

BETWEEN : WILSON ISAIAH
(Plaintiff)

AND : GREGOIRE SALYOR
(Claimant 1)

: REUBEN METRID
(Claimant 2)

: DAVID MELTELILI
(Claimant 3)

JUDGEMENT

Graon we i sabjek long dispute kastom nem blong em BOTOLFO we istap long skej plan mo i situate long North West Malekula. Graon ia oli tok abaot tu taem finis long kastom kot blong ol jif be sam long ol disputing pati oli no hapi long decision blong ol jif, ol decision we ino kat reasoning blong ol tu, nao i mekem Wilson Isaiah i putum klem ikam long Malekula Island Court.

Wilson Isaiah i klem folem famle we emi descend long em we i ona blong graon blong Botolfo. Emi talem se bik jif emi Klater, emi maretem Ledin mo tufala ikat wan pikinini nem blong em Malkon. Malkon i maretem Lesanto we emi blong Rano mo tufala ikat wan pikinini gel nomo we emi Nelly we emi mama blong em (Wilson). Emi talem se from faet ikam aot bitwin ol pipol blong Naure mo Botolfo, bubu blong em Malkon i ronwe iko long Rano mo i tet long ples ia. Bubu blong em woman, Lesanto i tet mo oli berem em long Nanomp long Botolfo. Plaintiff i talem se bubu blong em woman i tet fastaem, mekem bubu blong em man i tekem mama blong em iko long Rano blong wan woman long ples ia, Sarah i luk aotem em. Ino long taem afta Malkon i tet mo oli berem em long Rano. Nelly i bikwan long Rano mo i maretem Paul blong Rano mo pikinini blong tufala emi Wilson Isaiah we emi plentif. Paul tu i tet.

Wilson i talem se taem em mo mama blong em istap long Rano tu bubu blong em, Chief Meltekaun mo Saley tufala i mekem toktok blong tufala iko bak long Botolfo blong tufala ikarem kraon blong Botolfo from spos Meltekaun i tet bae inomo kat stret man blong graon ia bae i laef istap, from, em, Meltekaun ino kat pikinini.

Wilson Isaiah i talem se kapman representetif long Malekula long taem ia, Mr. Adam ibin holem kot blong em wetem mama blong em, Nelly tufala iko bak long Botolfo. Toktok ia ol witnes blong plentif oli sapotem. Olgeta i talem se Chief

Meltekaun i sendem Chief William, wan papa¹ blong klemen 1 blong mekem toktok blong askem Wilson wetem Nelly iko bak long Botolfo. Chief William ibin go luk Mr. Adam mo oli mekem toktok long Rano mo Chief William i winim toktok mo Mr. Adam i talem oraet blong Wilson wetem mama blong em igo daon long Botolfo mo em (Mr. Adam) bae i arenj blong sip i tekem tufala igo daon. Olgeta witnes oli talem tu se olgeta ibin stap long miting oli bin holem long North West wetem kapman blong Nelly i karem kraon blong Botolfo. Oli talem se ol hae jif blong eria blong olgeta ibin stap long miting ia tu mo oli akri blong Nelly i karem kraon ia. Sam long ol hae jif ia ikat Chief Meltekia blong Naure we i bubu blong Reuben Metrid (klemen 2), Chief Meltelili blong Betervil we i bubu blong David Meltelili (klemen 3), mo Chief Meltekavia blong Matanvat we i papa blong Gregoire Salyor (klemen 1). Kot i akseptem toktok blong olgeta from oli jif blong ol kraon we i surround Botolfo, oli olfala mo oli no bin traem evade ol kwesten.

Wilson Isaiah i presentem wan toktok long kaset we Chief Meltekia i mekem samfala yia i pas bifo emi tet. Toktok emi long lanwitj mo Wilson i transletem be Kot i askem Chief Gebion Nathan blong mekem nara translesen. Toktok blong jif ia ino kivim tu tingting long man, emi talem i klia stret se graon i blong Wilson Isaiah mo i stret nomo blong Wilson i karem kraon ia mo wok long em. Emi talem se no kat man i save tekem aot graon ia from evriman i kat graon. Long saed long em emi talem se em blong Naure be emi kam aot long Botolfo long wan rope oli kolem nabebe.

Long saed long nasara Wilson Isaiah i talem se emi kat faev we istap antap long hil. Ol nasara ia ol nara klemen oli no disputim se emi blong olketa.

