

IN THE EFATE ISLAND COURT
HELD AT PORT VILA
(Civil Jurisdiction)

Chiefly Title Disp. Case No. 07 of 2009

BETWEEN

PHILIP KALSUAK
Claimant

AND:

ALBERT SOLOMON MANAURE
First Defendant

AND:

SIMO KALMALAS
Second Defendant

Coram: Justice Ann Carlo [Chairman]
Justice Tomson Andrew
Justice Eddie Karis

Clerk: Jona Mesao
Date of hearing: 25th March 2011
Date of Judgement: 27th May 2011

JUDGMENT

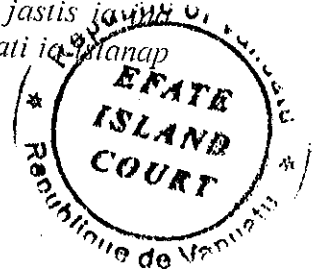
Ikat wan Island Court claim we Claimant hemi faelem long 11th May 2009. Claimant i seekim long court ia blong declarem hem olsem stret man blong inheritem chiefly title ia Tugulumanu.

Before court emi proceed blong harem facts blong case blong Claimant, spokesperson blong second Defendant Kennedy Kalfau emi mekem wan verbal application blong objection long Justice Eddie Karis. Reason blong objection ia, hemi talem se Claimant oli bin lukim em long Eton Village long 23rd April 2011. Hemi talem se Claimant emi no shud ko long ples we Justice concern istap long em. Claimant emi talem se mbae emi ko long Epau Village be then oli sportem em long Eton Village mo stap toktok long justice concern.

Rule 6, section 3 (a) mo (b) blong Island Court (Civil Procedure) Rules blong 2005 emi, talem se:

(a) ".....wan jastis iluk save se hemi famili long eniwan long ol pati o hemi kat wan interes long keis ia, bambae hemi mas talemaot long ol narafala jastis we bambae oli talemaot long ol pati mo semtaem askem long ol pati ia sipos oli wantem blong jastis ia ino sitaon long keis ia,.....etc"

(b) "Spos ikat wan pati iluk se wan jastis i famili long wan long ol pati long keis ia o hemi kat interes long keis ia, pati ia isave askem long Kot blong jastis i.....sitaon long keis ia. Sipos ol narafala jastis oli luksave se risen we pati ia....."



long hem istret, klak bambae hemi stopem Kot blong harem keis ia mo jususm sam narafala jastis blong harem keis ia long wan narafala taem. Be sipos ol narafala jastis oli luk se risen we pati ia istanap long hem ino stret, bambae Kot igohed blong harem kesi ia."

Jusitces oli faenem se risen blong objection ia emi no stret mo Justice concern ino save step daon blong no harem case ia mo same taem Clerk blong Court ino save stopem Court blong isitaon long narafala taem wetem ol narafala justices. Court ifaenemaot se Justice concern ia emi no kat any direct communication wetem claimant or blong tufala idiscusse matter we istap bifo long court ia wetem those we oli mentionem olgeta long court ia. Ol reasons ia oli baseless. Therefore objection ia emi no well founded mo Court iaskem Claimant nao blong presentem facts long case blong hem.

Brief facts long case blong Claimant

Spokesperson blong Claimant emi Titus Taripu. Hemi talem se Claimant emi stret native blong Leosa mo Faten Raana long Lelepa Island. Claimant emi talem se emi namba four generation blong bloodline blong man we i ancestor blong Kalsaf Mariki Tuguluman Naviti Tavtar mo Kalsuak Nareo. Claimant emi talem se great grand Kalsaf imaret long wan woman blong Alpat we nem blong em, hemi Leinoaman mo tufala ikat olgeta pikinini ia Naviti Tavtar, Leipelul, Touvapun mo Touvas. Taem great grand father Kalsaf emi ded, Mariki Tuguluman imaretem great grand mother Leinoaman bakagen mo iadoptem olgeta pikinini boe mo gel blong Kalsaf folem custom mo traditional practises blong Lelepa Island mo olgeta nearby villages within long North West Efate.

Long yia 1932, Mariki Tuguluman i pass away mo adoptem pikinini boy blong hem Naviti Tavtar nao emi instalem ordination blong chiefly nem ia Tuguluman II be from misjudgment blong Paramount chief Natematewia blong Lelepa Island long 1961, mekem se custom rules mo traditional heredity blong chiefly title emi eroded mo consequences blong em Jack Norten emi been caretaker blong chiefly nem Tuguluman. Paramount chief Natematewia i shud folem custom rules mo traditional practices mo holem tight patrimonial hierarchy blong chiefly name Tuguluman mo installem ordination long Kalsuak Nareo we emi next immediated kin of heir.

Long year 2008 mi bin mekem wan official complain blong mi iko long chief Kalkot Mormor blong ino karemaot ordination blong Billy Tavman ikam chief Tuguluman be yet chief Mormor emi ignorem mo proceed mo karemaot ordination ia. Long clan system long Island blong Lelepa mo Efate mainland iholem taet tudei nakainaga of naflak we oltaem ifolem matrilineal lineage mo folem custom rules woman i olsem Kupan Nakara (branch blong tree). Taem we wan gel imaret iko long family blong man blong em, gel ia emi property blong family we husband iderive long hem.

Mariki Tuguluman we ided long 1932, emi Nakainaga blong (Nawi) yam mo Leinoaman emi Nakainaga blong (naniu) coconut mo isave maret long naflak yam we emi naflak blong Tuguluman. Marik Tuguluman emi no kat pikinini wetem woman blong em Leinoaman. Spokesperson emi talem se claim blong Claimant emi folem bloodline blong



man we toktok blong custom ise Nanatu. Marik Tuguluman we ided long 1932, wetem Kalsaf we Leinoaman ibin maret iko long tufala, tufala emi wan bloodline blong man. Claim blong mi emi consistent wetem decision blong Supreme Court Land Appeal Case No. 1 of 1995 we emi stap between chief Esron Manapangarasikai mo chief Daniel Popovi.

Marik Tuguluman emi kat two farea (Nasara) long Leosa mo tufala farea ia ikat Suman Mala mo Suman Tapnu. Long Raana ikat wan farea we nem blong em farea Mangatou. Farea Mangatou emi only farea we ino kat narafala fare we Tasga, Maou or Mataisau oli kat mo folem custom culture mo traditional praktis blong Lelepa Island mo nearby villages within North West Efate, neva Tasiga, Mau or Mataisau oli kat separate farea blong olgeta be only Marik Tuguluman emi kat separate wan.

Kastom land boundary blong Leosa we istart long Auwis i border wetem common kastom land boundary blong chief Masong emia Mangoriki long western side. Insaed long kastom land ia blong Mariki Tuguluman ikat olgeta features ia, farea, grave yard or cemetery mo remains or relics blong joj haos. Long eastern side Akalka, custom land boundary blong Marik Tuguluman i border wetem common boundary blong chief Patoko ples we emi Sukuluku.

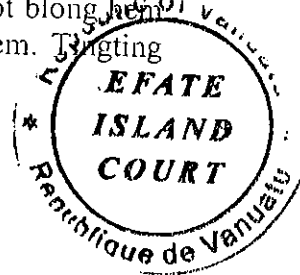
Custom land boundary mak blong faten Raana mo faten Leosa istart long north western long Napanvio mo emi border long Faten Langi kastom land. Long creek blong Napanvio iko antap iko kasem custom village, Amaroa mo iturn south southern side iko kasem fatilua long nasinu mo iborder wetem Udaone custom land mo kam daon long mango trees long creek long Toa Lima or Panafo.

