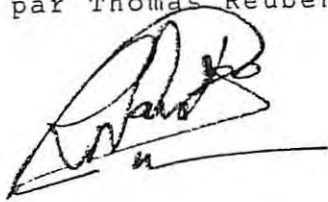


IN THE SANTO/MALO
ISLAND COURT OF
THE REPUBLIC OF VANUATU

LAND JUDG. 4/93

LAND CASE - "PILOT ISLAND"

Appel interjeté le 19 Juillet 1994
par Pekvare Sinbon et le 2 Aout 1994
par Thomas Reuben Seru



BETWEEN : SINGON PEKVAR
(Plaintiff)

AND : SAMUEL TURCET
(Claimant 1)

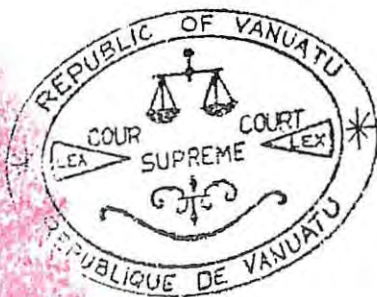
AND : THOMAS REUBEN SERU
(Claimant 2)

J U D G E M E N T

Folem kastom blong Santo, man i save kat raet long graon folem tugeta patrilineal mo matrilineal descendent blong em. Long kes ia evri tri pati i klem subjek graon we emi Pilot or Latharo Island folem raet we oli klem se emi kam aot long matrilineal descendent blong wan wan long olketa, respectively oli klem se descendent blong ol i kam aot long Latharo Island. Subjek graon ia Kot bae i refe long em olsem Latharo Island.

Kastom emi no wan issue long kes ia. Emia i minim se blong Kot i faenem tru kastom ona, Kot i mas skelem evri toktok blong wan wan pati mo faenem se toktok blong which pati nao emi bilivim.

Latharo Island emi stap long Shark Bay long East Santo. Aelan ia ibin subjek blong Kot prosidings long Joint Kot long bifo bitwin Presbyterian Mission mo French interests, S.F.N.H. emi wan. Lands Records Office emi no kat documents we i relate long ol eli kot prosidings ia, be folem sam pepa blong Joint Kot we wan long ol pati i presentem, Kot ia i certain se Presbyterian Mission ibin occupaem mo developem aelan ia long eli pat blong tis century afta emi pem long Willie Bebe mo Sar long 20 paons mo 5 shellings.



Plaintiff Singon Pekvar, long evidens blong em we i stap long stetmen blong em, emi no givim explenesen nating long saed long olsem wanem emi kat raet long Latharo Island. Emi no talem raet blong hu nao emi stanap long em blong klem aelan ia, or talem sapos emi klem folem wan raet we i kam aot long kastom . Emi talem nomo se emi klem Latharo Island folem, quote "family history blong mifala wei istap long pepa, mifala i kat wan kastom, mifala i tok wan lanwes, island istap long Shark Bay", end quote, emi talem "mifala", be "mifala" hu? Be long ansa long wan kwesten we ikam long tu nara pati emi talem se emi klem Latharo island folem wan raet we ikam aot long wan woman blong subjek aelan, nem blong hem Veji. Emi talem se man blong Veji emi Maher mo tufala ikat tu pikinini, Sekala mo Moro. Latter, pikinini blong em Taiptau we emi papa blong plaintiff. Ino kat eni mention blong ol named persons ia long evidens blong plaintiff we istap long stetmen blong em.

I appear olsem Singon Pekvar i klem Latharo Island folem ol toktok blong wan man, Spolin we ibin stap long Latharo bifo. Emi talem se uncle blong em Seretau, ibin stap ko lukim Spolin long Latharo Island mo latter i storian long uncle blong em abaot ol pipol we istap long Latharo bifo. Nao stetmen blong Singon Pekvar i klia se Spolin i bin storian long uncle blong em abaot ol pipol blong Latharo blong bifo, be ino kat eni mention se emi storian abaot raet ova long aelan ia.