Folem ol toktok ia Kot i luk i klia nomo se Wilson Isaiah emi kat raet long graon blong Botolfo.

Klemen 2, Gregoire Salyor emi klem wan pat blong graon blong Botolfo nem blong em Betrem we i indicate long skej plan. Emi besem klem blong em long tri resen. Fes resen i relate long faet mo pis agrimen we tu jif i mekem blong endem faet ia. Namba tu resen emi from kaon blong pig we Chief Meltekaun ino pem bak long em iet. Kaon ia ikam aot long namangi we oli kolem long kastom, navelite, or jalens bitwin tu hae jif long pig kiling. Namba tri resen emi from care mo lus long kastom long tet blong Meltekaun. Emi talem se bikfala sik ikasem Chief Meltekaun we ol dokta ino save curim long Santo mo ikam bak istap wetem olketa oli luk aotem em koko emi tet. Klemen ia ikat witnes i sapotem toktok blong em se graon i save pas from kaon blong navelite.

Folem ol toktok ia blong em Kot ino akseptem se graon i save pas folem pis agrimen mo exjens blong weaved hair blong tu hae jif.

Emia from spos wan saed i lusum pipol long faet taem emi ko sapotem wan nara traeb or jif, kastom blong setolem emi exjens long man wetem pig we emia Gregoire ibin talem long stetmen blong em se i bin hapen. Mo tu afta we papa blong Meltekaun i joen blong kaekae wan ded man we i kosem niu friction bitwin tu saed ia bakeken, Chief Kaku wetem Chief Meltekaun tufala i bin reconsael taem tufala i exjens pig bifo tufala i statem navelite jalens blong tufala.

Kot i akseptem klem blong Gregoire we i bes long navelite mo care mo lus long tet blong Chief Meltekaun.

Klemen 2, Reuben Metrid i klem graon blong Botolfo we i indicate long skej plan. Emi klem folem wan woman Naure we i maretem wan olfala blong Botolfo. Woman ia mo olfala ia tufala ikat wan pikinini boy. Olfala ia i tet taem pikinini ia i smol mo folem toktok blong olfala ia, mama i tekem pikinini iko bak long Naure long uncle blong em. Reuben Metrid i talem se sem day we boy ia ikasem Naure, olgeta long ples ia oli rusum breadfruit mo taem oli kivim i kaekae oli diklerem hem ikam jif blong olgeta. Kot ino bilivim toktok ia se yu kaekae breadfruit mo semtaem yu kam jif from se yu mas kilim namangi blong kam jif. Emia wan witnes blong Klemen ia i sapotem. Be klemen ia i talem se smol boy ia i jif finis long Botolfo bifo iko long Naure. Kot ino bilivim toktok ia tu from klemen ia ino kivim klia explenesen abaot famle blong em bifo ikam mo i klia nomo se emi no save wanem emi stap tok abaot. Wan witnes blong em we i brata blong em emi talem tu se emi no save chief ia pikinini blong em iko long Naure. Ol witnes blong klemen ia tu oli no sapotem toktok blong em mo oli bin stap evadem ol kwestem mekem se Kot ino save stanap long toktok blong olgeta.

Be Kot i luk save smol raet blong Reuben Metrid long graon blong Botolfo folem toktok blong bubu blong em, Melteka we emi mekem long kaset se emi kam aot long rope ia nabebe insaed long Botolfo

Klemen 3 i klem kraon nem blong em Lebughas we i indicate long skej plan. Emi klem from ol resen ia. Fes wan from kut relesensip we tu hae jif blong Betervil mo Lebughas ikat, namba tu resen from ol man Betervil oli tet long faet taem oli helpem Lebughas blong faet akensem Naure, namba tri resen from jif Leghori blong Lebughas wetem evri pipol blong em oli tet long Betervil, namba fo risen from wan hae jif blong em i kalabus, we emia i olsem peimen blong graon ia, mo las risen se jif Leghori i kivim raet long em.

