

Before Magistrate Rita Bill Naviti

Clerk of Court Hellen Rose Aru

Chiefs Advisors : 1. Petro Rite of Port Olry
2. Ianavari of South Santo
3. Atevari of South Santo

BETWEEN

1. TOM RASU, aplikent namba 1
Representing RASU FAMILY
2. GEORGES LIFIF, aplikent namba 2
Representing TARIVAGININO FAMILY
3. SAWA MATARAVE, apliken namba 3
Representing MARATAVE FAMILY
4. PETER TALIVAO, apliken namba 4
On his own name
5. TITUS MALEHI, aplikent namba 5
On his own name

DISPUTE BLONG GRAON ASULEKA/MALO PASS

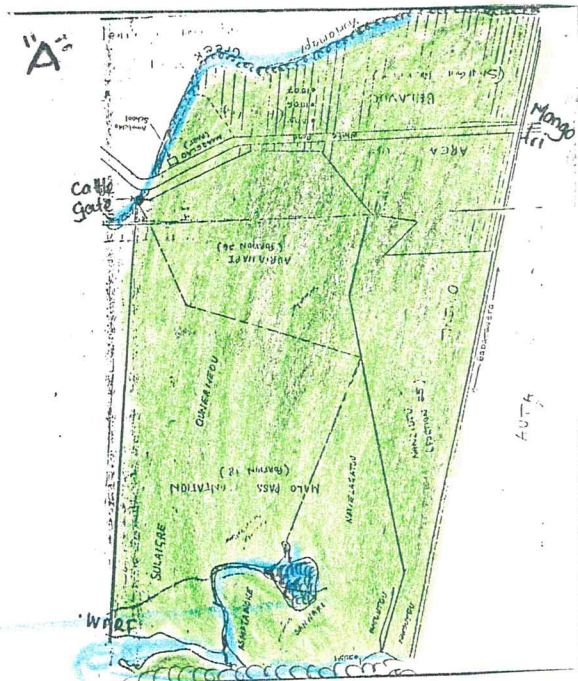
Case ia aplikent one Tom RASU, long saed blong famili Rasu hemi lodgem klem long taetel 706 Malo Pass we oli kolem long kastom ASULEKA, hemia long East Malo. Look look long full Aeland blong Malo graon ia Asuleka hemi stap long Northern Cost blong Aeland. Klem ia Rasu hemi putum wetem Aeland Kot long year 1992.

FAMILY RASU

Klem blong Rasu hemi talem se Malo Pass or Asuleka i gat 10 fall piece graon :

1. PART BLONG AMABELAO
2. BELAVOKO
3. NAIVALAGATO
4. ONERMEOU
5. NADIUTU
6. SULAIGRE
7. ASMATAWOKE
8. SUENSULAIGRE
9. SANWARI
10. AURIAMAPI

We oli stap long map A.



Vuro Tom Rasu hemi claim followem Blood mo "Arkpaui":

Hemi klem se Wariwari mo Molivakalima
tufalla hemi brata mo tufalla oli great great
grand father blong hem, tufalla ia tufalla oli
owna blong Suensulagre (smol aeland) mo
Asuleger (Big aeland). Wariwari hemi gat pikinini ;
Molivakalima hemi no gat pikinini.
Wariwari hemi maretem Vetarigarea,
tufalla i bornem Molitalotu mo Molimatacu, tufalla boe.
Molitalotu hemi maretem Vovuro
mo hemi bornem Vevanuaturu.
Molimatacu hemi maretem Vekarae mo bornem Rasunaboe.
Rasunaboe hemi maretem Vesubemalum mo
tufalla i bornem Daniel Rasu mo Vanua Rasu.
Daniel Rasu hemi maretem Vemolitakevuro mo
bornem Tom we hemi spokesman blong Famili Rasu.
Vanua Rasu hemi maretem Vombani mo bornem
5 pikinini includim Wesley Rasu we hemi stap helpem
Tom Rasu long pepa work long case ia.

Long 3rd July 1903 Molivakalima, Molitalotu mo Susurave oli salem Sulaigre mo
Ouneroomeou i go long Richard Wilson (Marinaz). Graon ia hemi formem part blong
Malo Pass (marked long map A).

Long 10 February 1904 Molivakalima, Molitalotu mo Susurabe oli salem part blong
Nadiutu (marked long map A) mo same time nomo oli includim Sanwari mo
Asmatawoke.

Long 12 June 1917 Susurabe mo Molivakalima oli salem Auriamapi long Mrs Margaret
Shepherd (marked long map A).

Long examination, cross examination mo re-examination Tom Rasu i talem se :

*"...Molivakalima hemi great great grand bubu blong Rasu famili mo Peter Talivo,
from se Rasunaboe mo Vevanuaturu tufalla hemi cousin.
Rasunaboe oli no acceptem Vevanuaturu from hemi wan woman mo oli pem hem finis
followem Arkpaie..."*

Fisrt witness blong Tom Rasu **WARAWARA BANICAVO**, sworn :

*"...Taem oli tok about Malo Pass mo Nadiutu ie no gat baondri, from we olgeta graon
ia oli develop finis inomogat baondri mark blong bifo.
Sapos tufalla brata i sherem graon finis, one brata we i gat boy i no save tekem graon
blong narafalla brata we hemi gat girl nomo..."*

Second witness blong Rasu, VURO LIVULIVU, sworn :

Witness ia hemi no helpem gud Kot long saed blong Babatavera.

"... olgeta man blong tufalla ples ia oli ded evryone finis...

...Ol man bifo taem oli pem graon oli putum own baondry blong olgeta nomo. Olgeta Native oli no save measurements nothing. Oli pointem directions nomo but white man i katem graon i go tumas...

... wan creek hemi markem Babatavera..."

