

long Ton mo plannem ol kokonas blong Melteror Tehoda we mifala ibin kam ripotem long wan leta long police long Lakatoro long 01.12.02.

Mi gat tu (2) witness.

Witness 1: Urbano Meltelili

Alain itru se ol property iblong hem. Atpatun nao iplanem ol property ia wetem Savie. Mifala iwok kloklosap nomo. Olgeta Defendant oli kam safe long taem blong tribul war long mifala nomo be nao ia oli karem ol property blong mifala.

Witness 2: Simo Paul

Mi kam blong witnessim property blong Alain, we Maury oli tekem. Ol coconas ia Atpatun wetem Savie oli planem.

Case blong Defendant, Mr. Maury Melteror:

Long story blong ol properties insaed long ol pis land ia:

Vovone: Meltefesal (man Saralivo) wei adoptem papa blong mi, hem wetem baligha (son in law) blong hem Melterongrong tufala imekem garen long Vovone. Nao Melterongrong nao iplanem coconas. Afta taem Melterongrong igo out italem long Meltefesal se yu lukaot long ol coconas ia go go taem ireadi bambae yu selaotem. Fes man wei selaot long plantation ia hemi Meltefesal gogo kasem hemi ded afta next man iconinue hemi papa blong mi (Barnabe) iselaut mo mi mi selaot tedei mo mi plan replace mol olfala coconas. Mi neva luk Atpatun, Xavier, Yorley mo Alain oli selaot sam taem.

Lamberio:

Papa blong Meltefesal hemi wokem haos long ples ia wetem wan bed copra mo hemi planem ol coconas long ples ia. Alain mo pupu mo papa blong hem oli ronemaot Meltefesal nao oli holem ol coconas blong hem long Lamberio.

Lararang:

Papa blong mi (Barnabe) iplanem klosap long 1 hectare. Hemi selaot gogo ided, mi mi selaot mo brata blong mi (Deodor) iholem tedei istap. Mi neva luk Atpatun, Savie mo Alain oli selaot sam taem.

Aime: (translate as "haos")

Haos blong Meltefesal mo papa blong hem Belesas istap long ples ia. Nao papa hemi planem coconas long Aime. Meltefesal iselaot gogo ided, papa blong mi iselaot gogo ided. Mifala tu iselaot mo replacem or planem ol niu yang wan.

Lemel:

Meltefesal itekem wan grup blong pipol oli go brushem, planem coconas mo cotton tree. (cotton tree long middle blong ol coconas). Meltefesal ifes man iselaot kasem mifala tedei, mi neva luk Atpatun, Savie, Yorley or Alain oli selaot. Ten stampa coconas insaed long Lemel, mifala imekem agriment long tingting se mi ownem ol coconas ia nao mifala ioutem mo mekem bed cocoa (popaca).



Selembo:

Hemi ples blong garen, ino gat wan barik kokonas long ples ia. Be mi no finem olgeta Atpatun, Savie, Yorley mo Alain se oli wokem garen long ples ia. Long 1988 hemi se mi holem property blong hem from land be ino tru, ol property ia iblong mi. Land istap long dispute yet.

Witness 1: Gratien Vilvil

Mi blong Tovan long Vao Island. Mi kam blong witnissim coconas mo graon long Vovone. Coconas ia olfala Melterongrong nao hemi planem taem hemi wantem go bak long Torano igivim igo long Meltefusol. Meltefusol oli selaot finis kasem mifala tedei be mi no luk Atpatun, Xavier, Yorley or Alain bae oli selaot.

Lamberio:

Kulufra hemi stap ia. Hemi planem coconas long ples ia finis mekem bed copra mo hemi live long ples ia.

Lemel:

Pupu blong mi (Meltefesal) itekem sam man oli brush ia, oli planem coconas mo cotton tree. Pupu iselaot kasem mifala tudei.

Witness 2: Jean Tukta, blong Vao.

Mi witness se long;

Wofon: pupu blong mi (Marie Francois) wetem papa blong mi Malkotin, tufala italem se ples ia iblong Meltefesal. Mifala istap pass go kam long rod ia blong go long garen. Meltefesal wetem baligha blong hem, Melterongrong tufala ibin mekem garen long ples ia. Melterongrong iplanem coconas. Long wan taem Melterongrong iout hemi givim coconas igo long Meltefesal blong lukaotem. Meltefesal ifes man iselaot copra taem coconut ireadi kasem taem hemi ded, Barnabe (Baligha) blong hem oli selaot yet tedei. Mi neva luk Atpatun, Xavier, Yorley or Alain oli selaot copra long ples ia kasem tedei.

Lamberio: Long pupu, papa kasem tudei taem mifala istap mekem garen oli talem se Lamberio hemi blong wan man Saralivo – Hulughat. Bifo hemi bin mekem wan bigfala haos long ples ia, kitchen mo bed copra istap insaed. Mi neva harem family Atpatun oli stap ownem pis land ia Lamberio.

Laranrang: Hemi village blong ol man Saralivo. Ples ia mi mo olfala (Malkotine) iwok narasaed, Simo Paul iplanem coconas blong hem, mifala iwokem garen nomo. Mi luk long eye blong mi we Baligha (Barnabe) I planem coconas.

Selembu: Pupu, papa oli talem se hemi ples blong garen blong ol man Saralivo.

