

Item 9.

9

TRANSCRIPT OF EVIDENCE BEFORE
THE LAND TITLES COMMISSION IN
THE MATTER OF D.A. 1 AND 180.

PART 9..... PAGES 793-893

ANNUAL

Q. Was there any indication given you then that there had been of late a new clan constituted as the OGONI DABUNARI clan.

A. No.

Q. YOUNG In answer to a question of Mr. ANDREW in relation to marriage, the donating group would have reversionary rights to the land. Would you think it reasonable for the donating group to continue to consider this land as its own in some circumstances.

A. I would like to clear up the interpretation of my statement this morning. As M. GROVES has shown in his article Western Motu descent groups in ethnology, I think Vol. 2 Part 1, December, 1963, the term iduhu can be used in a number of senses and people can be members in different ways. In one sense people descended through women members are sometimes regarded as being members of an iduhu and it was in that sense that I suggested that land given on marriage was not entirely separated from the rest of the iduhu's land.

Q. Relating to land claimed by more than one group, you said there was no evidence to suggest there was any pre contact dispute over ownership of any land. If we have not clearly defined boundaries by natural features, do you think it would be possible to currently use any area of land without dispute.

A. I think I would have only said that there were no disputes over land in a particular context. I think it was very probable that in this vicinity where we are now sitting, there may have been minor disputes, but

if people were living at peace in a border area where land was plentiful it seems possible that crisscrossing of boundaries could occur.

Q. You mentioned BURIA Village this morning. Can you tell us where it was.

A. It was four or five miles inland from LEA LEA is not in the vicinity of LEA LEA. I think it happened in the 18th century a long time ago.

Mr. YOUNG calls FUKA OALA.

FUKA OALA on oath states :—

My name is FUKA OALA. I am a pastor of the United Church in my own village at PARI. I am 54 years old. My father was OALA RARUA. He was a minister with the L.M.S.

Q. What was your father's iduhu.

A. IDIBANI TUBUMAGA of PARI. It is also my iduhu.

Q. Have you any family connections with any of the claimants.

A. No.

Q. Do you know the people of BARUNI.

A. Yes because my father was the pastor at BARUNI.

Q. When was your father pastor at BARUNI.

A. 1927.

Q. How long was he there.

A. About ten years.

Q. While he was pastor did he live at the village.

A. Yes.

Q. Were you living there with him.

- A. Yes = 6 months.
- Q. Where were you living for the rest of the time your father was at BARUNI.
- A. At METORIA School. An L.M.S. School.
- Q. At that time could you walk from METORIA to BARUNI.
- A. No. I was at school at METORIA.
- Q. How long during each year were you at school.
- A. From 1927 to 1930.
- Q. Where did you live after 1930.
- A. Living with my father and working with the medical department.
- Q. But you were living with your father at BARUNI Village.
- A. Yes.
- Q. Did for live with your father for the rest of his stay at BARUNI.
- A. ^{only} I/knew two or three BARUNI people. I did not know them really well.
- Q. Did you ever learn to speak KOITAFUAN.
- A. I could understand the language but not speak it while my father was preaching.
- Q. Can you speak it now.
- A. No it is a very hard language.
- Q. When your father was living at BARUNI did you go hunting with him.
- A. Yes in the school holidays.
- Q. Did you ever go helping the BARUNI Villagers with their gardens.
- A. No. I was at school most of the time. My brother would know more about it, his name is DARQA OALA.
- Q. When you went hunting where did you go.
- A. At TETE, KOUA.

Q. Were they the only two places.

A. The only two places I know about.

Q. Where is KOUA.

A. West of BARUNI.

Q. Do you know the hill as IOVARADA.

A. No.

Adjourned at 3 p.m. to 9 a.m. on 17/6/71.

DA1

9.10 a.m. 17/6/71. HEARING RESUMED.

HENI GUBA recalled by Mr. Young.

Q. Since you were last before the Commission on the hearing have you been out on the area claimed by you in DA1 with District Office staff?

A. Yes.

Q. One of them was a European?

A. Yes.

Q. Did you show him the boundaries of the area claimed by you?

A. Yes.

Q. Were these the same pieces of land which you referred to previously, to the Commission?

A. Yes.

Q. That is DEGOHE and DOBONA SUGUNA?

A. Yes.

Q. Do you remember in 1959 a claim by your clan to land known as MANUAGA?

A. Yes.

Q. Young That is N. land claim No. 81. Who is the land controller of this land?

A. OGONI DABUNARI.

Q. Didn't Mr. Brammell give this land to your clan?

A. It is OGONI DABUNARI land.

(Question repeat)

A. No.

Q. Were you present at the hearing of this matter?

A. Yes.

Q. Do you remember GANAGA MARAGA giving evidence for your clan?

A. Yes.

Q. Do you remember GAUDI REI speaking on behalf of your clan?

A. Yes.

Q. Is this land on the coastal side of DEGOHE?

A. Yes.

- Q. Do you remember the time when PASTOR OALARARUA lived in BARUNI?
- A. Yes.
- Q. How old were you then?
- A. I was small.
- Q. Was your father alive?
- A. Yes.
- Q. Where exactly were you living at that time?
- A. BUI GARARA.
- Q. Was this at that time one of the separate villages of BARUNI. Were there a number of villages at BARUNI and this one of them?
- A. Yes.
- Q. Which clans were living in BUIGARARA?
- A. The whole iduhu.
- Q. Which Iduhu?
- A. OGONI DABUNARI; KAEVAGA; URARANU; ARUTU.
- Q. That all?
- A. MOKOGAHA.
- Q. What were the names of the other separate villages at BARUNI?
- A. EBOKO.
- Q. Who was living at EBOKO?
- A. Half of the BARUNI people living at EBOKO and half at BUIGARARA.
- Q. Were men of all these iduhus you have mentioned also living at EBOKO?
- A. Yes.
- Q. Did you all consider yourselves as part of one Big Family?
- A. Yes.
- Q. At this time when Pastor Rarua was living in this village how many men of your father's generation living at BUIGARARA?
- A. From what I remember - five.
- Q. Does that include your father?

- A. No.
- Q. Can you remember the names of these men of your father's generation?
- A. Yes, they were from different iduhus.
- Q. Can you tell us the names of any you can remember?
- A. UDIA DAURE.
- Q. What clan was his?
- A. OGONI DABUNARI.
- Q. Who else?
- A. MAINO HARAKA
- Q. What iduha was he?
- A. URARANU
- Q. Can you remember the names of any others?
- A. GAUDI DORIGA.
- Q. What was his iduhu?
- A. BARUNI
- Q. Any other?
- A. My father, GUBA MARAGA.
- Q. Can you remember the 6th one you spoke of?
- A. GINATE MABA
- Q. You mentioned six, can you remember any others?
- A. GINATE GUSINA.
- Q. Were all these people living at BUIGARARA?
- A. Two living at EBOKO and four at BUIGARARA.
- Q. Are these the only names you can remember?
- A. Yes.
- Q. Were there also a number of women of your father's generation living there?
- A. I don't know.
- Q. At that time when Pastor Rarura was at BARUNI was your grandfather alive?
- A. No.
- Q. Do you know if there were any old men of your grandfather's generation living there then?
- A. The only ones I remember were the five names I have given.

Cross Examination - Mr. Turnbull.

- Q. You say that KAEVAGA have different lands and different land controllers?
- A. Yes. Different iduhus get their own land and land controllers.
- Q. Why are you the land controller of DOBONA SIGUNA and DEGOHE?
- A. Because it is our iduhu's land.
- Q. When did you first become land controller of this land?
- A. When I first made the claim.
- Q. Who was the land controller before you?
- A. I was the land controller before I put the claim in.
- Q. (reput)
- A. My father.
- Q. When Mr. Champion was speaking to your clan about your land why didn't you speak to him?
- A. He did not ask me.
- Q. Why didn't you go and tell Mr. Champion without being asked?
- A. I would have if he had asked me.
- Q. You said that the KAEVAGA clan began when REI GOMARA left KILA KILA after a fight with his brother and came to live at DOBONA SIGUNA?
- A. Yes.
- Q. Did the clan started by REI GOMARA live on the land at DOBONA SIGUNA?
- A. Yes.
- Q. Did they regard it as their land?
- A. Yes because when REI GOMARA went to live on that land OGONI DABUNARI gave it to him.
- Q. Orken When was that?
- A. My father told me.
- Q. In those days was there an iduhu called OGONI DABUNARI?
- A. Yes.
- Q. Do you know if the marriage between DORIGA MARAGA and

UDIA DAURE took place after REI GOMARA came to DOBONA SIGUNA.

A. After REI GOMARA shifted to that land.

Q. Do you know if at the time of that marriage the KAEVAGA iduhu was living DOBONA SIGUNA?

A. Yes, the whole iduhu.

Q. Have you discussed the boundaries of your claim with other iduhus?

A. No I didn't. It is my own land and I work with my family on the claim.

Q. Did you attend a meeting two years ago to discuss land matters?

A. Yes.

Q. Orken Were there any white men at that meeting?

A. No.

Q. Was Mr. Chatterton at that meeting?

A. I didn't see him.

Q. You say in your evidence OGONI DABUNARI own land between your land and the LALOKI River. Is that right?

A. Yes.

Q. Who told you this?

A. OGONI DABUNARI people.

Q. Cowdery You have said in your evidence that the land DOBONA SIGUNA came into your family because of the woman DORIGA MARAGA. You have just said, a few minutes ago, that your clan was already living on that land when DORIGA MARAGA was married. How do you now say the land DOBONA SIGUNA became KAEVAGA land?

A. My grandfather came from KILA KILA. The OGONI DABUNARI found him and gave him the land.

Q. Was your grandfather's name HARIGA REI?

A. My grandfather came from KILA KILA. His name was REVA GOMARA.

Q. Was your grandfather older than DORIGA MARAGA?

A. Yes. She is his sister.

Q. Who was born first?

A. My father is younger than that woman.

- Q. Who was the younger DORIGA GOMARA or your grandfather?
- A. My grandfather was older.
- Q. Did your grandfather REVA GOMARA give the land DOBONA SIGUNA to DORIGA MARAGA?
- A. OGONI DABUNARI gave the land to KAEVAGA.
- Q. (reput)
- A. No.
- Q. Were REVA GOMARA and DORIGA MARAGA true brother and sister?
- A. DORIGA GOMARA is my father's sister.
- Q. How did the land DEGOHE become KAEVAGA land?
- A. Because REIKA GOMARA a BARUNI woman.
- Q. Did she marry a KAEVAGA man?
- A. Yes.
- Q. Was the land given to her as a wedding gift?
- A. Yes.
- Q. Are REI GOMARA and HARIKA REI father and son respectively?
- A. Yes.
- Q. Do the OGONI DABUNARI own all the land between your and land/the LALOKI?
- A. Yes.
- Q. Does any other clan have any rights to that land?
- A. No. It is OGONI DABUNARI land.
- Q. You said in your evidence your people still go to DOBONA SIGUNA. Why do they go there?
- A. Because it is my land.
- Q. What do your people do there?
- A. They make gardens.
- Q. You said in your evidence before you don't make gardens there. You only go there and come back. Which is correct?
- A. When the Europeans weren't here, my grandfather made a village at DOBONA SIGUNA and lived there.

- Q. Do the KAEVAGA people still go to this land now?
- A. Yes, the KAEVAGA people go there now and I do too.
- Q. What do you do there now?
- A. We go for hunting and come back again.
- Q. McCreanor No questions.
- Q. Andrew You said the OGONI DABUNARI own land from your land to the LALOKI River?
- A. It belongs to different iduhus from the OGONI DABUNARI so I don't know.
- Q. Orken What is the motu word for boundary?
- A. TANO HETOANA.
- McMaster No questions.
- Q. Ross Are you aware that the Administration claims the land over which you walked with the Sub District Office people was purchased by the Administration many years ago?
- A. No.
- Q. Are you not aware or in your opinion it was not purchased?
- A. I don't know.
- Witness shown copy of DA1 and informed this is a copy of a document made many years ago by William MacGregor and which he says is a purchase of land from those people. HARAKA and MARAGA appear on that document, the names of two people.
- Q. Is there any reasons why those two persons should be the fathers of MAINO HARAKA and GUBA MARAGA?
- A. I don't know because these people are from a long way back.
- Q. You say you are the land controller of DOBONA SIGUNA
- A. Yes.
- Q. What does DOBONA SIGUNA mean?
- A. It is the name of a tree.
- Q. Are there one or many pieces of land called DOBONA SIGUNA?
- A. Only one piece of land.

- Q. You were asked questions by Mr. Young about a claim in 1959 and you said this land was awarded to OGONI DABUNARI?
- A. Yes.
- Q. Yet you say this land belongs to your own iduhu, that is DOBONA SIGUNA?
- A. Yes.
- Q. Are you also aware of land known as AVAGANA?
- A. I don't know the land.
- Q. Do you know that the Commissioner ruled that the land DOBONA SIGUNA is outside DA1?
- A. I do know it is outside DA1.
- Mr. Ross Refers Commission to that claim which is Central Claim No. 81.
- Q. You also claim the land DEGOHE?
- A. Yes.
- Q. Is the land you presently claim on the coastal side of DEGOHE?
- A. It is on the coastal side.
- Q. Are you aware that the Administration only claims land on the inland side of DEGOHE?
- A. I don't know.
- Q. What is the name of the piece of land you showed the European from the District Office?
- A. DOBONA SIGUNA and AGIHA NIMU; GOIBADA.
- Q. Why when you were previously examined did you not mention these names?
- A. Because I was talking about DOBONA SIGUNA.
- Q. At the last examination you were asked what land you were the controller of and you replied DOGONA SIGUNA and DEGOHE.
- A. Yes.
- Q. Why did you say the land DOBONA SIGUNA was near the University?
- A. I didn't say that.

- Q. Did you point out the land GOIBADA to persons from the District Office?
- A. When they went we did.
- Q. Did you walk around the boundaries of GOIBADA?
- A. Yes.
- Q. Did you also walk around the boundaries AGONIMU with the man from the District Office?
- A. Yes.
- Q. If you are the land controller of your land could you sell the land?
- A. If the Government asked for it I can.
- Q. Could the land controller before you sell the land?
- A. If the iduhu people say yes, we will sell. If they say no, we won't.
- Q. Has this, as far as you are aware, always been the custom, that is if the iduhu agree, the land controller could sell the land?
- A. Yes. That is the way the native custom is if the iduhu people agree we can sell the land we will, if not, we won't.
- Q. Did your iduhu, as far as you are aware, ever have a land controller called DEGOHE HAKAKA?
- A. Yes, my father told me, but I have never seen the person.
- Q. Has your father or anybody else ever told you who was the land controller when the missionaries came to HANUABADA?
- A. My father told me all different iduhus had all different land controllers.
- Q. Orken Did your father ever tell you about the missionaries coming here?
- A. Yes.
- Q. Where was your father living at the time?
- A. At BUIGARARA.