GEORGES LIFLIF :

Georges Liflip hemi gat spokesman blong hem Paul HAKWA

Georges Liflif hemi harem se Tom Rasu hemi putum claim from Asuleka, hemi too hemi registerem claim blong hem :

Claim blong hemi i go olsem :

Long Solwota i start long Natavoa tree
left side closap long house blong Forman
followem sandbeach go kasem baondry
blong Nadiutu school, pullum stret laen i go
kasem fence blong ex-franis company,
followem road i go long south west side kasem
Nanatu tree, pullum stret laen i go long South
kasem cattle gate, go bakeken long west kasem
creek long nakatabol tree mo pullum stret laen
i go long south kasem wota tank, continu pullum
i go kasem natavoa tree bakeken long ples we
laen i start long hem. Hemi say hemi Asuleka i no
includim Nadiutu from Nadiutu hemi different graon
lookim map B

Georges Liflif hemi klem under long blood mo Bosbosia:

Blood

Vemolialao hemi great great grand mother blong hem :

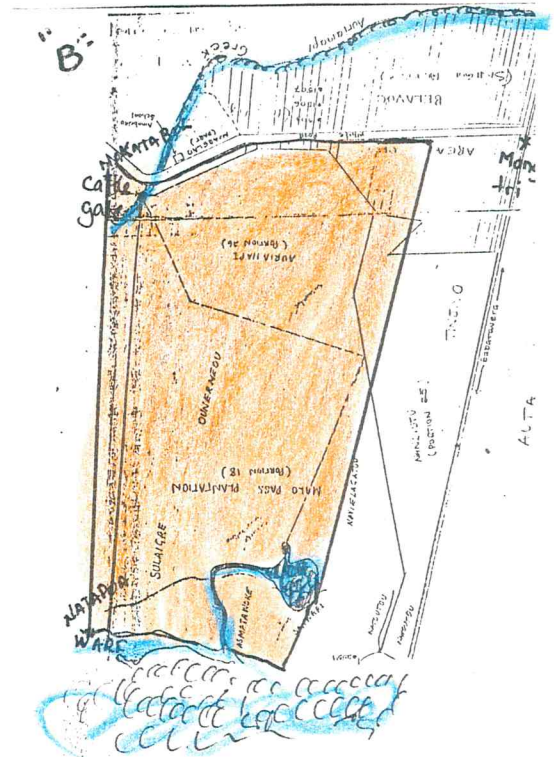
Woman ia Vemolialao hemi gat wan brata nem

Molivakalima. Papa blong tufalla Donasari.

Molivakalima hemi no gat pikinini.

Vemolialao hemi maretem Turuwari mo bornem Samaji,
Samaji hemi maretem Veladogi mo bornem Tarivaginogino,
Tarivaginogino hemi maretem Vemolvaginogino
mo bornem Georges Liflif

Bosbosia :



Molivakalima hemi ded long hand blong Tarivaginogino we hemi papa blong Klemant Liflif. Tarivaginogino hemi stret bubu blong Vemolialao mo Molivakalima.
Molivakalima mo Vemolialao, tufalla stret last man mo woman Asuleka. Taem ol white man oli stap poisonem olgeta native long solwata, Molivakalima hemi go stap wetem sista blong hem Vemolialao long ples blong Samaji antop long bush. Samaji hemi ded away long olgeta mo leavim Molivakalima wetem Tarivaginogino pikinini boy blong Samaji mo Tarivaginogino hemi teke care long Molivakalima kasem hemi ded mo burem hem.

Insaed long Kot Kleman ia hemi just save se Rasu hemi claim Asuleka we hemi includim Nadiutu. So blong mekem hemi fair Kot hemi acceptem blong klemant ia hemi klem Nadiutu too. (*Inherent power blong Kot Cap 122 sect. 29*)

Long saed blong Nadiutu klemant hemi Bosbosia mo famili laen.
Hemi talem se Arumera hemi wan man Animoli we hemi sem graon Nadiutu. Arumera hemi gat wan sista. Woman ia hemi maretem Tarivaginogino. Tufalla i no gat pikinini. Taem Arumera hemi dead long hand blong sista blong hem mo tawian blong hem Tarivaginogino, hemi leavim graon long hand blong Tarivaginogino we hemi burem hem.

Wetem confusion we i stap bambae Liflif hemi usum sem disputed map A.

Long examination, cross examination mo re-examination Georges Liflif i talem se :

Molivakalima hemi kasem wan sick, Testicule blong hem or Bol blong hem oli swollen up. Hemi ded long hand blong Tarivaginogino. Vevanuaturu hemi girl blong Molitalotu. Vevanuaturu hemi maretem Tarivaginogino. Hemi save Nalepa wan graon long eria blong dispute, graon ia Susurave we hemi man Aore, hemi putum wan narafalla nem long hem Belavoco, but stret name hemi Nalepa. Nasara blong Wariwari we hemi bubu blong Vevanuaturu hemi stap long Nalepa. Wariwari hemi blong bush. Tarivaginogino hemi pem first woman blong hem, Vevanuaturu long Molitalotu second woman blong hem long Arumera
Olgeta descendants blong Vevanuaturu oli no save klem from Vevanuaturu hemi marret 2 times.
Bifo olgeta Natives oli no save olgeta measurements, mekem nao olgeta white man oli makem olgeta graon oli big bigwan tumas.
Hem (Liflif) hemi showem olgeta baondry blong graon long Peter.
Hemi startem faet blong graon bifo finis even before Nagriamel hemi born.
Animoli hemi graon blong Georges Liflif mo brata blong hem David from papa blong tufalla hemi bearem Arumera. Pruv se graon Nadiutu hemi different graon : long 12 september 1991 ol chiefs oli meeting oli tok about hem wan nomo.
Famili Sawa oli no work long Animoli. Animoli taem you stap long solwota hemi start between West mo North long Bush
hemi representem olgeta famili blong David Molivaginogino mo tufalla William mo Enock tufalla trastem hem blong representem olgeta long Kot. Taem olgeta long

"...Navusi hemi seperetem Tinjivo mo Auta. Navusi hemi sherem sem baondry wetem Belavoco.

Vevanuaturu hemi stap argu wetem Sawa from baondry but Vevanuaturu hemi wrong. Vevanuaturu herself hemi never showem baondry long Peter, so Peter i no save Baondry.

Arumera hemi salem Nadiutu long Tutunamoli but hemi wan smol piece graon nomo hemi no coverem up Navusi. Sawa hemi no klem Nadiutu. Nasara blong Navusi hemi stap close up long Naviaru..."

