

Chief Jimmy K KOLOU.

EFATE ISLAND COURT HELD AT
PORT VILA.

EFATE AELAN KOT I SIDAON LONG PORT VILA LONG NAMBA IO
KASEM 24 APRIL 1989 LONG FORED BLONG TRIFALA JASTIS IA:-

JASTIS:- F.KALMAIRE (CHAIRMAN)

- E.MANAPANGA

- T.KALTAL

CLERK:- V.RAKAU

PARTIES:-Chief Jimmy K KOLOU (CLAIMANT) blong ETON village

- Mr.Makal KALSONG (COUNTER-CLAIM No.I) ERATAP village

- Mr.Kalotuk ROGOTAL (COUNTER-CLAIM No.2) ERATAP village

- Mr.John KALTAPAU (DEFENDANT) ERAKOR village

J U D G M E N T

Lukluk long Kot hearing we i konsenem ERUETI aelan dispute,
dispute blong RENTABAU RIVER BAONTRI mo ENAM BAY BAONTRI, Kot i save
se fofala Lida ia i stanap blong defendem rait blong olgeta olsem
Chief or Lida mo semtaem oli representem kastom rait mo intrest
blong ol famli we oli biliv strong se oli fes man blong liv insaed
long ol eria ia bifo GOSPEL i arrive long 1800s.

Afta we Efate Aelan Kot i harem toktok blong fofala parti
wetem witnes blong olgeta, Kot i putum daon olgeta poin ia follem
disisen blong em.

POIN No.I:-

KLEIM BLONG BAONTRI

(a) CLAIMANT - Hemi talem aot long Kot se eria mo baontri hemi
kleimem, kastom nem blong em emi EPUEN mo hemi
start from Rentabau riva mo go finis long Pangpang riva.

(b) COUNTER-CLAIM No.I - Hemi talem aot long Kot se eria mo
baontri blong hem i start from Rentabau
riva mo go finis long ENAM bay afta from solwora mo igo inland mo
finis long EMASINE.

(c) COUNTER-CLAIM No.2 - Hemi talem aot long Kot se eria mo
Baontri blong hem, i start from publik
beach we fakrti blong wait faol istap long em or Title No.3117 mo 257
i join mo go inland through ELAKNOLIMAL, kasem Title No.2632 joinem
Rentabau riva, follem riva kasem Title No.2531, follem stret cross
laen bitwin Title No.2764 mo 593 mo finis long riva we La Cressonier
istap long em.

(d) DEFENDANT - Hemi soem aot long map (DEF.EXH.No.I&2) se hemi kleim long eria mo bountri we i start from Makenzie rod Title No.I70/I57 from solwora follem wan stret laen kasem ELAK-NKFIK-PATIK or poin(B) kolosap Teuma riva, kasem poin(C) or EMAUTUL, follem wan stret laen kasem Rentabau riva crossem Rentabau riva kasem Title No.2538 mo go kasem ERMASINE long Title No.2764 , come daon long solwora kasem eria we Title No.I710 mo 3280 i join, afta come through Title No.I274 mo come daon kasem big rod stret long ENAM bay.

LUKLUK BLONG KOT

Follem olgeta baontri we wanwan parti i soem long map, Kot i wantem makem i klia long fofala parti se disisen blong Kot bambae i blong talem aot nomo se who i stret Kastom Ona long eria we ERUETI aelan istap long em mo wea nao stret kastom baontri blong EPUEN, weta emi Rentabau riva or Enam bay follem kleim blong Kleimen. Kot ino visitim some eria insaed eria we Counter-Claim No.2 mo Dedendant i kleimem from ol eria ia i aotsaed eria we Kleimant i kleim long em.

POIN No.2:-

STAMBA TINGTING BLONG KLEIM ✕

(a) CLAIMANT - Hemi talem aot long Kot se hemi follem blad laer blong eit(8) Hae Chif we oli kontrolem eria mo kastom baontri blong EPUEN mo ol nara famli we hemi representem olgeta. Hemi goahed blong talem aot long Kot se, hemi biliv strong^{se} hem wete olgeta famli ia i first pipol blong liv insaed EPUEN start from daknes mo come kasem taem Gospel i come mo even kasem dedei.

Long taem blong cross-examinesen hemi talem aot se hem wete faef(5) witness blong hem mo ol pipol blong hem long Eton village i save gud se some famli blad laen we hemi representem oli stap anda Chif blong Eratap vilej be plante nao oli stap anda control blong h Kleimen i talem tu se hemi save se sem famli ia Counter-Claim No.2 i stanap blong representem.

(b) COUNTER-CLAIM No.1 - Hemi talem aot long Kot se hem wetem tufala witness blong hem i biliv stron mo save gud se oli namba faef(5) gene reisen follem stret blad laen blong wan Bubu blong trifala we i com from ERMASINE insaed bigfala baotri blong Epuen. Name blong olfala ia hemi MOTOUKAS mo hemi Hae Chif long ples ia.