- Q. At the time his father was living at BULGARARA, at the time of the missionaries coming, who was the land controller?
- A. The iduhus all had different land controllers.
- Q. You said in your previous evidence that you heard from your father that a survey was done over DA1. Do you know why that survey was done?
- A. I don't know.
- Q. Any other native land outside DA1 has he ever heard of a survey being done?
- A. I have never heard of it.
- Q. Orken Do you know what a survey is?
- A. Marking all the land.
- Q. Did your father ever tell you that anyone from BARUNI village went out with a surveyor?
- A. I wasn't told.
- Q. Have you ever heard of a man called JIMMY MALAY?
- A. No.
- Q. Orken Have you ever worked for the Government or anybody?
- A. No.
- Q. Have you always just stayed in the village?
- A. Yes.
- Q. Have you ever heard of any KOITA or KOTU people selling land to the Government and getting money for it.
- A. I have never seen it with my own eyes.
- Q. Who is GOMARA UDIA?
- A. He is a man from OGONI DABUNARI.
- Q. Ross Do you know if any other people outside your iduhu are claiming the same land as you?
- A. Yes.
- Q. Who?
- A. KORE AUIE.
- Q. Orken Are you a relation of his?
- A. No.
- Q. Ross Do you know VANI RAKITANE and HENI HENI?

- A. Yes, they are from another iduhu, OGONI GUBINI.
- Q. Do you know they are also claiming this land?
- A. No. I don't know.
- Q. Have you ever seen anyone from OGONI GUBINI or the people on behalf of whom KORE claims on the land?
- A. Only KORE.
- Q. Did KORE hunt, have houses, or gardens on the land?
- A. No.
- Q. What was he doing on the land?
- A. I didn't see him do anything on the land.
- Q. Do you know a person NAIME GADAUA?
- A. No.
- Q. Was MARAGA HAROKA your father's father?
- A. Yes.
- Q. Was DEGOHE HARAKA, HARAKA REI's son?
- A. Yes, my father told me but I don't know him myself.
- Q. Did your father tell you where the surveyor went to?
- A. No my father did not tell me where the surveys went.
- RE-EXAMINATION
- Q. Young You said DORIGA MARAGA married UDIA DAURE. Did UDIA DAURE marry any other KAEVAGA woman?
- A. Yes.
- Q. Who?
- A. MOMO MARAGA.
- Q. Were these two ladies sisters?
- A. They had the same father but different mothers.
- Q. You also mentioned REIKA GOMARA. There is a REIKA GANIGA in the genealogy. Are they the same person?
- A. I only know REIKA GOMARA.
- Q. When you went with the District Officer what land did you show him as claimed by you as KAEVAGA land?
- A. DOBONA SIGUNA.
- Q. Is this land near any modern buildings?
- A. Yes.
- Q. What are these buildings?

- A. Houses where people stay.
- Q. Are they new houses.
- A. They are working on the place.
- Q. Orken European or Native people?
- A. Native people working on the places.
- Q. Young What is the name given to that area?
- A. No. I only know the native names.
- Q. Do you know the name TOKARARA?
- A. No.
- Q. Are any of these houses on the land you claim?
- A. Yes.
- Q. Is this the land you say was given to your clan on the marriage of UDIA DAURE to the woman from KAEVAGA?
- A. Yes.
- Q. When you said you could sell the land as land controller would you be able to keep all the money yourself?
- A. I would get it myself but share it with the iduhu.
- Q. Did your clan have any other land on the BARUNI side of DEGOHE?
- A. I have only the one land. DEGOHE.
- Q. Are there any KAEVAGA people living at KURIU village?
- A. Only one person, GANIGA MARAGA.
- Q. Is it a man or woman?
- A. Man.
- Q. Does he have any rights in the land you are claiming?
- A. Yes. He is of the same iduhu.
- Q. Orken Do you know how old you are?
- A. No.
- Q. C.C. Are there houses being built on all the land you claim?
- A. Yes.

GAUDI REI recalled by Mr. Young.

Mr. Turnbull No questions.

Q. Cowdery How many land controllers are there for the KAEVAGA iduhu?

A. Myself and HENI GUBA.

- Q. Who gave the land to GOMARA UDIA?
- A. GOMARA UDIA gave the land to KAEVAGA.
- Q. What was the name of the person to whom it was given?
- A. REVA GOMARA.
- Q. Why was it given?
- A. Because our grandfather came and lived at DOBONA SIGUNA and that is why they gave it to REVA GOMARA.
- Q. Was that grandfather REVA GOMARA?
- A. Yes.
- Q. Was REVA GOMARA adopted by the people living at DOBONA SIGUNA?
- A. Yes.
- Q. From what iduhu were those people?
- A. OGOINI DABUNARI took REVA GOMARA. They were two iduhus one OGOINI DABUNARI, the other BARUNI.
- Q. Are you saying that members of BARUNI iduhu also lived at DOBONA SIGUNA?
- A. BARUNI lived at DEGOHE and OGOINI DABUNARI at DOBONA SIGUNA.
- Q. Can you show the Commission on the map where DOBONA SIGUNA is?
- A. I wasn't going to be in the case. HENI GUBA was doing everything for us but Mr. Young called me so I came.
- Q. Can you read that map?
- A. N No, I'm too old.
- McCreanor No questions.
- Andrew No questions.
- McMaster No questions.
- Q. Ross Did you ever show DOBONA SIGUNA to any people from the Sub District office?
- A. Yes at the place.
- Q. Do you remember a hearing before Mr. Brammel in 1959?
- A. Yes.
- Q. Mr. Brammell said "that DOBONA SIGUNA is not in the place you presently state it is".
- A. I only know where DOBONA SIGUNA and DEGOHE are. They

are close to each other.

Q. When were you last on DOBONA SIGUNA?

A. When I went with Mr. Brammell. Then I was the village constable.

Q. Have you ever lived on DOBONA SIGUNA?

A. Yes.

Q. When was this?

A. A fair way back.

Q. Orken Did you have a house or garden there?

A. A garden.

Q. Did you sleep there or come back to the village?

A. We slept at the village.

Q. Do you know what is on DOBONA SIGUNA now?

A. (Not recordable - interpreter states that he is speaking about his ancestors)

Q. Have you heard if there are any modern buildings on the land?

A. There are no houses on DOBONA SIGUNA now.

Q. You went there last with Mr. Brammell. How do you know there are no houses on DOBONA SIGUNA now?

A. (Not recordable - interpreter states he is talking about his ancestors again going gardening there and coming back again.)

Q. Orken HENI GUBA says there are houses being built on the land. You say there are none. Is HENI GUBA a liar?

A. (Not recordable being too vague.)

Q. Do you know TOKARARA, ~~where there are no houses?~~

A. Yes. ~~where there are no houses?~~

Q. Is that the place called DOBONA SIGUNA to which you went with Mr. Brammell?

A. It is on the hill, and we were down in the flat area with Mr. Brammell.

Mr. Turnbull calls KORE AUIE.

Cross Examination Mr. Young.

Q. In your examination you said your inheritance is

through your father's side. Is it possible for inheritance to pass from the mother's side?

A. If the family did not have any male survivors but only a female, it can pass from mother to son.

Q. Were you ever told who was living at BARUNI when your people came to the coastal area?

A. I was not told who was living at BARUNI.

Q. Did your father or grandfather tell you there were people living at BARUNI?

A. My father told me BARUNI people were living there.

Q. Did your father tell you that they had land anywhere near your land?

A. Yes.

Q. Did he tell you where it was?

A. DEGOHE; TETE; KOHA; HAVA GEHUDI right down to the LALOKI River.

Q. Did he say this had been their land since your ancestors time?

A. Yes.

Q. You have said in your evidence that when the GAIBUDUBU people settled on your land it was vacant. Were you told how your ancestors knew this?

A. They were the first people to settle down so they took the place.

Q. Were you told how long your ancestors stayed at each of the places your ancestors mentioned?

A. I wasn't told how long they stayed at each place.

Q. Were you told which of your ancestors first used each of these places?

A. IHANUMU.

Q. What was the name of the ancestor who settled there?

A. ROGURO VAHU.

Q. Who first settled at ROCKU IOVI?

A. ROGURO VAHU.

Q. Who first settled at GOROKAEGA?

A. The same person.

- Q. Who was the first to settle at VARIMANA?
- A. The same person.
- Q. Who was the first person to settle at NIMI?
- A. The same person.
- Q. Would it not be true to say then that ROGURO VAHU moved from IHANUMU to NIMI during his life time?
- A. Yes.
- Q. Is it not true that your people settled down at ROKU on the other side of the harbour before coming to KURIU at HANUABADA?
- A. The ROKU people from KURIU shifted to ROKU.
- Q. Did you not say that during the war you shifted to ROKU?
- A. No.
- Q. Is MABATA HOMOKA a relative of yours?
- A. Yes.
- Q. Did she marry a man from ROKU Village?
- A. Yes.
- Q. Are the people of ROKU now closely connected with your people at KURIU?
- A. Yes.
- Q. Was this the same in your ancestors time?
- A. Yes.
- Q. Were they all part of the three KURIU clans?
- A. Yes in KURIU.
- Q. Were the ROKU people the part of the original KURIU people who came from IHANUMU?
- A. You will find it in the genealogy.
- Q. Were you told when your ancestors hunted in DA1 that any other people joined them in hunting?
- A. I was told that my ancestors hunted in DA1 but I was not told if any other clans hunted with them.
- Q. You have said in your evidence that when the agricultural people put up fences the GAIBUDUBU people did not complain. If you thought it was your land why did you not complain?
- A. They did not know how to go about complaining about

the land.

- Q. Do you know if there is a KAEVAGA man living in your village?
- A. GANIGA MARAGA.
- Q. Does he have rights in your clans land?
- A. In one part he has the right.
- Q. Which part is this?
- A. In the KAEVAGA land.
- Q. Is this in the boundary of DA1?
- A. Yes.
- Q. Can you tell us where in DA1?
- A. Witness indicates on 1:50,000 contour plan an area about the middle of the KAEVAGA claim as delineated by blue pencil and states my land is just to the west of it within the KAEVAGA claim.
- Q. Did you mark this position merely because you saw the name KAEVAGA on the map?
- A. No I also know the map.
- Q. Cowdery When the agricultural people put up the fences did you want to complain about it?
- A. I didn't ~~know~~ know how to go about making a claim so I did not worry about it.
- Q. Were you and your people angry about the fences going up?
- A. I don't know whether the other people of my clan were angry or not. I was angry but did not know how to go about making the complaint.
- Q. Orken Do you know Mr. Dave Marsh at the District Office?
- A. Yes.
- Q. C.C. Was he in the District Office then?
- A. Yes.
- Q. Were you working at the time?
- A. I might have been in the police band at the time.
- Q. What time was this?
- A. I joined the band in 1943 and stayed until 1946.

- Q. When did the fence go up?
- A. I don't know.
- Q. Well how could you be angry when the fences went up if you didn't know they went up?
- A. I was angry when I saw them.
- Q. When was that?
- A. In 1946.
- Q. Orken Was Mr. Marsh or Mr. Orken there then?
- A. I don't know.
- Q. Cowdery In 1946 when you saw the fence were the land controller then?
- A. Yes.
- Q. Did any members of your clan ask you to complain about the fences?
- A. No.
- Q. You said in evidence before the GAIBUDUBU claim two parts of land in DA1, the east and the west. Do the GAIBUDUBU claim the land between those two parts?
- A. The east and west were the boundaries. I meant I was talking about the land between them.
- Q. Did the GAIBUDUBU stop fighting the VARAGADI before they got to the LALOKI, when they got there or afterwards?
- A. The fight finished when they crossed the river from the other side.
- Q. DA1 or MOUNT LAWES side?
- A. DA1 side.
- Q. Did the GAIBUDUBU fight the VARIGADI inside DA1 at any time?
- A. I was not told of such a fight.
- Q. When ROGURO VAHU moved to MUNI was he still a young man?
- A. I don't know.
- Q. McCreanor You have said your ancestors had gardens at RANUTAGI?
- A. Yes.

- Q. Were they at RANUTAGI Creek?
- A. Yes.
- Q. Were they on the University side of the creek or the HOHOLA side of the creek?
- A. On the University side.
- Q. Do you know who had the gardens on the HOHOLA side of the creek?
- A. ADARE clan.
- Q. Did you ever see ADARE people working gardens?
- A. Yes.
- Q. Was this before or after the 2nd World War?
- A. Before the second world war.
- Q. Did the KURIU people use land known as MAIGABU?
- A. Yes.
- Q. Did they use all of MAIGABU or only part of it.
- A. Part of it.
- Q. Do you know if ADARE people at MAIGABU?
- A. Yes.
- Q. Did you see them yourself?
- A. Yes.
- Q. Was this before or after the 2nd world war?
- A. Before.
- Q. Do you know the names of any of the ADARE people you saw either at RANUTAGI Creek or MAIGABU?
- A. Yes, one family.
- Q. Who were they?
- A. MAIKAI; GABE DOURA; GARI DAURE these are the three people I saw with my own eyes.
- Q. Andrew You said before the KAEVAGA had rights to your land and you pointed the spot out on the map. You then said your land lay to the west of this. Were you told who owned the land to the east of that spot?
- A. GAIBUDUBU also owned the land just to the east of the KAEVAGA land.
- Q. Were you told who owned the land on your eastern boundary?

- A. ADARE clan land.
- Q. You said your land ran from there to the LALOKI RIVER?
- A. Yes.
- Q. Who owned the land to the east of this land?
- A. My father told me the ADARE Clan right along the east side.
- Q. Do you say ADARE Clan own land right to the LALOKI RIVER?
- A. I don't know. I only know up to HIRA HIRA. I don't know if it goes right up to the LALOKI RIVER.
- Q. Do you know the IAROGAHA Clan?
- A. Yes.
- Q. Do you know if their land adjoins your land at any point?
- A. I only know what my father told me. I only know the IAROGAHA had land in the BOROKO and HOHOLA area.
- Q. Were you told they had land in DA1?
- A. My father did not tell me.
- Q. Orken Did your father use the term DA1?
- A. No he only mentioned the names of the land.
- Q. Why do you call it DA1?
- A. Because you say it, so do I.
- Q. McMaster Have you been told how many GAIBUDUBU people survived the war with the VARAGADI?
- A. ROGURO VAHU and his group KORE VAHU and his group. This is from the GAIBUDUBU family.
- Q. Do you know the number of people in the ROGURO VAHU group?
- A. My father did not tell me. I was only told two groups survived but not how many in each group.
- Q. Did the GAIBUDUBU People meet up with the VARIMANA and the MAHA at the LALOKI RIVER?
- A. Yes.
- Q. Have you been told that those three groups split up at the LALOKI RIVER?
- A. Yes.

- Q. Have you been told that some went along the eastern boundary and some along the west?
- A. Yes.
- Q. Have you been told who went along the eastern boundary?
- A. Yes, VARIMANA; MAHA.
- Q. And the western boundary?
- A. GAIBUDUBU.
- Q. Would you agree that the boundaries of the present KURIU claim are made up by joining places settled on the eastern and western boundaries of the KURIU claim?
- A. Yes.
- Q. Have you been told that the KURIU ever hunted outside the boundaries of their present claim?
- A. No.
- Q. Have you been told where your ancestors were living when Gov. McGregor came?
- A. Yes.
- Q. Where? What is the name of it?
- A. They were living at URARA MAKANA.
- Q. Have you also been told that the MAHA; VARIMANA and MAIGABUDU joined up at VARIMANA?
- A. Yes.

9.10 a.m. 18th June, 1971.