Brief facts long case blong First Defendant

Spokesperson Albert Solomon Manaure emi talem se apu blong hem Baro mo Sarafut tufala ikamaot long Vinmavis village long North West Malekula. Tufala ikam long Efate long end blong 18 century. Long taem ia tufala istap wok long Efate mo tufala imekem fren wetem ol man long Lelepa Island. From sam risen tufala inomo save ko bak long Malekula so bigfala jif blong Lelepa Island chief Natamatewia III emi aceptem blong adoptem tufala ikam long Namarakiana [community] blong Lelepa Island.

Tufala imekem custom mo kam joenem naflak wita we emi tribe blong Paramount jif Natamatewia III. Tufala ikat one son mo five gel. Nao from we Lelepa Island emi folem naflak long saed blong ol woman, emi mekem se olgeta five gel blong tufala oli prodiusum bigfala namba blong ol pipol blong naflak wita tedei. Taem Baro mo Sarafut ikam long Lelepa Island, tufala ilive long area blong Leosa. During long taem ia Baro emi involle long fulap wok or Natpokina insaed long community.

Emi helpem ol man long taem blong ded mo tu long taem blong maret. From se Baro emi wan man we emi fidim plante pig, faol mo emi bakem bred, tru long ol sapot blong hem wetem ol samting ia nao, imekem se ol man oli stap kivim kraon long hem.



blong kivim ol kraon long Baro emi stap confirmem tingting blong recongnition olsem wan stret man Lelepa Island through long adoption blong Paramount jif Natamatewia III.

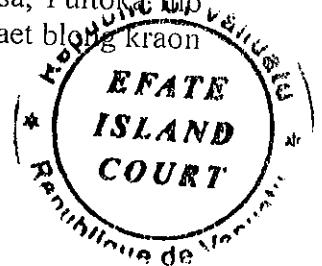
Mi wandem talem tu olsem se area blong Leosa ikat own jif blong hem, assistant jif or atavi, Tasinga or messenger, Mau or warrior mo namtaisu we emi handy man blong jif. So jif blong Leosa, Fultoka mo Fatarana emi chief Tugulumanu Manaure. Atavi blong hem, emi Maniarumanu, Tasinga blong hem, emi Maliu, Mau blong hem, emi Mwasoromakoto mo Namtaisu blong hem, emi Pakoa Miala. Folem gudfala relationship we jif Tugulumanu ikat wetem Baro, emi mekem se jif Tugulumanu emi adoptem Albert Manaure olsem pikinini blong hem. Narafala reason blong adoption ia emi from se jif Tugulumanu emi nokat eni pikinini aot long maret blong hem wetem woman blong hem Leimasoko.

Jif Tugulumanu Manaure emi kivim nem ia Manaure long Albert Manaure taem emi born long 1917. Nem ia Manaure emi narafala nem blong jif Tugulumanu. Jif Tugulumanu emi kivim tu kraon long Albert Manaure. Long taem we jif Tugulumanu emi stap long poen blong ded, emi stap askem Albert Manaure blong stap laetem smoking pipe blong hem from iwantem smoke. Ikat ol narafala olfala we oli stap long taem ia be emi prefer blong askem adopted pikinini blong hem Albert Manaure nao mbae istap laetem smoking pipe blong hem. Albert Manaure emi continue blong mekem wok ia kasem bigfala jif ia ided.

Jif Tugulumanu Manaure emi kat authority mo control over long olgeta areas ia, Leosa, Fultoka, Falenatmat motu long main land long Efate we oli kolem Vata Rana. Folem ol raet mo authority we emi kat emi bin salemaot area blong Fultoka long 13th April 1896 under long Land Title No. 128. Folem kastom fasin blong inheritem jifly title emi kamaot tru log papa iko long pikinini, mi wandem talem olsem se jif Tugulumanu Manaure emi adpotem Albert Manure mo tu long same taem emi kivim nem Manaure long Albert emi soem se jifly title blong hem directly emi blong kam jif blong olgeta areas ia Leosa, Fultoka mo Vata Rana.

Albert Manaure emi maretem fes woman blong hem Touwot mo tufala ikat wan daughter we nem blong hem emi Leisau. Taem Touwot emi ded, Albert Manaure emi maretem narafala woman we nem blong hem emi Toulu. Toulu emi kat two boys long fes maret blong hem wetem Marangnaru, mo nem blong tuala, Frank Kaaltal mo John Kaloroa. Long taem we Albert Manaure emi stap wetem Toulu, tufala ikat narafala two daughter we nem blong tufala Leinao mo Leimok.

Mi spokesman, mi eldest son blong Leimok, mo taem mi born, Albert Manaure hemi singaotem mi Albert. Mi bin lukaotem Albert Manaure we emi pupu blong mi kasem taem we emi ded long 2003. Long yia 2000 taem mi maret, oli bin kivim nem ia Manaure long mi, so naowia oli stap kolem mi Albert Manaure. So from we mi karem nem ia Albert Manaure therefore, imekem se mi stap claim from raet we olfala Manaure ikat long adoption blong jif Tugulumanu Manaure blong kam jif blong Leosa, Fultoka mo Vata Rana. Narafala reason we mi stap mekem claim ia from, hemi from raet blong kraon



we jif Tugulumanu emi kivim folem custom adoption blong pupu blong mi Albert Manaure long Leosa, Filtoka mo Vata Rana.

Jif Tugulumanu emi bin ko long Natapau Village mo emi bin sik-tumas mo body blong hem istart blong sopsop mo sting then oli putum hem long bag mo karem hem iko long haos blong Kaltang Tavtari Charlie Naviti be emi no acceptem hem. Kaltang Tavtari Charlie Naviti emi step son blong jif Tugulumanu we Claimant emi stap claimem jifly title ia tru long hem. Ol man oli karem jif Tugulumanu bakagen iko olwe long haos blong John Kalorosa Masavia we emi wan brother blong hem from tufala imaretem stret sista, Leimasoko mo Leivele.

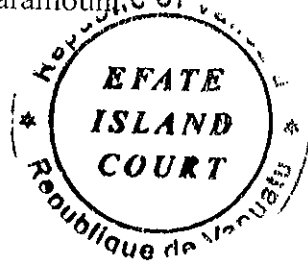
Out long relationship blong tufala sista ia nao Leimasoko mo Leivele, Kalmory Tavman Billy (Second Defendant) emi karem jifly title ia Tugulumanu tru long hem. Be mi wandem talem long ples ia se emi no stret mo iaot side olgeta long patrilineal jifly system blong jif Tugulumanu. Still John Kalorosa ino acceptem blong haosem jif Tugulumanu, so Jimmy Naololo nao emi talem blong oli karem jif iko long haos blong hem we istap narasaed nomo long haos blong John Kalorosa Masavia. So long taem ia nao jif Tugulumanu emi sendem toktok iko from adopted son blong hem Albert Manaure blong stap laetem smoking pipe blong hem.

Brief facts long case blong Second Defendant

Second Defendant emi mekem wan wonderful wok blong research. Be umi mas save se ikat smol samting nomo blong umi focus long hem. Spokesperson blong second Defendant Mr Kennedy Kalfau hemi talem se jif Tugulumanu taem emi ko long smol Island long Lelepa long Leosa ples ia ino kat man oli stap long hem iet mo situation blong hem emi no semak long ol narafala offshore Island we ikat paramount jif blong ples ia mo semtaem indeginous kastom owna emi stap blong welcomem pipol blong mainland we oli fes arrive. Tugulumanu nao emi fes man we iarrive longwei mo same taem tu emi start blong stap setemap ol boundaries long ol areas longwei.