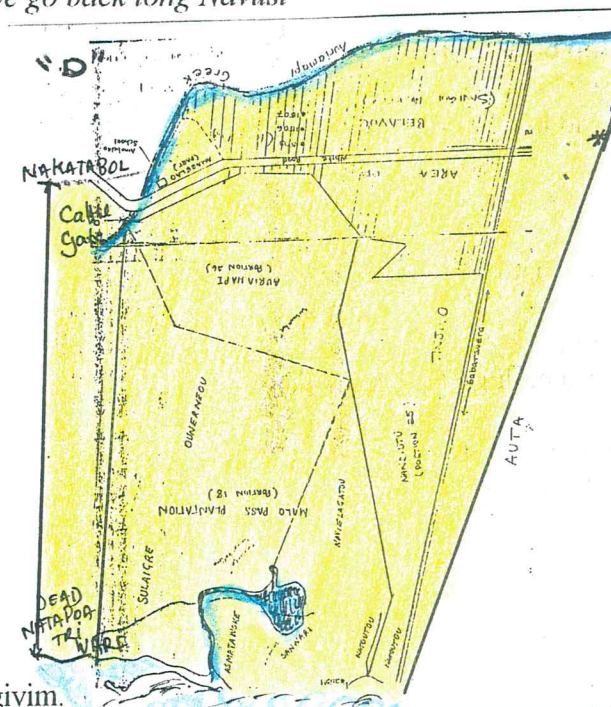
Ist witness blong Sawa, **Vuti Cese** hemi no save present long Kot so hemi sendem son blong hem. But Kot, ie askem few questions long hem, blong testem save blong hem mo **disqualifaem hem..**

"...Stamba blong Sawa Sombe Sombe hemi man Navusi hemi go live long Avulua, olgeta man Navusi oli ded everyone so Sawa hemi save go back long Navusi Babatavera ie start long lagoon go kasem hill..."

Boundries we Peter Talivo
hemi klem hemi over boundries
blong Tom Rasu we i go long Notis

Peter Talivo hemi claim Nadiutu,
Belavoko tavera, part blong Asuleka
under long bubu blong hem Vevanuaturu.
Vevanuaturu hemi mama blong mama blong
Peter Talivo we nem blong hem Veuria.
Vevanuaturu hemi adopted girl blong Vatule
wan man Belavoko tavera. Vatule hemi givim
1 pig tooth i pass long bone (Narave) long
Molitalotu blong pem woman blong Molitalotu.
Vatule hemi no gat pikinini so hemi takem out first
born pikinini blong Molitalotu followem pig we hemi givim.
Vevanuaturu hemi born long Nalepa mo Molivahisihisi hemi pem hem taem hemi smol
yet i go long Atiu. Molivahisihisi hemi dead bifo Vevanuaturu hemi kasem age blong
maret, so Tarivaginogino i maretem hem. Vatule hemi ded long hand blong
Vevanuaturu.

Peter Talivo hemi pem out olgeta rights ia long 70 000 Vatu cash. Long saed blong Asuleka or Malo Pass Peter Talivo hemi claim too followem bubu blong hem



Molivakalima we hemi talem se Vevanuaturu i bearem long Antonamarae.
Vevanuaturu mo Tarivaginogino tufalla i berem Moli vakalima mo wife blong hem. Peter Talivo hemi claim too from hem pem olgeta rights blong Vevanuaturu mo David Molivaginogino mo too long way we hemi mekem funeral Ceremony blong olgeta kastom owna ia. Long saed blong Nadiutu Peter Talivo hemi claim followem Vekaraevuho we hemi talem se hemi sista blong Arumera. Vekaraevuro hemi wife blong Tarivaginogino tufalla i no gat pikinini. First pikinini i born long Tarivaginogino hemi gat wetem Vevanuaturu hemi David Molivaginogino so rigth i go long David Molivaginogino mo rigth ia i go long Peter Talivo.

Long examination, cross examination mo re-examination Peter i talem se :

Molivakalima hemi blong Nalepa hemi move i go long Malo Pass. Vatule hemi blong Nalepa hemi go live long Belavocotavera. Molivakalima hemi no last man Malo Pass but last man blong salem graon long Malo Pass. Molivakalima hemi go long Atiu blong stap wetem niece blong hem we hemi wife blong Tarivaginogino. Molitalotu mo Molivakalima tufalla brata.

Vevanuaturu hemi maret hemi go wetem man blong hem, Molitalotu wetem olgeta brothers blong hem oli stap. Long Kastom blong Malo man i save salem birth right blong hem. Olgeta uncles blong Peter oli givim every right blong olgeta long Peter from hem pem finis.

Olgeta pikinini blong Vevanuaturu oli save go tekem graon blong Vevanuaturu be hem (Peter) hemi pem out rights finis bambae oli no save go back. Papa blong Rasunaboe hemi blood line blong Molimatacu but hemi born under long property blong Aiva. So Vevanuaturu hemi no considerem Rasunaboe olsem brata blong hem Rasu hemi gat right long Analepa be hemi salem finis. Geogres Liflif mo David tufalla hemi brata followem blood. Liflif hemi markem out graon mo Peter hemi pem long 200 000 Vatu, hemi pem first part long 1979 we house blong hem i stap tedei mo second part long 1988, hemi pem long Vevanuaturu tugeta i stap long Belavocotavera. Amabelao followem white road i go long man Paama Gedeon hemi 1st part long right saed blong road. 1st part Liflif hemi showem long Peter second part Liflif yet hemi showem long Peter. Peter hemi pem from olgeta uncles blong hem mo olgeta pikinini blong uncles blong hem oli laef yet. David hemi no tekem Peter i go long graon ia be Liflif nao hemi tekem hem i go. Long Kastom hemi stret blong klem graon followem kastom blong berem owna blong graon.

Nalo hemi mekem olsem long graon blong Susurave.

Papa blong Liflif hemi maretem sista blong Arumera we hemi last man Ainimoli. Liflif hemi born long different man hemi no pikinini blong Tarivaginogino, David nomo hemi stret man blong tekem graon ia. Peter hemi talem se hemi think se Rasu hemi gat some right long Malo pass through long Vanua be smol nomo.

First witness blong Peter Talivo, **Georges Tehi**, sworn :

"...Molivakalima hemi gat 1 pikinini we hemi Vevanuaturu through long Molimatacu we hemi brata blong Molivakalima

Tarivaginogino hemi gat 2 wives, first wan Vekaraevugo ie no gat pikinini, second Vevanuaturu hemi gat 1 boy David.
 Vahoro hemi gat bel long Tarivaginogino mo bornem Georges Liflif.
 Arumera hemi blong Ainimoli; graon ia i go pas wetem Nadiutu hemi blong Arumera mo i go long Tarivaginogino.
 Sawa hemi stap work long East. Hemi no sure long Babatavera, be hemi think se i stap long bitwin Wasale mo Nadiutu.
 Vevanuaturu oli pem long Vatule. Molimatacu hemi no pem mama blong Rasunaboe. Rasunaboe hemi salem graon long Tarivaginogino, followem blood not pig. Peter hemi pem right, followem kastom David mo Vuti nao oli should klem, but Peter hemi pem out right finis..."
 Long ansa long Liflif hemi talem se Vutinamoli hemi save go back long graon be hemi no wandem.
 Long ansa long Sawa hemi talem se Sawa hemi work long East..."