Mr. Ross - Application to interpose Mr. Murray on Monday at 9.00 a.m. All counsel present consent. Granted.
KORE AUIE

- Q. Ross Is your position this that there was a purchase but the wrong people were paid?
- A. Yes.
- Q. Do you know from any other source or have you heard from any other source that there was a purchase?

- A. I did not know of the purchase until the cast started.
- Q. You said your father gardened at GOTOKAGANA?
- A. Both my father and myself gardened there.
- Q. Is it not true that you said you only gardened at ROKU IOVI and you heard that your father gardened at GOTOKAGANA?
- A. Yes we gardened at those two places.
- Question reput - Witness told that what he said was not a proper answer to the question.
- A. Yes.
- Q. C.C. So you agree that you only heard that your father gardened at GOTOKAGANA?
- A. We both gardened at GOTOKAGANA. I didn't hear the question properly the first time. We did garden at both places.
- Q. When you went onto the land with the subdistrict officers did you show them the boundaries of SIRI GAMANA; GOTOKAGANA; and ROKU IOVI?
- A. Yes.
- Q. Did you walk around the boundaries of each particular piece of land?
- A. Yes.
- Q. You mentioned in your evidence coconuts, mangoes a type of berry tree called Mait where were these planted?
- A. GOTOKAGANA.
- Q. Do you know how many other iduhus are claiming land which you say is KURIU land?
- A. OGONI DABUNARI; KAEVAGA; MOKOGAHA; BARUNI; OGONI GUBINI; PAPA GEVANA.
- Q. Each of these clans say they have rights in this land because of their ancestors, because of gardening, because of hunting. Can you tell me what right your clan has to own it?
- A. The other clans ancestors did not make gardens

or hunt on the land. It came down from my ancestors right down to me. We were the only ones who hunted or gardened in the place.

Re-Examination

Q. Turnbull Did your grandfather live at ROKU IOVI?

A. Yes.

Q. Did he make gardens at ROKU IOVI?

A. Yes.

Q. Did your father live at ROKU IOVI?

A. Yes.

Q. Did your grandfather make gardens at MUNI?

A. Yes.

Q. Did he live at MUNI?

A. Yes.

Q. You said that ROKU people moved to ROKU from KURIU.
Is this only one family?

A. Yes.

Q. What is it's name?

A. KORE VAHU(s family.

Q. You said the other clans did not make gardens or hunt on the land. Do you mean DA1 or KURIU land?

A. DA1.

Q. C.C. How is it that you mentioned only 1874 as certain things being in existence?

A. My father told him about 1874 before and after 1874 how his people lived and walked in the area.

Q. He used the actual figure 1874, is that true?

A. Because that is the time the missionaries first arrived.

Q. Did you learn the date from your reading or from what your father told?

A. My father told me.

Q. Orken What work did your father do?

A. He was medical orderly with Dr. Strong.

- Q. C.C. Your father was living at HANUABADA in 1874. Is that right?
- A. My father was born at 1890. My father was born at KURIU.
- Q. Did your grandfather live at KURIU in 1874?
- A. Yes.
- Q. Orken Do you know that in the last ten years the Government has bought land in Port Moresby?
- A. If people sell land that is their business.
- Q. Do you know of sales at HOHOLA to the Government?
- A. Yes.
- Q. Have the KURIU sold any land and got paid?
- A. Yes.
- Q. What land did the KURIU sell and get paid for?
- A. IDUABADA TECHNICAL SCHOOL, VACUUM OIL COMPANY, SHELL COMPANY, HAGARA PRIMARY T SCHOOL. That is all.
- Q. Who do you say owns these lands now?
- A. The Government.
- Q. You say the KURIU have no claims now to those lands?
- A. I agree.
- Mr. Turnbull calls MABATA HOMOKA.
- MABATA HOMOKA re-affirmed.
- Young No questions.
- Cowdery Q. Have you ever been told of a man of a long time ago called HENI NIOKE?
- A. We are from the same village but different iduhu.
- Q. Have you been told of BAEKE NIOKE?
- A. I know her it is HENI's aunt.
- Q. Do you know what iduhu they belonged to?
- A. OGONI.
- Q. Do you know how they came to live in the same village?
- A. Their father was brought up by MABATA's father and we live together but they went back to their

own iduhu later.

- Q. Where was their own iduhu living?
- A. At BARUNI.
- Q. Do you know why their father was brought up by your father?
- A. His mother and father died and MABATA's father took HENI and BAEKE's father and looked after him until he got married.
- Q. Did BAEKE NIOKE and HENI NIOKE have the same father?
- A. Yes, same father and mother.
- Q. Was the father's name NIOKE GOTO?
- A. Yes.
- Q. What caused the death of NIOKE GOTO's father and mother?
- A. Sickness.
- Q. Have you been told where they were living when they died from the sickness?
- A. At BARUNI..
- Q. Have you been told that they died before or after the Europeans came?
- A. I don't know when they died.
- Q. Did you yourself ever see BAEKE NIOKE and HENI NIOKE?
- A. Yes I did.
- Q. Were they born before you?
- A. Yes.
- Q. When you were a little girl were they old people or young people?
- A. When I was a little girl they were old people with children.
- Q. Were they still living at KURIU when you were a little girl?
- A. BAEKE NIOKE was living at ELA VALA and HENI NIOKE was living at KURIU.

- Q. C.C. But you said they went back to BARUNI when they got married.
- A. No they lived at ELA VALA and KURIU and HENI NIOKE died at KURIU because of a crocodile bite.
- Q. Did HENI NIOKE or BAEKE NIOKE ever tell you of selling any land to the Government?
- A. No I don't know.
- Q. Andrew You said before you made gardens at ROKU IOVI and GARBUDUBU?
- A. Yes I know that.
- Q. And you said that each day you made those gardens ^{there} you went/from a village and returned to the village?
- A. Yes.
- Q. Which village was that?
- A. KURIU.
- Q. How long did it take you to walk to ROKU IOVI from KURIU?
- A. I don't know how long it took to walk.
- Q. Orken If you left in the morning where would the sun be when you arrived at ROKU IOVI?
- A. The sun would be about noon 12 o'clock when we arrived.
- Q. Where is KURIU Village from where you walked to go to the gardens?
- A. It is the one right up at the end of ELA VALA.
- Q. If you left KURIU when the sun got up where would the sun be when you got to GAIBUDUBU?
- A. About 3 o'clock because it is further on than ROKU IOVI.
- Q. If you got to GAIBUDUBU at 3 o'clock would you then make gardens and come back at the same day?
- A. We would get back to KURIU when the sun was setting.

- Q. C.C. Why wouldn't you pick a closer place to make gardens?
- A. Because my parents went there so I had to go there too.
- McMaster No questions.
- Q. When you went with your parents to GAIBUDUBU were you ever scared of the KOIARI or some other people?
- A. While walking we weren't scared, but we would get there and get scared and come back.
- Q. Ross Which route did you take to the gardens, over the hills?
- A. Yes.
- Q. When you got to the top of the hills could you look down on ROKU IOVI; GOTOKAGANA and GAIBUDUBU?
- A. GAIBUDUBU was a bit far but we could see GOTOKAGANA and the top of ROKU IOVI.
- Q. Can you tell the Commission which hill or hills you could see these areas?
- A. We could see from the VARIMANA Hill.
- Q. Your route to the gardens went over the VARIMANA Hill?
- A. Yes. We went over the top and down again.
- Q. When you were going there gardening did you see any houses on these lands?
- A. I only know of us making huts where we used to go there.
- Q. On the way to the garden did you ever see any fences?
- A. We saw the fences where the Europeans used to live.
- Q. Were there houses where the Europeans lived?
- A. Yes, there were houses at HAGAMAKANA and HAGA.
- Q. Orken European houses?
- A. Yes.

- Q. Did you go within the area fenced?
- A. There was a road between the fences on both sides so we went between the fences where the road was.
- Q. Orken Did you see any houses in these fences?
- A. Yes at HAGA there were houses and at HAGAMAKANA there were pigs and chickens.
- Q. How wide was the road between these two fences?
- A. Just a bush track.
- Q. It was not a made road?
- A. No just made by foot.
- Q. Did you ever see any roads on your journey to the gardens which were made?
- A. No the roads were made nowadays.
- Q. Did you ever know or see any of the Europeans at HAGAMAKANA or HAGA?
- A. Yes we used to see them riding around on horses chasing the horses around.
- Q. Orken Did you know the names of the Europeans?
- A. No.
- Q. Whose land do you think was in HAGA and HAGAMAKANA?
- A. It was our land but Europeans are living on it now and we are only talking of the places we know.
- Q. Orken Do you think the Europeans just came and took your land or bought it from somebody?
- A. I don't know.
- Q. Were both HAGAMAKANA and HAGA on your journey from VARIMANA to your gardens?
- A. Yes.
- Turnbull - Re-examination.
- Q. You said BAEKE NIOKE was HENI's aunt, what was HENI's father's name?
- A. HENI's father's name is HENI NIOKE and his name is HENI HENI.
- Q. Who was HENI NIOKE's mother?

- A. I don't know because they are people from many years ago.
- Q. These huts you refer to, did you sleep in them?
- A. Yes. We slept there for about three or four weeks and then came out again.
- Q. And did you make gardens at the same time?
- A. Yes, I did.
- Q. You mentioned a small foot track or bush track you followed. Did anybody tell you to stay away from it?
- A. Yes, we were told by the Europeans who used to live at the places to keep away from the track.
- Q. Did you stay away from it or did you keep using it?
- A. We used to go in another direction around the fences.

SISIA VAINA recalled by Mr. Turnbull and re-affirmed.

Young	No cross examination.
Cowdery	No cross examination.
Andrew	No cross examination.
McMaster	No cross examination.
Ross	No cross examination.

IDAU MAIMA recalled by Mr. Turnbull and re-affirmed.

Cross examination - Mr. Young.

- Q. When you were here before you said your grandfather left Mr. Lawes and came straight to KURIU Village-
- A. No. KURIU village on the other side of the LALOKI River.
- Q. Which of your ancestors lived at that village?
- A. MABATA MOMO.
- Q. Did he then move to MUNI?
- A. Yes.
- Q. And you said that at MUNI your ancestors met up

- with the GAIBUDUBU people?
- A. Yes, they met and lived at GAIBUDUBU.
- Q. And was it the same ancestor who left there and went NONU MAKANA?
- A. Yes.
- Q. Did the GAIBUDUBU people go with him?
- A. No.
- Q. Were you told where they went?
- A. They moved to DOGERI MAKANA.
- Q. Were you told why they didn't stay together with your people?
- A. It all started when a GAIBUDUBU's wife burnt a banana on a fire and when she took it out to be scraped, the black skin, she didn't scrape it off properly so the GAIBUDUBU man scolded his wife and MABATA MOMO got angry and left that place.
- Q. C.C. What place was that?
- A. GAIBUDUBU.
- Q. YOUNG Are GAIBUDUBU and MUNI the same place?
- A. Yes.
- Q. So when your people left GAIBUDUBU or MUNI they were not friendly?
- A. They were still friendly but they were a bit cross about the banana and left the place.
- Q. Were you told how long they were living together?
- A. I don't know.
- Q. It was because of this quarrel that your grandfather went to NONU MAKANA?
- A. Yes.
- Q. ORKEN What does MAKANA mean?
- A. A point, like.
- Q. YOUNG Was NONU MAKANA quite close to GAIBUDUBU?
- Q. When your grandfather moved on from NONU MAKANA to MAIGABU BAOANA why didn't the GAIBUDUBU go with him?

- A. Because they went on the other side to DOVIRI MAKANA.
- Q. Was it only your grandfather then that went from GAIBUDUBU to NONU MAKANA?
- A. They came GAIBUDUBU to NONU MAKANA and from there to MAIGABU BADANA.
- Q. Was it only the VARIMANI group that moved to MAIGABU BADANA?
- A. The VARIMANA people.
- Q. You say that your grandfather came to KOHEGAINO and then VARIMANA?
- A. Yes.
- Q. This was still the same grandfather MABATA MOMO?
- A. Yes, he and his people.
- Q. Was VARIMANA called that name when he arrived there or did he give it that name?
- A. It was MABATA'S name.
- Q. So he gave that name to the place where he eventually settled?
- A. Yes.
- Cowdery No cross examination.
- Q. Andrew You said the GAIBUDUBU and VARIMANA split up at GAIBUDUBU. Did one group go along the eastern boundary and one group along the western boundary of the land claimed by your clan?
- A. Yes.
- McMaster No cross examination.
- Q. Ross You said you are the land controller of the VARIMANA?
- A. Yes.
- Q. Do the VARIMANA, GAIBUDUBU and MAHA own the land claimed jointly or severally?
- A. They are all from KURIU and they own the same land.
- Q. How many land controllers are there?
- A. Three.

- Q. Why didn't the three land controllers sign the application for the land claimed?
- A. In the old application we had a meeting and appointed KORE AUIE as the boss in the new application. We were all taking in separate iduhus but we are all from the same village.
- Q. Who is the land controller of BORA GOHA?
- A. Three of us.
- Q. You said your grandfather went up to MT. LAWES during tribal fighting. Was this the reason you left NONU MAKANA?
- A. That is why we left for KURIU Village on the other side of the river. I am speaking now from the beginning.
- Q. When your people were at NONU MAKANA and before they went to MAIGABU BADANA did you own the land there?
- A. When they went to MAIGABU BADANA there were no people there so we settled down there and made a village.
- Q. When your clan got to MAIGABU BADANA were you told what was left at NONU MAKANA?
- A. No. We shifted because of the tribal war from one place to another.
- Q. But you were told that your people owned land at NONU MAKANA?
- A. Because they lived there and made gardens there it belongs to us.
- Q. How is it possible that you can own land from which your ancestors ran away?
- A. Because we had our gardens there and lived there.
- Q. ORKEN Do you still own land at SOGERI where your ancestors once lived?
- A. If I did own some, it would be mine and if I didn't it wouldn't be mine

- Q. Have you heard if any of your ancestors have gained land by fighting any other group?
- A. I haven't heard so. I cannot say yes or no.
- Q. You stated in your evidence that you pointed out sites of villages. Is that correct?
- A. I said but I didn't show them.
- Q. C.C. What do you mean by that?
- A. I did not point out the places but said where the places were.
- Q. Do you know where these villages were?
- A. They are not there now and I know where they are and I have said the names where they were.
- Q. You also said there was nothing in the present day to show where the villages
- A. Yes because I did not see anything.
- Q. Thus you can only speak from what you have been told.
- A. Yes, my father told me.
- Q. Orken Has the KURIU group sold any land to the Government?
- A. IDUBADA, VACUUM COMPANY, SHELL COMPANY and HAGARA school.
- Q. Did any BARUNI people get paid for these lands?
- A. The KURIU families got paid.
- Q. Do you know where the Catholic Mission is at Nazareth?
- A. Yes.
- Q. Who owns that land?
- A. Probably KURIU.
- Q. Why do you say probably, aren't you sure?
- A. It belongs to KURIU.
- Q. Did the KURIU people tell the Catholic Mission they could build there without paying for it?
- Q. C.C. You told Mr. Ross in the old application you had a meeting and appointed KORE the boss and in the new application all were talking in

separate iduhus. Are there separate iduhus in KURIU Village?

