

THE HIGH COURT OF THE WESTERN PACIFIC

(CRIMINAL JURISDICTION)

BEFORE: The Honourable Mr. Justice J. Bodilly
exercising jurisdiction under the
provisions of the Western Pacific
(Courts) Order in Council, 1961.

HOLDEN: At Auki in the British Solomon Islands
Protectorate on ~~27th September~~ the 27th
day of ~~September~~, 1966 at 0930
o'clock in the ~~four~~ noon.

REGINA

versus

1. GWALIASI
2. WALASI
3. ANISI
4. TANGOIA
5. NAMOI
6. GWERE
7. WILSON
- ~~8. LOTT~~ *Died.*
9. KOKOSI
10. JOHN STIL
11. TADOE
12. ALICE
13. AEBATA
14. NOME DICK
15. ALICK
16. MAETALA
17. FALUTABUMA
18. G. KIRIAU
19. REBECCA
20. FA'AU
21. EMELY
22. MANEORU

For the Crown: A, S, P. Morgan , Auki Police.

For the Accused: Arch Deacon Thomson with leave appears
for all Accused. All Acc: state they
wish his assistance.

Interpreter: Salan₂ Ga'a. Sworn on Bible.

Charge explained to the accused: by Judge

Accused when called upon to plead says:

FIRST ACCUSED. Not Guilty

SECOND ACCUSED: *Not Guilty.*

THIRD ACCUSED: — " —

FOURTH ACCUSED: — " —

<u>5TH ACCUSED:</u>	NOT GUILTY	<u>6TH ACCUSED:</u>	NOT GUILTY.
<u>7TH ACCUSED:</u>	— " —	<u>8TH ACCUSED:</u>	— " —
<u>9TH ACCUSED:</u>	— " —	<u>10TH ACCUSED:</u>	— " —
<u>11TH ACCUSED:</u>	— " —	<u>12TH ACCUSED:</u>	— " —
<u>13TH ACCUSED:</u>	— " —	<u>14TH ACCUSED:</u>	— " —
<u>15TH ACCUSED:</u>	— " —	<u>16TH ACCUSED:</u>	— " —
<u>17TH ACCUSED:</u>	— " —	<u>18TH ACCUSED:</u>	— " —
<u>19TH ACCUSED:</u>	— " —	<u>20TH ACCUSED:</u>	— " —
<u>21ST ACCUSED:</u>	— " —	<u>22ND ACCUSED:</u>	— " —

Court enters a plea of:

<u>1ST ACCUSED:</u>	NOT GUILTY	<u>2ND ACCUSED:</u>	NOT GUILTY.
<u>3RD ACCUSED:</u>	— " —	<u>4TH ACCUSED:</u>	— " —
<u>5TH ACCUSED:</u>	— " —	<u>6TH ACCUSED:</u>	— " —
<u>7TH ACCUSED:</u>	— " —	<u>8TH ACCUSED:</u>	— " —
<u>9TH ACCUSED:</u>	— " —	<u>10TH ACCUSED:</u>	— " —
<u>11TH ACCUSED:</u>	— " —	<u>12TH ACCUSED:</u>	— " —
<u>13TH ACCUSED:</u>	— " —	<u>14TH ACCUSED:</u>	— " —
<u>15TH ACCUSED:</u>	— " —	<u>16TH ACCUSED:</u>	— " —
<u>17TH ACCUSED:</u>	— " —	<u>18TH ACCUSED:</u>	— " —
<u>19TH ACCUSED:</u>	— " —	<u>20TH ACCUSED:</u>	— " —
<u>21ST ACCUSED:</u>	— " —	<u>22ND ACCUSED:</u>	— " —

Mr Morgan. I present a nolle in respect Acc: 8 (Loti)
Loti is deceased.

Mr. Morgan: I will proceed directly with my evidence.

PWI: Kalabeti

Ata'a Village, Malaita.

Sworn on devil Kwalili and three others.