Kot ino akseptem se graon i save pas from kut relesensip bitwin tu jif, mo namangi tu jif i kilim klemen ino mekem i klia spos emi navelite. Tu Kot ino akseptem se man i save karem raet long graon from ol tet long faet. Emia from fasen blong compensation

from tet long faet emi exjens long man wetem pig iko long nara saed. Kot ino akseptem se graon i save pas from jif Leghori wetem evri pipol blong em oli tet evriwan long Betervil taem ikat evidens se man blong Botolfo i laef iet. Tu Kot ino akseptem se jif Leghori i kivim raet long em from ino kat klia toktok long saed ia blong Kot i bilivim toktok blong klemen ia. Las wan long lo man ino save kalabus blong karem raet long kraon, man i kalabus nomo taem emi mekem trabol. David Meltelili ino kat witnes we i sapotem em, ikat Arkat Maliat, be em Kot ino save rely long toktok blong em from emi no save wanem emi tok abaot taem emi ansarem ol kwestem.

Bifo Kot i talem which graon i blong wanem pati, bae emi tok abaot tri particular matter we ol tri klemen i resemap agensem plentif, Wilson Isaiah.

I luk olsem tri klemen, Gregoire Salyor, David Meltelili mo Reuben Metrid oli agensem tumas blong Wilson Isaiah ikarem graon blong Botolfo from tu risen. Fes wan i luk olsem evri pati ia oli wandem talem se Lesanto i bonem or kat bel long Nelly bifo emi stap wetem or maretem Malkon, we i min se Nelly i pikinini blong rod, therefore, emi no blong Botolfo mo emi no save kat raet long graon blong Botolfo. Folem toktok ia ol pati ia oli no establisim se Nelly i pikinini blong rod. Chief Seba blong Rano, ples blong Lesanto i witnes blong Reuben Metrid mo long toktok blong em emi talem se Lesanto i kat bel bifo emi stap wetem Malkon. Be witnes ia Kot ino save rely long toktok blong em from emi stap evadem ol kwestem mo i klea se emi no save wanem emi talem or emi stap haetem ol tru toktok. Kot i rejectem allegation ia se Nelly emi illegimate pikinini or pikinini blong rod.

Namba tu risen i luk olsem ol pati ia oli wandem talem se spos Nelly ino pikinini blong rod, be still emi no save karem kraon folem kastom blong Not Wes Malekula from emi woman mo graon i pas nomo folem laen blong man.

Long saed ia toktok i klia se Chief Meltekaun i las hae jif mo ona blong graon blong Botolfo, mo em emi kivim raet long Nelly mo Wilson Isaiah. Chief Meltekaun ibin sendem Chief William blong mekem toktok blong Nelly wetem Wilson tufala iko daon long Botolfo blong karem graon ia from se inomo kat stret laef blad istap afta em (chief Meltekaun). Chief William i bin mekem toktok we resol blong em nao se kapman representatif taem ia, Mr. Adam i holem ol toktok mo afta i putum Nelly wetem Wilson long hand blong Chief William mo em (chief William) i putum Nelly wetem Wilson long hand blong Chief Meltekaun. Emia i soem klia intention blong Chief Meltekaun se emi bin wandem se graon blong Botolfo imas stap nomo wetem person tufala ikam aot long sem blad, nating emi woman. Intention ia blong Chief Meltekaun ol bubu mo papa blong ol tri pati ia oli sapotem kut long conduct mo toktok blong ol, e.g. Chief William ibin lidim ol toktok blong Nelly wetem Wilson Isaiah tufala i go daon long Botolfo, mo Chief Meltekia i talem explicitly klia se graon i blong Wilson Isaiah mo emi bin stap luk aotem graon ia nomo.

Ol tri pati ia i talem se stret blad blong Botolfo folem laen blong man we i laef iet mo graon i sud go long em hemi Reuben Metrid blong Naure. Be Reuben Metrid, toktok blong em long saed long famle blong em bifo ikam ino klia mo even bubu blong em i talem klia se graon i blong Wilson Isaiah. Tu, Reuben Metrid ino rebatem toktok blong Wilson Isaiah se em (Reuben), emi blong Vao, mama blong em ikat bell long em finis taem man blong em, Melteksu i tet. Afta i tet mama blong em iko long Naure mo stap wetem Malef. Tufala istap mo faev de afta woman ia i bonem Abel we i papa blong Reuben Metrid. Folem submission blong ol pati ia se pikinini we ino blong man Botolfo i no save kat raet long graon, emia i min se Reuben ino save kat graon blong Botolfo. Maybe ~~Meltekaun~~ ino bin kivim raet long Reuben Metrid from emi pikinini blong nara man we ino blong Botolfo. Be Kot i lukim se spos i olsem, emi fair nomo blong karem eni raet blong adopted papa blong em.