A. We were all talking in the iduhu's name.

Q. What iduhu's name?

A. GAIBUDUBU; VARIMANA and MAHA.

Q. Does each of these three iduhus have a separate land controller?

A. Yes.

Q. Who is the land controller of the GAIBUDUBU Iduhu?

A. KORE AUIE.

Q. VARIMANA?

A. IDAU MAIMA.

Q. Who is the land controller of MAHA?

A. DIKA MAIAGO.

Q. Each iduhu is a separate land owning group?

A. They are all in the one clan KURIU people and all the land is owned by the three iduhus.

Q. Your iduhu owns VARIMANA.

A. Yes.

Q. Are there any houses on VARIMANA now?

A. No, only a tree.

Q. Is it inside or outside DA1?

A. Outside.

Q. If you sold the land would the money be shared by the VARIMANA Iduhu?

A. Yes.

Q. So all the iduhus have joined together?

A. Yes.

Q. What is the reason for this?

A. It belongs to KURIU we are all KURIU families.

Q. What belongs to KURIU?

A. This is the village.

Q. Three separate iduhus?

A. That is the name of the iduhus.

- Q. Why did you have a meeting to appoint KORE the boss?
- A. Because all the people wanted him to be boss for the old hearing.
- Q. You said he was the land controller of GAIBUDUBU IDUHU?
- A. Yes.
- Q. Was the effect of this meeting to make him the boss of the VARIMANA and MAHA iduhus too?
- A. As I said, we all appointed KORE to be boss for this hearing. We all wanted to put our iduhus in.
- Q. Did you have a meeting to decide to put your iduhus in?
- A. Yes we all had a meeting so that we could put the name of the village KURIU outstanding.
- Q. Did you go to the meeting?
- A. Yes, I did.
- Q. Have you ever seen the application now put in?
- A. Mr. TURNBULL showed it to me.
- Q. The application is by KORE and RAHO RAKITANI?
- A. Yes.
- Q. Did the meeting decide to leave your iduhu out or not?
- A. Not.
- Q. As it is a claim for land why aren't the land controllers the applicants?
- A. We were not really worried about KORE signing the application. The three iduhus are sticking together in the case.
- Q. Why is RAHO RAKATANI an applicant?
- A. He is from the MAHA IDUHU so he went with KORE and he signed the application too.
- Q. Where is the MAHA IDUHU's land?
- A. We all own the KURIU land.
- Q. How is it that DIKA MAIAGO does not appear as an applicant?

- A. I don't know it is probably that RAHO signed the application first.
- Q. It appears to me that all the KURIU iduhus no longer exist and you simply are claiming as a clan - is that correct?
- A. Yes, we are all of the same clan and we are happy with KORE as the leader.
- Q. What is the real object of the claim being made jointly?
- A. We are all one big family from KURIU and we all stick together for the claim.
- Q. Isn't it contrary to your custom to do this?
- A. It all started from the grandparents when the VARIMANA wanted to make gardens on the GAIBUDUBU they all made gardens on the same place. It goes to the same iduhus too.
- Q. Would you permit other KOITA iduhus joining in this gardening?
- A. No.
- Q. Orken Suppose a BARUNI girl married a KURIU man could her brother go onto the KURIU's land?
- A. Yes, he can go, but the land still belongs to the KURIU people.
- Q. Do you know Mr. Chatterton?
- A. Yes.
- Q. He told us the BARUNI people went and complained to him about the University being built. Did you know about this complaint?
- A. No.
- Q. He told us he was invited to a meeting in 1968 at BARUNI to talk about this. Were you KURIU people invited to this meeting?
- A. No.
- Q. Do you know if KORE was invited to that meeting?
- A. My answer is No, KORE does not know about it.

Re-Examination.

- Q. Did your father ever make gardens at MUNI?
- A. Yes, at LALOKI.
- Q. Did your father make gardens at DOVIRI MAKANA?
- A. Yes, it is KURIU land.
- Q. Did your father make gardens at NONU MAKANA and MAIGABU BADANA?
- A. Yes.
- Q. Did your father make gardens at KOHEGAINA?
- A. Yes, taro.
- Q. Did you yourself, make gardens at any of these places?
- Q. Did the MAHA GAIBUDUBU and VARIMANA live at VARIMANA?
- A. Yes.

Mr. Turnbull recalls MAURI NAIIME.

Young No cross examination.

Cowdery No cross examination.

Andrew No cross examination.

McMaster No cross examination.

Ross No cross examination.

Mr. Turnbull recalls DIKA MAIAGO. re-affirmed.

Cross Examination. by YOUNG.

- Q. When you were asked the names of places lived in by your ancestors you mentioned IHANI and KURIU, which KURIU was this?
- A. KURIU, the three iduhu village.
- Q. You mean here at HANUABADA?
- A. Yes.
- Q. When your ancestors were moving through GAIBUDUBU; NONU MAKANA and MAIGABU, did they meet up with any other people?
- A. No.
- Q. Did they meet up with any other people at KOHEGAINO?

- A. No.
- Q. Which of your ancestors first lived at GAIBUDUBU?
- A. MAIMA GOASA.
- Q. Were you told he was the first who settled at KOHEGAINO?
- A. Yes.
- Q. You said your ancestors moved from KOHEGAINO to URARA MAKANA?
- A. Yes.
- Q. Was that also MAIMA GOASA?
- A. Yes.
- Q. Then you said they moved from there to KURIU was that also MAIMA GOASA?
- A. Yes.
- Q. Was that where the MAHA first met up with the VARIMANA and GAIBUDUBU?
- A. Yes.
- Q. You mentioned also in your evidence that your father was living at ROKU was that ROKU on the other side of the Harbour?
- A. I didn't say my father lived at ROKU, he lived at KURIU and went gardening at ROKU at the week-ends (indicating northerly).
- Q. C.C. Is that the ROKU across the harbour?
- A. No.
- Q. Where is ROKU?
- A. DA1.
- Q. Who is the owner of that land?
- A. KURIU.
- Q. Is this the same place as we have been heard called ROKU IOVI?
- A. Yes.
- Q. C.C. Why don't you call it ROKU IOVI?
- A. When I first gave my evidence I did call it ROKU

IOVI but Mr. Young says I said ROKU.

Q. How can you be so sure of all this?

A. Because there is two hills, one ROKU and one IOVI.

Q. Did you ever go to ROKU IOVI yourself?

A. I went with my grandfather.

Q. Did your grandfather tell you whose land was next to your land at ROKU IOVI?

A. I was only told about the KURIU land.

Q. Did you ever see anyone using the land next to yours?

A. No.

Q. You have told us your ancestors came to the coast via MAIGABU and GAIBUDUBU. Why did your grandfather take you gardening to ROKU IOVI?

A. Because it was KURIU land and a place where we go gardening at MAIGABU and ROKU IOVI.

Q. You said in your evidence your grandfather went outside DA1 to see his grandparents.

A. That is true because outside DA1 on the other side of the river KURIU people used to go gardening there.

Q. Was this at the time you went with your grandfather gardening?

A. Yes.

Q. What was the name of this place your grandfather used to visit?

A. RAKA RAKA .

Q. C.C. We have been told by KURIU people older than you that the KOIARI's chased the KURIU people across the LALOKI in the tribal wars.

A. I don't know about the KURIU people being chased over the river.

Q. Orken Do the KURIU people still own land over the other side of the river?

A. Yes.

- Q. Is this place RAKA RAKA still owned by the KURIU people?
- A. KURIU.
- Q. Today you said there are three iduhus in the village?
- A. Yes.
- Q. What are their names?
- A. GAIBUDUBU; VARIMANA and MAHA.
- Q. Which one owns RAKA RAKA?
- A. All of them.
- Q. Do you know where the mental hospital is?
- A. Yes.
- Q. Is that near RAKA RAKA?
- A. Yes.
- Q. Who owns the land the mental hospital is on?
- A. KURIU.
- Q. Did KURIU sell to the Government?
- A. No.
- Q. Cowdery Do MAHA own land?
- A. Yes.
- Q. Where is that land?
- A. IDUBADA.
- Q. Do they own any other land?
- A. LALU and KURIU village.
- Q. Which KURIU village?
- A. At the back of the cemetery.
- Q. Do they own any other land?
- A. MAHA in front of VARIMANA.
- Q. Do they own any other land?
- A. No that is iduhu land.
- Q. This land you mentioned is it owned by one man?
- A. It is owned by the whole iduhu.
- Q. Is there a land controller for this land?
- A. I am.

- Q. Do the VARIMANA or GAIBUDUBU have any rights in this land you have mentioned?
- A. MAHA go gardening on their own land, VARIMANA go gardening on their own land, GAIBUDUBU go gardening on their own land.
- Q. Do you call this land MAHA land or KURIU land?
- A. It is MAHA land.
- Q. Where is VARIMANA land?
- A. Their's is north of here.
- Q. Is that all the land the VARIMANA own?
- A. It is where they go gardening.
- Q. Where is the GAIBUDUBU land?
- A. (Pointing in the same direction) and stating where there gardens are.
- Q. Is there any MAHA land in DA1?
- A. MAHA; GAIBUDUBU and VARIMANA are all together as far as DA1 is concerned and we call it KURIU land.
- Q. When did they start calling it DA1?
- A. From my ancestors.
- Q. Have you been told of a man called NIOKE GOTO?
- A. No.
- Q. Have you heard of a woman called DAMU RAHIA?
- A. No.
- Q. Have you heard of a man called VAINO ROGURO?
- A. Yes.
- Q. Have you heard of HENI NIOKE and BAEKE NIOKE?
- A. Yes I have heard of them.
- Q. Did VAINO ROGURO act as the father of HENI NIOKE and BAEKE NIOKE?
- A. No.
- Q. Do you know who HENI NIOKE married?
- A. I don't know I have only heard of the story.
- Q. Do you know where the woman he married came from?
- A. No.

- Q. Do you know where HENI NIOKE was living when he got married?
- A. I heard he lived at KURIU but I haven't seen him or his wife.
- Q. What is this story you have heard about him?
- A. That he lived at KURIU and they looked after him until he got married.
- Q. Have you heard that the KURIU people paid the bride price on his behalf?
- A. Yes.
- Q. Have you heard that HENI NIOKE owned any land or was the land controller for a clan?
- A. I haven't heard.
- Q. Have you heard if HENI NIOKE stayed at KURIU after he was married?
- A. Yes.
- Q. What iduhu did he belong to?
- A. VARIMANA.
- Q. Orken Do KURIU people go to RAKA RAKA to garden today?
- A. No.
- Q. Who uses RAKA RAKA today?
- A. HANUABADUAN people are getting leases from the Government to make gardens at the place and there are some new buildings going up in the area.
- Q. Dowdery How do you know HENI NIOKE was from VARIMANI iduhu?
- A. Because sometimes he lived at VARIMANA and sometimes at GAIBUDUBU.
- Q. Have you heard of the OGONI GUBINI iduhu?
- A. Yes.

4.05 p.m. ADJOURNED TO 9 a.m. 21/6/71.

9.15 a.m. 21/6/71 RESUMED.

Mr. Giles IAROGAHA UHADI

Mr. Hartigan KURIU

Q. Have you been told that HENI NIOKE was from the OGONI GUBINI Iduhu?

A. I know in this Court he is from OGONI, so I think he is OGONI.

Q. Have you been told that BAEKE NIOKE from OGONI GUBINI?

A. I know from this case the people are from OGONI.

Q. Orken Do you mean that before this case you didn't know they were from OGONI GUBINI?

A. I didn't know.

McCreanor No cross examination.

Andrews No cross examination.

Q. McMaster Have you been told where the MAHA ancestors came from?

A. KURIU.

Q. C.C. Which KURIU do you mean?

A. The one at the end of ELA VALA.

Q. Have you been told where the MAHA Iduhu ancestors came from before they settled at KURIU?

A. IHANI.

Q. Do you know the land known as DA1?

A. Yes.

Q. Is IHANI inside or outside DA1?

A. Outside.

Q. Have you been told where VARIMANA ancestors came from?

A. The same place.

Q. When did you first ~~ky~~ know the Government was saying it bought the land known as DA1?

A. When this case first started.

Q. Ross Isn't it true that you are no longer the boss of the MAHA land?

- A. I am the land controller of the MAHA Iduhu.
- Q. If you are the boss why didn't you sign the application?
- A. I am the boss but we had a meeting and picked one man to sign the application for the KURIU.
- Q. Who is VAHO RAKITANE?
- A. He is a KURIU man from MAHA LAURINA.
- Q. Is the MAHA LAURINA different from the MAHA Clan?
- A. No.
- Q. Is that the left side of the MAHA Clan?
- A. Yes.
- Q. Would RAHO RAKITANE have power to sell this land?
- A. We picked RAHO RAKITANE and KORE to do the case for DA1 for the KURIU people.
- Q. Orken Is RAHO RAKITANE any relation to VAGI RAKITANE?
- A. No.
- Q. Ross You didn't answer my question. Would RAHO RAKITANE have power to sell the MAHA iduhu land if he wished?
- A. He has a bit of MAHA land and if he wants to sell it he can.
- Q. Could RAHO RAKITANE sell any other MAHA land other than his own?
- A. No.
- Q. Who could?
- A. I would.
- Q. Why?
- A. Because I am the boss of the MAHA land.
- Q. Is it the custom then that the MAHA boss can sell the MAHA land?
- A. Yes.
- Q. Was this the custom during the time of your father as far as you know?
- A. Yes.
- Q. Orken Would that have been the custom when his ancestors lived at IHANI?

- A. From the time they lived at IHANI until this case started, if the KURIU people wanted to sell the land to the Government or anybody else they could hold a meeting and sell the land?
- Q. Until this case started - are you suggesting that it would be different now?
- A. Not different.
- Q. Who is Mr. O'Malley that you refer to in your evidence?
- A. He is a European man who used to live at KONE DOBU and my father used to work for him.
- Q. What did he do?
- A. Working with the Government.
- Q. C.C. Do you know what work?
- A. I was a young kid at the time so I don't know what he used to do.
- Q. Ross You said in your evidence that after the war you made gardens ROKU and KURIU HANUA.
- A. Yes.
- Q. You said KURIU HANUA is outside DA1?
- A. Yes.
- Q. When you gardened at ROKU did you break fresh ground or did you garden on gardens already established?
- A. We used to go gardening on old gardens.
- Q. Was there anything planted in these gardens?
- A. Yes, some things.
- Q. What things?
- A. Yams; banana; sweet potato; sugar cane and native food.
- Q. Do you know who they belonged to?
- A. My grandfather.
- Q. When you went to these gardens which route did you take to get there?
- A. We would go up the VARIMANA Hill.
- Q. On your way to those gardens did you cross

over or pass any gardens?