I am a pagan. I have a Tambu house. A tambu house is where we pagans worship our devils and make offerings. In my house I make offerings to my devils. My devils are Kwalili, Marikoa, Taloinao and Tabusu. I worship them all in the same Tambu house. I also worship other devils of my mothers side in a different house. I worship my fathers devils Kwaili at my tambu house at Ferasuboa. My mothers devil is Naranara and the tambu house for that devil is at Sula'ina. My mother has only the one devil. To me, my fathers devils are the more important. I have worshiped my devils at Ferasuboa once each year. On others occasions during the year my father and I visited the tambu house to visit the devils only. My father died last month. The only other person whom I know visited that Tambu house was Walasi (Acc 2). Walasi used to visit the shrine and offer pigs. Since October last year Walasi has become a Christian and does not visit any more. Other people also worshiped there - Magi, Mango, Falisi and many others. When they went to offer pigs many people would be at the Tambu House. They people do not go secretly. They go openly in the day time. The Tambu house is a walled area and inside there are three sacred places. It has no roof. The three places are as follows- Fuabaita is the place for feasting, Erintongua is the place for making peace offerings and Erinfabua is the place for the sacrifice of pigs. In these three places ~~xxxxxxx~~ selections of bones and skulls are not kept but the bones and skulls are kept in separate houses close by. Those houses have roofs to cover the bones. The bones are those of ~~my~~ my and Walasi (A.2) grandfathers and ancestors. Walasi is my true uncle. Anita was the person immediately in charge of the tambu place. He is now dead. He was to us a priest. He died last October. I heard this ^{by message} I then went to Ferasuboa on the 23rd October 65. I went to my tambu house. There I saw Anita's body. The body was in the sleeping house which is near to the tambu house. (a kind of rest house for worshippers) Walasi (A2), George Kiriau (AI8) were in a house near the house where the body was. (W: identifies A2 and AI8 in Court). I had a talk with Walasi (A2). I asked him what the people were doing in that house. There were several besides A2 and AI8. A2 said " today I must become a Christian. " . I do not know why he said that. When Anita died there was no one to take his place as pagan priest. He was the last of the priests. When A2 said he must become a Christian I said "all right you be a Christian but leave this place for me.". I referred to the Tambu place. After I had finished talking with A2 I went to the womens' house. There were many people there. I can remember seeing A3, AI3, AI2 and AI0. I ~~talked~~ ^{talked} with them.

Then I said that I wanted to see Kiriau (AI8). I spoke with him. I said to AI8 to take Anita's body and bury it in the sleeping house where it was then lying and to leave the Tambu place as it was. Kiriau said that he had had a message from Bishop Lennard that if he buried the body of Anita he should destroy the tambu place. Kiriau did not say he wanted to bury the body in any particular place. When Kiriau said he was going to destroy the tambu place I was very angry but I said nothing. The reason why I asked a Christian priest Kiriau to bury Anita was because nobody else would bury Anita. Noone was worthy to do it.

(Adjurned I2 noon
Reassembled 2 p.m.
All parties present as before.)

It was actually Walasi^(A2) who asked Kiriau to bury Anita. I did not agree. I did not agree because I was afraid that Kiriau might destroy the Holy places. I wanted him buried inside the sleeping house. I would not have objected to Kiriau burying the body if he had buried it in the sleeping house. I did not want it buried in the Tambu ~~house~~ house. After the conversation about burying the body the people went and spoiled the tambu place. AI8, A3, AI2, A6, A9, AI7, 20, A2I and A5 I can remember took part. They dug two holes. A3, AI4, A22 and AI dug the holes. After they dug the holes they put the body of Anita in one hole and then they took ~~the~~ my ancestors bones and put them in the other. They then buried both the body and the bones. Kiriau buried the body in Christian manner. I did not like Kiriau saying Christian prayers over the body of Anita. In my belief they defiled the dead body by doing that. When they prayed over the bones as well, I believe that they exercised my devils and took their power from them. When they began to cover upn the body and the bones ^{with soil} I was sorry and went away. Kiriau prayed over the body and the bones before they buried them. The people also cleared away all the bushes and the trees from the tambu place. They also took away the circles of stones from the three sacred places. I saw A3, AI3 and A22 engaged in removing the stones. There were other people also inside the tambu place. Neither men nor women must set foot in the Tambu place itself. Nobody may go there except a pagan priest. When I saw the people inside the Tambu place I was grieved. I thought it would bring about my death, the despoiling of my tambu place. My devils could be restored to power by my paying someone, not necessarily a priest, to reconstruct the tambu place. I cannot say how much I should have to pay. This has never happened before. I cannot do it myself because I would die. It is common knowledge that it is wrong to enter a tambu place.

