

**IN THE TANNA ISLAND COURT**  
HELD AT ISANGEL  
TAFEA PROVINCE  
(Civil Jurisdiction)

Civil case No. 399/2019

**BETWEEN: FAMILY PEAU MATUA**

**Plaintiff**

**AND: FAMILY IOUIOU NANGAL WILLIAM**

**Defendant**

Justices: Benjamin Kuao  
Samson Ieru  
William Lomae

Clerk: Blandine TEPI

Date of Hearing: 18<sup>th</sup> March 2019 to 20<sup>th</sup> March 2019.

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**JUDGMENT**

**IN THE MATTER OF: DISPUTE OF CUSTOMARY RIGHT OWNERSHIP OF  
SUPRIME IENI – PEAU MATUA**

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**A. PRELIMINARY MATTERS**

Hemia hemia Name mo Paramount chiefly title Number 399 of 2019. Insaed long case ia ikat two parties, tufala I claim onaship long Paramount Chiefly title we oli refer olsem "PARAMOUNT CHIEFLY TITLE IENI BLONG SUPRIME NAKAMAL IKAPAHOU MO TRIBE KILIAKITNE".

Case ia Family Peau Matua hemi been filem ikam long court long 24<sup>th</sup> February 2019.

After we Tanna Island Court hemi receivem claim ia, hemi bin putum out long Public Chiefly title or Paramount chief (Iani).

Clerk blong Tanna Island Kot hemi bin listem case number 399, blong 2019 long Wednesday 20<sup>th</sup> Marh 2019 mo Friday 23<sup>rd</sup> March 2019 mo hemi complitem.

After long hearing, kot hemi bin ko wetem tufala parties blong visitem, nakamals, graves, tupunus mo settlements we tufala parties I claimem Name mo Paramount Chiefly Title Ieni follem past generations to generations blong tufala.

Tanna Island Court hemi kat prouve se tufala parties I bin receivem notice blong hearing mo tufala I appear inside long Court.



**B. INTRODUCTION**

**ORIGINAL CLAIMANT: BACKRAON BLONG FAMILY PEAU MATUA**

Family Peau Matua hemi stap claim paramount leni long bigfala tribe we oli callem Kiliaketne long ship Numrukwen. Mo talemaot se hemi kat customary right long Custom Name Peau Matua mo Paramount title IANI or Karem toktok.

Peau Matua hemi stanap olsem leni insaed long ship Nimrukwen wetem second brother blong hem laute Apen hemi laramara (kastom King) mo last born brother hemi lasauasau hemi security mo hemi stap holem masket. Peau Matua wetem custom leadership blong hem hemi replacem laute Apen long Kiang from bloodline blong laute lapen hemi lus or dead.

Taem tufala ship Numrukwen mo Kauwiameta hemi stat blong faet long masket agensem tufala. Peau Matua olsem lani, hemi commandem family Peau Matua wetem spirit blong fraet oli run away mo ko kamaot long Imanaura ne tribe under long ship Nimrukwen. Oli live kasem taem we faet hemi ko daon after oli ko back long original ples blong olgeta long Nakamal Ikapahou.

Peau Matua, laute lapen mo lasauasau oli brother. laute lapen wife blong hem Kaweiu tufala inokat pikinini mo lasauasau wife blong hem lawalu tufala inokat pikinini. Peau Matua wife blong hem lasua Parananawaw tufala ikat wan pikinini boe name blong hem Kiang wife blong hem Kamna pikinini boe blong tufala Peau Matua wife blong hem Nipini Pusin tufala ikat one pikinini boe name blong laute lapen wife blong hemi Nam Tuan pikinini blong tufala lauauasau Johnson Peau wife blong hem Nimaka, tufala ikat one pkinini boe name blong hem Michel Peau Matua wife blong hem Sewan pikinini blong tufala Peau Pier wife blong hem Sekia tufala ikkat one pikinini Maxon.