Second witness blong Peter Talivo, **Barward Bakeo** sworn.

"... David hemi cross long Liflif. Mo Sawa hemi work long West.
 Molmatacu hemi blong Belavoco hemi go blong fishing mo hemi stap tekem Vemolsagi nao hemi gat 1 boy. Hemi save se Daniel mo Vevanuaturu tufalla i gat sem ~~bubu~~ hemi Vesubemalum.
 Nadiutu mo Ainimoli tufalla hemi seperet graon, tufalla i nomo gat man blong tufalla tudei so tufalla i kam wan graon. Nadiutu i stap long riva antop long creek.
 Babatavera hemi start long wan creek Saladgelum igo long Natapoa mo go stret long solwota hemi between Wasale mo Nadiutu.
 ... i gat 2 Belavoco..."

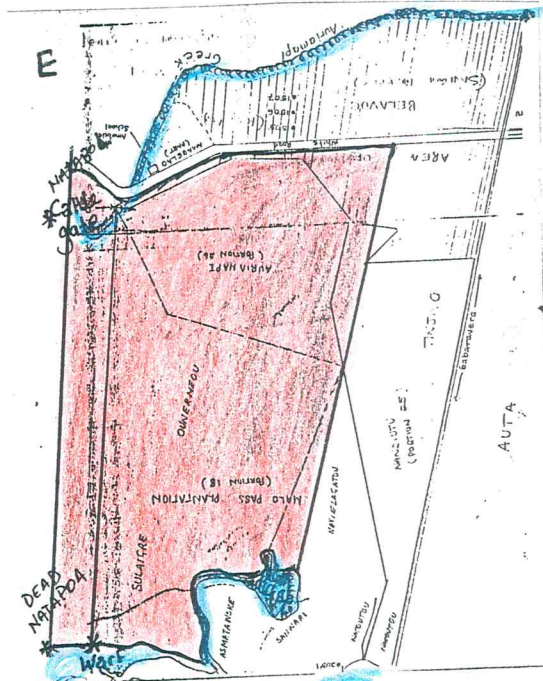
Third witness blong Peter Talivo hemi **Vutinamoli** sworn :

"...Witness ia hemi stret pikinini boy blong Vevanuaturu, hemi talem se Vatule hemi blong Belavocotavera, Arumera hemi blong Ainimoli mo Nadiutu. Molivakalima hemi blong Malo Pass. Olgeta ia Vevanuaturu hemi berem olgeta.
 Molimatacu mo Molitalotu tufalla i gat Vevanuaturu wetem wan sista be hemi ded. Tarivaginogino hemi pem Vevanuaturu mo bornem David Molivaginogino. Liflif mo David tufalla hemi brata blong hem (Vutinamoli). Hemi receivim £ 20 long saed blong "RedRedia" long kastom. Nalepa hemi graon blong hem Witness. Liflif hemi stap salem graon be hemi no gat right. Matarave hemi wan long olgeta bubu blong Vutinamoli, hemi stap work long Navusi, we hemi long way tumas. Ie gat wan Nasuvi nomo.
 Vevanuaturu hemi wan nomo.
 Vatule hemi ded long Atiu hemi go stap wetem Vevanuaturu mo Tarivaginogino.
 Peter hemi pem right long Belavocotavera, baondry blong Belvoco hemi stop long Ainimoli, hemi no go kasem Babatavera. Hemi se hemi no go long ceremony we i look Peter i tekem right blong Vevanuaturu, hemi save about ceremony ia from hemi givim out message blong ceremony nomo. Georges Liflif hemi putum leaf namele long Nadiutu blong stopem Malehi kasem tedei leaf namele ia hemi stap ie no gat man i

tekem out. Polis mo District commissioner oli move from problem blong Liflif bifo. Tom Rasu hemi save go long graon sapos Vevanuaturu hemi never born. Mi colem Rasu uncle, Molivakalima hemi givim right long Vevanuaturu from hemi bloodline mo burial (Bosbosia) Tarivaginogino hemi maretem sista blong Arumera, hemi givim right long sista blong hem mo Tarivaginogino bifo hemi ded. Ie gat 2 Belavoco 1 Belavocotavera where Peter hemi live long hem mo narafalla Belavocoworwor hemi long Nalepa..."

TITUS MALEHI

Hemi klem Asuleka mo boundries blong hemi oli go olsem. Long solwota start sem mark wetem Peter long wan Natapoa we foldaon finis somewhere 900 metre from warf run i go long East run i go antop long wan nakatabol tree followem white road i go back long West kasem 1 mango tri long south side blong white road mo run i go down long west saed blong riva.



Hemi klem unda long Woviti we hemi talem se hemi girl blong Sala Asao we hemi pikinini boy blong Pakaleo. Pakaleo hemi stret man Malo Pass. Woviti hemi unique girl blong Sala Asao. Girl ia Woviti hemi gat 4 brata Natukarea, Kece, Moli Vakalima mo Tutu Namoli. Woviti hemi maretem Tapavuni mo bornem 2 boys : Molisingi we hemi ded finis mo Tchina Naboe. Tchina Naboe hemi maretem Vesupeliu mo bornem 3 boy, Titus Malehi, Aaron Uriuri mo Johnas we hemi ded finis. Titus hemi talem se hemi born long Amalobaiko. Hemi grow up long Aroai. Vesupeliu hemi gat wan sista Veladogi we hemi mama blong Tarivaginogino. Olgeta white man oli tekem out olgeta 4 falla brata blong Woviti blong go work long sugar cane, oli kam back longfalla taem afta.

Long examination, cross examination mo re-examination Titus Malehi i talem se :

Liflif hemi no faet hem wan from ol graon, but olgeta everyone insaed long Nagriamel movement. Molivakalima hemi go ded long Atiu hemi followem nephew blong hem Tarivaginogino. Tchina Naboe hemi boy blong Woviti mo Woviti hemi sista blong Molivakalima. Tchina Naboe hemi laef yet taem Molivakalima hemi ded mo Tchina Naboe hemi mekem Kastom dance mo killim pig blong Tarivaginogino hemi washem hand blong hem we hemi holem toti blong Molivakalima. Taem Liflif hemi gat about 5 or 6 years oli givim back pig. Oli pem mama blong hem nomo but oli no pem Liflif. Malo kastom hemi followem pig not blood. Tarivaginogino hemi pem wan land long Nalepa long Rasunaboe.