Tu man ia, Seretau mo Spolin, plaintiff i talem se Seretau emi uncle blong em mo man ia emi blong Sarawora. Long saed long Spolin plaintiff i talem fastaem se emi uncle blong em be afta emi talem se emi no uncle blong em, mo emi talem se emi no save se Spolin i relate long Sekala olsem wanem. Sekala emi great-grand bubu blong em. Sapos Singon Pekvar i talem se emi blong Latharo Island olsem Spolin, emi sud save se emi relate long Spolin olsem wanem.

Singon Pekvar emi kat wan witness nomo, Daniel Loi. Witnes ia emi agensem toktok blong man we emi witnesem taem emi talem long Kot se Singon Pekvar i klem Latharo Island folem raet we ikam aot long wan man, nem blong em, Meir, be Singon Pekvar i talem se emi klem Latharo Island folem raet we ikam aot long woman ia, Veji. Witnes i talem se Singon Pekvar emi kat abaot 12 yia taem emi ko lukim Meir long Latharo Island. Daniel Loi i talem bakeken se emi no save Meir i relate olsem wanem long Seretau, uncle blong plaintiff.



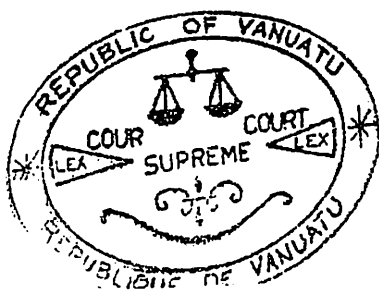
Be Kot emi save folem ol toktok blong plaintiff wetem witnes blong em, mo tu toktok blong tu nara pati se Singon Pekvar emi blong Jerumbosoksok, wan ples well-inland long Shark Bay. Kot i save folem ol toktok ia se plaintiff ikam daon long coast long taem blong Christianity, toktok ia Singon Pekvar wetem witnes blong em mo tu nara pati wetem witness blong tufala, evriwan oli talem, mo ino kat doubt long em. Plaintiff, fastaem mama blong em i tekem em ikam daon long Hog Harbour taem papa blong em i tet long Jerumbosoksok. Afta long Hog Harbour emi ko long Latharo Island, bihaen nao emi ko long Tangoa Training Institute, long tugeta ples ia plaintiff ibin mov blong ko long skol.

Folem olgeta toktok ia Kot i akseptem se Singon Pekvar emi blong Jerumbosoksok, accordingly, Kot i dismisim klem blong em.

Claimant 1, Samuel Turcet i klem Latharo island folem raet we ikam aot long wan woman, nem blong em, Oluth. Pati ia i tresem blad blong em iko kasem Oluth olsem : Oluth i bonem Narse, Suvile mo Oiath. Narse, pikinini blong em Sar, be Sar ino kat pikinini. Suvile emi no kat pikinini. Namba tri pikinini blong Oluth, Oiath, emi bonem Leisa, Nini mo Willie Bebe. Willie Bebe emi no kat pikinini, be tu sista blong em ikat we blad blong tufala i laef tede. Olsem Nini i bonem Lense, Hanna mo Momo, Momo nao emi papa blong Samuel Turcet we emi wan pati.

Pati ia i talem se samtaem long 1957, pupu blong em, Willie Bebe i store long em mo kasin brata blong em, Thul mo talem se Latharo Island emi blong stampa bubu blong tufala, Oluth. Emi talem se Willie Bebe i talem long tufala se taem Oluth i tet, ona blong aelan emi Suvile. Bihaen aelan istap long onasip blong Sar mo Weling. Afta taem wan bush-man i sutum ded Weling, ona blong aelan we i laef emi Sar mo em, Willie Bebe.