**After long presentation blong spokeperson we hemi Chief laukalip hemi bin stap olsem main witness blong case (swearing in oath)**

Name we mi representem hemi Peau Matua. Lewalu man blong hem lasousaou mo Lenagiang hemi stap long tribe Lowaknaok. Name blong lawankulu blong lani Kiang hemi Lonowialang mo name ia hemi blong Ikapaho.

Name ia latick hemi original blong Ikapahou. Name blong man we hemi stap long Nakamal Lekam hemi Peau Matua . Tufala ikam long Ikuanmaluan, tufala ibin haed from faet. Tention blong faet ikam antap mekem tufala iko hide. Name blong yard blong lani hemi Lonaowialank. Mo name blong yard blong laramara hemi lakukak.

Mi save abaot Nangal. Nangal louiou hemi no connect bloodline wetem Peau Matua. Name blong Kweria blong Peau Matua hemi Nahilmaga.



Oli no breakem, hemi blong Peau Matua. Ikat two kweria long Ikapahou, one blong Numrukwen mo one blong kauwiameta. Mo Naiu hemi stap facem kweria long Peau Matua. Mo lamak tritri hemi stap facem kweria blong Kauwiameta.

Ikat two tupunus long Ikapahou. Numrukwen, tupunus blong hem Nemanetik. Kastom road blong karem totel long Ikapahou hemi custom road we oli callem Lekapaho. Olgeta custom road we hemi crossem Suprime Nakamal long Ikapahou ikat, lawanpiken, Arap, Tuhu Lalhulao mo Nemalkayapam.

Peau Matua wife blong hem Peran lawao. Ikapahou hemi wan Suprime Nakamal. Peau Matua hemi leni mo laramara hemi laute lapen mo ship hemi Numrukwen. Bloodline blong Peau Matua hemi exist mo bloodline blong laramara Kiang hemi blong kiliakitne tribe.

### **Patam Sam (Swear in oath)**

#### **1st witness**

Name blong mi Patam Sam long Imarapu Nakamal. Kastom trade between Imarapou mo Ikapahou hemi toka. Mo mi stap pass long lowanamtamit Nakamal. Mo mi stap ko luk Nausien. Mo inokat man hemi stap long Lowanamtamit. Nausien hemi aot long Loanamtanit hemi stap long Lamanaora.

Iaus hemi man lanemataotu mene mo Peau Matua hemi karem hem ikam long Ikapahou. Tufala ipass long Imarapu. Mi no putum name blong Peau Matua from Peau Matua hemi ko karem laus, women blong hem mo pikinini. Olgeta oli pass long ship Numrukwen. Mi save Numrukwen nomo.

Mi stap long Imarapou Nakamal mo mifala imakem two toka. Matua Peau hemi wan lani blong numrukwen mo laute hemi wan laramara. Tribe blong mi hemi Namalkang tribe. Peau Matua hemi ko from laus, wife mo pikinini. Name blong wife blong laus hemi Tam mo pikinini blong tufala hemi Nario. Iaus we mi luk hemi pass long Imarapu.

### **Iawia (Swear on oath)**

#### **2<sup>nd</sup> Witness**

Mi kam long Lonakik, Peau Matua hemi breakem fetta mo givem long mi. Name blong Kweria hemi Nahilmaga.

### **Kasum Ialpaik (Swear on oath)**

#### **3<sup>rd</sup> witness**

Mi wan police blong laramara mo mi nao mi stap stealem head blong tottel. Mi save abaot masket we oli callem Ipanagemsum two polet I stap insaed. Tottel hemi stap kam long custom road Lakapaho. Mi stap wnessem Peau Matua hemi lani mo colour blong strap hemi black.

Lowanatum hemi wan kitchen, Lonim hemi wan kitchen, Lonakik hemi wan kitchen, House we hemi stap long Ikapahou Suprime Nakamal hemi blong lani mo laramara, Every



authorisation hemi stap kam long Peau Matua. Two Iani hemi stap long Suprime Nakamal mo two Iaramara long Ikapahou.

Joe Louman hemi stap karem total long loune solwata mo hemi stap follem custom road Lekapao.

