

**IN THE MALKULA ISLAND COURT
HELD AT LAKATORO/ MALEKULA**

**Civil # 03/08
Judg. #**

(Civil Jurisdiction)

BETWEEN: FAMILY SANDE
(Complainant)

AND: FAMILY SIMEON
(Defendant)

MATTER: DISPUTE OVER CUSTOM NEM IA “KEKE”

Coram: Jastis Douglas Fatdal
Jastis Shema Tasvaille
Jastis Endy Shem

Clerk: Wendy W. Raptigh

JUDGEMENT

Brief background long case:

Civil case 29 of 2009 Between Family Sande and Family Simeon. Court ibin harem trial long 24th August, 2009 hemia long Tisman.

Tugeta claimant iblong Tisman hemia long South East part blong Malekula.

Issue:

Matter hemi wan dispute ova long wan custom nem “Keke”. Family Sande oli stap claim se nem ia hemi blong olgeta mo Family Simeon tu oli stap kleim se nem ia iblong olgeta.

Court ia bae hemi blong finemaot 2 issue long ples ia:

- i. Keke hemi wan custom nem or no gat?
- ii. Whu igat raet anda custom blong usum nem ia?

History blong case:

Case blong Claimant – Family Saande, Represented by Jerone Sande.

Family Sande oli biliv se nem ia Keke hemi blong pupu blong olgeta bifo ikam finis. Keke igat wan nomo long Tisman, mo hemi gat nasara mo ston blong hem. Keke hemi minim singsing mo hemi man blong singsing. Stret nem blong Keke long custom hemi Merip Namat, taem hemi Baptist long taem blong gospel nem blong hem Moses, mo afta long training long TTI long South Santo hemi kam bak long Rerep hemi stap mekem mission wok blong hem mo hemi stap singsing planti nao ol pipol blong Rerep oli decide blong putum nem ia Keke. Keke hemi minim singsing – so hemi man blong singsing. Oli produsum wan family tree blong supportem argument blong olgeta.

Case blong Defendant – Family Simeon presented by Whitely Simeon

Family Simeon oli stap talem se Keke we oli claimem hemi blong olgeta. Keke custom nem blong hem Merifhuma. Hemi blong Merta Nasara.

Merifhuma ikarem nem ia Keke taem hemi bin go singsing long wan namanki ceremony long Lamap. Afta long Namanki ia ibin gat wan woman Lerok Levis hemi bin ron behaen long Merifhuma mo kam long Tisman. Long taem ia igo nao ol man oli stap singaotem hem se Keke. Defendant ibin produsum wan family tree blong supportem kleim blong hem.

Ol findings blong Court:

Kot ibin harem tugeta claimant wetem ol witnesses mo finemaot se ino gat wan custom nem olsem Keke. During long cross examination tugeta claimant ibin admitim long Kot se nem ia ol man nomo oli stap putum, hemi no wan custom ranking nem we man itekem from se hemi kilim pig or performem wan custom ceremony.

Secondly tufala family tree blong tugeta claimant ino match nating. Claimant Sande hemi kleim Keke we custom nem blong hemi Meripnamat mo hemi blong nasara Hemernato long village blong Rerep. Defendant hemi kleim Keke we custom nem blong hem Merfhumma mo hemi blong nasara Merta.

Thirdly Keke blong Sande hemi usum nem through long missionary wok blong hem mo Simeon hemi karem nem ia taem woman Lamap iron behaenem em ikam long Tisman.

COURT ORDER

Wetem ol findings ia Kot istap rul se Keke ino wan custom nem olsem we family Sande oli stap kleim. Long lukluk blong Court, isave gat wan wan Keke blong wan wan nasara from emi wan toktok we oli usum long eni man we hemi gat gud talent blong singsing. Tugeta claimant istap claimem tu different man olsem we ol family tree blong tugeta istap talem.

Yu family Sandy yu kat raet blong usum kastom nem ya Meripnamat mo yu family Simeon yu gat raet blong usim kastom nem ya Merifhurma. Be yutufala tugeta parti ino save usum nem ya Keke olsem wan custom nem or blong winim wan Court long hem.

Dated at Tisman this 24th August, 2009.

Endy

Jastis Endy Shem

Jastis Douglas Fatdal

Jastis Douglas Fatdal

Jastis Shema Tasvaille

Jastis Shema Tasvaille