Samuel Turcet i talem se taem Christianity i kasem Shark Bay, emia long eria blong subjek graon, oli wokem skol fastaem long Luthwalkar we i pulum ol man long bush oli kam daon long skol. Emi talem se from sik i kilim ol man long Luthwalkar, i mekem se Presbyterian Mission i pem aot Latharo Island igo long Sar mo Willie Bebe, long 20 paon, 5 shellings. Afta Mission i pem aot aelan ia, emi movum ol pipol igo long smol aelan mo stanemap niu Mission stesen mo skol. Peimen ia wan document blong Joint Court i sapotem we i soem se i bin tekem ples long namba 5 Octoba 1923, emia afta Sar mo Willie Bebe i mov igo long Hog Harbour folem murder blong wan nara man blong aelan ia, Weling.

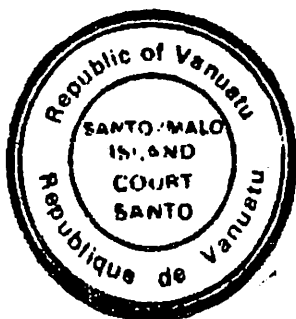
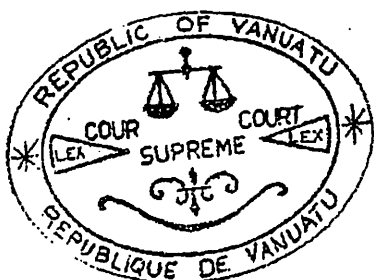


Pati ia i talem se long 1958, bubu blong em, Willie Bebe mo Attorney blong Presbyterian Mission tufala i bin initiatim prosidings long Joint Court blong agensem registration blong Societe Francaise des Nouvelles Hebrides (S.F.N.H.) olsem ona blong Latharo Island. Ol kot pepa ia oli sapotem tu famle we Samuel Turcet i stanap long em se famle ia nao i ona blong Latharo Island.

Pati ia i kat tri witnes, Namser, Timhu Thial mo Timothy Weles.

Namser i talem se Samuel Turcet i klem Latharo Island folem mama blong papa blong em, woman ia emi Nini mo emi sista blong Willie Bebe, mo mama blong tufala emi Oiath blong Shark Bay. Witnes ia we emi pikinini blong Besi mo emi sapotem famle or blad we Samuel turcet i klem folem, emi talem se man blong Oiath emi Iavcuth, wan man Hog Harbour, mo emi bin stilim Oiath long Shark Bay, olsem emi woman ples ia mo iko wetem em blong wok long New Caledonia. Long saed long pei blong Lartharo Island we Presbyetrian Mission i pem long em, witnes i talem se papa blong em ibin stap taem Sar i kivim 3 paon we i pat blong paeimen ia igo long mama blong em, Besi.

Timhu Thial, we emi bin tij bifo long Latharo Island emi talem se taem emi stap long aelan ia emi harem plaintiff long kes ia, Singon Pekvar i talem se aelan ia i blong Willie Bebe, emi no talem se emi blong wan nara man. Blong sapotem toktok ia emi talem se taem emi klosap finis tij long Latharo, woman blong em i talem se naoia Willie Bebe i olfala tumas, i kut blong emi ko visit long aelan blong em, afta em wetem waef blong em i tekem Willie Bebe iko long aelan. Taem tufala i tekem Willie Bebe iko long aelan, ol man long aelan oli lukim, nao jif we i lukaotem ol, Chief Singon Pekvar i talem long ol pipol we emi lukaotem ol se bae oli mekem wan kaekae blong Willie Bebe from graon we oli stap long em mo wok long em emi blong Willie Bebe, mo i kut blong oli kaekae wetem em olsem tankyu bifo emi tet. Oli kilim wan buluk mo long taem blong kaekae Chief Singon Pekvar i givim wan toktok blong talem tankyu long Willie Bebe from oli stap long graon blong em. Wan nara jif we istap long kakae ia tu, Chief Tor, i talem long witnes wetem waef blong em se taem yutufala i tekem Willie Bebe igo bak long Hog Harbour, yufala i mas pas long mi mo Kusu Joseph, emia long menlan blong mitufala i mekem kaekae blong olfala ia from mitufala ibin askem graon long em mo wok long graon ia, naoia. Graon ia emi Luthwalkar long menlan.