If I had become a Christian I could have destroyed the place myself. ^{But} I think I would ask a Christian priest to do it for me.

The reason why the people wanted to destroy the tambu place was because Anita the last pagan priest had died. The death of the priest does not alter the character of the place.

XX by Rev. Thomson.

My devils are three from Ferasuboa and one from Asiasi. A2 and my father built the tambu place. My father always lived at Ferasuboa. When Anita died, as priest he is succeeded by a new priest whom we have to seek and find. A2 is not the son of Anita. I had no chance to find another priest to replace Anita. We find someone fit to be a priest and then we engage him for our Tambu house. A priest is trained. One priest can serve a number of places. It is not necessary that the priest must have been trained by the priest whom he relieves. The priest has to study the devils of the particular shrine. If therefore a priest dies without a trained successor for that shrine no more sacrifices can be made there. When Anita died the shrine became closed to me for worship. I could not find a successor before Anita died because so many people had been converted to Christianity I should have to search and find a priest somewhere. It is correct that Anita had been sick for a long time before she died. Anita has made sacrifices for me many times. A2 and my father and I all sacrificed there. Sacrifices are public and many people have seen us doing it. When I came to Ferasuboa after Anita died I spoke with AI8. I told him not to damage the tambu place. I told AI8 to bury Anita in his dwelling house. Anita's house is in Ferasuboa village.

Re X:

The sacrifices are quite public. It is a feast day.

By Court:

The feasts are not regular.

It is possible to get another priest. But till another priest is found no one can sacrifice there. When Anita died the place was still Tambu though it could not be used. If the people had not buried my ancestors bones I would have left them at the Tambu place as they were before.

Toung Boting.

PW2: Mango Manu

Ferasuboa Village. Pagan. Sworn on devil Toba'a.

I am a cultivator. I am a pagan. My tambu house is at Ferasuboa. My tambu house is spoiled. It was destroyed by A4, A5 A6 A9 A10 A11 A12 I7 A I6 A21 A19 A20 A7 A22. Those are the ones I remember. I was at the tambu place and saw them destroy it. It was in October 65. I was outside the Tambu place. I did not go inside because I was afraid of the Accused who were destroying the place. They came to the place walking two by two. Kiriau (AI8) was walking at their head. They were carrying incense chains and went straight into the tambu place. They walked through the area and

outside again and collected the bones from the bone house and then dug two holes in the tambu place and buried Anita's body in one hole and the bones in the other. The bones were the bones of A2's father and his ancestors. I was standing afar off (indicates 50 yards) and other people came between^{me} and whom and I did not see exactly who dug the holes. I saw A4 AI9 A20 A9 AI6 A2I A6 actually carrying bones. They carried them in handsfull. I saw them throw the bones into one of the holes. I cannot identify anyone else. There were very many people there. I did not stay to see any more. I went away. I have not been back since to that place. I was very upset and went away.

I use the same tambu place as PWI and I have also a special place for me in it. The bones are of my ancestors too. A2 is my ~~xxxxxx~~ uncle. When I saw my ancestors bones being buried like that, I did not say anything but I was upset. That place was my principal place of worship. It was spoiled. I cannot say how often I went to worship there. It was irregular. Sometimes I would go myself and sometimes it was when a feast was held. I went there quite openly.

Only a priest is allowed inside the tambu place. Women are not allowed near the place. Everyone knows this.

22nd

The priest was Anita. He died on/October 65. He was the last of the priests. He died the day before all the people destroyed the tambu place.

The pagans in the area had not yet met to decide what to do when the priest died. The place remained holy even though the priest had died.

