

**IN THE ISABEL LOCAL COURT**

**Land Case No. 2 of 1997**

Hearing Date: 2nd May 1997

**ABOUT:** PAEHENA LR 673

**BETWEEN:** CASPER BANA Plaintiff

**AND:** BAFFET KAME Defendant

<b><u>BEFORE:</u></b>	Richard Haile	President
	Kominis Capri	Member
	Fredrick Kana	"
	Ben Etomea	Clerk

**JUDGMENT**

The court is aware that the Plaintiff (Casper Bana) and the defendant (Baffet Kame) are really two cousin brothers - both admitted that they are from the Etigi clan. As according to their history Benjamin Tivo and his sister Alice Madevehe was the origin of their tribe. The above two persons appointed John Uluhoru to become the next successor. He is to look after the tribe as well as the land Paehena and the land between Toroko to Kakari.

According to the evidences produced in court before Benjamin Tivo died he divided the Paehena and the land between Toroko and Kakari to the two bellies or Tia as agreed by the members of the clan whom John Uluhoru is their chief. It was John Uluhoru who was authorised by Benjamin Tivo and Alice Madevehe to look after the two piece of land.

According to Baffet's evidence he claimed to be the chief and sworn under Oath which is not known to the Etigi clan. Also, John Uluhora the appointed chief did not aware how Baffet Kame become the appointed chief as claimed.

John Uluhoru the appointed chief who was also a witness for the plaintiff stated that he is the right person to appoint anyone within the clan to become the next chief after he dies. Therefore, the appointment of Baffet Kame under Oath is just for a general community especially at Kia District and not for Etigi clan in particular. Such appointment is only for settling dispute among members of the community.

Considering the custom ceremony performed to Baffet Kame, this is because Baffet Kame is the grandson of the Paramount chief Edmond Bako. The ceremony is a sign for him to continue from Edmond Bako. As according to the evidences produced in

court the Paramount chief Edmond Bako did not mention anything that Baffet Kame to become the chief for the Etigi clan. If so the Paramount Chief Edmond Bako should call for the members of the clan to witness that.

The court having considered the facts from both sides and the fact that they are blood cousin brothers the court cannot change as the original leader or chief has already divided the land Paehena and the land between Toroko to Kakari to the two bellies or Tia.

### **DECISION**

Therefore the court rules that Casper Bana (plaintiff) to look after Paehena land and Baffet Kame (defendant) to look after the land from Toroko to Kakari as divided by the head of the clan Benjamin Tivo and his successor John Uluhoru. This does not mean to separate the two brothers as according to the division but any development would be based upon agreement from the two cousin brothers Casper Bana and Baffet Kame.

However, the authority is for Casper Bana to look after Paehena land LR 673 and Baffet Kame to look after the land between Toroko to Kakari land.

Right of Appeal within three months upon receiving this judgment.

President signed. ....

Clerk signed. ....