Long saed long ol pipol we oli liv long Natawa mo Lamaniock tede, witnes i talem se long opening blong Natawa Primary School, em olsem hedmasta i mekem toktok. Emi talem se before emi mekem toktok long opening blong skul ia emi bin askem long Chief Singon Pekvar se ol pikinini we i skul bae i sevem olketa, originally oli blong wea ples, nao Chief Singon Pekvar i ansa se ol pipol we oli stap long Natawa tede oli blong ol ples antap long Fanafo eria, oli ol pipol blong Chief Thomas Tosukak, mo ol pipol we oli stap long Lamanioc oli blong olfala Lamanioc vilij antap long bush.

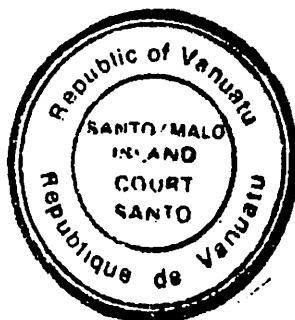
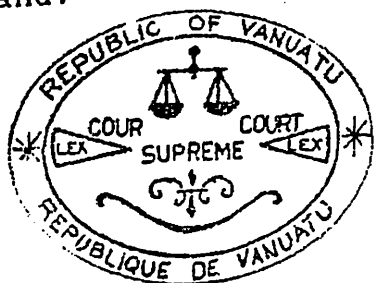
Long saed long pasis, Timhu Thial i talem se taem emi stap tij long Latharo Island, pasis we emi bin stap ko shore long em long menlan, emi Luthwalkar.

Long saed long kastom blong onem graon, witnes ia i talem se long kastom blong Santo i stret blong Samuel Turcet i klem graon blong uncle blong papa blong em.

Namba tri witnes, Timothy Weles, emi talem se, em, plaintiff, Singon Pekvar, Sao, Willie Muk, Tor wetem plande man bakeken we oli stap long eria blong subjek graon naoia oli blong ol graon antap long Fanafo eria, be oli muv ikam daon long Shark Bay eria long taem blong Christianiti blong skul. Long saed long em mo Singon Pekvar emi talem se Singon Pekvar iko daon fastaem long Shark Bay, em bihaen. Emi talem se olgeta ia we oli go daon blong skul be naoia oli stap nomo long Shark Bay oli kat kastom graon blong ol istap long Fanafo eria, e.g. Singon Pekvar, Lokae mo Misser, kastom graon blong ol emi Jerumbosoksok.

Timothy Weles i talem se taem oli stap liv long Latharo Island oli harem se aelan ia emi blong Willie Bebe. Timothy Weles, we naoia emi ko bak long stret ples blong em finis long Fanafo eria, emi talem se taem oli stap long Latharo Island mo oli wandem wokem karen long menlan oli ko askem long wan man, nem blong hem, John Varicar, be man ia i talem long olketa se graon emi blong Willie Bebe mo sapos oli wandem wok long graon blong em, oli mas ko askem Willie Bebe long Hog Harbour. Folem advaes ia, witnes i talem se em, Sao, Willie Muk mo Tor oli go long Hog Harbour mo askem graon long Willie Bebe. Willie Bebe i letem graon long olketa mo oli wok long em, olsem wokem karen mo planem kokonas long graon blong em, evri Disemba oli bin stap givim mane long Willie Bebe blong emi yusum from krismas.

Folem toktok blong Samuel Turcet wetem ol witnes blong em, Kot i faenem se Samuel Turcet i kat raet ova long Latharo Island.



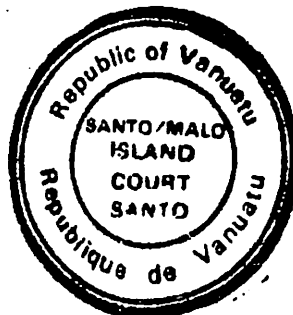
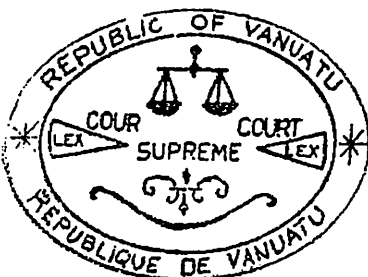
Claimant Thomas Reuben Seru i klem se Latharo Island i blong great-grand-mama blong em, Artvekar. Emi talem se great-grand-mama blong em i ona blong Latharo Island mo i putum nem ia long aelan ia we i pat blong Loaietiethkar long menlan, we Shark Bay plantation i stap long em.