(b) COUNTER-CLAIM No.2 - Hemi talem aot long Kot se olfala we i givim rait blong hemi stanap mo makem kleim emi Abu KAI. Olfala KAI i adop hem from hemi nogat pikinini mo follem histri we olfala i givim lon em, hemi biliv strong mo save gud se olfala i come aot from EBOR wa eria insaed EPUEN. Counter-Claim No.2 Mr.Kalotuk i goahed blong tal se Abu KAI i gat tufala brata mo name blong tufala, MANSIL mo KALTAPAU-KARA. Famli blong tufala i life yet dedei mo oli liv long ETON, ERATAP mo IFIRA aelan be plante long olgeta oli liv long Eton village anda Chif Jimmy K KOLOU(CLAIMANT).

(d) DEFENDANT - Hemi talem aot long Kot se hemi follem rait thru adoption we olfala blong hem Abu KAI I i givim long hem. Abu KAI I ia hemi same olfala we i adoptem Counter-Claim No.2 Mr.Kalotuk. Defendant(Mr.John KALTAPAU) i talem aot long Kot se name ia KALTAPAU olfala KAI I nao i givim long hem taem hemi adoptem em. Hemi confirmem toktok blong Counter-Claim No.2 se Abu KAI I igat tufala brata mo name blong tufala, MANSIL mo KALTAPAU-KARA.Famli ia stil life yet dedei.

LUKLUK BLONG KOT

Kot ino akseptem wei we some parti i stanap blong rep - resentem wanwan famli mo long same taem olgeta famli ia ino come long Kot olsem witness blong confirmem tingting mo plan ia. Follem Konstitusen blong R^epablik Vanuatu, hemi talem se kraon i mas go long kastom ona, so Kot i luk se hemi importen se taem wan man i stanap blong representem nara man or famli, wan long olgeta ia i mas stanap long Kot olsem witness blong confirmem tingting mo plan olsem.

Kot i luksave se CLAIMANT, COUNTER-CLAIM No.1 mo 2 i follem stret rod ia be DEFENDANT i feil long em. Kot i luk se hemi no stret blong Counter-Claim No.2(Mr.Kalotuk) i stanap blong representem famli blong ETON vilej mo long same taem CLAIMANT(Chif Jimmy K KOLOU) i representem olgeta semtaem. Kot i stil gat tingting ia se from wanem Mr.Kalotuk mo Mr.Kaltapau, wan olfala nomo(KAI I) i adoptem tufala be tufala ino stap long wan parti,baontri blong tufala ino semmak mo tu histri blong tufala ino semmak.

POIN No.3:-

FAMLI TRI BLONG EACH PARTI

(a) CLAIMANT - Chif Jimmy K KOLOU i talem aot long Kot se hemi namba naen(9) Chif we i life mo rul dedei follem blad laen blong evri Royal Chif we oli rulum ful baontri blong EPUEN. Lukluk long CLAIMANT EXH.No.1 page:(I) hemi addem toktok se Chif TINOL i rul long I867 mo Chif TISONG i rul long I879. Royal name we hemi holem bifo come kasem dedei hemi KOLOU. Faef(5) witness blong hem oli confirmem olgeta toktok ia Chif KOLOU i makem comment blong em se ol famli we hemi lukaotem mo sametaem representem olgeta oli stret blad laen we i liv inaed baontri blong EPUEN from dakness taem mo come kasem dedei. Some long olgeta famli ia itru se oli liv anda Chif blong Eratap vilij mo Ifira aelan be plante nao oli liv long Eton anda long control blong em.

(b) COUNTER-CLAIM No.1 - Mr.Makal KALSONG i talem aot long Kot se dedei famli blong em we i blad laen blong Chif MOTOUKAS i kasem namba faef genereisen. Hemi no representem blad laen blong nara famli be famli blad laen blong hem wan wetem tufala witness blong hem. Famli blad laen ia trifala i biliv mo save gud se Nasara blong em istap long ERMASINE insaed long EPUEN.

(c) COUNTER-CLAIM No.2 - Mr.Kalotuk i talem aot long Kot se hemi no follem wan laen thru long famli tri be hemi follem famli laen blong Abu KAI I we i adoptem hem mo olfala i come aot long eria we CLAIMANT i kleim long em. Hemi goaded blong talem tu^xlong semtaem hemi representem famli blong olfala KAI I we hemi biliv strong se oli come aot from Epuen mo Rentabau eria. Olgeta famli ia oli stap dedei long ETON,ERATAP mo IFIRA Tenuku.