Second Defendant emi continue blong talem se taem Manaure Tugulumanu emi ded long Natapau. kastomary circumstances emi talem long pipol blong Leosa long taem ia se only person we emi survive long taem ia blong inheritem title ia emi Leivele, Leisong mo generation blong hem. Be long taem ia Leivele emi fil se emi no save kam jif from emi wan woman mekem se emi kivim raet ia long man ia Tarsa blong emi save kam mo emi acting caretaker long title nem ia long behalf blong ol pikinini boy blong hem. Blong wan day bambae emi save kam jif Tugulumanu.

Unfortunately, Kalorosa Marangnaru we emi born aot long Leivele mo Masavia emi no save kam jif long taem ia afta we emi born ino long taem emi ded. So Jack Norten we emi bornaot long sekon husband blong Leivele we hemi Kalorosa Masavia blong Alpat emi kam jif Tugulumanu long 1961 taem oli ordainem hem wetem ol narafala paramount jifs blong Lelepa Island mo Efate we wan hemi Turtuf Kalorik Arier we emi paramount jif blong Fatenlengi long Efate.



Tugulumanu emi wardee 100 pigs long kastom ranking. Long history blong Tugulumanu jifly inheritance bambae mifala ino save pridictem stret se who hemi fes ever, be may be fes ever we emi settle long ples ia emi Tugulumanu, emi bin kilim pig olsem we emi pemaot tilte nem ia emi kam long bloodline blong hem mo that's why papa blong tinfala ia emi bloodline mo trifala pikinini blong em Manaure emi kam as second Tugulumanu folem history blong mifala. Mo authomatically Tokai mo sista blong tufala Leivele mo Leisongi emi also qualify olsem stret matrilineal bloodline blong jifly title nem ia Tuguluman.

Jif Tugulumanu emi kat tu ol kastom properties blong hem, ikat land mark [kokoi], varea, toko [jifs throne], wede [ordination stone], vanua tapesu [private dish], vanuan matingo [burial graon], vanuan nawora [passage] mo under graon minurals. Defendant emi upholem tu se ancestors blong olgeta emi Naimea Tugulumanu mo wife blong hem, emi Leisongi. Manaure Tugulumanu brata blong hem, emi Tokai mo sista blong hem, emi Leivele we oli stap koleh hem Leisongi. Manaure Tugulumanu emi maret long wan woman nem blong hem, Leimasoko. Leimasoko brata blong hem, emi Masavia we hemi blong Alpat village. Manaure Tugulumanu mo Leimasoko ino kat pikinini mo taem oli stap finis long Leosa sista blong hem Leivele emi maret long Kalkot Supusa we emi stret native blong Magaliliu village.

Spokesman emi continue blong talem se olgeta oli recognaesem tu naflak. Hemi talem se fes Tugulumanu nem blong hem, emi Naimea we emi naflak kokonas, second Tugulumanu emi Manaure we emi naflak stone, third Tugulumanu emi acting Tarsa mo emi naflak shelfish, fourth Tugulumanu emi Jack Norten we hemi naflak watu mo fifth Tugulumanu emi Billy motu emi naflak watu. Next mo proposed Tugulumanu emi Simo Kalmalas mo hemi naflak coconut.

Defendant emi wandem mekem iclea long court ia se generation blong Leivele nao oli the only existing generation blong continue blong holem taet jifly title ia iko long future. Hemi true since Naimea emi rule kasem Simo Kalmalas tedei emi approximately ova 100 yias mo emi bin kat wan cap blong title ia taem iluk Manaure mo smol brata blong em Tokai ided mo title ia Tugulumanu emi bin vacant mo ihanded ova iko istap under long care blong Tarsa mo thereafter oli returnem iko bak long stret bloodline blong Tugulumanu we ilukim Jack Norten itekem long taem we oli ordainem hem long 1961. Taem Jack Norten emi ded long 2008, jifly title ia emi pass on iko long Simo Kalmalas we emi stret son blong Jack Norten according long will blong Billy Kalmari.

Long family tri blong second Defendant, spokesman italem se Naimea Tugulumanu emi maret long Leisongi we sem taem oli stap singaotem hem tu long Leivele mo tufala ia kat olgeta pikinini ia Manaure Tugulumanu, Leivele mo Tokai. Taem Naimea Tugulumanu emi ded, Leivele emi maret long Supusa mo tufala ibornem Totanik we emi maret long Turmanu we ol descendants blong hem emi witness namba 1 George Tauwanearu.

Long second maret blong Leivele emi maret long Masafia mo tufala bornem olgeta ia, Leitonga, Marangnaru, Tolfet mo Jack Norten. Ol descendants blong Leitonga mo



Billy Kalmari Tugulumanu we emi ded long 2008. Manaure Tugulumanu emi maret long woman ia Leimasoko mo tufala ino kat pikinini. Therefore court ishud declarem second Defendant folem matrilineal bloodline system folem connection blong ancesta blong mifala Leivele we emi sista blong Manaure Tugulumanu we brata blong hem Tokai.

Issue we court ia emi must determaenem hemi, whether o not ol disputing parties ia oli true descendants blong jifly title ia Tugulumanu? Spos answer emi "yes" then next question hemi hao nao oli connect wetem jifly title ia, whether tru long patrilineal system [bloodline] or matrilineal system [naflak].

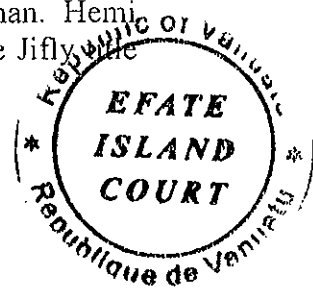
Evidence

First witness blong Claimant emi **Philip Kalsuak** emi talem se papa blong em, hemi Kalsuak Narea mo mama blong em, hemi Suamaire mo apu blong em, hemi Naviti Tavtar Tuguluman. Hemi talem se papa blong Naviti Tavtar hemi, Kalsaf we emi stret brata blong Marik Tuguluman mo mama blong em, hemi Leinoaman. Hemi talem tu se Leinoaman emi maret two times. First maret blong hem, emi maret long Kalsaf mo tufala ikat olgeta pikinini ia, Leipelul, Touvapun, Touvas mo Naviti Tavtar. And witness emi continue blong talem se taem Kalsaf emi ded, brata blong hem Tuguluman emi maret long Leinoaman bakagen mo tufala ino kat pikinini, mekem se tufala iadoptem ol pikinini blong Kalsaf mo lukaotem olgeta olsem ol stret pikinini blong tufala.

Witness ia emi talem tu se Marik Tuguluman emi ded long 1932 mo namarakiana blong em, hemi stap long Leosa mo Vatenrang. Hemi talem se title ia Tuguluman emi wan Paramount title from emi kat ol small small chiefs blong em, olsem Atav Manearu, hemi kat tu Mataisau blong hem mo Mausorosakoto. Motu Lelema Joint Land Tribunal emi bin declared hem tu olsem custom land ona blong Leosa mo area we oli kolem Filtoka we insaed long area ia ikat farea blong chief Tuguluman we iexist long hem.

Marik Tuguluman emi ded long 1932, Naviti Tavtar nao emi tekem ples blong hem olsem chief Tuguluman. Naviti Tavtar hemi ded mo emi kivim raet long papa blong em Kalsuak Narea blong emi inheritem title ia Tuguluman mo chiefly title emi pass on tru long bloodline blong man mo hemia emi stret custom blong Lelepa Island. Therefore hem nao emi next person we emi shud inheritem title ia. Hemi confirmem tu long taem blong cross examination se Naviti Tavtar emi blong Alpat village mo nem ia Kalsaf emi nem blong Leosa.