Papa blong Titus hemi mekem Redredia long uncle blong hem finis hemi salem right blong hem long Titus bakeken. Titus hemi blong Ajaloa, hemi wan different graon. Malo pass i nomo gat man blong hem.

...hemi harem story we hemi givim long klem ia taem hemi gat 20 years. Liflif hemi first born blong Tarivaginogino.

Hemi true Tchina Naboe hemi mekem kastom danis mo killim pig blong Tarivaginogino hemi takem new nem mo too blong hemi washem hand. Kastom ia oli mekem long Atiu. Hemi true se Tchina Naboe hemi wrong blong no tekem body blong Molivakalima i go long graon blong hem.

Sapos hemi true se Rasunaboe hemi famili blong Molivakalima hemi should pem kaon blong hem long Tarivaginogino long taem bifo finis.

Tutu Namoli hemi gat pikinini, wan girl be taem hemi maret Molimalamala hemi givim hem out. Girl ia hemi no pikinini blong pig.

Sawa hemi work long East. Hemi ova long Babatavera, but hemi no save talem wan natural boundri. Babatavera hemi stap between Belavoco mo Naviaru, Atamoli hemi wan big chief blong area ia long bush, Hemi harem se Atamoli hemi wan bigfalla chief, hemi stap tekem interpretors bifo mo oli go down long solwota taem oli wandem ol products blong white man oli salem ol piece graon blong pem ol products long hem. Oli stap salem smol smol pieces nomo wan wan taem.

Bwivevalis hemi wan area we hemi seperetem Belavoco mo Naviaru Passis blong Bwivevalis hemi long korel long Nadiutu. Ainimoli hemi gat passis too long Nadiutu.

Rasunaboe hemi pem sista blong Vesubemalum, woman ia hemi ded Vesubemalum hemi tekem ples blong woman ia.

Arumera hemi nomo gat famili line blong hem tedei. Sista blong Arumera hemi maretem Leodoro. Leodoro hemi ded Tarivaginogino hemi maretem hem. Ainimoli hemi part blong Nadiutu.

Ie gat 1 ples blong Nakarie nomo long Malo pass, so olgeta man long area ia oli agri se West hemi tekem Nakarie long West saed blong riva mo East long East saed blong riva hemi no business blong Land. Nalepa oli no gat passis oli stap long way tumas. Atamoli hemi big chief hemi stap decide but Molivakalima mo Beaouri tufalla stap interpretors nomo.

Tutu Namoli hemi pem graon we today school i stap long hem. Ainimoli hemi stap long hill behind long Nadiutu. Navusi hemi stap long West.

Man we hemi no pem woman blong hem hemi must pem graon blong givim long pikinini we hemi bornem..."

Fist witness blong Titus Malehi : **Micah Josuah** blong Malakula, sworn
Hemi born long 1940 long Malo.

"Hemi talem se hemi pem graon long Amabelao long papa blong Titus.
Taem hemi pem graon i no gat man hemi disputim. Hemi walkbaot long Ainimoli wetem olfalla Tchina Naboe taem ia nao Tchina Naboe hemi showem Babatavera long witness. Taem Witness hemi handem ova money Georges Liflif, David mo Vevanuaturu oli present. Oli talem se graon hemi blong Titus.
Long wan question blong Kot hemi talem se Babatavera hemi wan creek..."

Sekond witness blong **Titus Malehi** : Joel Uriuri sworn :
Hemi born long 1920 long Asavakasa;

"Hemi talem se hemi born long Tarivusi we hemi stret papa blong hem mo Molitake Vanua hemi adoptem hem. Molitake Vanua hemi best friend blong Tchina Naboe long saed blong killim pig mo helpem each other. Oli no friend from graon. Hemi look Molivakalima, taem ia witness hemi about 12. Molivakalima hemi gat 6 fingers, wan saed hand blong hem i foldaon smol. Hemi look brata blong Molivakalima too wan Natu Karae. Liflif mo David tufalla hemi brata, but Tarivaginogino hemi no pem Bride price blong mama blong Liflif. Hemi harem about Arumera be hemi no lookim hem. Hemi harem about Wariwari too be hemi no lookim hem. Molviria hemi wan devel. Hemi look Susurave, hemi wan smol man nomo ; hemi no stap shave, cheekes blong hem oli olsem blong woman.

Witness ia hemi oldest witness mo hemi givim impression se hemi stap talem olgeta stret toktok hemi no save tumas long saed blong kastom histry blong olgeta klemants so hemi no ansa long olgeta questions blong olgeta. But hemi ansa long Sawa long saed blong boundri, mo hemi talem se Babatavera hemi stap long wan Nagai tri. Nagai tri ia hemi grow stret long mark we Tchina Naboe hemi stap talem long hem. Nagai tri ia hemi stap close up long haos blong Peter Talivo.

Long question blong Kot hemi ansa se hemi gat wan sista but hemi no gat right long graon blong papa blong tufalla. Hemi givim graon long olgeta nephew blong hem finis (olgeta pikinini blong sista blong hem). Redredia hemi wan kastom blong mekem se olgeta pikinini we oli born long sista blong hem oli look save uncles blong olgeta nomo. Hemi no gat meanin long saed blong graon. Bosbosia hemi wan strong kastom, we hemi meanim se sapos wan hemi burem wan ded man we i gat graon bambae hemi tekem graon blong hem. Hemi givim example long hem : se hemi no gat pikinini hemi neva maret, but hemi gat graon blong natural papa blong hem mo adoptif papa blong hem. Sapos hemi sick mo ded man we hemi lookaotem hem mo berem hem bambae i tekem every graon blong hem..."

Kastom words we kot hemi usim long decision blong hem :

1. BOSBOSIA = Kastom blong ownem graon blong wan man we hemi no famili wetem . But from we hemi berem hem long kastom hemi gat raet blong klemem graon blong ded man.

2. REDREDIA = Kastom we wan sista hemi must givim sam samting or pem some value i go long olgeta brata blong hem blong introdusim olgeta pikinini blong hem long uncle blong olgeta.