Wanem i klia long Kot mo ino kat doubt long em, emi se Chief Meltekaun emi las man or ona blong Botolfo graon, nao spos emi bin wandem se Reuben i karem graon ia emi bin sud talem stret long em, be emia ino happen. Reuben wetem brata blong em tufala i talem aot se tufala ino save from wanem Meltekaun ino sing aotem Reuben blong kivim raet long em.

Nao i klia se Wilson Isaiah i stret las man blong Botolfo i laef, nating we emi kam aot long woman. Ol nara pati, long submission blong ol oli talem se emi no save karem graon from emi kam aot long woman mo i agensem kastom blong North West Malekula. Be ol witnes blong Wilson oli talem se spos ino kat man i laef folem man, graon i save go long woman from emi kam aot long sem blad iet. Emia Kot i akseptem from ino fair or i ^{no} stret blong graon igo long totally difren person. From long reality, spos evri man long saed long laen blong man i tet, person we long saed long woman be emi kam aot long sem blad iet emi no save stanap blong lukim nara person i karem graon ia we emi no ^{know} stret blad blong graon ia. Practical reality ia wan witnes ^{long reality} emi sapotem.

Kwesten nao se spos graon, folem kastom blong North West i pas folem nomo laen blong man, weswe ol hae jif blong ol pati ia we oli bubu mo papa blong ol pati ia, includim Chief Meltekaun wetem ol nara jif oli kivim raet blong Nelly ikarem kraon. Emia i min se kastom rul oli flexible or i save jens blong mitim wan particular situation we ikam antap, we i min nao se spos evri man long laen blong man i tet, i oraet blong woman i karem graon from i stret nomo blong graon ino pas iko long man we ino stret blad blong graon. Kastom blong North West se graon i pas folem laen blong man nomo, emia i apply nomo be i apply taem man long laen blong man i laef iet, ino fair long reality tede blong i apply taem evri man long laen blong man i tet evriwan from bae i min graon bae iko long totally difren person.

Sam long ol pati ia oli citim or stanap long kes Gedion, Paul, Willie Tien -v- Peter Dan, Land Appeal Case No.4/86 (Supreme Court), se Supreme Court i recognisem kastom blong North West

se graon i pas folem laen blong man, espesele long klem blong Willie Tien. Be long saed long klem blong Willie Tien Supreme Court ino bin tok abaot issue ia long judgement blong em. Supreme Court i mention be raet we emi kivim long Willie Tien i folem direct relesensip we Willie Tien ikat wetem tri jif.

Folem evri toktok ia decision blong Kot long saed long graon blong Botofo emi ko olsem :

- David Meltelili ino kat eni raet long eni graon blong Botolfo;
- Reuben Meltelili, bae Wilson Isaiah imas katem wan smol pis graon blong Botolfo long em.
- Gregoire Salyor, yu kat raet long graon blong Botolfo we nem blong em, Betram we istap inland ikam daon long main rod;
- Wilson Isaiah, yu kat nara pat blong Betram narasaed main rod iko long solwota, mo evri nara graon blong Botolfo, except emia blong Gregoire Salyor mo emia we bae yu kivim iko long Reuben Metrid.

Raet blong apil i explen.

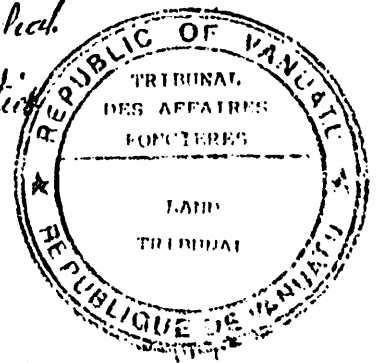
Sitting Justices - Graham Obed
 - Robert Neptic
 - Jacob Naus
President - Jimmy garae

Graham Obed

Robert Neptic

Jacob Naus

Garae



Jasmen ikam aot long Lakatoro long namba 25 de blong June, 1993.

[Gregoire]

BOTOLFO BUNDRY

- Boundary Claims
- Wilson Isaiah: klem whole boundary.
 - Reuben Metud i klem boundary we i marked by "black" crossings.
 - Gregoire Salyor i klem boundary we i marked "red".
 - David Meltelili i klem boundary we i marked weterem "blue" crossings.