Second witness blong Claimant hemi **Edwin Marango** emi talem se hemi born long 18th February 1952 mo papa blong hem, emi Marangvau mo mama blong em, hemi Touman. Hemi talem se emi kam blong confirmem nomo se family tri blong Claimant emi tru from we hemi part tu long family tri ia. Hemi talem se apu blong hem, emi Naviti Tavtar mo ol sista blong hem, emi Leipelul, Touvapun mo Touvas. Hemi confirmem bakagen se papa blong Naviti Tavtar emi Kalsaf mo mama blong hem, emi Leinoaman. Hemi confirmem tu se Kalsaf mo Marik Tuguluman tufala ibrata. Witness ia emi se Jifly title emi Tuguluman be emi no save stret narafala nem blong Jif ia.



During cross examination hemi talem se Marik Tuguluman emi minim se olfala Tuguluman. Meaning blong Nareo emi olsem wan nambaga we ol pidgin oli stap ko from mo why Marik Tuguluman iadpotem ol pikinini blong brata blong hem Kalsaf emi from we tufala ibrata mo olgeta oli kat bigfala kraon istap tedei long Leosa.

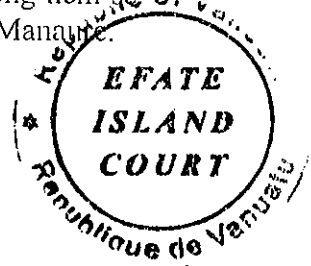
Third witness blong Claimant hemi **Stephen Komnour Kaltai**. emi talem se papa blong em, hemi Kaltai mo mama blong hem, emi Toufesa. Apu blong hem Stephen Manlang emi maret long Leinapongsa we emi sista blong chief Tomson Valeawia blong Epau Village. Hemi talem tu se chief Tuguluman emi chief blong Leosa mo Raana long Lelepa Island mo hemi confirmem bakagen se chief Tuguluman emi ded long 1932 mo chief ia emi papa blong apu Naviti Tavtar we emi papa blong Kalsuak. Mo stret man we emi shud inheritem title ia emi Claimant Philip Kalsuak mo olgeta pikinini blong Naivit Tavtar we em tu ipart long hem mo talem se narafala nem blong Marik Tuguluman hemi Marangvau.

Long cross examination emi talem se first husband blong Leinoaman emi Kalsaf mo Naviti Tavtar emi stret bloodline blong Kalsaf. Mo emi confirmem se Kalsaf emi brata blong Tuguluman. Olgeta pikinini blong Naviti Tavtar hemi Marangvau, Kalsuak, John Naviti mo Touvapun. Claimant emi kat raet blong inheritem title ia from Land Tribunal emi declarem hem finis ikam custom land owna long land we farea blong chief Tuguluman emi stap long hem we emi Filtoka.

Fourth witness blong Claimant hemi **Chief Takurua Taurasongi Dick** emi talem se emi Paramount chief blong Udaone mo emi talem se chief Tuguluman emi blong Leosa mo too emi kat kraon long Fat Raana. Hemi confirmem se Udaone isherem boundary wetem Fat-Rana blong chief Tuguluman long western side. Hemi continue blong talem se hem olsem chief emi save gud neighbour blong hem long Fat-Raana from tufala isherem kraon. Hemi talem se ol stret customary natives blong Raana oli ol stret man Leosa mo olgeta nao oli kat raet long ol customary properties includim title ia Tuguluman.

First witness blong first Defendant hemi **Harry James** emi talem se, emi kat 60 yia nao mo hemi blong Vinmavis long North West blong Malekula. Long yia 1970, hemi bin ko long Lelepa Island mo lukim apu olfala Baro we hemi blong Malekula mo live long Lelepa Island. Then hemi askem hem blong kivim wan boy blong hem blong ko bak wetem hem long Malekula blong holem taet ol kraon blong apu Baro long Malekula. Be apu Baro italem long hem, se sorry mi kat wan boy nomo we emi Albert mo Paramount jif blong Leosa jif Tugulumanu Manaure emi adoptem hem finis. Then hemi ko bak long Malekula mo hemi talemaot long ol family se apu Baro italem long hem se emi kat wan boy nomo mo jif blong Leosa long Lelepa Island iadoptem hem finis.

Long cross examination hemi confirmem se olfala Baro emi tekem hem mo tufala iko wokbaot long karen mo lukluk ples mo tu hemi talem se olfala Baro italem long hem se jif Tugulumanu blong Leosa nao emi adoptem boy blong hem we hemi Albert Manaure.



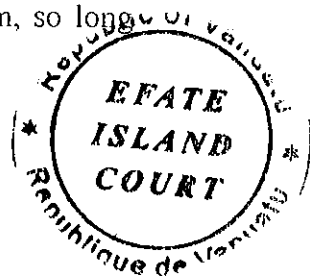
Second witness blong first Defendant emi **Chief Mantai** emi no mekem wan written statement blong hem ikam long court be, spokesman emi mekem wan verbal application blong askem leave long Court spos isave allowem hem (witness) blong testify orally. Court iacceptem application ia mo witness ia itekem oath blong hem mo long toktok blong hem emi tok in support nomo long adoption we jif Tugulumanu imekem mo raets we bigfala jif ia blong Leosa emi kivim long Albert Manaure blong sealim adoption ia long custom.

Hemi talem se emi kat 56 yias mo emi rule olsem wan jif blong Lelepa Island for twelve years. Hemi talem se papa blong hem, emi Paramount jif Natamatewia III we hemi jif blong Natapau village. Papa blong hem nao iacceptem Baro mo Sarafut mo imekem custom long tufala ikam part blong ol pipol or namarakiana we emi stap lukaotem. During long taem ia ikat ol custom ceremonies we ihappen tu mo ilukim exchange long ol custom ceremonies olsem pig, jif ikivim nem ia Pakoa Wia long Baro, kaikai mo some more narafala custom activities we ihapen long taem ia. Then antap long ol samting ia jif ikivim tri piece kraon long Baro.

Paramount jif Natamatewia III imekem wife blong Baro ikam naflak wita mo Baro emi naflak Magar. Long taem blong ded blong Baro, family Magar nao oli ko berem Baro. Hemi talem se since 80's ino kat any dispute long adoption ia we jif Natamatewia III imekem long Baro mo Sarafut long taem we tufala i live long Leosa. Jack Norten mo Billy Kalmari oli no ol stret man blong inheritem jifly title ia Tugulumanu. Taem spokesman blong Claimant iaskem long witness se Masavia we emi papa blong Jack Norten emi blong wea? Witness emi talem se emi blong Alpat. Alpat emi wan different namarakiana mo ino stap long Leosa. Mo jif Tugulumanu emi adpotem wan pikinini nomo we hemi Albert Manaure be ino Naviti Tavtar olsem we Claimant ikleimem. Hemi continue blong talem long cross examination se hemi possible long custom blong wan man narafala ples isave kam jif spos custom irecognaesem hem.

Third witness blong first Defendant hemi **Peter Taurakoto** emi talem long evidencè se, Tugulumanu Manaure Mataloa imaret fes taem wetem Leimasoko be tufala ino kat any pikinini so hemi adoptem Albert ikam insaed family blong hem olsem own pikinini blong hem folem fasin blong adoption we istap motu emi kivim own nem blong hem Manaure long Albert mo hemi givim twelve pis graon long hem long Leosa. Taem Leimasoko, fes wife blong Tugulumanu ided, jif imaret bakagen long Leinoamanu we hemi widow blong Tokai we hemi brata blong Tugulumanu. Maret ia hemi namba two maret blong Tugulumanu mo namba tri maret blong Leinoamanu.