2. BABATAVERA = Wan Bigfalla Kastom boundry we hemi seperetem olgeta man long West mo long East.

JUDGMENT

Followem olgeta evidence mo after we Kot hemi go walkabout long graon we i stap long dispute, kot hemi findem se ie gat 2 samting we hemi must mekem :

1. Kot i must decide long 1 big Boundri mark
2. Kot i must findem identity blong olgeta man we olgeta klemants oli basem klem blong olgeta long hem.

BOUNDRI :

Graon we bambae Kot ie mekem decision long hem hemi graon we i stap long map we clerk blong Santo/Malo Island Kot Heilen Rose Aru hemi putum long notice (Part title 706, start long warF go stret long cattle gate long white road go kasem creek mo babatavera long map blong Rasu mo coverem up smol Aeland Suensulaigre. Kot hemi must mekem ie clear too se bambae hemi no save followem title blong decide long kastom boundries ; mo any mark we oli just katem less then 20 years nomo. Kot hemi save mo olgeta evidences we oli kamaot oli confirmem se olgeta Native before oli no save olgeta measurements, mo taem oli salem graon oli pointem direction nomo, but olgeta white man oli mekem "Self-Service". Plante taem yumi look round long Vanuatu se whiteman oli makem olgeta big Aria. So bambae Kot i must putum boundris blong hem followem evidence we i kamaot long Kot mo long visit long Land. Olgeta Kastom advisas oli talem too se long kastom marks blong graon oli run followem sun. (Sun hemi kerap long East go long West so wan point mark blong boundri bambae hemi run i go long east)

BABATAVERA :

Ie gat bigfalla confusion long ples ia. Olgeta klemants oli save se ie gat wan Babatavera long Aria ia but Kot i no save identifiaem followem olgeta evidences from evidences we oli kamaot oli no sure long stret mark blong Babatavera. Followem advice blong 3 falla kastom advaes blong Kot, Kot hemi think se oli right blong look se wan big boundri olsem Babatavera bambae hemi must start long 1 stone olsem Batunwuga, olsem Sawa i talem long middle blong 2 heads blong wter. But wan big boundri olsem i no save stap long wan head wood nomo. Taem kot i go antop long hill, long white road. Kot i findem se i gat 3 different mark blong Babatavera : Kot i tekem white road long West i go long East. 1st wan Peter Talivo hemi putum Babatavera long 1 melek tri long right saed blong road. Sekond Liflif, Tom Rasu mo Malehi oli putum Babatavera long wan mango tri long left saed blong road about 500 metres from mark blong Peter. Namba 3 witness blong Malehi, Uriuri hemi pointem out nagai tri we hemi givim evidence long hem long kot se hemi Babatavera, hemia about 500 metres from mango tri, few sekond afta, Sawa hemi arrive mo pointem sem Nagai tri.

Taem Magistrate hemi askem se sapos oli folowem stret line i go down long solwota bambae oli kamaot where. Everyone oli talem se bambae oli go kamaot stret long head blong water.

Kot hemi putum boundri blong Babatavera stret long head blong water i go long Nagai tri mo stret line go kasem creek

Olgeta evidences we oli supportem findings ia :

1. Olgeta man West oli tekem shell blong West saed blong riva olgeta man East long East saed.
Igat toktok i kamaot se hemia hemi wan agrimen nomo from i gat shell ia long Malo Pass nomo. Sapos i tru olsem bambae i must gat some kind kastom ceremony blong allowem West oli crossem Babatavera blong go tekem shell. But kot i no gat evidence long saed ia. Babatavera hemi wan big kastom boundri tumas we olgeta man bifo oli must respectem.
2. Ie gat 2 heads blong water, hemi natural nomo se i gat wan blong East mo wan blong West, from water hemi necessary long laef blong human being.
3. Main klemant Rasu hemi followem title nomo.
But 3 narafalla klemants we oli talk about kastom boundries blong Asuleka oli stop long middle blong Riva or narasaed riva (Luk map B, C, E)
4. Oldest witness long Kot we hemi witness blong Malehi, hemi wan gud mo valuable witness ; hemi contradictim mark blong Malehi, Liflif mo Rasu mo putum mark followem boundri we papa blong Malehi hemi putum.
5. First sale blong Aria ia hemi start long middle blong riva blong markem Asuleka Mo ie gat evidence we ie talem se Babatavera hemi folowem smol creek. Kot hemi refer long wan Map blong Malo mo noticim wan smol creek long head blong riva. (Lookim map F. long back blong page ia.)

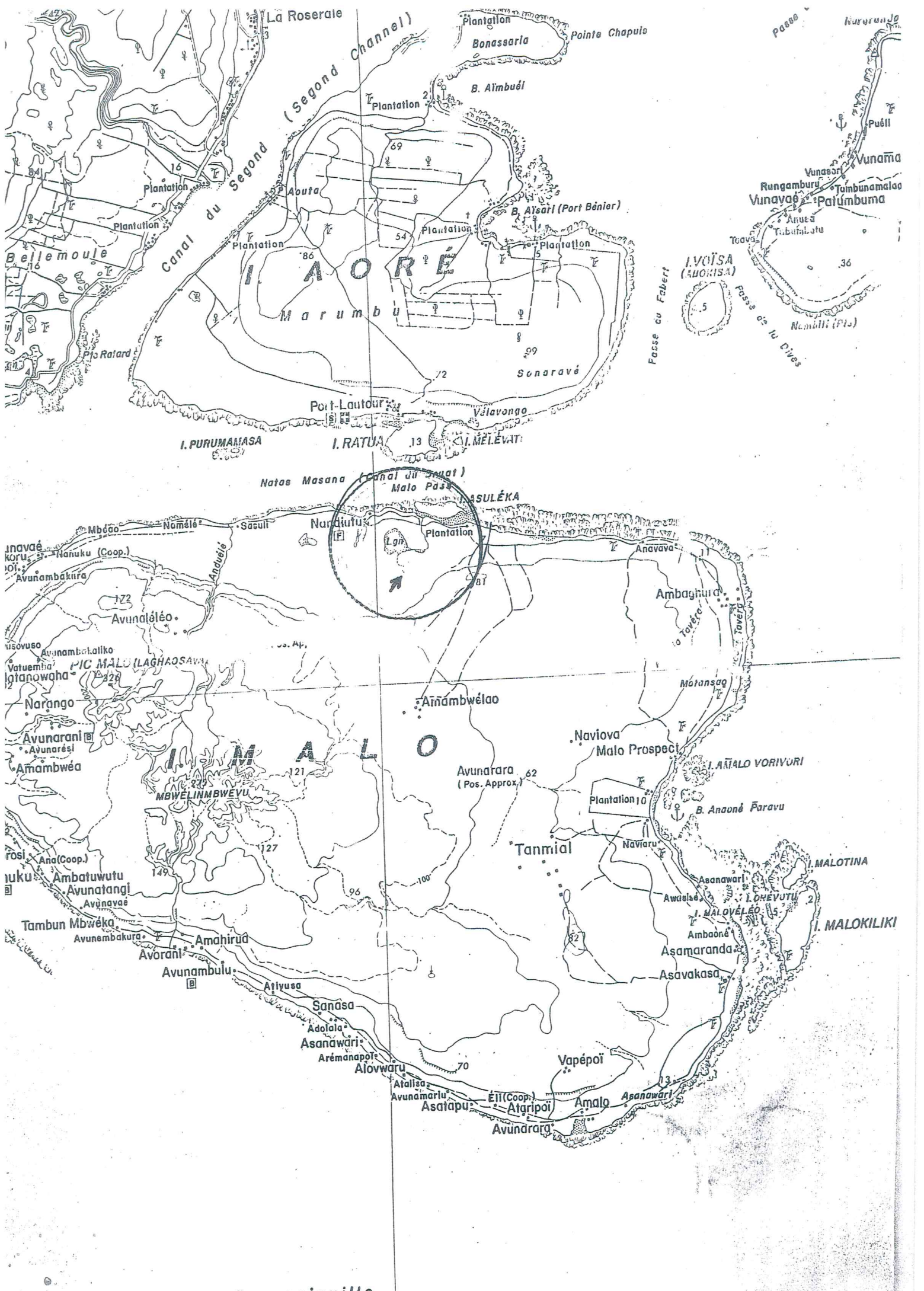
Kot hemi look too se i gat olgeta Lands ia long Aria ia :