**Peter Kao (swearing in oath)**

**4<sup>th</sup> witness**

Man ia laus hemi originary blong Latap. Long tribal time ikat wan getaway nomo blong estem side blong ol man kam long Imai Nakula mene hemi lapanguig ikam antap long Ipenien ikam antap long lamanakula mene. Taem laus hemi kam true long lakukok hemi stap long ship tugeta. Hemi Kauwiameta. laus hemi stap long Imanakula mene. laus hemi ko stap, we man ia name blong hem Iaruel hemi Iani blong lakukak mo laus hemi aot long Imarap mo ko long Ikapahou. lakukak hemi wan suprime Nakamal. Taem laus hemi kam stap long Numrukwen. laus hemi pass wetem wan man name blong hem Tapa mo tapa hemi stap wetem mi antap nao ia. Tupunus blong laus hemi wan police. Mifala istap meet osem Nemrukwen. Sapa lili hemi kamaot long lanemataotu mene. Mo Malia hemi kamaot long launanen Nakamal. Mo lakukok hemi wan suprime Nakamal. Mi save gud long laus. Hemi pass long custom road ia from mi letem hem I kam long Ikapahou.

**DEFENDANT: BACKRAON BLONG FAMILY IOUIOU NANGAL WILLIAM**

Defendant Iouiou Nangal William emi semak person we nem blong hem laus. Hemi bin filem Counter-claim or respond blong hem long Tanna Island Court mo hemi talemoot se hemi kat custom right long Paramount Iani long Ikapao long kiliakitne tribe mo hemi stap long ship Nemrukwen.

Family Iouiou Nangal William, histri blong hemi in general mo family tree blong hem, hemi uncomplete but hemi challengem mo disputem claim blong Peau Matua.

Tufala man ia, Iouiou Nangal mo Napuk inam, tufala I no kat wife.

Iaus wife blong hem Nakou mo tufala ikat wan pikinini boe Iouiou Nangal wife blong hem lasua pikinini blong tufala Iaus Iouinatuan wife blong hem lahalu pikinini blong tufala Iouiou Tevi wife blong hem lasua pikinini blong tufala Nabuk Inam wife blong hem Damai pikinini blong tufala Iouiou Nangal wife blong hem lama pikinini blong tufala Iaus Iouinatuan.

**After long presentation blong spokesperson Charley Nagao mo Iouiou Nangal William mo same time hemi Defendant mo hemi main witness blong case**

Mi Nangal long fourth generation mo mi no save first mo second generation blong Nangal. Mo mi leni blong Numrukwen blong Ikapahou suprime Nakamal. Nangal ia hemi brother blong Iaukalip long ship kauwiameta be Nangal hemi blong Numrukwen. Iaramara blong mi hemi Kapalu Tikiskis. Mo mi Iouiou Nangal William leni, mi save wearem feta (kuweria) blong Iaramara.



Long 1994 I no bin kat bloodline blong laramara blong wearem feta, mi bin wearem long behalf blong laramara. Ikat bloodline be olgeta oli se bae mi wearem feta. laramara hemi stap long kauwiameta. Mo Apu blong mi laus hemi stap long five generation. Apu blong mi laus hemi bin planem wan Nabanga we hemi karem long Latap name blo nabanga lapopu. Follem custom road Kwataren mo Nowalnumra mo laramara mi save abaot to ia. Hemi important olgeta oli preaparem oli givem long mi mo bloodline long laramara hemi still exist. Mi wearem long time ia nomo after mi kivem back. Mo ikat smal custom ceremony.

**Kapalu Tikiskis (swear in oath)**

**1<sup>st</sup> witness**

Mi Kapalu Tikiskis, mi wantem talem se Nangal hemi stap long ship Nemrukwen mo mi stap long ship Kowiameta mo lani mo laramara tufala I save stap long two defriend ship. Feta blong mi name blong hem hemi Nailmaga mo lani blong mi hemi bin wearem long time blong Toka. Mi mo lani blong mi, mitufala tugeta istap long Suprime Nakamal long Ikapahou. Custom road blong mi Lonuwatuan. Name blong yard blong leni hemi Loneyayu mo mi stap live nao ya long Lonuwatuan.