Leinoamanu imaret fes taem wetem Kalsaf blong Alpat village long Lelepa Island. Hemia ol pikinini blong tufala, Kaltang Tavtari, Charlie Naviti, Leipilelu, Touvapun mo Touvasa. Tufala ikat wan boy mo tri gel. Taem Tugulumanu imaretem Leinoamanu ol fofala pikinini ia oli kam step son mo daughters blong Tugulumanu. Jif Tugulumanu ineva adoptem step son blong hem Kaltang Tavtar Charlie Naviti from olgeta rison ia, taem Leinoamanu imaretem jif Tugulumanu hemi namba tri maret blong hem, so long taem ia ol pikinini blong hem oli grow up finis oli kam teenagers.



Mi wandem talem bakagen se jif Tugulumanu ineva adoptem step son blong hem Kaltang Tavtari, Charlie Naviti ikam adoptem son blong hem from hemi neva kivim wan nem long hem mo pis kraon long hem blong iscalim adoptem long custom. Wetem nem ia Manaure mo ol kraon we jif Tugulumanu hemi kivim long Albert Manaure, Albert Manuare nao hemi berem jif Manaure Mataloa Tugulumanu long graye-blong hem.

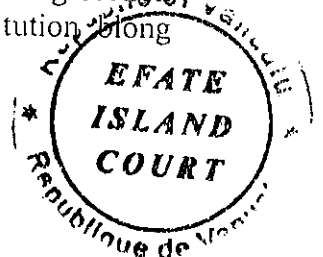
Bifo jif Tugulumanu emi ded Albert Manaure ikam askem late jif Marango Langas Meto blong installem Albert Solomon ikam Albert Solomon Manaure. Ordination ia ihappen long 26th December 2000 mo jif Billy Kalmari Tavmanu, Elder Berry Kalkoa Poikiki, David Billy Fatanmanu mo mi Peter Taurakoto wetem ol family, ol mama mo ol pikinini mifala iwitnessem taem ia. Taem Albert Manaure ided long 2003, Albert Solomon Manaure imekem full kastom burial blong hem. Therefore the only person we emi stret folem kastom blong mifala blong itekem jify title ia Tugulumanu emi Albert Solomon Manure.

Long cross examination witness emi talem se emi kat seventy years mo talem se Jack Norten mo John Kalorosa tufala blong Mento mo tufala ino save kam jif. Hemi talem tu se Naviti Tavtar emi no adopted son blong jif Tugulumanu. Long custom wan man narafala ples or outside long bloodline system emi save kam jif spos inheritance or adoption blong hem i folem gud custom blong ples ia. Spos jif Tugulumanu hemi kivim stret nem blong hem Manaure long Albert mo hemi kivim tu kraon blong sealim adoption ia hemi stret nomo blong hemi save tekem jifly title ia. Decision ia hemi blong jif hem wan be ino ol narafala family within long tribe oli agri long hem, be hemi property blong jif Tugulumanu blong decidem who nao emi shud inheritem.

First witness blong second Defendant **George Tauanearu** emi talem se mama blong hem, Lydia Tauanearu emi stret descendants blong Totanik we emi stret pikinini blong Supusa mo Leivele. Hemi talem se Naimea Tugulumanu emi kat tri pikinini, Leivele, Tokai mo Manaure Tugulumanu. Tokai mo brata blong hem Manaure Tugulumanu tufala ino kat pikinini. Leivele mo Masavia tufala ikat four pikinini, ikat Leitonga, Marangharu, Tolfet, Jack Norten Tugulumanu.

Pikinini blong Leitonga emi Billy Kalmari we emi holem title ia Tugulumanu since 2008 taem oli ordainem hem mo next proposed person we emi shud tek ova long jifly title ia emi Simo Kalmalas. Hemi confirmem bakagen se Tarsa we emi blong Pangona, emi acting Tugulumanu mo hemi rule twenty nine years since 1932 iko kasem 1961 mo same taem long period ia Jack Norten emi tek ova long Tarsa kasem 2008.

Hemi explainem plante tu long transissional raet blong title ia, we Naimea Tugulumanu emi passsem on iko long Manaure Tugulumanu, futher iko long Tarsa olsem caretaker since 1932 iko kasem 1961 taem Jack Norten itek ova kasem 2008, then iko long Billy Kalmari according long will blong Jack Norten mo next and proposed person we emi shud be next Tugulumanu emi Simo Kalmalas. Hemi supportem toktok blong hem tu long some legal backup blong supportem facts blong olgeta mo hemi refer long section 10 long Island Courts Act CAP 167 mo tu Article 95 (3) long Constitution blong



Vanuautu. Witness emi explainem tu ol historical events we oli occurred long taem we jif Tugulumanu emi first settle long Lelepa Island.

Long cross examination hemi talem se ino kat wan long olgeta iblong Leosa we jifly title Tugulumanu emi originated from. Supusa we emi maretem Leivele long fes maret mo tufala ibornem Totanik we emi stret descendants blong witness emi stret native blong Magaliliu mo witness ino save talem tu se emi stret bloodline blong jif Tugulumanu or no. Hemi talem se jifly title Tugulumanu emi folem matrilineal system. Manaure Tugulumanu emi ded, jifly nem ia ihang so Leivele nao emi kivim raet ia iko long Tarsa blong emi caretaker long hem kasem taem emi handem ova iko long stret man within long family blong hemi tek ova long hem.

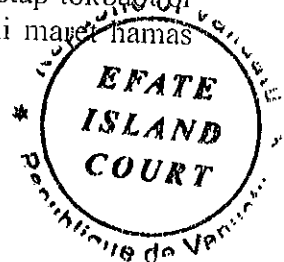
Second witness blong second Defendant hemi **Billy Kalmari** emi talem long statement blong hem se emi supportem nomo statement we second Defendant Simo Kalmalas emi mekem mo emi toktok specific nomo long structure blong jif. Hemi talem se hem olsem caretaker jif Tugulumanu emi stap lukaotem nomo property ia we emi originally blong Simo Kalmalas we hem nao emi stret mo rightfull man blong inheritem.

Long cross examination hemi talem se hemi kat sixty seven (67) yias mo hem nao emi caretaker long jifly title ia tedei. Hemi talem se according long structure, jif Tugulumanu nao emi Paramount jif from hemi first mo stap long top blong structure. Hemi talem se jifly structure blong Tugulumanu emi kat Tugulumanu olsem hed, afta ikat Manearumauu olsem assistant jif, motu ikat Mataisaumakamar olsem Handyman mo ikat Manusoromakoto olsem warrior. Mo hemi talem se mama blong hem, emi Leitonga we emi stret pikinini blong Leivele long second maret wetem Masafia.

Third witness blong second Defendant **Pierre Makomaro** emi talem long statement blong hem se hemi supportem structure blong jif wetem naflak blong hem mo bloodline mo naflak. Hemi talem se nem ia Makomaro emi handyman nomo blong jif Manaure Tugulumanu be hemi no wan jif. Naimea Tugulumanu emi naflak kokonas [nanu], second Tugulumanu we emi Manaure emi naflak stone [vatu], third Tugulumanu emi Tarsa we emi caretaker mo acting emi naflak selfish [karau], fourth Tugulumanu emi Jack Norten emi naflak stone [vatu], fifth Tugulumanu emi Billy Kalmari emi stone [vatu] mo next proposed person emi Simo Kalmalas mo emi naflak kokonas [nanu].

