

BITWIN : WARPUP NATHRIT LONG BIHAF
BLONG HEM WAN MO OL KLAN MEMBA
BLONG HEM

ORIGINAL KLEMEN

MO: BEHOV TOMKER LONG BIHAF BLONG HEM
WAN MO OL KLAN MEMBA BLONG HEM

Fes Kaonta Klemen

MO: DAVID KALHU LONG BEHAF BLONG HEM
WAN MO OL KLAN MEMBA BLONG HEM

Sekon Kaonta Klemen

MO: KENNETH IAVCUTH LONG BEHAF BLONG
HEM WAN MO OL FAMILI MEMBA BLONG
HEM

Third Kaonta Klemen

MO: LEO KATTY LONG BEHAF BLONG HEM
WAN MO OL KLAN MEMBA BLONG HEM

Fot Kaonta Klemen

MO: GEORGE NIAL LONG BEHAF BLONG
HEM WAN MO OL KLAN MEMBA BLONG
HEM

Fifth Kaonta Klemen

MO: BITWIN WARSAL LONG BEHAF BLONG
HEM WAN MO OL KLAN MEMBA
BLONG HEM

Sixth Kaonta Klemen



Date of Hearing: 23rd March – 03rd April 2009

*Coram: Jimmy Garae – Presiding Magistrate
Kollan Nicolas – Clerk*

*Justices: Sam Vula
James Ngisa
Warawara Bani*

Date of Judgment: 09th May 2012

JASMEN

Graon we ol pati oli rao from, nem blong hem, sam oli kolem Votgakar Lemtenieth mo sam oli kolem Votngatie. Infact issue hemi ovalap long ol bandri igo long graon blong nara pati.

Igat 7 pati evriwan oli klem. Igat Original Claimant Warput Nathrit (Warput), First Counter Claimant Behov Tomker (Tomker), Second Counter Claimant David Kalhu (Kalhu), Third Counter Claimant Kenneth Iavcuth (Iavcuth), Fourth Counter Claimant Leong Katty (Katty), Fifth Counter Claimant George Nial(Nial), mo Sixth Counter Claimant Bitwin Warsal (Warsal).

James Turcet, long behaf blong ol mami blong hem i mekem aplikesen blong joen olsem pati be Kot ino akseptem klem blong hem from olgeta oli klosli related long Kalhu. Papa blong ol, Pastor Narr, hemi biological brata blong Kalhu.

Katty wetem Nial, Kot i faenem se graon we tufala istap klem from istap aotsaed long bandri blong graon we istap bifo long Kot. Warsal, ino fael eni klem, but hemi pem wan fee. Hemi fail blong tekem action blong prosesem klem blong hem nating we hemi kat more long inav taem blong mekem.

Third Counter Claimant, Kenneth Iavcuth, istap klem wan smol pis graon nomo we istap insaed long bandri blong graon we Kalhu istap klem.



Kot iharem nomo klem blong 4 pati, Warput, Tomker, Kalhu mo lavcuth.

Bakeken issue blong Kot idisaed long hem hemi ovalap long bandris. Hemia se who pati istap wok igo ova long bandri blong blong nara pati. Bandris hemi kastom bandris we long balens blong probability kot ibilif se kastom bandri bae hemi hemia, folem ol toktok we ikam aot.

WARPUT

Folem toktok we ikam aot long Kot mo visit long graon, Kot imekem faeding olsem se kastom bandri mak blong Warput hemi stat antap long creek long stampa nakalat folem ikam daon igo kasem fanis blong lavcuth mo iron folem igo bak mo folem igo antap long big hill emi bandri wetem Tomker mo folem hill igo kasem rod we igo daon long Lathi mo kasem creek mo folem ikam daon long nakalat we iron igo daon long fanis blong Kenneth.

Ol reason blong faeding ia oli olsem :

- Kot ifaenem se bandri mak blong Warput iovalap igo daon insaed graon we Kalhu istap klem. Emia from se i no kat eni evidens blong ancestor blong hem i bin stap liv long hem or olsem se hemi no kat any evidence blong activity long pat blong graon wei ovalap.

Kot ifaenem se Warput ikat evidens long objects we istap long graon we ino kat ovalap long hem, emia long graon we Warput iklem, mo Tomker tu i klem.