East

- A. SUENSULAIGRE (Small Aeland)
- B. SULAIGRE, ASULEKA OR MALO PASS (kasem top blong hill)
- C. ONERMEOU (Start long botom blong hill behind Asuleka)
- D. BELAVOCO OR NALEPA (Narasaed blong white road kasem creek)

West

- A. NADIUTU (Narasaed Riva followem sanbis go kasem nanatu tri long solwota) (go kasem bottom blong hill).
- B. AINIMOLI (Start long bottom blong hill behind Nadiutu)
- C. NAVIELAGATOU mo NAVUSI (Start behind long Ainimoli go kasem creek).



Before Kot hemi sharem graons ia long olgeta klemants; mi propose se Kot hemi identifiaem olgeta main ancestors we evidences oli showem out olgeta.

Ie gat 3 main figures long klem ia :

MOLIVAKALIMA :

Hemi wan olfalla we hemi born somewhere long aria ia. History blong hemi no clear. But evidence oli showem se Molivakalima hemi last man Malo Pass mo hemi last man blong salem graon long Malo Pass. Kot hemi holem thinkthink ia se Molivakalima hemi wan Hero blong salem graon from olgeta exhibit oli showem se hemi stap long every deeds blong sale blong graon, some times hemi salem mo some times hemi interprete nomo. So hemi wan man we hemi save language blong white man smol. Molivakalima hemi no gat stret pikinini blong hem, but hemi gat blood line i stap.

VEVANUATURU

Hemi wan woman we hemi generation behind long Molivakalima. Woman ia now hemi stap relatem olgeta main kastom story blong Aria ia long Generation blong olgeta klemants long Kot todei.

Woman ia hemi wan long olgeta direct bloodline blong Molivakalima. But hemi hard blong understandem bloodline connection blong hem. Evidence i showem se hemi stap holem some right followem Molivakalima.

ARUMERA

Hemi wan man we hemi salem graon ia Ainimoli long Tutu Namoli, which is showem se hem no stealim graon from Tutu Namoli, evidence i showem se hemi direct line blong Molivakalima. Kot i holem se Arami we i stap long deed of sale hemi sem man ia Arumera. Arumera hemi salem Nadiutu too (Long ples ia Molivakalima hemi stap bakeken. Question se hemi kam olsem vendors or interpretors ?) Olgeta evidences i no opposem sale blong Arumera long Nadiutu mo Ainimoli. Evidence i showem se hemi nomo gat bloodline i laef tudei. Evidence i showem too se every blood blong hem oli ded wetem Tarivaginogino.

Wan Question i no clear se Arumera hemi man West or East. Kot i no go dip insaed long ples ia. Mo too i no gat strong dispute long saed ia. Ie gat evidence we i talem se Vuti Namoli hemi famili wetem Molivakalima, sapos i tru olsem, then Vuti Namoli hemi blong East so hemi stret nomo blong hemi graon long West.

Kot bambae hemi decide se graon long East hemi go long right blong Molivakalima mo olgeta graon long West down long solwota i go long Arumera from hemi salem mo andap long bush oli go long Maratave famili mo ol man west we Sawa hemi representem olgeta mo hemi klemem.

Kot hemi look se klemants Tom Rasu, Georges Liflif, Peter Talivo oli wan famili nomo so bambae Kot hemi must sherem graon ia.

Constitution Chapter 12 section 71 hemi talem se *every graon insaed long country ia hemi blong kastom owna mo olgeta descendants blong olgeta.*
Section 72 hemi talem se *bambae decision blong ownaship blong kastom owna hemi kamaot long kastom lo.*

Bigfala question long case ia se pikinini blong pig hemi strong kastom lo blong Malo. Island Kot ia hemi Kot blong Santo/Malo mo hemi should followem wan general kastom lo.
Sam evidence hemi showem se priority blong kastom ownership hemi blood after pig.

Long Policy blong Malvatumauri section 1 hemi talem olsem : "*Man we i true Kastom owna blong land, hemi man we blood blong hem ikam out stret long nakamal. Varea or Nasara we kraon ia istap long baondri blong hem. Mo history blong man ia ikam out long Nasara ia....*

Constitution hemi talem too long section 5 ... *Bambae i no gat descrimination long saed blong sexe....Long foret blong Kot everyone oli must treatim olgeta equalli... Hemi tabu blong dipraevem one man or woman long olgeta properti we hemi gat raet long hem...*

So bambae Kot ia hemi mekem decision long case ia followem Bloodline mo no save leavim right blong wan woman, from Constitution hemi ova raedem kastom.

Wetem think think antop mo followem evidence we i stap we i showem se plante long olgeta graon ia olgeta man blong olgeta oli lus everyone finis Kot hemi decide se graon long East hemi blong Molivakalima mo oli dividem finis bitwin between 2 man (Molitalotu mo Molimatacu).