Tri witnes blong pati ia ikat Obed Toto, Nathrik Lath, mo Kalmasei Warsal, long statement blong trifala oli no talem tumas toktok blong sapotem klem blong Thomas Reuben Seru, be oli talem nomo se Latharo emi blong great-grand-mama blong Thomas Reuben ia from aelan ia emi pat blong Loaietiethkar long menlan.

Tri witnes ia i talem olsem nomo, long ansa long ol kwesten oli no save ansarem olketa long saed long eli occupation blong aelan ia by eli descendents blong Thomas Reuben Seru. Obed Toto emi talem se emi save kut se Thomas Reuben Seru i ona blong Latharo Island from em, bubu woman blong em, nem blong em, Rosy Betitie emi kat graon nem blong em, Delilop we emi kat bandri wetem wan graon nem blong em, Luthwalkar we i blong Thomas Reuben Seru. Toktok ia blong Obed Toto i agensem fes toktok blong em bakeken, emia blong claimant, mo toktok blong tu nara witnes, from evriwan oli talem se graon blong Thomas Reuben Seru emi Loaietiethkar. Pis evidens ia long stetmen blong Obed Toto i minim se ikat tri pis graon evriwan, ikat Loaietiethkar long Shark Bay Plantation stret we Thomas Reuben Seru istap klem se emi blong em, afta ikat Delilop we emi blong bubu blong Obed Toto, mo Luthwalkar, we fes Claimant, Samuel Turcet istap klem se emi pat blong subjek aelan. Sapos toktok blong Obed Toto i olsem, i minim se i kat tri pis graon, mo Thomas Reuben Seru i no save ova long graon Delilop blong ko long Luthwalkar pasis we i klosap more long Latharo Island bitim Ser pasis long Shark Bay Plantation stret.

Thomas Reuben Seru istap klem se Loaietiethkar graon emi blong em we igo kavarem Latharo aelan, toktok ia pati ia wetem ol witnes blong em oli mislidim Kot long em from Loaietiethkar emi sub-judice bifo long Kot.

Pati ia wetem ol witnes blong em oli mislidim Kot long cross-examination taem oli talem se Latharo Island istap klosap nomo long Loaietiethkar we ino tru from Latharo Island istap outsaed nomo long Luthwalkar, Loaietiethkar istap long way olgeta long Latharo Island. Emia i minim se sapos Latharo Island ikat pasis long menlan, pasis ia emi Luthwalkar, ino Ser long Loaietiethkar we istap long way tumas long subjek aelan.



Kot ino wandem bilivim ol toktok ia from Kot i skelem ol toktok blong pati ia wetem ol witnes blong em be emi kat doubt long ol toktok blong ol, oli no convincing enough blong Kot i bilivim. Long saed long toktok ia, Willie Bebe, long wan pepa blong Joint Court emi talem se mama blong em emi Oiath, mo taem emi yang, em, mama mo papa blong em oli bin stap ko long Latharo Island.