Lemel: Oltaem mifala ikam long big Island mo pass long graon ia, ol pupu mo papa oli stap talem se bifo Melyefesal ilidim sam grup blong pipiol long Vao oli brushem bush oli planem cotton tri mo semtaem Meltefesal iplanem coconas.

Kam kasem tedei, Meltefesal iselaot gogo ided, kasem ol pikinini blong hem tedei oli still stap selaot. Mifala ineva luk family Atpatun or Alain oli selaot copra long ples ia.



Aime: (meaning long pislama se "village")

Pupu mo papa oli se hemi village blong ol man Saralivo. Nasara ia hemi blong ol man Saralivo, Nakamal blong ol man Saralivo.

Bifo Meltefesal wetem papa blong hem Belesas oli mekem wan custom ceremony long ples ia mo long taem ia mi bin kilim wan pig tu we tut ifas. Mo taem tufala ided Meltefesal mo Banabe oli berem tufala long ples ia. Mi neva harem se village or nakamal ia iblong family Atpatun or Alain. Olgeta iblong Vao.

Ol findings blong Court:

Kot ilukluk mo harem long tugeta pati mo ol witness blong tugeta pati long area ia Lamel. Court ilukluk long plantation ia igat 2 line kokonas we ino semak wetem ol narawan. Mo 10 stampa we oli katem mo buildim hot air dry blong popaca.

Long area blong Vovone Kot ifaenem samfala kokonas long ples ia tu we oli olfala mo oli blong Alain. Mo Kot iluk tu se igat samfala niu kokonas we oli planem undernit long ol olfala kokonas. Kot ifinem out se Maury nao iplanem ol yang kokonas ia. Anda long Penal Code section 144 hemi tokbaot criminal trespass, especially long lukluk se ibin gat olfala kokonas finis blong Alain istap be Maury iplanem narawan bakeken.

Kot ilkuluk tu mo finem out se long Lamberio mo Lerangrang Alain ibin gat kokonas long tufala area ia be family Maury ibin katemaot ol olfala kokonas afta i replant.

Long Selembo Kot ifaenem out tu se igat sam stampa kokonas tu we istap long ples ia mo defendant ibin talem se hemi no save hu iplanem so Kot itekem se oli blong Alain.

Law we Court I applaem:

CAP 167 (s.10) – Application of customary law

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.

Translate:

CAP 167 (s.10) – Kot hemi mas applaem kastom

Subject long seksen blong Act ia, aelan kot hemi mas aplaem kastom we istap insaed long eria blong paoa blong hem, spos oli no gat conflict wetem eni loa we oli stap raetem, mo no gat konflik tu wetem jastis, morality mo gudfala orda.

Apply Law igo long fact:

Section blong Law we Court ia istap applyem tudei hemia antap – CAP 167 (s.10).

Hemi common sense nomo se whua iplanem coconas, hem nao property ia iblong hem. Hemi common sense tu se wan man ino save kam stap plant long wan area we ino blong hem, hemi save plant nomo sapos hemi askem raet blong use long owner blong graon. Olgeta points ya nao oli ol gudfala orda we hemi ol custom practice blong long taem finis ikam.

Court ia ino lukluk long issue blong dispute blong graon we istap but hemi stap lukluk



nomo long issue blong ol disputed coconas ia. Issue blong Land bae Land Tribunal ijjes determinem yet.

Last toktok:

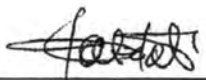
Dispute ia hemi causem plante division between olgeta Clemens, Court iwantem se bae peace imas stap ol taem. Eni wan insaed long family we bae itraem blong brekem order ia hemi save pass long Court from contempt blong Court Order mo fine or go long kalabus.

KOT DECISION


Wetem ol toktok we kot ibin harem bitwin Complenen mo Defenden wetem ol witnesses blong tufala saed, mo ol wokabaot we ol jastis oli mekem blong lukluk ol coconas plantation, Kot itekem decision se: Stat tedei 29th April, 2008;

1. Alain Atpatun bae iownem mo mentenem bak 2 line coconas mo smol ples we oli katem 10 stampa kokonas long hem. Hemia long area blong Lamel. Be ol narafal haf coconas long Lamel we Maury iplanem ol niu coconas blong hem long hem bae hemi ownem bak.
2. Long plantation blong Selembo, bae Alain Atpatun ikarem bak mo ownem sam stampa kokonas we oli stap long area especially ol olfala coconas we oli stap long area blong Selembo.
3. Long Vovone ol olfala coconas mo yang kokonas long area ia iblong Alain Atpatun.
4. Long Lamberio mo Lerangrang, tufala plantation ia igo long Famili Maury from ol coconas we hemi planem.
5. Tugeta parti imas gat respect long tufala, olsem famili Maury bae ino mas go long plantation we kot igivim mo orderem Alain Atpatun blong wok long hem mo Alain tu ino mas go wok long plantation we Kot igivim long famili Maury blong wok mo ownem bak.
6. Sipos eni long tufala pati ino agri long decision ia yu gat 14 deis blong mekem appeal igo long Magistrates Court.

Dated long Lakatoro this 29^h dei blong April, 2008.


Jastis Douglas Fatdal


Jastis Lorna Bongvivi


Jastis Robert Niptick