Then hemi talem se bloodline, emi created by God, from long beginning blong world ia, God emi createm wan man mo man ia nao bloodline istrat from hem mo kraon wetem blood emi fasin blong passem title mo fasin blong passem wan jifly title emi pass on tru long bloodline system. Naflak emi created by jif Roimata mo purpose blong hem, emi blong putum peace between ol tribes, jifs to jifs mo wan implication blong hem nao, emi umi raon long Efate naflak ino save maretem naflak.

Long cross examination blong hem, emi confirmem se nem ia Manaure we first Defendant emi karem. Manaure Tugulumanu we emi maret long Leimasoko nao ikivim long hem mo witness emi admitim se nem ia emi blong structure we emi stap tokbaot or refer long hem. Hemi talem se emi no save se Manaure Tugulumanu emi maretem hamas



time, taem question idirect iko long hem be hemi talem nomo se olgeta oli folem matrilineal system mo oli bilif se bloodline mo naflak nao emi paramount long claim blong olgeta.

Fourth witness blong second Defendant hemi **Simo Kalmalas** emi talem se emi supportem nomo statement we emi stap bifo long court ia mo emi talem se Raana Leosa kastom property emi blong Tugulumanu. Hemi talem se custom boundary blong Raana istart long wan stone long solwota nem blong hem Vatuen, iko long wan cave we nem blong hem Vaerati iko antap long hill we nem blong hem Alewi, iko cross iko long wan stone nem blong hem Vatilua, then imove iko long wan tri oli kolem Napauravag, then iko daon long solwota long wan spring wota nem blong hem Namatvara mo folem bakagen sandbeach iko long Vatuen. Hemi talem se kastom boundary ia nao jif Tugulumanu emi stap rule ova long hem. Varea blong jif Tugulumanu emi stap between Valeati mo Atowin.

Long cross examination hemi talem se Vatuen we land boundary blong jif Tugulumanu istart long hem, emi situated long Udaone. Hemi honest enough mo admitim se ol man we oli talem history ia long hem we emi stap talem long court emi Kaltapau, Naiwan mo Lapsaru mo emi confirmem se olgeta ia oli no ol family blong hem according long family tri we istap long court. Be hemi wandem emphasaesem strong se land long Leosa hemi boundary blong apu blong ogeta.

Fifth witness blong second Defendant hemi **Andrew Charley** em tu isaportem nomo statement blong second Defendant Simo Kalmalas mo talem se emi maret iko inside long descendants blong second Defendant. Hemi talem se God nao emi stampa long every santing we umi stap bilif long hem tedei. Ol gudfala santing blong kastom God emi kivim tru inspiration long olgeta forefathers blong umi blong umi usum gud blong benefitim umi. Be blong wan man isave kam jif, man ia emi mas kat value mo wan ranking title. So tribe blong second Defendant Simo Kalmalas emi no need blong kilim pig from jifly title ia Tugulumanu emi blong olgeta tru long matrilineal bloodline system.

Long cross examination hemi explainem meaning blong Vanuan Tapesu mo talem se emi minim se pis kraon we family blong jif nomo ikat raet blong onem mo developem. Hemi talem se Manaure Tugulumanu emi kat Tapesu be emi no save talem tis taem long court. Be hemi confirmem se Jack Norton tu emi kat Tapesu mo emi same Tapesu we Manaure Tugulumanu ikat. Hemi talem se Billy Kalmari, Tapesu blong em, istap long Leosa mo ikat witness long hem we isave soem.

Witness emi identifiaem hem mo talem se apu blong hem, nem blong hem, emi Marangtapau mo papa blong hem, Kalsuraf Charley. Mo stampa blong hem, emi Langmila mo mbae emi no save talem wea ples olfala ia ikam long hem. Mo mi no agri se Leivele emi blong Sukuluk. Taem question iko long hem se "Leivele emi blong sukuluk?" witness emi ansa se "no".

Law



Section 10 blong Island Courts Act Chapter 167 emi talem se;

"Subject to the provisions of this Act an Island Court shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice, morality and good order"

Court ia emi kat pawa under long Law ia antap blong hemi deal wetem claim ia mo mbae emi usum ol customary rules mo principles blong custom we Island blong Efate mo offshore Islands, particularly long Lelepa Island istap practisim mo applaem tedei blong determaenem dispute we istap bifo long court ia. Section (3) blong Rule 7 blong Island Courts Civil Procedure Rules No. 28 blong 2005 emi talem se;

"The Judgment of a court must always be based upon the evidence that has been given to the court, but should not be based upon information that has come to the knowledge of the justices from outside the courtroom."

Mo section (4) blong Rule 7 long Island Courts Civil Procedure Rules yet emi talem se;

"The Judgment of the court should be given in favour of the party whose evidence is, in the opinion of the justices, more convincing"

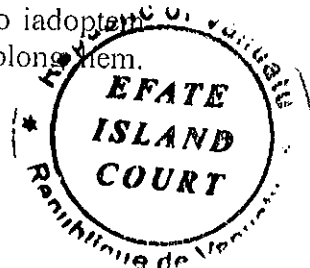
Court ia mbae emi decidem matter ia base long evidences we long opinion blong mifala iting se emi stret mo reasonable long ol circumstances we oli arise long ol facts blong case.

Applaem law long facts

Blong Claimant i inheritem jifly title ia Tugulumanu, emi must shoem tru long family tri blong hem se jifly nem ia Tugulumanu emi exist long ancient times mo nem ia emi must pass on tru long patrilineal bloodline system kasem Claimant tedei we emi stap claim. Mo inheritance ia emi mas be base long custom rules mo principles blong place we matter ia emi arise long hem.

Long this taem, question we umi mas askem nao se jif Tugulumanu hemi kat pikinini or no? Who nao emi stret person according long custom rules mo principles blong hemi inheritem title ia? Blong ansarem question ia, ikat evidence we istap bifo long court ia se ikat wan person we nem blong hem Manaure Tugulumanu mo hemi blong Leosa mo woman blong hem, emi Leimasoko. Ino kat evidence long court ia se Manaure Tugulumanu emi kat wan pikinini wetem Leimasoko. Ikat evidence bifo long court ia se ikat wan adoption we Manaure Tugulumanu emi mekem.

Question istap nao se, who nao hemi stret person we jif Manuare Tugulumanu iadpotem hem olsem stret pikinini blong hem according long custom rules mo principle. According long evidence we Claimant oli prodiusum emi soem se taem great grand father ia Kalsaf emi ded, Tugulumanu imaretem woman blong Kalsaf we emi Leinoaman mo iadpotem olgeta pikinini boy mo gel blong Kalsaf mo Leinoaman ikam ol pikinini blong hem.



Therefore only adopted pikinini we emi shud tekem jifly title ia emi Naviti Tavtar. Evidence ia first witness Philip Kalsuak mo third witness Stephen Komnour Kaltai oli confirmem.

Evidence ia emi strongly opposed by First Defendant. First Defendant emi talem se folem custom principle blong Efate mo offshore Islands taem wan high Jif olsem ia emi ded, jifly title blong hem imust stap long custody blong woman blong hem. Mo woman blong hem nomo ikat authority mo custom raet blong handem ova iko long stret man blong hemi inheritem. According long custom rules blong Efate Leinoamanu emi Tukurau long title ia Tugulumanu. First Defendant emi talem tu se spos Naviti Tavtar emi inheritem title ia Tugulumanu emi no stret from papa blong hem, emi Kalsaf mo hemi blong narafala ples mo connection blong bloodline system emi nomo stret. According long custom principles blong Efate, jifly title emi mas pass on tru long patrilineal bloodline system from generation to generation. Claimant emi no establishim se woman blong jif Tugulumanu Leinoaman emi kivim raet blong inheritance blong title ia iko long adopted son blong hem Naviti Tavtar according long custom.