Pati ia, Thomas Reuben Seru, ol stret famle blong em oli bin sam long ol leading figures long eli missionary wok long East Santo. Sapos i olsem, Kot i biliv se oli bin helpem ol waetman missionary blong faenem tru kastom ona blong Latharo Island mekem se Presbyterian Mission i pem long Sar mo Willie Bebe, or sapos aelan ia i blong olketa bae oli talem aot long missionary. Tu, sapos S.F.N.H. i wandem registerem Latharo Island long nem blong em olsem ona, Attorney blong Presbyterian Mission ibin ko long Hog Harbour blong kasem stret toktok se who i stret ona blong Latharo Island. Sapos i tru se famle blong Thomas Reuben Seru oli ona blong Latharo Island, no doubt bubu mo papa blong Thomas Reuben Seru bae oli talem aot long Mission Attorney se olgeta i ona blong aelan ia, be ino Sar mo Willie Bebe, be ino bin olsem. Famle blong Thomas Reuben Seru, long fes taem waet man i stat kat dealing wetem aelan ia, emi no bin resem eni objection, fes taem long 1923 taem Mission i pem aelan long Sar mo Willie Bebe, mo namba tu taem long 1958 taem Attorney blong Mission igo long Hog Harbour blong faenem who i stret ona blong oli ko long Vila blong oli agensem registration blong S.F.N.H. olsem ona blong aelan ia. Famle blong pati ia ibin acquiece ol prior dealings wetem sabjek aelan, mo emi no voisem onasip intres blong em ova long aelan ia.

NAO KOT I DECLARE SAMUEL TURCET KASTOM ONA BLONG LATHARO ISLAND, BE EMIA INO MIN SE EMI ONA INDIVIDUALLY, EM WETEM EVRIWAN WE OLI TRESEM BLAD BLONG OL IGO KASEM OLUTH. WANEM EARNINGS WE IKAM AOT LONG WHATEVER DEVELOPMENT WE I TEKEM PLES LONG LATHARO ISLAND I MAS BENEFITIM EVERIWAN.

ORDER LONG SAED LONG COSTS THOMAS REUBEN SERU MO SINGON PEKVAR I MAS REFUNDEM KOT FEE BLONG SAMUEL TURCET, MR SERU BAE I GIVIM 10.000 VT MO SINGON PEKVAR I GIVIM 10.000 VT.

30 days Appeal Rights explained.

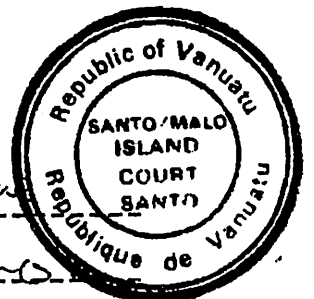
Dated at Luganville, this 4th day of July 1994.