(d) DEFENDANT - Mr.J.KALTAPAU i talem aot long Kot se rait we hemi follem emi thru wan nara adoption we Abu blong hem KAI I i givim. Hemi goaded blong talem tu se long semtaem hemi representem some famli we hem mo ol famli ia i liv bifo inaed eria blong Rentapau mo Epuen be from Gospel mo sickness oli muv aot mo come long Erakor vilij.

LUKLUK BLONG KOT

Kot i luksave se rait blong Chif KOLOU hemi tru follem wan Royal blad laen blong ol Hae Chif ia,(CLAIMANT EXH.No.I page I) Kot i luksave tu se Chif KOLOU mo ol famli we hemi representem oli come aot from Epuen.

Kot i luksave tu se Mr.M.KALSONG(C/CLAIM No.I) wetem tufala witness mo ol famli blong trifala oli come aot from ERMASINE. Ermasine hemi stap insaed EPUEN mo Chif KOLOU nao i controllem.

Kot i luksave se Mr.Kalotuk(C/Claim No.2) ino follem rait thru blad laen be hemi rait thru adoption.

Kot i luksave se Mr.Kaltapau(DEFENDANT) ino follem rait thru blad laen be hemi rait thru adoption.

Kot ino akri se emi posipel blong eni man we i stanap blong kleimem rait thru adoption i save makem wan bigfala kleim long baontri olsem COUNTER-CLAIM No.2 mo DEFENDANT i soem long Kot. Mait stori abaot adoption itru, be follem eria we tufala i kleim long em, Kot ino akseptem kleim olsem. Kot i akseptem toktok blong Mr.KALOTUK (C/Claim No.2) we hemi kliarem long Kot se, hemi kleim baontri igo kasem riva we La Cressoniere istap ino from hemi kastom ona long em be from ol famli we hemi representem oli stap long ETON vilij.

POIN No.4:-

HISTRI EACH PARTI I PRESENTEM

(a) CLAIMANT - Chif KOLOU i talem aot long Kot se histri we hemi presentem long Kot hemi no stilim from nara man or takem olbaot long rod be hemi takem from ol olfala blong hem mo tri long olgeta i stil life yet dedei. Long taem hemi stap qistin long Defendant (cross-exam.) hemi givim comment se hem mo ol pipol blong hem i save gud se Histri we Defendant (Mr.Kaltapau) i givim long Kot, histri ia Mr.Kaltapau i takem aot from ol olfala blong Eton. Ol witness blong Chif KOLOU i confirmem toktok ia be Defendant ino akri long em.

(b) COUNTER-CLAIM No.I - Mr.KALSONG i talem long Kot se Histri blong hem hemi takem aot from olfala blong hem. Namba wan witness (Mr.KALTONG) i addem se some long histri we hem witness long em, hemi takem from tri olfala blong Eton vilij.

(c) COUNTER-CLAIM No.2 - Mr.Kalotuk i talem aot long Kot se histri blong hem emi takem aot from Abu KAI I we i adoptem hem.

Chif Andrew B KALPOLEP blong Eratap vilij mo namba(I) witness i adem se histri we hemi presentem long Kot hemi takem from ol olfala blong hem mo oli stil life yet dedei. Hemi talem tu se some long histri ia Kot i save fainem long olgeta bok ia "LIVE (I) LIVE (2) mo LIVE (5) we Mr.Graham MILLER blong Presbyterian i wriitem.

(d) DEFENDANT - Mr.Kaltapau i talem aot long Kot se histri we hemi presentem long Kot Abu KAI I i givi

Hemi talem aot long Kot se itru se hemi stap klosap IO years long Eton taem hemi stap wok long Forari be hemi no takem eni histri from ol olfala long wei.

LUKLUK BLONG KOT

Kot i lukluk gud long toktok blong each parti mo akseptem wei we some partiitakem histri mo presentem long Kot. Kot i luksave se Claimant i save gud histri blong hem follem plante quistin we hemi stap givim long trifala parti be sametaem Kot i luk se Claimant i should givim plante more long statement olsem nara parti i makem.

Kot ino akseptem toktok blong Defendant se hemi takem histri from Abu KAI I from we long wan comment blong hem, hemi talem long Kot se taem Abu KAI I i ded,taem ia hemi I2 years nomo. Follem olgeta year Defendant i spendem long Eton taem hemi youngfala man, Kot i biliv se taem ia neo Defendant i rikotem histri blong hem from ol olfala olsem Claimant i talem finis. Kot i luksave se ol names mo Nakamal we Defendant i soem long map oli no stap long stret ples follem save blong Chif KOLOU mo tu Kot i luksave se some names oli putum folem languis blong Erakor village. Kot ino akseptem rod we Defendant(Mr J KALTAPAU mo witness blong hem Mr.Andes CARLOT) i follem blong usum languis blong Erakor blong givim name long olgeta ples olsem we map (DEF,EXH. No.2) i soem.