Kapalu Tikiskis hemi talemaot long court se hemi no save ship blong hem mo hemi no save histri blong Nangal louiou be mi laramara blong Ikapahou. Mi no wearem feta yet be papa blong mi hemi bin wearem long Lowanatum. Family line blong kapalu tikiskis hemi stap eixist today be lani Nangal hemi wearem feta blong mi from mi stap long Vila. Mo mi kivem lasua long louiou Tevi we hemi stap long family tree. Mo mi save tufala ship ia Nemrukwen mo Kauwiameta.

laukalip hemi iani nies long ship Kauwiameta.

**Peau Nauialang (swear in oath)**

**2nd Witness**

Mi no save histri blong Nangal. Mi no save laus lawinatuan.

**Iako Nangia (swear in oath)**

**5<sup>th</sup> Witness**

Mi no save histri blong Nangal. Mi stap long ship Nemrukwen. Mo Nangal hemi stap long Nemrukwen.

**Willy lawis (swear in oath)**

**6<sup>th</sup> Witness**

Mi stap long Kauwiameta. Mo name blong laramara blong Kauwiameta hemi Kapalu Tikiskis. Mo no save lani blong Kauwiameta. Mi no save name blong custom road blong kauwiameta.

**Moses Iseial (swearing in oath)**

**6<sup>th</sup> witness**



Mi no save histri blo Nangal mo mi no save bloodline blong Nangal.

### **C. VISITATION**

Purpose blong visitation hemi blong tufala partis mo witness I confirmem ol storian we hemi bin kamaot long court.

#### **Claimant**

Ol grave ia istap long village Ikapahou Suprime Nakamal

- Grave blong Peau Matua (1<sup>st</sup> generation)
- Grave blong laute Iapen
- Grave blong Kiang
- Grave blong Peau Matua (3<sup>rd</sup> generation)

Medal of merit

Custom Nabanga Sapuk

Custom stone blong kilim strap blong Iaramara

Custom Nabanga Iowanamtak

Custom stone blong totel blong Iaramara

Custom house we oli callem Nipangimao hemi blong leni mo Iaramara.

#### **Defendant**

Stone blong custom basket blong Iam

Grave blong Nangal

Grave blong Iaus

Nabanga hemi Iawanamta

Tabu ples blong Iaus insaed long Nakamal Ikapahou

Nabanga Sapuk

### **D. SUBMISSIONS**

#### **(a) PLAINTIFF**

- Hemi confirmem ship Kauwiameta hemi blong Iaukalip mo Nangal.
- Iaukalip mo Nangal tufala I brother
- Tufala I brother long ship