I was present when PWI spoke to AI4 about the burial of Anita. PWI said to AI4 that the body must be taken away and buried and the Tambu place must be left alone. AI4 said to PWI that he should discuss the matter with AI8 or with Father John, the Roman Catholic priest. A7 was also present and he said " Oh, let us go and dig a hole inside there and bury the body ". There were many people standing about. I did not hear anyone else say anything about burying the body.

XX by Thomson:

Anita died ~~xxxxxx~~ about 9 or 10 in the morning. The body was buried next morning between 8 and 9 a.m. I had no talk with AI8.

When Anita died there was no one to follow him. We In our custom if a priest dies we have to engage another one.

The last time I sacrificed was about a year before Anita died. Kailafa was Walasi's father. He died long ago. If a priest dies and he has a son it is easy to replace the priest but if he has no son or brothers it is very difficult. Walasi could not have been priest. The devil has to find his own priest. At present it is difficult for the devil to find a priest because the tambu place has been prayed over and destroyed.

Re X.

Both of Anita's sons have become Christians. A I4 and A I5 are the two sons of Anita.

By Court:

I do not know the reason why the Accused decided to bury the body inside the Tambu place. It is against custom to bury a priest inside the tambu place. He is buried outside and later on his bones are placed inside. Any one else is buried outside and the bones are never placed inside the tambu place.

July 13 1966

5 p.m. Court adjourns to 8.30 a.m. 28.9.66.

J.B.

8 a.m. 28.9.66 court reassembles.
Parties as before.

Pw2 recalled by Court. Same oath.

According to our customs women are not allowed to handle human bones. Everyone knows that.

No XX by Morgan.
No XX by Thomson.

July 13 1966

PW 3 Magi

Saua Village. Pagan. Sworn on devil Taloi Nao.

I am a pagan from Saua Village. I worship at Ferasuboa tambu place. Last year I went to Ferasuboa and I saw the people destroying the stones in the tambu place. I was upset and I wanted to take the people to court. They spoiled a holy place. (Correction- I saw the place had been destroyed) I went to Ferasuboa with the police when they were making enquiries. I did not see the destruction. I used to visit the Tambu place frequently because I live in the village of Ferasuboa from time to time. Ferasuboa is the main village. Saua is about 8 miles away. We make a feast every six or seven years. Just to visit, I would go three or four times in a month.

In October last year Anita the priest died. We could not do anything till the devil indicated a successor. Many people used to offer at that tambu place. -Tin Moa, Falisi, Qwaila, Sanga and many others. After Anita had died we could not ~~worship~~ sacrifice there till we found another priest.

XX by Thomson:

I have a tambu house at Saua village also. That is for a small devil. My main devils are at Ferasuboa. I also used to sacrifice ~~to~~ at Saua. The last time I sacrificed at Ferasuboa might have been four or five years ago.

After ~~the~~ priest has died we could not replace him because ~~his~~ all his people had become Christians. If a priest dies noone ~~else~~ may bury him except another priest. Another priest from another place can be paid to take over. It might take us ten years to find another priest, because the devil has to select. If ~~the~~ wrong priest comes we might all die. I do not agree that if a priest dies the tambu place is finished. We still use it. Any new priest must be a worshipper of the same devils.

No Re X.

Johny B. B. B.

PW 4. Falisi Bauro

Ferasuboa village. Pagan. Sworn on devil
Taloi Nau.

I am a pagan. I have been a pagan for ten years. Before that I was a member of the Evangelical Mission. I now worship my devils at Ferasuboa.

In October last year I was at the Tambu. It was 22.10.65 that Anita died. On 23.10.65 I went to the Tambu place. I saw a lot of people burying the old priest. I saw at that place A3, I4, 22, I5, 7, IO, 6 4, 9, I7, I2, 5, 2I, 20, I3, I8. I remember them all at the place. I was at that place first. The accused all came together. AI8 was leading and AI4 came next. When they came they went into the tambu place and began to destroy it. There are three places for worship inside the area. I saw A2I carrying bones. She put them in a hole in the tambu place which had been dug. She put the bones down gently. I did not stay to watch any more. I went away. I saw the holes being dug. AI0, I5, 22, and 3 were engaged in digging the hole into which the bones were put. I saw the hole being dug for the burial of the priest. The same people dug both holes. The place is an artificial island and made of loose stones. The people picked out the stones with their hands.