POIN No.5:-

KASTOM ADOPTION

Follem rait thru kastom adoption Kot i wantem makem i klia se hemi possible blong wan man i takem kastom ona long wan kraon long rod ia. Hemia i min se imas gat pruv mo Kot i mas klia gud se adoption hemi blong wanem risen. Lukluk blong Kot long tufala adoptio we Mr.Kalotuk mo Mr.Kaltapau, Kot i luk se inogat pruv long em. Kot i luk se sapos tufala ia Abu KAI I i adoptem tufala, tufala i should luksave long tufala olsem brata.

POIN No.6:-

RILEISENSIP BLONG EACH PARTI

Kot i lukluk gud long olgeta parti we i disput long Epuen mo fainem aot se plante long olgeta oli come aot from trifala olfala ia:- KAI I, MANSIL mo KALTAPAU-KARA.

Kot i fainem aot tu se long taem bifo mo come kasem Independence, co-operation bitwin Chif blong Eton,Chif blong Eratap mo ol pipol tufala i lukaotem hemi stap go gud, be from developmen long Erueti aelan makem se disput istart blong spoem rileisesip mo co-operation ia.

POIN No.7:-

FASIN BLONG SALEM MO LEASIM
KRAON INSAED EPUEN BOUNTRI.

Follem olgeta toktok mo comment we forfalà parti i givim long saed blong salem mo Leasim kraon insaed baontri blong Epuen, Kot i luk save se plante kraon some man i salem igo long ol Franis man or Kampani be ol man ia oli no stret Kastom Ona long ol Kraon ia. Kot i tingting strong se some long olgeta kraon ia oli lete free nomo long ol Franis Kampani from frait long masket. Some kraon Franis man i takem follem ol fasin olsem, DRONK, BRAEBERI, STIK TABAKO WINE, WHISKY mo plante mo... Kot i luk se stori abaot Mr. Abel NARR blong Erakor village mo fasin we hemi wokem blong salem some kraon insaed Epuen, stori i tru be Kot i luk se fasin ia ino stret follem Kastom blong Epuen.

Follem stori abaot rod we Defendant (Mr. J. KALTAPAU) i makem blong Franis Gavman i save Leasim Erueti main land, Kot i lukluk gud long rod ia mo save gud why Franis Gavman ino saenem Lease Akrimen ia wetem Defendant be hemi saenem wetem Chif blong Eton village (CLAIMANT or Papa blong Chif Jimmy K KOLOU) mo Chif blong Eratap village. From rod ia Kot i luk se Defendant long keis i wetem histri we emi follem ino stret.

JUDGMENT

Lukluk bak long olgeta (7) seven poin antap Kot i wantem givim last disisen blong em naolia se; follem Kastom blong Epuen Land Dispute Kot i biliv strong se stret mo tru kastom ona blong ERUETI aelan hemi go long Hae Chif KOLOU blong Eton vilage mo evri famli we hemi representem mo semtaem oli anda control blong hem. Kot i biliv strong tu se stret baontri we Epuen igo finis long em hemi long Rentabao riva mo kastom name emi METENPAK be ino ENAM bay.

Finally Kot i luk save mo biliv strong se Famli blong Chif MOTOUKAS i come aot from ERMASINE mo semtaem Ermasine istap insaed baontri blong EPUEN we Hae Chif KOLOU i controlem dedei

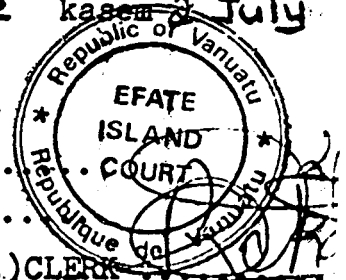
REKOMENDESEN BLONG KOT

- (1) Kot i wantem rekomendem long evri parti se olgeta we Kot ino luksave rait blong olgeta as Kastom Ona long eria blong Epuen oli gat tu(2) rod nomo blong follem sapos oli wantem makem eni business insaed baontri blong Epuen:-
 - (a) Follem Loa blong Leasem kraon or
 - (b) Follem Kastom Risesensip etc...
- (2) Chif blong Epuen i should luksave ol nara famli we hemi representem long Eton village be semtaem oli stap long Eratap mo Ifira etc... Hemia igo wetem famli blong MOTOUKAS.

ORDER BLONG COURT.

- (1) Kot i givim 30 dei blong each parti i Appeal s'pos hemi no akri long disisen ia mo 30 dei i start from 2 June kasa 2 July 1989 bifo 4.30 pm.

Signed; Jastis F. KALMAIRE (CHAIRMAN) *K. I. Rank*
 " E. MANAPANGA *E. Manapanga*
 " T. KALTAL *T. Kaltal* (E.I.C.) CLERK



ed this. 2nd of June 1989 at PORT VILA.