First Defendant emi prodiusum evidence mo talem se long first mared blong jif Manaure Mataloa Tugulumanu wetem Leimasoko, tufala ino kat pikinini mo jif Tugulumanu himself emi decide blong adoptem Albert olsem stret son blong hem long 1917 before emi live wetem Leinoaman. First Defendants oli establishim se taem jif Tugulumanu imekem adoption ia sem taem tu emi kivim stret nem blong hem "Manaure" long Albert kasem tedei oli stap sigaotem hem Albert Manaure. Oli kivim evidence tu mo talem se nem ia "Manaure" emi minim "man island". Man Island, long understanding blong mifala, hemi minim se "man blong Island ia or manples".

Ikat evidence tu se afta we jif Tugulumanu emi kivim nem ia emi kivim tu kraon blong hem blong Albert Manaure emi ownem olsem kastom ona mo stap usum or development. Long custom principle taem wan ceremony olsem emi happen, imas kat custom seal blong sealim adoption ia blong custom irecognaesem. So long adoption we jif Tugulumanu emi mekem long Albert Manaure emi stret nomo long eye blong custom mo custom emi recognaesem long sense we jif emi kivimaot stret nem blong hem "Manaure" long Albert motu custom property blong hem we hemi "piece kraon" iko long hem.

Evidences ia third witness Peter Taurakoto emi confirmem mo talem se Leinoamanu imaret, first taem wetem Kalsaf blong Alpat village long Lelepa Island. Hemia ol pikinini blong tufala, Kaltang Tavtari, Charlie Naviti, Leipilelu, Touvapun mo Touvasa. Tufala ikat wan boy mo tri gel. Taem Tugulumanu imaretem Leinoamanu ol fofala pikinini ia oli kam step son mo daughters blong Tugulumanu. Jif Tugulumanu ineva adoptem step son blong hem Kaltang Tavtar Charlie Naviti from olgeta rison ia, taem Leinoamanu imaretem jif Tugulumanu hemi namba tri maret blong hem, so long taem ia ol pikinini blong hem oli grow up finis oli kam teenagers.

Second witness Chief Mantai emi establishim se papa blong hem nao, emi Paramount jif Natamatewia we hemi jif blong Natapau village mo hem nao iacceptem Baro mo Sarafu



lukaotem. During long taem ia ikat ol custom ceremonies we ihappen tu mo ilukim exchange long ol custom ceremonies olsem pig, jif ikivim nem ia Pakoa Wia long Baro, kaikai mo some more narafala custom activities we ihapen long taem ia. Then antap long ol samting ia jif ikivim tri piece kraon long Baro. According long custom sapos wan Paramount jif iadoptem u ikam insaed long nasara or namarakiana blong hem mo ikat saen or seal blong custom long hem, person ia or family ia isave claim nao se hem, emi blong nasara ia.

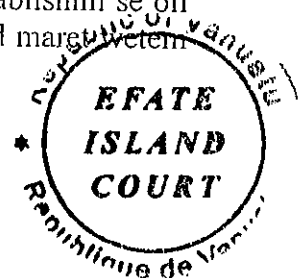
Second Defendant emi prodiusum evidences mo talem se Naimea Tugulumanu hemi maret long Leisongi mo tufala ikat tri pikinini, Leivele, Tokai mo Manaure Tugulumanu. Tokai mo brata blong hem Manaure Tugulumanu tufala ino kat pikinini. Leivele mo Masavia tufala ikat four pikinini, ikat Leitonga, Marangnaru, Tolfet, Jack Norten Tugulumanu. Pikinini blong Leitonga emi Billy Kalmari we emi holem title ia Tugulumanu since 2008 taem oli ordainem hem mo next proposed person we emi shud tek ova long jifly title ia emi Simo Kalmalas.

Statement ia witness namba four Simo Kalmalas mo witness namba five Andrew Charley tufala iconfirmem mo establishim se taem Manaure Tugulumanu emi jifly title ia emi stap long custody blong sista blong hem Leivele. From we Tokai mo brata blong hem Manaure Tugulumanu ino kat pikinini, then only surviving person hemi sista blong tufala Leivele. During long period taem ia Leivele emi kivim raet long Tarsa long 1932 blong hemi caretaker long jifly title ia kasem hemi handem ova iko long stret person blong hemi tekem. And so long taem ia next person we hemi inheritem jifly title ia nao emi Jack Norten.

Question we istap nao se why Tokai we emi brata blong Manaure Tugulumanu emi no tekem nem jifly nem ia. Evidence we ikam bifo long court ia se Manaure Tugulumanu nao emi first born mo brata blong hem Tokai hemi second born. According long evidence blong second Defendants, Leivele nao emi pasem raet iko long Tarsa blong hemi caretaker, be question istap nao se long taem ia Tokai mo Leinoaman we hemi woman blong Manaure Tugulumanu istap wea, nao Leivele sista blong Manaure Tugulumanu emi pasem raet iko long Tarsa.

Evidence we iadduce bifo long court ia se Tokai emi maretem Leinoaman bakagen afta we bigfala brata blong hem Manuare Tugulumanu emi ded. Second Defendant emi no establishim long evidences blong hem se Tokai emi maretem who. Hemi considerate more long Leivele mo Manaure Tugulumanu. According long custom emi no possible blong Leivele ipassem ova raet blong wan high ranking jifly title olsem iko long wan narafala man we emi no stap insaed long nasara blong Leosa.

Evidence isoem se Tarsa emi blong pagona village hemia long Moso Island. According long evidences we second Defendant emi prodiusum long court ia, oli establishim se oli ol descendants blong Leivele tru long first maret wetem Supusa mo second maretem Masafia tru matrilineal system [naflak].



Findings

Mifala ifaenem as a matter of fact se ikat wan person we nem blong hem jif Manaure Tugulumanu we emi maret long wan woman we nem blong hem, Leimasoko. Tufala ino kat any pikinini, then emi adoptem Albert long Baro mo Sarafut we tufala iblong Vinnavis long North West Malekula mo kivim stret nem blong hem "Manaure" iko long hem. Be bifo adoption ia ihappen, Paramount jif Natematewia hemi bin adoptem Baro mo Sarafut long Magaliliu taem oli stap wok long plantation mo sametaem tu emi talem long tufala se utufala ikam part blong naflak wita. Afta long adoption ia nao taem Baro mo Sarafut imove iko long Leosa blong live longwei, then jif Manaure Tugulumanu emi jes adoptem Albert mo putum nem blong hem long hem. Statement ia second witness blong first Defendant emi mekem mo ino kat challenge long hem.

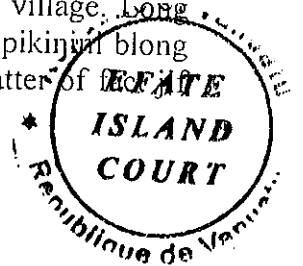
Mifala ifaenem tu as a matter of fact se nem ia "Manaure" emi exist long family generation blong jif Manaure Tugulumanu motu emi appear long family tri blong second Defendant since ancient times ikam kasem tedei mo first Defendant emi bearem nem ia istap wetem tedei. Claimant mo second Defendant ino challengem nating inheritance blong nem ia we Albert itekem. Hemi obvious se nem ia "Manaure" emi minim "man Island" and hemia ino kat dispute long hem during long proceeding ia. Nem ia "Manaure" emi nem blong jif Manaure Tugulumanu blong Leosa we emi adoptem Albert apu blong first Defendant olsem adoptem son blong hem long 1917.