TOM RASU
Hemi representem famili Rasu.

Kot hemi bilieve se Rasunaboe hemi stret pikinini blong Molimatacu. Molimatacu hemi bloodline blong Molivakalima.
Kot hemi believim histori blong Tom Rasu from ie gat evidence we oli supportem histori ia. But oli no wandem recognisem right blong Tom Rasu from se oli no pem mama blong hem.

Way we Vevanuaturu hemi stap act towards Tom Rasu hemi suggest se Vevanuaturu hemi save se Rasunaboe hemi cousin blong hem but hemi no gat plante right . That is why hemi talem se Rasunaboe i gat smol right nomo but hemi salem right ia finis. Hemia long Nalepa.

Kot hemi look too se Rasu oli nomo laef long area ia long taem finis. So Kot hemi givim part blong East long solwota long Rasu Famili. (Luk long map G long back page)

GEORGES LIFLIF

Hemi representem famili blong Tarivaginogino.

Kot i look se i no gat enough supportive evidence blong showem se Molivakalima hemi gat wan sista Vemolialao. But i gat some blood connection wetem Tarivaginono addem up wetem kastom Bosbosia Molivakalima. Mo too right blong David we hemi 1st born blong Vavanuaturu mo second born blong Tarivaginogino, mekem se narafalla part blong graon ia long east hemi blong famili blong Tarivaginogino, we Liflif hemi representem olgeta today. Long saed blong NADIUTU MO AINIMOLI we Arumera hemi owna blong hem i go long Tarivaginogino bakeken followem bosbosia blong Arumera we Tarivaginogino hemi mekem wetem sista blong Arumera. Evidence long saed ia hemi strong blong showem se blood blong Arumera mo sista blong hem oli sting nomo long leg blong Tarivaginogino. (Luk map G long back page)

SAWA MATARAVE

Hemi representem Matarave famili.

Hemi no talk about tumas histori connection wetem olgeta 4 narafalla klemants, but interest blong hem i stap nomo long position blong Babatavera we kot hemi mekem decision long hem finis. Graon blong olgeta hemi start behind long Nadiutu mo Ainimoli i go kasem creek.

Kot hemi no look long each boundri long aria blong West. Sawa hemi assurem Kot se hemi wetem olgeta blong West oli save stretem boundri blong olgeta nomo.

PETER TALIVO

Hemi stanap hem wan nomo

Kot hemi clear se Vevanuaturu hemi girl blong Molitalotu we hemi brata blong Molimatacu. Taem case ia istap come antap Kot i look se Vevanuaturu hemi stap occupaem mo mekem business wetem graon antop long hill mo each taem we hemi wandem salem wan birth right blong hem i go long Peter hemi must usum Liflif blong katem boundri, eventhough David mo Vutinamoli tufalla i stap. Thinkthink ia long Kastom bambae hemi meanim se Vevanuaturu hemi considerem se Liflif now hemi head blong olgeta pikinini blong hem. Recent wan long 1988.

Long last ceremony blong Peter hemi pem right ia Vutinamoli hemi no present. Peter himself insaed long Kot hemi talem se hemi pem out right blong uncle blong hem Vutinamoli finis, bambae olgeta i nomo gat right ; hemi suggest se hemi stanap blong disputim kastom graon ia long nem blong hem wan nomo. So hemia hemi showem long kastom se Peter hemi stap pem Kastom right blong Vevanuaturu long foret blong uncles blong hem, long some specific boundri nomo.

Kastom right hemi wan right we man or woman ^hmi born wetem, yumi no need blong pem. Hemi olsem wan heritage, we hemi pass automatic nomo long

ancestors i go long descendants. Hemi sem mark long Will, hemi wan fri samting we wan owna hemi likem blong givim out long anyone we hemi wandem. Long wan decision blong Acting Chief Justice Goldsbrough long Vanuatu Supreme long case blong Matantas hemi talem se "...Custom ownership means that land is held in trust by the declared custom owner for the benefit of all the people who originate from or live in that area. It does not mean that the benefit of the land goes to any individual person. If that were allowed to happen then there may well be nothing left for successors....It is like the crown Jewels of England. The Queen may use them whilst she remains the monarch but she may not sell them but must keep them for the next monarch. The same must apply to a custom owner, who has a duty to keep his land intact for the next generation..." Yumi must save se graon hemi no blong wan individual. Right blong Peter Talivo bambae i stap nomo long olgeta Aria we hemi pem, hemia long Belavocotavera we Georges Liflif hemi markem mo showem long hem.

Long saed blong klem blong Peter Talivo long Nadiutu. Hemi hard blong Kot hemi look save right we Peter Talivo hemi klem. From evidence hemi showem se Arumera hemi ded, hemi leavim right long sista blong hem. Mo sista blong hem hemi ded, hemi leavim right ia long Tarivaginogino. First blood blong Tarivaginogino hemi Georges Liflif so right ia hemi should followem Georges Liflif.

TITUS MALEHI

Klemant ia hemi kam wetem wan completly new kastom story. Ie no gat supportif evidences mo too witness blong hem we hemi oldest man hemi brave enough blong showem boundri blong Babatavera we hemi contradictim boundry blong 3 klemants includim Titus we witness hemi givim evidence blong supportem case blong hem. Boundri we hemi showem hemi sem boundri we Tchina Naboe hemi showem long hem some 70 years oli pass finis. So klem blong Titus Malehi hemi must failed.

TOM RASU FOR FAMILY RASU : GREEN COLOR long map G
 GEORGES LIFLIF FOR FAMILY TARIVAGINOGINO : ORANGE
 SAWA MATARAVE FOR FAMILY MATARAVE AND PEOPLE FROM WEST : PURPLE

Every klemants oli gat 30 days blong mekem appil start long Friday 29 MARCH 1996.

MAGISTRATE :

CHIEF PETRO RITE
 CHIEF IANAVARI
 CHIEF ATEVARI



Dated Luganville 28 March 1996

G

AURIAHAPL

BELAVOCO

NALEPA OR

NAGAITRI

NAVUSI

Gate

BARATAVERA

NAVIELAGATOU

ONERHEOU

TOP BONG HILL

SULAIGRE - ASULEKA
(Malo Pass)

AINIMOLI

BATUNWUGA

NADIUTU

WARE

SUENSULAIGRE

MADIUTU SCHOOL

NANATU TRI