- Suprime Nakamal hemi Ikapou
- Tribe Kiliaketne
- Iaukalip mo Nangal tufala I connect long bloodline
- Iaukalip hemi first born.
- Iaukalip bloodline hemi exist kasem today.
- Nangal wife blong hem lawilim tufala ikat one pikinini lomim bloodline blong hem hemi lus(dead) long second generation
- Iaukalip bloodline blong hem hemi connect long Nangal.
- Nangal bloodline blong hem hemi exist today long Iaukalip
- Iaus lauwinatuan wife blong hem Tam tufala ikat one girl, Nariaw. Tribe blong hem Nimatautumine.
- Security lausausau hemi ko blong takemback Iatick, Iatick hemi out blong ko fight oli replacem hem long Iaus, bloodline blong Iaus hemi exist kasem today.
- Peau hemi Iani brata blong hem laute Apen hemi Iaramara mo smal brother blong tufala hemi Iasausau hemi polis or security blong kastom ship Nimrukwen. Oli originali live long Ikapahou suprime Nakamal.
- Chief Peau Matua I bin standem up fes born pikinini blong hem Kiang hemi replacem brata blong hem laute Apen olsem paramount chief folem kastom from hemi bin dead very young.
- First work blong chief Peau Matua hemi bin commandem family blong hem oli bin out wetem spirit blong fraet mo oli bin mekem wan long fala workabaot iko kamaot long Imanaurane tribe anda long oral negosiasi long ship nimrukwen. Taem faet I bin ko daon afta oli bin kam bak long Ikapahou Suprime Nakamal.
- Second work blong Chief Peau Matua I bin sendem pikinini blong hem Iatick iko shut long masket long Imatautumine mo Nalokangne tribe long south west tanna folem invitation blong olgeta akensem ol enemi blong olgeta. Taem faet I bin ko daon smal oli letem Nakou iko maritem Iatick moo li stap live kasem tudei.
- Chief lawia blong Louakal mo Louean sub tribe blong Kiliaketne bigfala tribe I bin serve anda long otoriti blong Paramount chief Peau Matua.
- Taem faet hemi stap gohed yet Polis Iasausau I bin sendem chief Peau Matua wetem Paramount Kiang blong tufala I escap iko long Lakwanmaluan village folem wan kastom rod Lalkuao blong servem laef blong tufala.
- Iasausau wife blong hem lawalu tufala inokat pikinini.
- Iasausau hemi olfala, hemi sendem toktok iko antap long Nalokangne mo Nimatautumine tribe blong Iatick ikam bak blong replecem hem blong hemi ko long Lakwanmaluan village blong karem back Peau Matua wtem parmout chief Kiang from tufala I olfala.
- Toktok I bin ko kasem olgeta, oli no wantem letem Iatick afta oli bin disaetem blong letem Iaus lawinatuan blong kam replacem hem blong hemi ko long Lakwanmaluan village blong karem back Peau Matua wetem paramount chief Kiang from tufala I olfala.
- Iaus hemi bin mekem custom work olsem Police or Security, Iaus olsem security blong hem I bin ko long Yunawing nakamal long wes tanna blong lukem Kipis mo Natuka blong karem back Nanua wetem pikinini boe blong hem Iauko we tufala I bin escape recently from faet. Long wei, oli bin performem wan kastom seremoni



(kamaitikniko), afta hemi takem bak olgeta long latipa mo Lapara ol village council (kitchen) blong ship Kauwiameta long Ikapou supprime nakamal.

- Taem blong kastom seremoni nikauiar we I endem faet long masket bitwin tufala ship Nemrukwen mo Kauwiameta.
- Chief Peau Matua I bin ordainem chiefly title iko long sholder blong first born pikinini blong hem laute during long taem blong Franis mo British kavman. Mo Kiang bagagen hemi inheritem otority blong paramount chief olsem second born pikinini blong hem.
- Long meddle age blong chief Aute hemi facem wan strong sik mo I entap long dead. Chiefly title insaed long ship nimrukwen oli bin inheritem iko long las born brata blong hem Peau lasainio mo kiang I stil stap stanap olsem paramount chief blong Ikapou village base long blad connection.
- Hemi bin instraktem ol pipol blong hem olsem chief mo oli praktisem mo preparem wan kastom danis Toka mo oli bin perform long taem blong kastom seremoni nikauiar long Lamanuiat nakamal long white sand eria.
- Chief Peau lasaeniko I olfala mo I bin inheritem chiefly taetol blong ship nimrukwen iko long pikinini blong bigfala brother blong hem leit chief laute iko long sekon born pikinini blong hem lasausau Johnson Peau. Mo Kiang bigfala brata blong hem ikam paramount chief base long blood connection.
- Ol historical work blong hem olsem evidence blong entaetolmen.
- First ricognisen blong Iani Jif lasausau Johnson laute Peau true long head blong state president
- Ol development we chief lauausau Johnson laute Peau hemi bin establisem.
- Paramount chief Iaramara Kiang insaed long sip Numrukwen. Bloodline blong chief Peau Matua.
- Ol kastom ceremony we hemi tekem part insaed:

1. First kastom ceremony (Nikauiar) long Lanikam mo Ikapou. Hemi paramount chief Iaramara King I bin putum feta (kweria) Nahilmanga blong kastom ship Nimrukwen.
2. Kastom ceremony (Nikauiar) long Iwel Peau Matua long name blong kiang.
3. Kastom ceremony (Nikauiar) long Larwanu – Kiang pikinini blong laute
4. Kastom ceremony (Nikauiar) long Ilputu 1956) lasuasau Peau long name blong Kiang.
5. Kastom ceremony (Nikauiar) long Lounatim Napipmisikran long name blong kiang.