PRESIDENT - Magistrate JIMMY GARAE

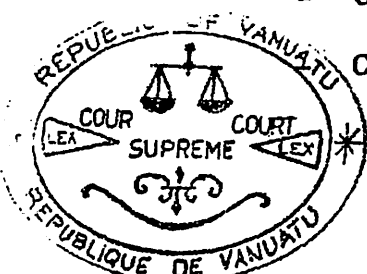
- Chief SORO MOLI

- Chief MOLI ATEVARI

Chief WARA WARA BANI



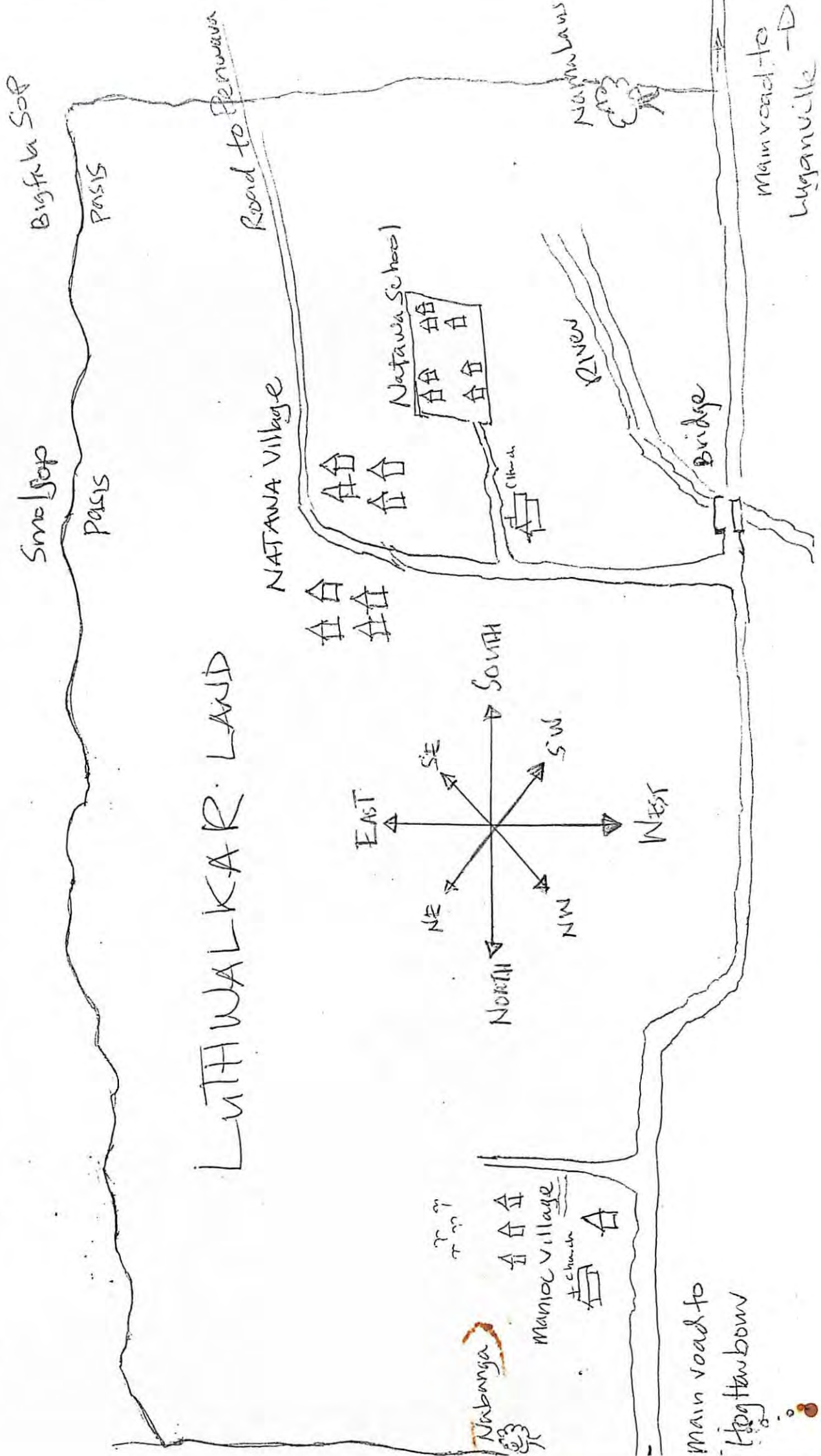
[Handwritten signatures and initials over dashed lines]



PILOTIN

PILOTA

LUTHWALKAR LAND



Sme Sop

Pass

Bigfka Sop

Pass

Road to Penawara

NATAWA Village

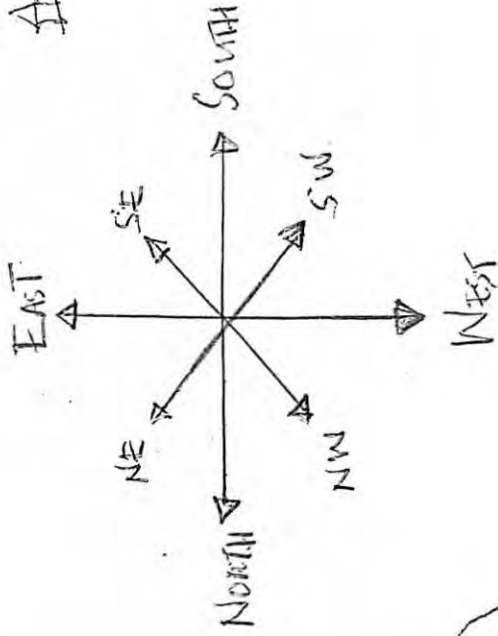
Natawa School

Nabanga

River

Bridge

Main road to Lyganville →



Nabanga

Main road to Hoptonbow

Manoe Village

church