I did not stay to see the body of Anita buried. I did not hear any talk about the burying. When I saw bones being moved I was very upset. I turned away. There is a wall round the tambu place. Noone may go inside the wall. There is still another wall (marking) outside the inner wall and women are not allowed inside that but men are. I saw the accused, both men and women, go right inside the holy part of the tambu place. I was upset. ~~xxxxxxx~~ After this day I went back to see the place. The wall was still there but all the holy stones inside had been removed.

~~Thexxxxxx~~ When the devil needed a pig I used to give one to the priest and he would sacrifice it for me.

first
The ~~XXXX~~/time I did that was in 1956. I have in all sacrificed five pigs. I only sacrificed one at a time when the devil asked me. Since Anita died I have not sacrificed because there has been no priest. Only four people of my line worshipped there.

To Court: When the devil wants a pig he asks for a sacrifice. We cannot take a pig for sacrifice unless the devil asks. The priest does not ask for the pig. A man himself knows when the devil wants a pig because something goes wrong which indicates it.

XX by Thomson:

I also have a tabu house called Manusafia. It is also in the area of tambu at Ferasuboa. My house Manusafia also had bones in it. Those bones were not moved. There was a wall round Manusafia which was not touched by the accused.

ReX by Morgan:

Although my Manusafia was not touched I was upset because my ~~places~~ other places of sacrifice were damaged.

Lowry-Boddy

PW5 Misitoumu
P.C. 254 Police Auki. Sworn on Bible.

I know A1. I interviewed him on 3.II.65. I warned him that the police were enquiring into the incident of Anita's turliel. I cautioned him. I wrote it down. He made a voluntary statement. I wrote it down. I read it back to him. He put his thumb print to it as correct. This was done in the Lau language which we both speak. I then made a translation of the statement in English.

(Thomson does not object to the statement. He says he makes no objection to any of the statements)

Ex A and A'

(Ex A original and A^I translation put in.)

On the 3.II.65 I interviewed A4. He is in Court, also A5 and A6 and A9 and A10 and A12 and A14 and A15 and A16 and A17 and A21. I informed each of them that I was making enquiries into Anita's incident. I cautioned and recorded the caution in each case and I wrote down the cautions. They each made separate voluntary statements in their own language - Lau. I wrote them down and read them back to the accused and each signed or marked the statements as being correct.

I recorded the statements of A4 5 6 9 10 in pidgin. Also 14 15 16 17 21 were recorded in pidgin.

I made translations to English of each statement.

Ex B and B' (Statement of A4 put in Ex B and B^I)

Ex C and C' (Statement of A5 put in Ex C and C^I)

Ex D and D' (Statement of A6 put in Ex D and D^I)

Ex E and E' (Statement of A9 put in Ex E and E^I)

Ex F and F' (Statement of A10 put in Ex F and F^I)

Ex G and G' (Statement of A12 put in Ex G and G^I)

Ex H and H' (Statement of A14 put in Ex H and H^I)

XX Ex I not used

Ex J and J' (Statement of A15 put in Ex J and J^I)

Ex K and K' (Statement of A16 put in Ex K and K^I)

Ex L and L' (Statement of A17 put in Ex L and L^I)

Ex M and M' (Statement of A21 put in Ex M and M^I)

~~xxxxxxxxxxxxxx~~

On 4.12.65 I interviewed A11 and A20.
I followed the same procedure as to caution.

Ex N and N' (Statement of A20 put in Ex N and N^I)

Ex O and O' (Statement of A11 put in Ex O and O^I)

~~xxxxxxxxxxxx~~

No XX.

Johny Bekeli

PW6 Bekeli
P.C. 132 Police Auki.

Sworn on Bible.

I was stationed during 1965 at Ma'alu. On 3.12.65 I interviewed A1, A3, A7, A13, and A22. I took cautioned statements. ~~xxxxxx~~ I cautioned them each and wrote down the caution and each made a voluntary statement. I wrote down the statement. I read it back to each and they each signed the statement and caution. I took the statements in pidgin.