Q. Did you use the roads to walk along?

A. Yes.

Q. Who made the roads.

A. Some people's foot tracks.

Q. Did you see any roads that would be made to take motor cars or horse?

A. We used to see some foot tracks that the people used to go hunting and some roads made by the army.

Q. How do you know they were built by the army?

A. I know that after the war all the roads were built by the army.

Q. Do you know how many of such roads built by the army were on DA1 after the war?

A. I don't know.

Q. Do you know if there were more than one?

A. More than two or three, but I don't know exactly how many.

Q. A previous witness to yourself said she saw fences at HAGA and HAGAMAKANA. Did you see them too?

A. Yes.

Q. Were these around pieces of land occupied by Europeans?

A. After the war all these places were filled in by fences. 8 mile too was filled in by fences.

Q. Orken When you say the 8 mile do you mean the Government Agricultural Station?

A. Yes.

Q. Was that area at 8 mile on DA1 too?

A. Inside and outside DA1.

Q. What was inside the fences?

A. Agriculture, horses and cows.

Q. How was this KURIU land, or in particular was it MAHA land?

- A. It was KURIU land.
- Q. These gardens of yours were they inside or outside?
- A. When we had our gardens there there were no fences.
When the fences were put in we finished gardening.
- Q. Why, because of the fences?
- A. Yes.
- Q. Why didn't you break them down?
- A. If we had done that the Government would have put us in gaol.
- Q. What about Nazareth Mission? Do you know that?
- A. Yes.
- Q. Was that there before you started gardening?
- A. Yes, it was there before we made gardens.
- Q. Whose land is that?
- A. KURIU.
- Q. Have you ever heard of either the Government; the Agricultural Station, or the people from Nazareth Mission asking the KURIU people for permission to use the land?
- A. No.
- Q. Have you, any of the MAHA people or any KURIU people taken any steps to remove the Agricultural Station or the Nazareth Mission?
- A. No.
- Q. Orken The Government bought KURIU land at IDUABADA for Shell Co. and Vacuum Oil?
- A. Yes and HAGARA School.
- Q. How much money did you personally get?
- A. My father held £20. for me and at that time I was in LAE with Qantas.
- Q. Didn't you think it funny that the Government would pay for that land for Vacuum and yet they used land at 8 mile for the Agricultural Station

without paying for it?

- A. In cases like that the Government looks for the Land Controller and in case like this the present it all comes through who owns the land.

Mr. Turnbull - Re examination.

- Q. When you last made gardens on DAi were you a young boy or a man?
- A. A young boy. I was big but I wasn't married.
- Q. When your ancestors were living at KOHEGAINO did they still make gardens at GAIBUDUBU?
- A. Yes.
- Q. When your ancestors were living at URARA MAKANA did they still make gardens at KOHEGAINO and GAIBUDUBU?
- A. Yes.
- Q. Did they live at these gardens when they were making them?
- A. Yes.
- Q. C.C. Were these times before or after the coming of the white?
- A. I don't know when the Europeans came. I don't know.
- Q. Turnbull Is IHANA on the mountain side of the LALOKI?
- A. Yes.
- Q. Can you write or read English?
- A. Not much.
- Q. Do you know if RAHO RAKITANE can write or read English?
- A. I don't know if he can or not.
- Q. You said that today the boss of the MAHA can sell land. Does he consult his people before doing so?
- A. I have to get all my people together and talk about it before selling land.
- Q. Do you know the name ROKU IOVI?
- A. Yes.

Copy

- Q. Is it the same place where you said you made gardens on?
- A. Yes, do you know the ROKU in DA1 area.
- Q. I mean the ROKU you were talking about.
- A. Yes.
- Q. C.C. These gardens you made at ROKU IOVI were they before or after you worked at LAE for Qantas.
- A. Before I was living at LAE.
- Q. How long did you live at LAE?
- A. 3 years at LAE and 3 years at RABAU. 1953-57 at LAE.
- Q. When you were at RABAU?
- A. Two years during that period.
- Q. Where is the bit of land RAHO RAKITANE has at MAHA?
- A. At the back of HAGARA SCHOOL That is his land from his grandparents.
- Q. ORKEN Did you or anybody in KURIU that you know get an invitation to go to BARUNI to a meeting to talk about DA1?
- A. No.

DONALD ELLIOT MURRAY (interposed by Mr. ROSS) on oath states:-

My name is DONALD ELLIOT MURRAY. I am Senior Livestock Officer in Department of Agriculture, Stock and Fisheries. I first came to MOITAKA in around 1952 for a period of approx. three months. I returned to MOITAKA in December, 1958, and was manager of the station from then till 1969 when I was transferred to KONE DOBU. Initially I went out there with Dr. R. B. KELLY he was director of animal industry research C.S.I.R.O. in Australia and Mr. W. GRAINGER. I had occasion at this time to know the boundaries of MOITAKA Agricultural Station. The purpose of the visit was to select a site for co-operative cattle breeding between C.S.I.R.O. and Dept. of Agriculture. We inspected the area with most

of DA1. There were not cattle there in 1952. Approx. 1700 cattle are there now. At that stage there were no boundaries of the station. We decided to utilize any useful land we required within the DA1 block. There was no fence around MOITAKA. The station was yet to be established. I did some of the initial fencing on the area adjacent to the SOGERI Road. This ^{area} was stocked with approx. 310 head of cattle. Then I was transferred.

Q. What did you see when you went on this inspection?

A. There was no sign of the land being currently occupied by anyone.

Q. Orken Were there any gardens, houses or such like as would indicate any permanent native occupation?

A. No.

Q. Was BOITEKA Village on the land?

A. It was there. I did not see it, I was told of its existence.

Q. Were you at that time aware of any previous registered title to the land?

A. I had been told that all DA1 had been purchased at the end of the last century and it was all Admin. land.

Q. Were you aware, or had been told, of any registered Admin. leases over the area and what was the source of your information?

A. I had been told about the leases by the Chief of Division of Animal Industry, Mr. W. Grainger, who showed me a map of approx. boundaries of DA1 plus the Lampo's lease and another lease DA381.

Q. How big was the area initially fenced?

A. Approx. 1,000 acres fenced.

Q. When you went to the station in 1958 had the area fenced been extended?

A. Yes.

Q. By whom?

A. Department of Agriculture.

Q. Did you extend the fences?

A. Yes.

Witness shown map scale 1:50,000 and asked:

Q. Is the area delineated by green edging that of MOITAKA Agricultural Station at the time you were transferred to KONE DOBU in 1969?

A. No. The fence lines indicated by green edging were existing fences on the station in 1958.

Q. Has there been further fencing since 1958?

A. Yes.

LALOKI RIVER SHEET 5230.111. Map tendered as an exhibit.

Q. Have any areas been excised from the area of the Agricultural Station as you understood it in 1958 for other purpose?

A. Yes.

Q. What purpose?

A. Present area occupied by the University and a new subdivision we call WAIGANI west for residential purposes; at least three quarry leases and sites for the sewerage settlement at the top end of WAIGANI SWAMP.

Q. Why did the Department of Agriculture fence various areas?

A. The rate of importation exceeded the rate of development of permanent improvements, this resulted in the Department developing small areas with the highest potential so they put fences around them.

Q. Were the fences to keep the cattle in or out?

A. Normally to contain the cattle within them.

Q. Were the cattle always kept inside?

A. No.

Q. What were the circumstances under which they were outside the fences?

- A. In the dry season large numbers of cattle were herded in unfenced areas.
- Q. Would you show these areas you refer to on the map?
- A. Witness indicates N.W. portion of DA1 and states, We herded them in the swampy areas within this general area.
- Q. Orken During your eleven years, 1958 to 1969, during which you managed the station, did any natives complain to you about your occupation and if so who and from what group?
- A. KENI KENI. He said he had had a garden in an area which was now developed with improved pasture and he was granted an alternative area on the MOITAKA boundary partly inside and partly outside MOITAKA fence grid reference 65 - 20 shaded blue show the area where he said he had previously had gardens. He was given an alternative area between grids 65 - 65 20.20 just inside the green line indicating the fence.
- Q. C.C. Any others?
- A. The BOITEKA people complained of fencing in between their village and gardens and the area of land was excised, surrendered by the Agricultural Department for their use.
- Q. They were the only complaints?
- A. Yes.
- Q. What do you mean by HENI KENI being granted an area who granted the area?
- A. Department of Lands gave him a lease over the alternative area. HENI KENI is dead and his son HENI HENI is now on that block.
- Q. The BOITEKA land excised surrendered by the Agricultural Department was this, a departmental arrangement, or was it granted by the Department of Lands?

- A. It was done by Department of Lands on a request by Department of Agriculture.
- Q. Do you know an area on the Agricultural Station known as KOHA?
- A. Yes.
- Q. Is the Department of Agriculture utilizing KOHA in any way?
- A. It is part of an area of improved pasture.
- Q. Are there any construction on KOHA?
- A. Yes.
- Q. What are they?
- A. Boi house; implement shed. That's about all. It's a small outstation.
- Q. Could you tell the Commission whether there was any evidence of native gardens when you went there in 1952?
- A. Yes, there were about 5 coconut palms and some mango trees which had probably been left over from a village site or at least village gardens.
- Q. Was there any one living there at that stage?
- A. No not to my knowledge.
- Q. Was there any native dwelling house or shelter there in 1952?
- A. No.
- Q. What was the situation in relation to these gardens at KOHA in 1958?
- A. The previous manager had partly fenced the area, built a boi house and established cultivation.
- Q. His name?
- A. H. Chapman. In addition, just outside the fenced area there was a small garden and a hamlet.
- Q. Who lived in the hamlet?
- A. A BARUNI villager whose name was OMARA or something like that.
- Q. Was this hamlet occupied permanently?
- A. No, I only went there occasionally and sometimes

there was no-one there and no sign of anyone having been there for quite a while. There was long grass and neglected.

- Q. Any evidence of another area within DA1 which was occupied by natives as a settlement other than BARUNI?
- A. JACK EUSTACE's sawmill site was occupied by KEREMA squatters.
- Q. Do you know anything of the origin of the KEREMA people?
- A. The first I heard of it was when the BARUNI chap who had his garden just outside the fence came up to me and complained that the KEREMAS were taking over the Agriculture Station. That was six or seven years ago.
- Q. What did you reply?
- A. I pointed out that he had been sitting on land which belonged to the station for several years before and told him I would take the matter up with the D.C.
- Q. Did you do so?
- A. Yes, I discussed the situation with Mr. Marsh, the District Commissioner, at that time.
- Q. Have you any idea of at the present day what the size of this KEREMA settlement is?
- A. It is a floating population and at the week-end there would be anything up to 1,000 people out there.
- Q. Can you give any idea why it is a floating population?
- A. Most of them work in town and go out there for the week-end. I don't know the name of the hamlet.
- Q. In relation to the sawmill of EUSTACE, where is it?
- A. N.N. West of the sawmill.
- Q. Have the KEREMA people gardens around the area?

- A. Yes.
- Q. Do they hunt on the area?
- A. Yes.
- Q. Have you any idea how they came to be there?
- A. I don't know how the initial settlement was started but the D.C. arranged for a road to be re-opened out to the area. This gave the settlement its main impetus.
- Q. Which D.C.?
- A. Mr. Marsh.
- Q. Does that imply that the road was there before?
- A. Yes, it was the road JACK EUSTACE brought his timber out
- Q. Are you aware of any hunting over this agricultural area during your occupation?
- A. Yes, we had trouble from both native and European hunters.
- Q. Were there any particular areas in which the hunting used to take place?
- A. No.
- Q. Orken Did they ever shoot some of your cows?
- A. A few.
- Q. What fish are in WAIGANI SWAMP now?
- A. Talapia which were introduced by D.A.S.F. in 1954.
- Q. Which Swamp?
- A. They have spread right through the whole swamp system and spread northwards to the boundary of DA1 as well as southwards.
- Q. Do they go and fish?
- A. Yes. It would be one of the main attractions of that area.
- Q. To whom?
- A. Principally the KEREMA, but there is a lot of BARUNI and other native villagers who go out there.

Q. What was the purpose of stocking the swamps with Talapia? Was it the intention that it be used for public fishing?

Objection - Mr. Giles - on ground of relevance.

Mr. Young - on ground of question being in a leading form.

Statement by Acting Chief Commissioner - "It is to my knowledge from 17 years of living in the Territory that D.A.S.F. have introduced Talapia to improve the diet of natives through other parts of the Territory.

Mr. Read states that to his knowledge they were introduced to eradicate mosquito lavas.

Q. C.C. Having heard what I said and what Mr. Read said, have you any comment?

A. Yes, the introduction was made to lift general protein levels for villagers right through the Territory in the main streams. The first large scale release was made at MOITAKA.

Objections over ruled Section 29 (1) referred to by Commission which considers the nature of the question and it discretion the question should be allowed.

A. Primarily it was never intended to create a public fishing area out there, but the introduction proved so successful that we used to give permission to anyone to fish provided they did no shooting or any other damage.

Question (Can you tell the Commission whether D.A.S.F. have Withdrawn (done any drainage works over MOITAKA agricultural (station?

A. (Yes.

Objection - Mr. Giles.

Mr. Ross temporarily withdraws question.

Q. In 1952 when you first went to MOITAKA were there areas submerged?

A. Yes, the swamps. The WAIGANI SWAMP system and what we call the OMASI SWAMP area to the north.

Q. Was any land recovered by your own or other activities?

- A. Yes, the Department started to drain part of WAIGANI SWAMP and over 50% of OMASI SWAMP inside DA1.
- Q. How was this achieved?
- A. The OMASI drainage put the water of the swamp into a natural water course at a lower level and built levee banks along the LALOKI River to restrict the flow of flood water into the swamp.
- Q. Is the area of land reclaimed used by D.A.S.F.?
- A. Yes it is during dry seasons.
- Q. Is this area of land utilized or used by anyone else?
- A. Yes, by both KEREMA and some BARUNI people.
- Q. Which BARUNI people?
- A. I don't know.
- Q. Has Mr. OMARA any gardens on this area?
- A. I'm not sure at this stage, not being so closely associated with it over the past couple of years.
- Q. Orken They still bring in some fish occasionally?
- A. Yes.
- Q. Apart from the KEREMA people are you aware of any native gardens over the whole D.A.S.F. area over the whole period of your association with the area?
- A. Initially there was only the one near the KOHA area and a few along the LALOKI River below BOITEKA Village.
- Q. What about subsequently?
- A. In recent years there has been a considerable increase in the number of gardens below KOHA and we have stopped the BOITEKA people gardening in the fenced area below the village. There are now no native gardens within the fenced area.
- Q. Can you tell me what roads are within the D.A.S.F.?
- A. We maintain a total of 120 miles of ex army roads as either station roads or fire breaks.

I would estimate that three times that length was established by the army in that area, the rest has fallen into disuse.

Q. Are the 120 miles of road open to the public or are they private roads?

A. They are private roads within the fenced area that were used by the public if we ever gave permission to go fishing or collect firewood. These were mostly natives.

Cross Examination.

Mr. Young

Q. Would I be right in saying the area fenced in 1952 would be all outside DA1?

A. It would have been all outside DA1 then.

Q. Did you in fact know at that time where the eastern boundary of DA1 was on the ground?

A. No, not definitely.

Q. Would it be correct to say there has never been any survey boundary of the D.A.S.F. area?

A. A survey was done by Mr. Greg. Finn of Department of Lands. This was done of existing fences by a chain and compass survey.

Q. When?

A. I'm not sure. I would say about 1963.

Q. Would it be correct to say that the D.A.S.F. only fenced in areas as they were required?

A. Yes, the object of the station was to develop to a stage where the Department could carry a herd of 1,000 - 1,200 breeding cows. Fencing was done and land developed to keep pace with herd increase.

Q. How many acres would you require for such a herd?

A. I've given you breeder numbers there, actually, such a herd would require 3,000 to 3,500 cattle and we originally estimated 10 acres per beast.

