

IN THE HIGH COURT OF THE WESTERN PACIFIC

CIVIL JURISDICTION

(IN DIVORCE)

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

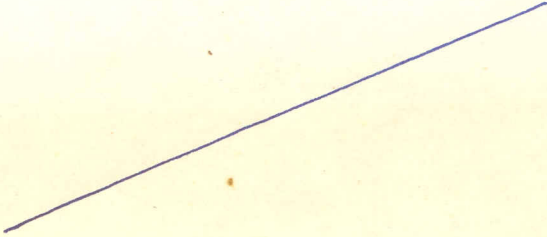
HOLDEN: At Gizo in the British Solomon Islands  
Protectorate on *Monday* the *16<sup>th</sup>*  
day of *June* 1968 at *3*  
o'clock in the *after* noon.

<u>BETWEEN</u>	<u>TOKAETA TIBWERE</u>	Petitioner
<u>AND</u>	<u>NEI TIRI</u>	Respondent
<u>AND</u>	<u>TEIKONA</u>	Co-respondent

CORAM: J. Bodilly, C.J.

PRESENT: *Petitioner in person.*  
*Respondent in person*  
*Co-Respondent in person.*

INTERPRETER: *John Nakase: Sworn*  
*to interpret*  
*Gilbertese.*



Petitioner :

TOKAETA TIBWERE.  
Of Honiara.

Sworn on Bible.

I am a surveying assistant and I live in Honiara. This is my home now. I came from the Gilberts about 5 years ago. I say I am domiciled in the Solomons.

I married my wife, the Respondent on the 6th October, 1967, here in Gizo. Her name is Nei Tiri. She is Gilbertese as I am. We have no children of the marriage. I have instituted no previous proceedings for divorce elsewhere.

I say that my wife has been committing adultery with the Co-Respondent Teikona. The adultery took place in Gizo. About four months after the marriage I brought her to Gizo to live with her relatives. I did that because she made trouble with another man in Honiara so I took her to her relatives in Gizo. About a month ago I heard from other people that my wife was committing adultery with the Co-Respondent Teikona. My father's sister wrote me a letter to Honiara and told me. I then wrote to my mother's sister Tigana and asked her for confirmation ~~and~~ but I did not get a reply. I then instituted these proceedings on the strength of the letter from my father's sister.

Last week, when the case was set down, I came to Gizo for the case and sitting outside the courthouse waiting for this case to begin I had a chat with the Co-Respondent and he admitted to me that I was right. He has been committing adultery with the Respondent. I did not speak to my wife outside the court.

I do not ask damages. All I want is that the marriage be now dissolved. I do not ask my costs from ~~any~~ either of them. I would rather leave that as it is.

No XX by Respondent who states: That is true. I have been committing adultery with Teikona.

No XX by Co-Respondant: states: That is true. I have been committing adultery with Nei Tiri.

*July 1968*

Order: Decree nisi to issue:  
No order as to costs.

*July 1968*  
Chief Justice.  
17th June, 1968.

Note of oral Judgement.

I am quite satisfied that adultery has taken place as alleged by the Petitioner. The evidence upon which he instituted the proceedings might not have carried him very far, but the admission <sup>of</sup> the Co-Respondent outside this court and the admissions of both ~~parties before~~ the Co-Respondent and the Respondent before me now in Court takes the matter beyond doubt. ~~xxxxxx~~ The Petitioner is a Gilbertese ~~but~~



by origin but now on his evidence domiciled in the Solomons but the Native Divorce Ordinance is applicable to him as he falls within the definition of "native" as contained in ~~the~~ Cap 3I, the Definition (Native) Ordinance.

A decree Nisi will therefore issue. I shall make no order as to costs or damages as the Petitioner states that he wishes neither.

*Franklin B. Bailey*  
Chief Justice.

17-6-68