- First fight lausausau long Isiu long Nawanaknauasulne tribe blong putum pis.
- Second fight blong hem long Vatune tribe folem invitation blong olgeta.
- Narafala fight long Letakran tribe folem invitation blong olgeta blong putum pis.
- Last faet blong hem long **Nineine** tribe blong muvem aot ol man kam.

## (b) DEFENDANT

Hemia hemi some long olgeta points blong defendant we hemi submittem ikam:

- Hemi blong Nemrukwen.



- Hemi se brother blong hem laukalip
- I bin kat village meeting mo council between hem mo Peau Matua be hemi no laukalip.
- laukalip hemi witnessem Matua be hemi never talem se wanem kaen lani.
- Hem mo laukalip tufala I never sidaon long any village meeting or council meeting.
- Long custom blong tanna hemi must kat 2 feta long Suprime Nakamal.
  1. Feta long
  2. Feta shot ( Arparup)
- Oli mas singaotem name blong tufala long order blong mekem se long generaton bae oli no save changem.
- Long Ikapahou Nakamal oli save long Nangal/laukalip be ino laukalip/Nangal.
- Tufala name ia Nangal/laukalip , imas kat lani Niko ikam first one mo lani tupunus ikam behind.
- Peau Matua hemi no wan lani be hemi wan laramara blong Ikapahou hemi bin kivem right long lasausau blong holem lani kasem taem we mifala I big wan mo save bichlamar.
- Ibin kat 12 custom meeting we lasaosao mo laramara tufala ikilim 12 buluk. Long 2015 hemi takemaot right blong lasaosao mo kivem long laus olsem stret lani. Dispute hemi start long time ia.
- Ikat some question we oli bin askem long laukalip mo hemi bin admittem some mo hemi denyem some. Ol question we hemi respond long hem, hemi ko olsem:
  1. Spoke person Naiu hemi askem se laus hemi kat a mas women. Hemi respond se laus hemi kat 2 wife .
  2. Spokeman blong Nangal hemi askem se who hemi stap kattem ship long kumala mo banana. Hemi admittem se hem.
  3. Spoke person Naiu hemi askem name blong Nabanga. laukalip hemi se Sapuk be hemi no save storian long Nabanga.
  4. Spokeman hemi askem se how nao oli stap preparem totel blong lamara. Hemi no save.
- Peau matua hemi representem ol claimant. Hemi denyem ol true storian. Papa blong Peau Matua hemi bin presentem toktok blong hem long village meeting long Ikapahou mo hemi talem truth.
- Hemi talem se custom basket blong pig long Nakamal hemi karem apem. Hemia hemi property blong Nangal mo hem nao hemi polis or security blong basket ia.
- Witness Luc Nocklam blong Lamlu hemi bin talem long court se taem oli kam long Ikapahou Nakamal oli stap luk Nangal/laukalip.
- Long Nakamal long Ikapahou ikat some Tabu ples we laukalip or Matua bae oli no save ko. Taem oli kat sick long Tabu Area ia Nangal nomo hemi save mekem custom meresin.



- Feta we laus I putum hemi blong Kauwiameta. Feta ia Kapalu Tikiskis I putem long hem. From laus hemi originaly blong Kauwiameta.

