tenga in the division was too small.

Hearing:
Peff.

Taima duly sworn states:-

- Tongaiaaba
- Telaila
- Pehili
- Ngalan
- Papae
- Taima.

27.4

Tongaiaaba and Telaila were haitasi, but later when the land was divided Telaila's descendants got too small a share.

By Taima
Alphabie.

ROFC

Case for peff. closed

797
summing-up.

See 85/48 on pp. 186-187. The whole land will be measured by the Committee, and the various families' shares apportioned accordingly.

Adjourned sine die. See p. 117 of Vol. II

LANDS COURT NUI

9. VI. 48

NATIVE MEMBERS - All present.

ASSESSORS - Both present.

Claim No. 18/48.

Form B No. 28

Peteli v Vitime See p. 35.

standing:

The parties have agreed on the following transfers :-

From Vitime to Peteli: Teluakia ita ($\frac{1}{2}$ rd), Oletenge ($\frac{1}{2}$), Tutube ($\frac{1}{2}$), Aontena ($\frac{1}{2}$), delutei ($\frac{1}{2}$), Tabutea ($\frac{1}{2}$), Teholoholo; and the pits Terahaloa and half of Tanimeang.

From the lands obtained by the family from Niimea as a result of the Lands Ct.'s decision, the following are transferred to Peteli: Teluanimaram and Telupe and Unimai.

See 62/48 on p. 186.

Before me,
Alphahe.
L. C.

Claim 64/48.
Form B. No. 94

9.VI.48.

Kaenua v. Mekuhi. See p. 140.

Finding: The parties have agreed on the following transfers:

From Mekuhi to Kaenua and the descendants of Maui in Maitani: Tahoronteti, Pongongoo etc, half the pit Tetoton, and one quarter of the pit Temanila.

From Taanga to Kaenua and the descendants of Maui in Maitani: Tehanimamam I, Tetepuhi, half of Temarohu and half of Letahi.

Before me,
A. G.
L. G.