Mifala ialso askem question blong doubt se, spos ino bin kat any adoption why nao nem ia "Manaure" iexist long wan person we hemi kamaot long wan different place? Ikat evidence se during adoption ia, jif Manaure Tugulumanu emi kivim kraon tu long adopted son blong hem ia, Albert Manaure blong hemi ownem mo wok long hem. Ol kraon ia oli exist istap tedei long Leosa. As a matter of matter to, mifala ifaenem se, jif Manaure Tugulumanu emi wan Paramount jif we emi ownem mo kat custom authority ova long olgeta areas ia Leosa, Fultoka mo Vata Raana.

Next question nao we mifala iaskem nao. se wan man narafala place emi save kam wan jif blong wan narafala place? Mifala itraem blong lukluk long Vaturisu Kastomary Land Law be mifala ino save faenem wan specific section or custom law we imentionem specifically long area ia. Section 3 (1) blong Island Courts Act Chapter 167 emi read se;

".....the judicial service commission shall appoint not less than three justices knowledgeable in custom for each island court....."

Wetem custom save we mifala ikat, ansa hemi "Yes". Long custom spos wan high jif olsem imekem wan adoption folem own wish blong hem long situation we hemi no kat wan pikinini, ino kat wan man bakagen isave jenisim spos custom irecognaesem. Long case ia jif Manaure Tugulumanu emi no kat pikinini mo even brata blong hem Tokai. Sista blong tufala Leivele first maret blong hem istap wetem wan stret native blong Magaliliu mo second maret blong hem istap wetem Masafia blong Alpat village. Long custom wan jifly title imas be inherited tru long patrilineal system. So ol pikinini blong Leivele oli no kat rael blong inheritem jifly title ia Tugulumanu. As a matter of fact



Manaure Tugulumanu emi adoptem Albert mo kivim stret nem blong hem long hem iko long hem. Motu emi kivim kraon antap long nem ia iko long hem olsem fasin blong custom. So emia isatisfaem custom elements wetem narafala custom ceremony we ihappen olsem we second witness chief Mantai testify long hem.

Claimant emi no save pruvum long court ia se Naviti Tavtar emi stret pikinini blong jif Manaure Tugulumanu. Ol pikinini ia, Naviti Tavtar, Leipelul, Touvapun mo Touvas ol stret pikinini blong Kalsaf mo Leinoamanu. Upon long evidence we ikam bifo long court ia Kalsaf we hemi blong Alpat village, emi no stret brata blong jif Tugulumanu. Only person we court ikat evidence long hem se hemi stret brata blong jif Tugulumanu hemi Tokai motu upon long evidences we oli produced, Tokai emi no kat pikinini. Claimant hemi no save claim tru long long Naviti Tavtar from emi no stret bloodline blong jif Tugulumanu mo hemi no pruvum beyond reasonable doubt se jif Tugulumanu emi mekem adoption ia mo custom irecognaesem.

Second Defendant emi no save claim tu, tru long Leivele. Leivele first maret blong hem, emi maret long Supusa we emi stret native blong Magaliliu village. Supusa emi no stret bloodline blong jif Manaure Tugulumanu. Second maret blong Leivele emi maret long Masafia we emi blong Alpat village. Masafia emi no stret bloodline blong jif Manaure Tugulumanu. Olgeta pikinini blong Leivele long first mo second maret oli no kat raet under long custom blong inheritem jifly title ia Tugulumanu.

Long custom wan high ranking jifly title olsem, imas pass on tru long family generation tru patrilineal bloodline system be ino matrilineal system or naflak. Motu long custom blong Efate taem wan high jif olsem ided, woman blong hem, emi must always Tukurao long title ia. Leivele emi no kat raet under long custom blong tekemaot raet ia long wife blong jif Manaure Tugulumanu, Leinoaman mo pasem iko long Tarsa we emi no blong Leosa mo no stap mekem ol custom duties blong Leosa.

Upon long evidences we iproduce bifo long court ia, Tarsa emi blong pagona village hemia long Moso Island. According long custom blong Efate, custom emi recognaesem adoption whether insaed or outside bloodline and only party we evidence blong hem emi more convincing long opinion blong mifala blong save succeed blong inheritem jifly title ia, hemi first Defendant. Adoption we jif Manaure Tugulumanu emi mekem long own wish blong hem, blong adoptem Albert mo kivim nem ia "Manaure" iko long hem wetem custom kraon emi satisfaem custom recognition.

Afta we Court iharem olgeta toktok mo ol evidences blong olgeta parties, mo afta ridim olgeta submissions blong olgeta parties, Court imekem Declaration mo Orders olsem:

DECLARATION

1. First Defendant Albert Solomon Manaure emi pruvum beyond reasonable doubt se Chief Tugulumanu emi givim nem ia "Manaure" mo parcel blong land long apu blong hem therefore, hemi deservem lawfully blong declared.



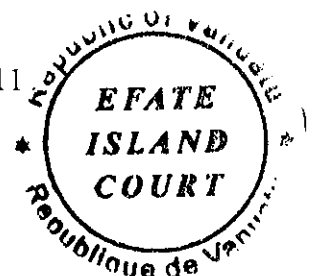
long custom, olsem stret mo only recognized first adoption son blong Chief Tugulumanu.

2. Claimant Philip Kalsuak emi no save satisfiem Court ia beyōnd reasonable doubt se Kalsav emi stret brata blong Chief Tugulumanu mo why Naviti Tavtar emi no save tekem title ia Tugulumanu mo connectem hem wetem title ia kasem Kalsuak Nareo blong hemi save inheritem chiefly title ia tru long bloodline. Therefore claim blong hem emi fail.
3. Second Defendant emi no save provum beyond reasonable doubt long Court ia se Leivele emi stret sista blong Chief Tugulumanu mo why Leimasoko emi no custodial [Tukurao] long chiefly title ia Tugulumanu after we Mahaure Tugulumanu emi ded, be Leivele emi tekemap responsibility ia mo givim right blong care taker blong chiefly title ia Tugulumanu iko long Tarsa. Therefore case blong hem, emi fail.
4. Chiefly title ia Tugulumanu emi mas stap under long custody mo authority blong First Defendant.
5. Billy Kalmari emi stop blong act olsem chief Tugulumanu start long date blong declaration ia.
6. Ol custom properties blong Chiefly title ia Tugulumanu oli mas stap under long authority blong First Defendant.

ORDERS

1. Any development within ol custom properties blong chiefly title ia Tugulumanu imas kat consent blong First Defendant.
2. Second Defendant mo ol families, relatives, servants mo agents oli nomo kat rael blong act or usum title ia Tugulumanu start long date blong declaration ia.
3. Paramount Chief Natamatewia mo wetem assistance blong Vaturisu Council blong ol Chiefs isave anytime start long date blong declaration ia blong ordainem First Defendant ikam Chief Tugulumanu.
4. Parties oli kat rael blong appeal within long wan period blong 30 days start long day we oli kasem full reasons blong Judgment.

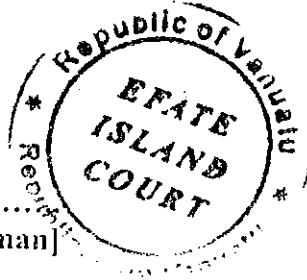
Dated long Port Vila, long 27th Day blong manis May 2011



BY THE COURT



.....
Justice Ann Carlo [Chairman]



.....
Justice Tomson Andrew



.....
Justice Eddie Karis