**E. LAWS MO ACCEPTED KASTOM RULE WE ISTAP LONG TANNA**

1. Section 10 blong Island Kot Act Cap 167 application of customary law-“Subject to the provision of the Act and island kot 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.
2. Customary Right hemi inheritem true long Patrilineal system, from father to son:
3. KAMEP or Last surviving bloodline.(Women hemi save inheritem customary right from father where hemi only survivor)
4. ADOPTION: adopted pikinini long custom hemi save inheritem customary right (Adoption hemi must follem bloodline)

**F. FINDINGS**

1. Kot hemi finem se histry we ikam long Peau Matua hemi wan custom histri mo wan custom basket. Histry blong louiou William Nangal hemi shoem two family tree. Wan hemi blong Nangal, nara wan hemi blong laus.
2. Peau Matua hemi leni Niko insaed long ship Numrukwen mo Kiang hemi laramara (kastom King) mo tribe blong tufala hemi Kiliakitne, insaed long supreme Nakamal Ikapahou.
3. Name blong Feta or Niau blong Kiang hemi Nahilmaga. Feta ia hemi blong laramara (kastom king) nomo.
4. During long visitation claimant I bin shoem stone blong kukum tottel mo stone blong kilim strap.
5. Claimant hemi talem se colour blong custom strap we laramara blong hemi stap werem long Toka ceremony hemi black. Black strap hemi shoem rank blong hem olsem laramara.
6. Claimant I shoem ol custom duties ia we wan leni nomo I save mekem:
  - a) Hemi commandem laus blong go long Yunawing nakamal long West Tanna blong lukim Kipis mo Natuka, blong karem bak Nanua wetem son blong hem, lauko. Ol man ia oli bin escape long taem blong faet.
  - b) Hemi givim gel blong hem, lawalu, iko long laus olsem payment blong ol wok we laus I kam mekem long Ikapahou.
  - c) Hemi decidem wan Toka custom ceremony wetem leni Tupunas laukalip. According long authority blong tufala oli mekem Toka ceremony long Ikapahou mo oli givim iko long leni Manga, long Lamemara nakamal, Nauanaknaune tribe.



- d) Hemi mekem wan second custom ceremony long Imarap nakamal, Nimalkkangne tribe, hemi act olsem head chief blong lidim ol man Ikapahou oli atendem olsem kastom rod blong ship Numrukwen.
  - e) Hemi arrangem wan custom ceremony blong Nial long taro we oli givim long Nimeine tribe, especially iko long Nimaien wetem lawa, we I tekem ples long Lamanauk nakamal. Hemi wan kijin nakamal blong Ikapahou suprim nakamal we I stap anda long responsibility blong larapia, bloodline blong Peau Matua.
  - f) Hemi ordainem fes bon son blong hem, laute, wetem jifli title.
  - g) Hemi givim oda long lasausau blong ko takem back latick. latick hemi out finis blong ko fight oli replacement long laus mo lasausau hemi takem laus i kamback long Ikapahou.
7. William louiou Nangal hemi agree mo confirmem ol exhibit we claimant I shoem during long visitation:
    - a) Olgeta graves long visitation.
    - b) Nabanga lowanamtak.
    - c) Kastom house blong Peau Matua mo laramara, we hemi Nepank himao.
  8. Medal of merit we hemi karem long year 2005 true long President blong Republic blong Vanuatu.
  9. laus tribe blong hem hemi Numrukwen.
  10. laus custom title blong hem hemi wan custom police blong laramara.

**G. APPLICATION BLONG CUSTOM RULE**

1. Folem findings 1, long custom title I pass from father to son. Long family tree blong Nangal bloodline I lus taem loumim I ded. Folem family tree blong laus we louiou William Nangal I kam aot long hem, ino shoem eni connection bitwin hem mo Nangal we wife blong hemi lawilum. Long evidence I shoem se family tree blong Peau Matua hemi complete.
2. Folem findings 2, long custom leni Niko hemi wan paramount leni insaed long Numrukwen, we hemi bigfala kastom ship. leni Niko mo laramara blong hem tufala nao ol fes man blong ownem bigfala tribe blong Kiliakitne insaed long Ikapahou suprim nakamal.
3. Folem findings 3, long custom wan leni I mas wok wetem laramara blong hem. leni Niko nao bae hemi putum feta long hed blong laramara blong hem. Long evri Toka ceremony long Tanna Peau Matua nao I stap putum feta or niau long hed blong Kiang.
4. Folem findings 4, long custom ol stone ia emi blong ol laramara nomo. Taem oli kukum totel finis bae laramara hemi kakae hed blong totel fas taem bifo hemi serem mit blong totel iko long ol pipol blong hem. Stone blong kilim strap hemi no wan common stone we ol man olbaot oli gat. Hemi blong ol laramara nomo blong hemi