Q. Could the man OMARA be GOMARA?

- A. Yes.
- Q. When he had these gardens at KOHA over what period of time did you note he was using the gardens?
- A. He gardened over the area intermittently from 1959 to 1969 to the best of my knowledge. It was shifting agriculture in KOHA outside existing fences.
- Q. In 1952 did you go to the area where the KEREMA people are settled now?
- A. No, that area was inaccessible by vehicle.
- Q. You mentioned OMARA complained about the KEREMA people, did he complain about any other user of the land?
- A. No.
- Q. Did he or anybody else complain about people taking timber from DA1?
- A. We did get a complaint about BOMANA GAOL personnel cutting timber of the LALOKI River below BOITEKA.
- Q. Was JACK EUSTACE in that area while you were there or before?
- A. He was milling in that area while I was there.
- Q. Which period was that?
- A. It was 1959 about 1962 or 1963 he left the area and took his mill to a new site.
- Q. Yet about that time the Admin. had to re-open the road for the KEREMA people?
- A. Yes, he had ceased logging operations out there earlier. He was operating between two mills and this road did deteriorate very badly between the time he transferred his sawmilling operations and finally removed all his equipment from his original site.
- Q. Did you recognize GOMARA outside?
- A. Yes, GOMARA UDIA indicated at the back of the hearing room.

- Q. How do you know the KEREMA gardens you referred to belonged to KEREMAS?
- A. I went down to the OMASI SWAMP area in 1969 when MOITAKA cattle were being herded over the area and saw both BARUNI and KEREMA garden owners. Both complained or expressed concern that cattle were damaging their gardens.
- Q. When people are wanting to fish in the fenced areas how do you go about imposing these conditions on them?
- A. Mainly they called in at the office or my home and asked for permission and I just asked them if they had guns or not and told them the general area they were allowed to go into. These conditions only applied within the fenced area of the station.
- Q. Did you have any trouble with natives going into fenced areas without permission?
- A. Yes.
- Q. Would this have been a regular occurrence over the time you were there?
- A. Fairly irregular, except during the height of the dry season, when of ten large numbers of people came through the fence.
- Q. Presumably they were warned off from time to time?
- A. Yes.
- Q. Presumably they took little or no notice?
- A. Most times we had a reasonable degree of co-operation.
- Q. But they still came back again?
- A. After a period, yes. I found it difficult to get any legal action against them except when they lit fires.
- Q. Orken When you had occasion to warn people off, did any of them say they had a perfect right to be there as it was their land, or words to that

effect?

A. No.

Mr. Hartigan

Q. Do you speak fluent MOTU or KOITAPU?

A. No.

Q. Your function as manager was an administrative one?

A. Yes.

Q. What staff did you have under you of European race?

A. Normally an assistant manager and two overseers.

Q. I take it the occasional visits you described were made overlooking the work of your staff.

A. What occasional visits?

Q. To KOHA were occasional visits and your other visits to other areas were occasional?

A. Yes.

Q. Orken You lived at MOITAKA?

A. Yes, within the fenced areas. I would visit all the station at least once a week outside only during the dry season and then only occasionally when cattle were being grazed on the area.

Q. You told the Commission when you visited the area in 1952 and familiarized yourself with the entire area of DA1.

A. Yes.

Q. By that do you mean you traversed the area foot by foot and personally inspected the lot?

A. No at that time most of the war time army roads were still passable by jeep and most of the area was covered by vehicle.

Q. In other words you inspected the area of 45 square miles by vehicle?

A. We did certain sections by walking along existing tracks.

Q. By tracks native tracks of which there were quite a few? Would that be right?

A. No there were not.

Q. How long did this initial inspection take?

A. Approximately six weeks.

Q. Did you personally assist in fencing around the 100 acres?

A. Yes.

Q. How long did the fencing take?

A. I only assisted with the start of the fencing. I presume they took about six weeks to complete the 1,000 acres.

Q. C.C. Did the fencing take place during the six weeks inspection?

A. No it began after the inspection.

Q. Hartigan Did you lay the fence line for your fences?

A. No.

Q. Did you inspect the area you were fencing?

A. Yes, I had driven over the area prior to it being fenced.

Q. You in your inspection saw no native gardens whatsoever in 1952?

A. No current native gardens.

Q. You are aware now that there were in fact some native gardens there in 1952?

A. No I am not, but there could have been gardens in areas where we did not get to.

Q. There was a garden at KOHA in 1952?

A. First I would like to define this area KOHA, we may be talking about different areas.

Witness hachures area in blue ink and states "That is the area I refer to" (area in grid 65-67 15-17).

Q. You in fact fenced in another area belonging to HENI KENI unknowingly?

A. Actually the fencing of that area occurred after I was away and I was told it was an old garden site not a current garden.

- Q. If you look at map below BOITEKA (19-20 65-66 on grid) referred to as native gardens.
- A. Yes.
- Q. Are those the BOITEKA gardens you have been referring to?
- A. No.
- Q. So it could be at 1960 there were gardens there too, indeed gardens straddling a road?
- A. In 1960 there were quite a few gardens also the NAZARETH MISSION in that area at that time we had relinquished any claim to land outside the fence line indicated from approx. grid 67 to NEBIRE. When I answered the earlier question re garden (Grid 19-20 65-66) I was thinking of garden shown in grid 22-22 65-66).
- Q. That garden near the Mission was in existence prior to 1960 as well?
- A. It could well have been actually those gardens straddling the road are I believe the NAZARETH MISSION garden sites.
- Q. Do you know that or is it a question of belief?
- A. (referring to map) Yes, I would say those gardens are down a bit below the Mission gardens. I don't know if they are native gardens.
- Q. You have never discovered these gardens on your inspections?
- A. That would be in 1952.
- Q. Have you discovered them since?
- A. I never had occasion to go through that area which is outside the station boundary.
- Q. How long has it been outside the station boundary?
- A. That area was never included inside the station boundary fence as the fence did not follow the road along the bank of the river. The fence followed the road where it is marked green.

- Q. North of the fence was surrendered some time?
- A. I presume so when I returned to MOITAKA in 1958 leases had been granted to the NAZARETH MISSION, LUK POI WOI and several others in that area.
- Q. C.C. So you mean the Agriculture Department surrendered those areas for use for other purposes?
- A. Yes. I don't know when the lease applications were put in?
- Q. You mentioned three quarry leases in the area. When did those quarries start operating?
- A. I don't know the exact date.
- Q. It would be well after 1963 would it not?
- A. No, at least two of them were operating in 1958.
- Q. The sewerage settlement, when did it begin?
- A. Probably they commenced survey work 1964. Initial ponds were built 1965-1966.
- Q. Did a Patrol Officer visit this area after you came on the scene?
- A. No regular visits by Patrol Officers.
- Q. Would there have been any Government Official in that area after 1952 to whom complaints could be made?
- A. No, all complaints would have to be made through District Office in town or perhaps the forest ranger who went through the area occasionally when EUSTACE's sawmill was in operation.
- Q. It was your custom was it not to warn natives off when you found them inside the fenced area?
- A. Yes, if they were there without permission.
- Q. And I suppose your function in essence was to operate this station as an effective cattle station, free from interference by natives or anybody else, correct?
- A. Yes, that is correct.
- Q. As such, you wouldn't be really approachable in relation to native affairs and complaints.

- A. Not necessarily. In most cases if there was a problem regarding the station or station livestock people did come and discuss it.
- Q. You have described KEREMA settlement inaccessible by vehicle in 1952. That would be a description to most DA1 area.
- A. No, in 1952, most of the roads were accessible by four wheel drive vehicle. The road going into the present KEREMA settlement area was inaccessible because of a burnt out bridge.
- Q. No new roads in the station have been built since 1952?
- A. Yes, there has been partial development of new roads. The roads tended to follow existing army roads where convenient.
- Q. By that you mean you built up army road
- A. To a large extent yes - we maintained them.
- Q. Have you ever known the eastern extent of DA1 accurately?
- A. No.
- Q. Cowdery You mentioned when GOMARA complained about the KEREMA settlement. How long had he been there?
- A. I don't know. I know he had been there since 1958.
- Q. Do you know how long KEREMA gardens have been established?
- A. I am not sure, mostly it would be three to four years since they started.
- Q. Had any other people worked on HENI KENI's garden area with him?
- A. Please make clear which garden area.
- Q. The one partly in and partly out of the fenced area.
- A. I don't know, he never gardened on that area when I was on the station.

- Q. To your knowledge did he garden on the other area, completely inside the station, while you were on the station?
- A. No.
- Q. What was your position in the Department in 1952?
- A. Livestock Officer.
- Q. How old were you then?
- A. 21.
- Q. How long had you been in the Territory?
- A. Approximately 3½ years.
- Q. Who did you accompany on the original survey?
- A. Mr. J. Marley. At least part of the time there was a District Office chap.
- Q. Who was the Senior Officer of your Department?
- A. Mr. Marley for the first three or four days, after that I was by myself.
- Q. Kelly and Grainger were far senior to you?
- A. Yes.
- Q. Where were you living?
- A. At KILA.
- Q. Had it been decided before you started out on your survey to start an agricultural station in the area?
- A. Yes.
- Q. Had it been decided that 8 mile would be the place where the establishment would commence?
- A. No. No definite policy had been made. It was to be started in PAPUA somewhere.
- Q. When Mr. Marley left you Mr. Kelly and Mr. Grainger had ~~2~~ already been concerned.
- A. No.
- Q. When Mr. Marley left you had he decided that 8 mile would be the place for the buildings and establishment?
- A. No. No decision was made until after I had cleared the tracks through the area. Marley and

I travelled over most of it and then taken Grainger and Kelly through.

Q. Did you ever make a written report to your Department in 1952?

A. No.

Q. When you took over management in 1958, its principal grazing was done on an area from 8 mile down towards the LALOKI River, outside DA1 except at the height of the dry season?

A. No. Most of the grazing was around or was in the area around WAIGANI SWAMP bounded on the east by the ROUNA ROAD and northern side by the BROWN Road River/and in the KOHA area.

Q. You were only fencing in property you brought under development?

A. Yes.

Q. In 1958 the greater area fenced was outside DA1 rather than inside?

A. Yes in actual miles of fencing, but in actual carriage of cattle, there would have been more cattle inside DA1 on the better alluvial soil.

Q. ^{were} When/you first asked to recall what you saw in 1952 for the purpose of giving evidence in this case?

A. About two years ago.

Q. Did you make a written statement?

A. No.

Q. Did you have any documents to refresh your memory from?

A. No.

Q. Is it fair to say the work you did in 1952 before Mr. Grainger and Mr. Kelly came into it was for the purpose of enabling your senior officers to have easier access to various parts of the land?

A. Yes.

- Q. And it was your senior officers and Mr. Kelly who carried out the actual survey and made the actual decisions?
- A. Yes.
- Q. The work you did was basically to make trafficable the army road?
- A. Yes. It was to familiarize myself with the area as much as possible so that I could take senior officers around as conveniently as possible.
- Q. That in fact consisted of seeing which roads were trafficable?
- A. Yes it was partly my responsibility. I was accompanied on this by two boys with bush knives and shovel. We didn't ~~gm~~ do any major reconstruction.

ADJOURNED 4.45 p.m. to 9 a.m. 22/6/71.

"J. P. O'Shea"

A.C.C.

9 a.m. 22/6/71. RESUMED.

DONALD ELLIOTT MURRAY (continued)

Q. GILES

In addition to being told about DAI when you went out in 1952 you were also told about DA's on the eastern with the intention to establish an agricultural station on the land not only comprised on DAI but on the land comprised in the DA's to the east of them.

A.

Yes.

ANDREW

No questions.

Re examination.

Q.

In answer to Mr. YOUNG you stated in relation to a complaint in BOMANA cutting timber. Was this within the area which was excised from the area by D.A.S.F.

A.

No. It was outside the excised area and within the fences.

Q.

What happened as a result of that claim.

A.

The people cutting the timber were from BOMANA Gaol and I advised Forestry Department what we were doing. D.A.S.F. continued cutting in the area and we had no further complaint. Actually it was an arrangement between BOMANA Mission and BOMANA Gaol.

Q.

You were asked by Mr. YOUNG, "How do you know the KEREMA people had gardens". You already said the BARUNI people had shifting cultivation. Was this also so with the KEREMA people.

A.

Yes.

Q.

Was it impossible for you to distinguish between the BARUNI and KEREMA gardens.

A.

Yes.

Q.

In reply to a question you said there were not a great number of tracks there in 1952 that you saw.

A.

That is right.

Q.

Could you tell the Commission what native tracks were there in 1952 that you saw.

A.

Witness referring to LALOKI map Exhibit of 21/6/71 and states:

There was a distinct track this way (indicating Grid 67 and 19) skirting the edge of OMASI Swamp and joining up with the army road (67, 14 and 15 grid). I did not follow this track right through to BORTEKA Village but was told that was where it led to. There was a distinct foot track commencing in the area of NAZARETH Mission following the army road past the present sewerage ponds and continuing along that road towards Strip. There was a 3rd track (68 = 20 Grid) extending down into the swamp area. Most of these were kept open by wild horses (Grid 65 to 68 = 19 to 21).

Question

(In view of these native tracks at this time and

Withdrawn

(in view of the inspection of six weeks that you took by vehicle and along native tracks, are

(you still of the opinion that there were no current (native gardens in the area.

GILBS = Objection. Not re-examination.

Witnesses opinion should not be expressed, it being the Commission's duty to decide whether or not on the evidence such gardens could have been in existence.

HARTIGAN also objections on the grounds that it is a leading question and incorrectly states the effect of his evidence.

Reply = ROSS

This witness's evidence was of facts he observed in 1952 and 1958 and the conclusions that he drew from those facts he saw questions asked in cross examination in particular by Mr. HARTIGAN asking him to draw conclusions from things which he did not do and in particular to gardens he did not see in the Ordinance map. The witness

should be given an opportunity to clear up what he said in Cross Examination.

Re

Cross Examination: by Ross Continued

Q.

In answer to a question in Cross Examination you said that in the course of your inspection in 1952, there could have been native gardens in the area unseen by you. What is the basis of your statement in that regard and are you able to further particularize that statement.

A.

The major purpose of the survey I did was to determine land types and approximate areas and make it as easy as possible for Dr. KELLY who was an old man to get a good idea of the possible potential of the area. My movements off vehicle roads were limited to determining the type of country. At no time was I specifically trying to locate native gardens.

Q. C.C.

In the course of your inspection in 1952, you have told the Commission you observed the north western parts of DAI, particularly around WAIGANI Swamp. Did you go down to the S.E. corner to the area about and S.E. of the BARUNI road.

A.

Yes, I did travel army tracks between BARUNI Village and WARDS Strip. This was not along the present BARUNI Road but to the south and joined WARDS STRIP approximately in the Valley TOKARARA is now.

Q.

Whilst there did you make any observation as to the type of area or see any native gardens or development of that nature.

A.

The country was very rough and broken and I decided it would be of much practical use for grazing. I can't recall having seen any gardens or habitation.