(Thomson does not object to the statements taken by this W:)

Ex P and P' (Statement of A1 put in Ex P and P^I)

Ex Q and Q' (Statement of A3 put in Ex Q and Q^I)

Ex R and R' (Statement of A7 put in Ex R and R^I)

Ex S and S' (Statement of A13 put in Ex S and S^I)

Ex T and T' (Statement of A22 put in Ex T and T^I)

On the 2.12.65 I interviewed A I8. I warned him that I was enquiring into the Anita incident. I took a cautioned statement. I used the same procedure.

Ex U and U'

(Statement of AI8 put in Ex U and U^I)

No XX by Thomson.

Long Boring

Mr. Morgan: That closes my case.

Court gives opportunity at this stage to any of the Accused to recall a PW and put to him anything which has not been raised on their behalf by Mr. Thomson.

None of Accused wish any PW recalled.

L13

Defence.

Rights of Accused regarding evidence and statements explained.

AI: states:
I elect to give evidence.

Accused I:

Gwaliasil Filmoa.

Ferasoboa Village. Sworn on Bible.

I deny that the four stones in question belonged to PWI. They belonged to my father. PWI never offered in the Tambu house at Ferasoboa. It was only my father who did that. For many years PWI has brought no pigs there to offer. I deny that that Tambu house is PWI's at all. Walasi^(A2) is my father. He is the elder of the village. We obey him. I have nothing more to say. No one can sacrifice there except my father and his line. Walasi is not my father but Walasi's youngest brother is my true father. Therefore by custom Walasi becomes my father. My true father is Moiata. I heard Walasi send a message to AI8 to summon AI8 to bury Anita. A2 and myself discussed the measure and decided to call on AI8.

When AI8 arrived in the village A2 and I both told him to bury Anita by Christian rites. There were many people there. All the Accused were present at the time. The reason why we did this was ~~was~~ because there was noone else to bury Anita and I had become a Christian myself. I could not get another priest because I'm a Christian. I also knew that noone else could get a priest because the whole family had become Christians. I deny that what AI8 did spoiled anything belonging to PWI, Falisi, Magi etc. All of the accused took part in the burial of Anita. After Anita died noone could sacrifice in the Tambu place because there was no priest. Noone could resume worship there unless they could find another priest. Noone who did not worship the particular devils could assist. Before I became a Christian I had a bone house in the area myself. I say I had a right to cause AI8 to bury the bones of my ancestors from my own bone house in the area. We had all become Christians and all agreed to put our bones to rest.

XX by Morgan.

I say this place is Walasi's and not PWI's. Walasi is a close relative to PWI. They are of the same line. But PWI's father left Ferasuboa when he was a child and was adopted by an uncle. He is of the same line but his father stopped worshipping at Ferasuboa. According to our custom if a man goes away and ceases to bring pigs for sacrifice he loses his right to worship. I say that the reason why PWI came to Ferasuboa when Anita died was only because we called him in. I did not call him. If PWI had brought pigs all along he could not have sacrificed them because his father had gone away. Up till Anita died the Tambu place was in use for ceremonies. As far as I am aware the only people who used the place were from Ferasuboa. There ^{were} pagans using the place till Anita died. After Anita died I only destroyed our own place. I agree that Mango Manu comes from Ferasuboa but he had his own stones. Before we destroyed this place I did ask both Christians and pagans if they objected. No pagan did object. I do not know if the Churches have destroyed other tambu places. But I know that when people become Christians they destroy their tambu places. There was no objection because the whole village was coming over to Christianity. We had the right to tear down the place because Walasi A2 told us to. I admit I knew that the PWs and others objected but they had no right.

No Re X.

X By Court:

Inside a tambu area various people have special sacred places. Inside that area only a priest may go. I deny that a priest's body may not be buried inside the tambu place. That it ~~were~~ it must be buried. I know that to allow women in a tambu place is wrong but the place stopped being tambu when Anita died and no replacement was there. I would say that if a church loses its pastor and there is no successor it ceases to be consecrated.

James Botley