mekem strap blong werem during Toka ceremony. Evidence ia emi shoem se claimant hemi gat custom responsibility mo duty over long laramara blong hem. Emia I shoem se Peau Matua hemi leni Niko mo Kiang hemi laramara.

5. Folem findings 5, long custom strap ia emi shoem wan custom title blong laramara. Evri laramara I gat own colour blong strap blong hem. Colour black hemi shoem se title ia hemi karem long taem finis, long taem blong darkness. Wan leni bae hemi save ol duty mo custom practice blong black strap ia. Claimant I shoem se hemi gat knowledge blong ol duties we I kam wetem strap we laramara blong hem I werem.
6. Folem findings 6, long custom ol custom duties ia oli shoem se Peau Matua hemi wan lida long kastom governance o wan leni Niko blong suprim nakamal.
7. Folem findings 7, ol exhibit long custom emi pruvum se oli ol responsibility blong wan leni Niko. Sapos we defendant hemi agree mo confirmem wanem we claimant I shoem long visitation I minim se Peau Matua hemi leni Niko blong Ikapahou suprim nakamal.
8. Folem findings 8, Nikoletan council blong chiefs long Tanna oli tekem oli leni Niko nomo. Medal blong merit emi blong confirmem wok we ol leni Niko oli stap mekem insaed long Nikoletan.
9. Folem findings 9, long custom wan man ino save stap long two ship. Yu mas stap long Numrukwen o Kawiameta nomo. Folem toktok blong wan witness blong claimant hemi talem se laus hemi blong Kawiameta, ino Numrukwen. Claimant hemi blong Numrukwen. Wan man long Kawiameta ino save claimem eni custom title long Numrukwen. So toktok blong laus emi no wan tru toktok.
10. Folem findings 10, long custom sapos yu yu wan custom police bae yu remain custom police from generation to generation. I minim se laus hemi wan custom police mo hemi nokat right blong claimem wan nara title. Hemi mas stap long original hom blong hem (Letap) blong hemi save exercisem pawa blong hem olsem custom polis.

#### **H. DECLARATION**

**Kot ia hemi declarem olsem:**

1. **Plaintif Peau Matua hemi rightful custom owner blong leni Niko blong ship Nemrukwen long Suprime Nakamal Ikapahou mo tribe we tevel hemi singaotem hemi Kiliakitne.**
2. **laus hemi no connect wetem Peau Matua tru long bloodline.**
3. **laus hemi nokat custom right long name ia Peau Matua.**
4. **laus hemi originaly blong ship Kawiameta blong Latap.**



5. Iaus hemi blong Letap mo hemi custom owner long tupunus we oli callem Police or custom security.

I. ORDER

After long declaration ia kot hemi mekem oda ia:

1. Se defendant William Iouiou Nangal hemi stop blong klemem customary ownership blong suprim leni mo laramara blong Peau Matua mo Kiang, long Ikapahou suprim nakamal.
2. Se defendant William Iouiou Nangal hemi stop blong usum nem ia NANGAL.
3. Tufala parties mo ol relatives imas mekem wan reconciliation custom ceremony blong reunite mo restorem back pis mo harmony betwin ol family insaed long komunity long Ikapahou follem custom.
4. Wan wan partis I mitim own cost blong hem.

Tufala parties ikat 30 days blong appil againsem decision ia.




Dated at Isangel on this <sup>29<sup>th</sup></sup> 26<sup>th</sup> day of April, 2019

BY THE COURT



  
Justice William Lomai

  
Justice Samson Ieru

  
Justice Benjamin Kuao