- Q. Did you see any sign of any pre existing garden sites in that area.
- A. I did not see any native gardens. I did see north east of the present site of HONOLA. That would Grid 55=56 19=20.
- Q. ORKEN Mr. GILES asked you how old you were and how long you had been in the Territory. Would you tell the Commission what assignments you carried out in those 3½ years and what your qualifications were.
- A. Qualifications on joining D.A.S.F. Diploma in Animal Husbandry. I completed No. 8 short course ASOPA and had three years experience as a cadet agricultural officer throughout the Territory.
- Q. It was put to you that perhaps you were not approachable and your replied discussions did take place. Can you tell us of any particular discussions with native people and where did these people come from.
- A. An example, the BARUNI villagers at the time they complained about ROMANA Garl personnel cutting timber below the village. I saw the villagers several days after their initial complaint and found that their objection was not the cutting of the timber but to trucks travelling through their village.
- Q. What village was that.
- A. BOITEKA. I built a bypass around the village and had no further trouble. Other occasions were when complaints were received of damage caused to gardens in the OMASI area by cattle in 1969. A quantity of second hand wire was given to these people to assist them in strengthening the fences.

- Q. YOUNG When you mentioned these complaints did they come to you directly or to your employees.
- A. Directly.
- Q. Did they come to the station or wait until you were in the area.
- A. In the case of the gardens it was while I was in the area. The BOLIEKA people saw me at the station office.
- Q. OKKEN You remember, ^{you} were asked if you spoke fluent MOTU or fluent KOITAPUAN and you said no. What language did you use when you spoke to these people.
- A. English if possible. MOTU on occasions if I could follow the conversation, failing that, through an interpreter.
- Q. GILBS When you say MOTU, you mean Police MOTU.
- A. Yes, but not fluent.
- Q. Re native gardens in S.E. corner, do you mean you cannot remember seeing any native gardens.
- A. I can't remember seeing any gardens. Having decided that the area was not likely to be of any practical use for a possible station I did not take particular notice of any of the country adjoining the road.
- Q. Would you agree from your experience in the Territory where a native wants to complain about an action by the Administration in the MORESBY area, before the House of Assembly came into existence, he was likely to go to the District Office, particularly in the 50's.
- A. Yes.

ARIO DOGODA for OGONI GUBINI PAPA recalled by Mr. COWDERY.

Cross Examination = Mr. YOUNG.

Q. ARIO, you say you are GEVANA IAROGAHA on the right hand side and OGONI GUBINI on the left hand side.

A. Yes.

Q. You are therefore of the same family as ATA GUMASA.

A. Yes.

Q. Within the GEVANA clan are you not a ^{more} senior member than ATA GUMASA.

A. Yes.

Q. Why are you not land controller for GEVANA clan.

A. Because only in DAGOI I was big and in DA1 ATA GUMASA is, because I am on the OGONI GUBINI side.

Q. Didn't OGONI GUBINI claim DA601 as well.

A. Yes.

Q. Why weren't you the land controller for OGONI GUBINI in the DA601 too.

A. Because I was at DARU during 1960 and 1965.

Q. But you were able to represent the GEVANA IAROGAHA clan in that claim weren't you.

A. The OGONI GUBINI had their claim in first in 1965 and when I arrived in 1966 I stood for the GEVANA IAROGAHA.

Q. Why didn't ATA GUMASA stand for the IAROGAHA.

A. ATA GUMASA was taken by the OGONI GUBINI people to stand for them at that time.

Q. Are you sure that ATA GUMASA represented OGONI GUBINI in DA601.

A. HENI HENI and VANI RAKATANI were the leaders in DA601 and ATA GUMASA was the 3rd one.

- Q. Do you know that in the recorded evidence of DA601 ATA GUMASA said he was of the IAROGAHA IDUHU.
- A. ATA GUMASA and myself used to go to OGONI GUBINI and the GEVANA IAROGAHA.
- Q. Do you remember telling the story of the IAROGAHA clan in connection with the DA601 claim.
- A. I told a bit of the GEVANA IAROGAHA clan story to PIDI MONISE.
- Q. Who is PIDI MONISE.
- A. He is from KOROBOSEBA and one of the GEVANA IAROGAHA DESCENDANTS.
- Q. Do you remember giving your story to ALBERT MAORI KIKI when he was a patrol officer.
- A. Yes.
- Q. Do you remember signing a statement at that time.
- A. Yes, I signed some papers in the DA601 court for the GEVANA IAROGAHA.
- Q. Is that your signature (witness shown photo copy of a statement in the matter DA601 before the Land Titles Commission).
- A. Yes.
- Q. When you made that statement why didn't you mention that you were also OGONI GUBINI.
- A. Mr. JONES, Land Titles Commissioner, in his court knew I was OGONI GUBINI. Mr. KEARNEY represented the Government. Mrs. BBD, I know her, was our lawyer. I don't know her name properly.
- Q. When was the name OGONI GUBINI first used.
- A. When the GUBINI woman married an OGONI man.
- Q. Is that the custom that when you marry into

another clan you use their clan name in combination with the name of your clan.

A. It is the native custom for a man from one iduhu marries a lady from another iduhu when the children are born they are from both iduhus.

Q. In other words, they have rights in both iduhus the same as myself. I am GEVANA IAROGAHA ^{and} OGONI GUBINI.

Q. So is there now a clan GEVANA IAROGAHA OGONI GUBINI.

A. No. If I go up to GEVANA IAROGAHA which is the iduhu on the right side I call it GEVANA IAROGAHA.

Q. Why not when the OGONI GUBINI marriage took place was not the right side OGONI and the left side GUBINI.

A. Because an OGONI man married a GUBINI woman. The man's side must always be on the right and the female on the left.

Q. Have you always lived as a separate OGONI GUBINI clan in PAPA.

A. The OGONI GUBINI clan in PAPA Are all one.

Q. Are the GEVANA IAROGAHA a separate group.

A. Yes, they are from the other side.

Q. Do you mean the other side of the village

A. No, we are in the same village.

Q. In fact, you are all one big family.

A. Yes, a big family.

Q. Your father ^{was} GEVANA IAROGAHA.

A. My father was GEVANA IAROGAHA and my mother was OGONI GUBINI.

Q. When you mother married your father were you told that the OGONI GUBINI were a separate clan in PAPA Village.

- A. The clan was OGONI GUBINI when my father married my mother.
- Q. Is it true to say then that there was a separate clan known as OGONI GUBINI in PAPA Village.
- A. Separate with other clans.
- Q. You say your father was GEVANA IAROGAHA, this was in fact a separate clan, is that right.
- A. I don't really understand. I cannot get the question properly when I get the question properly I will answer it.
- (Witness spoke in English).
- Q. ARE you were you trying to tell us this morning that because of your family connections with the clans mentioned you have rights in those clans lands.
- A. Yes.
- Q. you claim rights in GUBINI land through marriage with this GUBINI woman.
- A. Yes.
- Q. You claim rights in OGONI land because of a family connection with OGONI.
- A. Yes.
- Q. You say that KOBAR MAIDATE was the first OGONI GUBINI man.
- A. He was an OGONI but afterwards became an OGONI GUBINI from a marriage.
- Q. Are you aware that GOMARA AHUTA has told the Commission that OGONI GUBINI has come about because of a marriage between NOBOKE ^{GOTO} ~~GATA~~ and a GUBINI woman.
- A. GOTO IORI married a GUBINI woman and NOBOKE married a GUBINI woman too.
- Q. Do you know if NOBOKE GATA and NOBOKE GOTO are the one and the same person.
- A. Yes.

- Q. How do you know this.
- A. From the story of the OGONI people.
- Q. This is just a different way of saying the same thing.
- A. For example my name is KORAH I DOGODA sometimes they call me ARIO DOGODA and they call my son sometimes GAU ARIO or GAU KORAH I.
- Q. Is it true to say that there were several marriages between the OGONI people and the GUBINI people.
- A. I only know about these two. I don't know about the rest.
- Q. By these two you mean GOTO IORI and NOBOKE GOTO.
- A. Yes.
- Q. So when GOMARA AHITA says that the name came from the marriage of NOBOKE GOTO with the GUBINI woman, this was wrong was it.
- A. GOMARA is right, but he has forgotten the first marriage with the GUBINI woman.
- Q. Have you been told what happened to NOBOKO IORI.
- A. I don't know what happened to him.
- Q. Do you know in the DA601 enquiry HENI HENI NIOKE who said he was the son of HENI NIOKE said he was a member of OGONI clan.
- A. Yes.
- Q. Do you know he also said that he shared part of that land with members of GUBINI clan.
- A. I don't know shared it.
- Q. In the DA601 enquiry HENI HENI NIOKE said we are commonly known as OGONI GUBINI because our ancestors shared clan land.

together. Do you agree with that.

A.

I do.

Q.

See
You ~~say~~ I suggest to you that there never has been an OGONI GUBINI clan but there has been an OGONI clan and a GUBINI clan and they all shared their land together.

A.

It all started from a marriage.

Q.

I suggest to you that your true clan is GEVANA which was your father's.

A.

In native custom I have a right in GEVANA and OGONI.

Q.

You mentioned in your evidence two brothers of GUBIA GOTO, GANIGA GOTO and KONIA GOTO. Did they go to PAPA with GUBIA.

A.

They did not go to PAPA. It was their children who went to PAPA in MAGINA's time.

Q.

MAGINA being GUBIA GOTO's son.

A.

Yes.

Q.

Were they living there at the same time as MAGINA.

A.

Yes.

Q.

Have those children got any descendants living in the village today.

A.

Yes.

Q.

Are they claiming any land in DA1.

A.

They come with me all the time and I talk for them.

Q.

Do you know the names of the children of GANIGA GOTO who went to PAPA with MAGINA.

A.

MARAGA GANIGA the only one, he was a male.

Q.

What children of KONIA GOTO came to PAPA.

A.

MORRA KONIA (M) and BURAHU KONIA (F).

Q.

These people were members of the OGONI family were they.

A.

Yes.

- Q. Were they all alive when the Europeans came.
- A. Yes.
- Q. You were told that.
- A. Yes, I didn't see the people.
- Q. Did these people and their descendants remain living in PAPA Village.
- A. MORRA KONIA's descendants are living at PAPA and FOREBADA and DIRAHU's descendants are at DOGURA on the way to TUPESLAI.
- Q. Where are MARAKA GANIGA's descendants living.
- A. At PAPA and BARUNI.
- Q. Have you been told that NOBOKE GOTO had two sons BADU NOBOKE and MARAGA NOBOKE.
- A. Yes.
- Q. Have you been told that when their father died these two sons were looked after by DAURE HAGA at BARUNI Village.
- A. I do know the story of the people who lived at BARUNI, but I do know the story of the people who lived at PAPA.
- Q. Do you know anything about the story of the OGONI people who lived with the KURU people.
- A. I don't know of our ancestors time, but I do know of HENI HENI's time.
- Q. So your father and grandfather haven't told you the story of these other OGONI people.
- A. My father just only told me that we were from the same clan.
- Q. Who do you mean by "we", HENI HENI or his father.
- A. HENI HENI himself, his father and his grandfather.
- Q. Who was HENI HENI's father.

- A. HENI NIOKE.
- Q. Was HENI NIOKE living when your father told you this.
- A. No he was dead.
- Q. Do you know how he died.
- A. No, HENI HENI told me he died from a crocodile bite.
- Q. Did he tell you where this accident occurred.
- A. On OGONI land but ~~not~~ which swamp.
he did not tell me
- Q. Was HENI HENI living in KIRIU Village when he told you this.
- A. HANUABADA.
- Q. KIRIU Section of HANUABADA.
- A. No, KIRIU section is up there (indicating westerly) and HENI HENI lived down here.
- Q. HENI HENI had gone to live with his wife's family had he.
- A. Yes, on the wife's side.
did
- Q. When you first hear about the case DA1.
- A. 1966.
- Q. Do you know that GOMARA UDIA and HARIKI GORO made an application in January, 1967
- A. Yes.
- Q. What did you know about it in 1966.
- A. Commissioner Mr. JONES told us to leave DA1 alone when we talked about it and to go on with DA601.
- Q. ORKEN Do you know about a meeting in 1968 at BARUNI when they discussed DA1.
- A. I went to two meetings but I did not go to the third one when Mr. CHATTERTON was there. I did not go.
- Q. YOUNG When you went out with the District Office staff did you show them the boundary between the OGONI GUBINI (PAPA) land and the GEVANA IAROGAHA land.

- A. Yes.
- Q. Did you know this from what your father and grandfather told you.
- A. My father told me about it.
- Q. Did your father tell you that the GEVANA IAROGAHA boundary went up to IOVOBADA.
- A. The GEVANA IAROGAHA boundary goes not right up to IOVOBADA it stops in the middle.
- Q. In the middle of what.
- A. It stops at RRIRE.
- Q. Is that anywhere near GEBORE.
- A. It is outside the boundary of DAI that is the mark for the GEVANA IAROGAHA.
- Q. Isn't it true that the GEVANA clan only own land on the coastal side of the range BOJODUBU to GEBORE.
- A. Yes.
- Q. Do GEVANA claim land in DAI only because of the marriage to the OGONI.
- A. No, the GEVANA own their own and the OGONI own their own and the OGONI GUBINI own their own.
- Q. Is the OGONI land the same as the OGONI GUBINI land.
- A. Yes.
- Q. Who do you say owns the land around IOVOBADA within DAI.
- A. I don't know.
- Q. Did your father ever tell you who owned the land next door to the GEVANA land and the OGONI GUBINI land.
- A. What place are you talking about.
- Q. Did your father ever tell you about any people owning land next to your land.
- A. We are talking about DAI not outside it.

- Q. According to your claim all the OGONI GUBINI (PAPA) land is within DA1.
- A. Different iduhus own land near our land.
- Q. Do you know the names of these iduhus.
- A. I might get mixed up and say the wrong ones.
- Q. C.C. So you don't know for sure.
- A. Yes. No.
- Q. YOUNG Didn't your father tell you.
- A. I was only told about our land, not other people's land.
- Q. So when your father was talking to you about other OGONI families he never told you where their land was.
- A. My father told me the OGONI are all one.
- Q. Did he tell you all the land was owned by the OGONI.
- A. He told me all the land OGONI are claiming is OGONI land; MOKOGAHA OGONI too. They are descendants from GARKA SUSU, a lady.
- Q. Do you know what clan GARKA SUSU was from.
- A. She was from MOKOGAHA but married an OGONI man.
- Q. Did your father mention any other clans that were related to OGONI.
- A. DABUNARI OGONI the same land.
- Q. TURNBULL Do the descendants of MOREA KONIA living at FORBADA have rights in the land OGONI GUBINI PAPA now claim in DA1.
- A. Yes.
- Q. ORKEN By what authority do you say that. Do you ^{know} all the KOITAPUANS.
- A. I don't know the lot.
- Q. Have you been told where HENI NIOKE was living at the time of his death.

- A. KURIU Village at HANTARADA.
- Q. Have you been told if he was living with KURIU people or OGONI people in KURIU village.
- A. KURIU people.
- Q. Have you been told HENI NIOKE's children were living in the same village at the time of his death.
- A. Yes, they lived with HENI NIOKE at the time of his death.
- Q. Have you been told that they stayed there after their father died.
- A. After their father died BADU HENI lived at KURIU and HENI HENI lived over here.
- Q. ORKEN Who told you.
- A. My father.
- Q. TURNBULL You said that the first time your ancestors stayed at one place was OGONI NIMU is that right.
- A. Yes.
- Q. And you said that GOTO IORI moved from OGONI NIMU to KOREMAI OGO is that right.
- A. Not only GOTO IORI but the whole OGONI people.
- Q. Have you been told that the OGONI people abandoned OGONI NIMU when they moved to KOREMAI OGO.
- A. They left OGONI NIMU and went to KOREMAI OGO.
- Q. ORKEN Have you been told why they made this move.
- A. Because of the tribal war or sickness these people moved from one place to another.
- Q. TURNBULL Were you told if the OGONI people went back to OGONI NIMU.
- A. I wasn't told.

- Q. Were you told if all the OGONI people then moved to GIMOIKA from KOREMA OGO.
- A. Yes.
- Q. And were you told if they ever went back to GIMOIKA.
- A. I don't know.
- Q. Were you a big boy when your father told you these things.
- A. I was big, it was the time I was at the L.M.S. School here.
- Q. Earlier you said you were told that your ancestors put the bones of their dead on the top of OGOBU Hill. Were you told if they did this in DUBIA GOTO's time.
- A. From DUBIA GOTO's upwards and not downwards.
- Q. C.C. Do you mean before and not after DUBIA GOTO's time and not afterwards.
- A. Yes.
- McCREANOR No questions.
- ANDREW You remember Mr. YOUNG asked you if you told the story of the IAROGAHA people to someone in connection with DA601.
- A. Yes.
- Q. Do you remember replying, I told a bit of the GEVANA IAROGAHA story to FIDI MONISE.
- A. Yes.
- Q. Do you say therefore that the IAROGAHA clan is separate from the GEVANA clan.
- A. Yes, they different lands and they are a bit different.
- Q. By saying the IAROGAHA clan would that be the IAROGAHA UHADI clan.
- A. Yes.
- Q. How did the GEVANA IAROGAHA clan come about.
- A. It started off on the GEVANA land.

C O P Y

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- Q. Is that the land you are claiming now in DA1.
A. In DA1 and DA601.
Q. McMASTER Have you been told GAEKA SUSU father's name,
A. I don't know.
Q. Have you been told who she married.
A. UDIA SIVARI told me that she married GAUDI ATU.

4.05 p.m. adjourned to 9 a.m. 23/6/71.

J.P. O'Shea. A.C.C.

23.6.71

ARIO DOGODO.

Q. ROSS

You have the purchase document for DA1 and DA180.

A.

Yes.

Q.

Is your position that the land was sold but your ancestors were not paid.

A.

Which DA1 or DA180.

Q.

Do you know the difference between the two.

A.

DA1 and DA180.

A.

I show you two transfer in 1891. The names of the people who sold the land are here. (Witness shown two transfers).

A.

I have not been shown the document before Mr. COWDERY showed me another document before the court started.

Q.

Are any of your ancestors' names on this document (November, 1891)

A.

No.

Q.

Witness shown transfer of January, 1891. Are any of your ancestors names on this document.

A.

No.

Q.

After the purchase document the Administrator wrote a paper showing amongst other things the names of the people in the two papers I have just shown you. Are any of your ancestors names on this document DA Vol.1

No. 1.

A.

No.

Witness shown DA Vol. 1 No. 180 and asked:

Q.

Are any of your ancestors' names shown on this document.

A.

None of my ancestors are shown on this document.

Q.

Do you recognize any of the names on the documents.

- A. BADU.
- Q. On which document.
- A. BADU Chief of OGONI (on reference to Transfer, January 1891) is what the paper says.
- Q. Apart from what the paper shows, do you know BADU.
- A. Yes, GOMARA AHITA's grandfather's name is BADU.
- Q. Did you ever see him.
- A. I heard about him.
- Q. From whom did you hear.
- A. ATA GUMASA; GOMARA AHITA; ORIRA MARAGA.
- Q. Did you hear where BADU lived.
- A. At BARUNI on the OGONI land.
- Q. Did you hear what idumu BADU was.
- A. OGONI = OGONI GUBINI.
- Q. Have you ever heard BADU was a Land Controller.
- A. I only heard that he lived there, but did not hear of him being a land controller.
- Q. Is it right to say that your claim to the land on behalf of the OGONI GUBINI PAPA is based on your ancestors occupation.
- A. Yes.
- Q. You stated that your ancestors stopped at one place which is OGONI NIMU. Is that correct.
- A. Yes.
- Q. And that was between JUNE VALLEY and the ADMINISTRATIVE College.
- A. Yes.
- Q. Why aren't you claiming this land.
- A. The land from BOITKA to TETB is claimed by HENI HENI and VANI RAKITANE on behalf of the OGONI people and I am claiming

on the other side.

Q. Do you know if you are claiming any land which is claimed by another iduhu.

A. If another iduhu claims my land I will claim on it too.

Q. ORKEN If another iduhu claimed your land would you claim theirs.

A. No, if he comes over my line I would not go over his line.

Q. Have you ever made any agreement between HENI HENI AND VANI RAKITANE not to claim the land where OGONI NIMU stands.

A. Yes.

Q. When was this agreement.

A. During this case.

Q. Is it therefore correct to say that you, HENI HENI and VANI RAKITANE have agreed that you should not claim part of OGONI GUBINI; PAPA ancestral land.

A. What do you mean by not claiming the land.

Q. Do you know if it was the custom of your ancestors to bury their dead on their own land.

A. Yes.

Q. And that was why you buried your dead on OGOGU.

A. They bought up the bones of their dead to the top of the hill. Give me a straight forward question and I will answer, twist it a bit and I can't answer.

Q. When they took the bones of your ancestors to the top of OGOGU did that mean it was OGONI GUBINI PAPA land.

A. OGONI GUBINI land not only PAPA.

Q. Have you heard what your ancestors did

- with their dead when they were living at OGONI NIMU.
- A. From what I have heard, they used to leave the dead in the village and when all the flesh was gone they would take the bones to the top of a hill. Not in the village but outside the village.
- Q. ORKEN If in the days of his ancestors has he been told if someone died in a house would they take it out from the house and put it outside the village.
- A. Yes, that is what they did. They would take the dead out of the house and leave it right out of the village and from then on I don't much happens after, so don't ask me too many questions about that.
- Q. Have you heard if when your ancestors were living at OGONI NIMU they placed the bones of their dead out of OGONI NIMU and put them on top of OGOGU.
- A. That is what I heard our ancestors used to do that sort of burial I don't know because I did not live with those people at the time.
- Q. Did you ever go with your father to look at the ~~times~~ OGONI GUBINI PAPA land.
- A. My real father.
- Q. Yes.
- A. I did not go with my real father because I was at a station school at the time and he died while I was at the station school but I did go with ATA GUMASA.
- Q. When was this.
- A. Before the 1942 war and after the war until now.
- Q. By what means did you go there.

- A. We came from the village to the land.
- Q. By foot.
- A. In the old days by foot, but we travel by ^{vehicle} after the war.
- Q. Is there a road going right on to the OGONI GUBINI PAPA land.
- A. Yes.
- Q. Do you know who built this road.
- A. The vehicle road or foot track.
- Q. The vehicle road.
- A. A chap by the name of JACK who used to have a sawmill at GABI HOMOTA and I don't know if he built it or the Government did.
- Q. Was JACK's sawmill on OGONI GUBINI PAPA land.
- A. Yes.
- Q. Did JACK HAVE permission of the OGONI GUBINI PAPA to be there.
- A. No.
- Q. Did JACK or the Government have permission from the OGONI GUBINI PAPA people to build a road on OGONI GUBINI PAPA land.
- A. He didn't get permission so we used to get a bit angry and talk to him and some Europeans.
- Q. Did you personally get angry and speak to some European and or to Jack.
- A. Yes, I talked to JACK and the District Office because he was chopping down trees around our place.
- Q. When did you talk.
- A. I forget the year but it was when JACK was there at the sawmill. The Government was Mr. MARSH at this time.
- Q. Are there any KEREMA people on OGONI GUBINI PAPA land.

A. Yes.

Q. Do they have permission from the OGONI GUBINI PAPA people.

A. No.

Q. Did you ever complain about them.

A. We were telling them and the Government but the Government don't do anything about getting them out of the place and most people don't want to shift out too.

Q. Did you ever complain to Mr. MARSH about the KEREMA people.

A. Not Mr. MARSH, Mr. BRIGGS. He told us he would do something about it but he hasn't done anything.

Q. Are there any other people on OGONI GUBINI PAPA land who you say should not be there.

A.A. Only Jack and the KEREMA's and the BARUNI who are our people. There are some KARIUKU people with the KEREMA's.

Q. ORKEN Are there any buildings on OGONI NIMU now.

A. There are some houses right near OGONI NIMU.

Q. Are they on that part of OGONI NIMU which you say belongs to your clan.

A. Yes.

Q. C.C. Which clan do you now refer to.

A. It is OGONI land but is claimed by MOKOGAHA because they gave the land IEKA SUSU.

Q. You then agree that this OGONI NIMU land that we now refer to does not belong to OGONI GUBINI PAPA.

A. It is all OGONI land but it is just that they got that piece of land and gave it to IEKA SUSU.

Q. ORKEN This JACK you talk about, is he still there.

- A. He has shifted from the place and is at DARU now.
- Q. Yesterday you told us you went to two meetings at BARUNI in 1968.
- A? Yes.
- Q. Did you see any people from GAIBUDUBU.
- A. When I went I didn't see them.
- Q. VARIMANA.
- A. I don't know the VARIMANA IDUHU people.
- Q. MAHA.
- A. I don't know the MAHA people, too.
- Q. ADARE.
- Q. I know them, but they weren't there when I was there.
- Q. What did you talk about at these meetings.
- A. I went to the two demarcation meetings and talked about DAI and the names of the pieces of land that are in there.
- Q. Were there any District Office officers there.
- A. Only the Demarcation Chairman. No Europeans.
- Q. C.C. Who was the Demarcation Chairman.
- A. LOHIA ~~BORRIS~~, BORICA.
- Q. ORKEN Why did you not go to the meeting that Mr. CHATTERTON went to.
- A. I was KIDO at the time and when they sent me a letter I didn't get it in time.

Re-Examination.

- Q. Is ATA GUMASA the brother of your father.
- A. Yes.
- Q. Was GOTO IORI an OGONI man who married a GUBINI woman.
- A. Yes.
- Q. Are the ancestors of GOTO IORI called simply OGONI clan.

A. Yes.

Q. Were MAGINA DUBIA and his cousins the first OGONI GUBINI people to go to PAPA Village.

A. Yes, I was told this.

Q. From this time were you told that these people and their descendants were to have part of OGONI GUBINI land and NIOKO GOTO and his descendants to have another part of OGONI GUBINI land.

A. No in those people's time they were all one. It is just now that HENI HENI and VANI RAKITANE pulled the boundary with Mr. JIM HANNAN.

Q. C.C. By pulled what do you mean.

A. They surveyed the boundary.

Q. Do you know the area of land claimed by VANI RAKITANE and HENI HENI.

A. Yes.

Q. Before Mr. JIM HANNAN made the survey were the area claimed by you and the area claimed by VANI RAKITANE and HENI HENI one large area which you say was owned by the OGONI GUBINI.

A. Yes.

Q. Do you know why the boundary was drawn by the now two separate clans.

A. Because the land which I am claiming now is not known by HENI HENI and VANI RAKITANE and the land which they claim is not known by me or I don't know.

Q. Why do you know the land you claim and not the other land.

A. When they had the meeting with Mr. JIM HANNAN (HENI HENI and VANI RAKITANE) they said that we don't know the other area so

it would be much better if ARIO claims it.

Q. When you and HENI HENI and VANI RAKITANE made the agreement about your claims did you believe the areas of both claims were OGONI GUBINI land.

A. Yes.

Q. Do the OGONI GUBINI living in PAPA use the land you are claiming.

A. There is no gardens but we used to go hunting in the place looking for crocodiles ~~and hunting in the place looking for crocodiles and hunting.~~

Q. Are the OGONI GUBINI clan living in PAPA a different clan from the OGONI GUBINI.

A. They all live in different iduhus; one is DABARA clan, IAROGAHA, I mean GEVANA IAROGAHA, that's where I live. That's all.

Q. Are you in a different clan from HENI HENI and VANI RAKITANE.

A. From HENI HENI and VANI RAKITANE. My iduhu is OGONI GUBINI.

Q. Are HENI HENI and VANI RAKITANE of the same iduhu.

A. Yes.

Q. You said that KOBAL MAIDATB was the first OGONI GUBINI man.

A. He was the GUBINI at first, but from a marriage became OGONI GUBINI.

Q. Do you know one man HENI HENI NYOKE.

A. Yes.

Q. You said you are commonly known as OGONI GUBINI because your ancestors shared the clan land together. Is that the only reason.

A. Yes.

- Q. Have you spoken to GOMARA UDIA and HENI GUBA about your application in this case.
- A. No.
- Q. Have you spoken to HARIKI GORO and GOMARA UDIA about your application in this case.
- A. HARIKI GORO is dead and I haven't spoken to GOMARA UDIA.
- QQ Are the three of you from the same iduhu.
- A. We are all the OGONI IDUHU.
- Q. Do GEVANA IAKOGAHA iduhu own land in DA1.
- A. Yes.
- Q. Did your father tell you that the OGONI GUBINI people living at PAPA and the OGONI DABUNARI are in the one iduhu.
- A. OGONI.
- Q. C.C. What clans around here are in the OGONI iduhu.
- A. OGONI GUBINI; OGONI DABUNARI; MOKOGAHA. That is all.
- Q. What about the ENADI clan. Have they anything to do with the OGONI.
- A. No.
- Q. What about the BARUNI clan. Have they any connection with the OGONI clan.
- A. I don't know.
- Q. Have you ever heard of the BARUNI clan.
- A. I have never heard of them. That is why I don't know.
- Q. Have you ever heard of the KAEVAGA clan.
- A. I don't know their history.
- Q. But do you know of the clan.
- A. Yes, but not their story.
- Q. Do you know if the KAEVAGA clan have any connection with the OGONI clan.
- A. I don't know the history of the KAEVAGA and other iduhus.

Q. Were ther KAEVAGA people at the two meetings at BARUN? in 1968.

A. Yes they were all there, but I didn't hear.

Q. COWDERY Have you been told if BADU had any brothers - that is the man you recognized in the document.

A. I don't want to tell lies, but I don't know if he had brothers.

Q. Have you been told the name of his father.
NABOKE

A. ~~NABOKE~~ GOTO.

A. Is OGONI NIMI inside or outside the land you claim.

Objection - Mr. ROSS.

Question withdrawn.

Q. Do you know if you, HENI HENI and VANI RAKITANE had the same ancestors before any OGONI GUBINI went to PAPA.

A. Yes.

Q. Mr. ORKEN asked you if the houses around OGONI NIMO belonged to your clan, you replied "yes". What is the name of that clan.

A. OGONI.

Mr. COWDERY recalls ATA GIMASA.

TURNBULL No Cross Examination.

ANDREW No Cross Examination.

McMASTER No Cross Examination.

Q. ROSS Is it true your son signed the application for the GEVANA IAROGAHA land.

A. Yes.

Q. Is it true that you went with your son and officers of the District Office to point out your land.

A. Yes.

Q. Do you know you are only claiming part of the land originally claimed.