Warput hemi kat insaed long pat blong graon we hemi klem we istap aotsaed long ovalap wetem Kalhu ikat ples blong nakamal blong Timmy, natagura, ples we oli pem blood long hem, ol stone blong pupu woman Nwarti, mo tufala tapu wota kmax mo Thewoc.

Nao bandri blong Warput hemi olsem :



Long east hemi bandri wetem Tomker

Long west hemi bandri wetem Kalhi

Long north hemi bandri wetem Pastor Path, mo

Long south hemi bandri wetem Thapun.

BEHOV TOMKER

Bakeken, kot, eni decision we hemi mekem long saet long graon bae imas stanap long kastom bandri. Kastom bandri oltaem hemi ol creek, hill, tree, riva or stone.

Long saet long klem blong Tomker, kot ifaenem se hemi no stap klem wan kastom land bandri. Hemi stap klem wan graon we istap insaed long wan title we bandri blong hem survey i putum, hemia ol cement. Evidens ikam aot se survey imakem ol graon ia bifo independence, mo oli allocate long ol difren families long Hog Harbour blong blokem ol waetman itekem ol graon ia. Tomker iklem graon ia we oli aloketem igo long hem. Kot ino akseptem klem blong hem from hemi stap klem wan graon we ino kat kastom bandri mak blong hem. Kastom land bandri blong hem ifinis nomo antap long hill.

DAVID KALHU

Kastom bandri blong Kalhu hemi stat long fanis blong lavcuth mo ifolem igo long is mo I bandri wetem olfala Tomker mo iron ikam bak daon.

Long west istat long kastom riva Rocker iron folem Warmet Hill ipasem kastom kev mo ifolem Maior Hill mo istretem wan stampa blong melek tri.

Long north istat long kastom riva, Rocker iron stret igo long men rod ikasem Vatgnager Hill long wan stampa blong Natavoa.

Long is istat long natavoa iron ipasem stampa namalaus mo red lif laplap mo iron igo long stampa blong nakatabol.

Long saot istat long nakatabol tr ibandri wetem graon Thabra iron ikasem stampa blong melek tri long Maior Hill.



Kot i faenem tru evidens se ancestor blong Kalhu oli bin stap liv long pat we iovalap, hemia Warput mo Tomker iklem tu. Insaed long ovalap ia Kalhu ikat 4 ples blong kastom nakamal, ikat crev blong paramaon jif Kalhu, ikat ol breadfruit tree, ol stampa lif laplap, ol stampa natagura, ples blong olfala vilij, ikat Rocker tapu wota istap mo ikat bones blong tufala olfala istap. Olting ia oli fresh istap from oli no stap insaed long fanis buluk.

KENNETH IAVCUTH

Pati ia istap klem wan smol pis blong graon we Kalhu igivim raet long hem from . Graon ia istap insaed long graon we Kalhu iklem. Mak blong graon ia istap bitwin tufala rod mo graon blong Warput mo ful length blong coconut plantation blong lavcuth. Smol pat blong graon istap bush iet, olem hemi no planem kokonas insaet long hem iet.

Kalhu hemi tet long 2004. Man we i tok long bihaf blong famli hemi nephew blong hem, Jif Singon wetem son-in-law blong hem, Ian Franser, hemi blong Malekula.

Evidens ikam aot se arengement bitwin Kalhu mo lavcuth itek ples long 16 Okis, 1982. lavcuth italem se Kalhu isoem hem mak blong graon mo talem se narasaet graon hemi blong olfala Put or olfala Warput, papa blong Warput Jr we naoia istanap long bihaf blong famli long kot. Warput irelate long lavcuth.

Kalhu famli oli no dispiutim fact se Kalhu wetem lavcuth imekem wan arenjmen we I lukim lavcuth ikasem raet blong yusum graon, be wanem we oli dispiutim hemi se Kalhu igivim wan smol pis graon nomo we ikavarem smol pat blong plantation we oli soem.

Kot ino bilivim olgeta. Tufala we isoem mak ia tu yangfala. Long 1982 bae tufala ivery yang mo tu tufala ino stap taem Kalhu isoem mak long lavcuth. Kalhu ites tet nomo long 2004. Sapos lavcuth ibin wok ova long mak, bae Kalhu istopem hem, mbe hemia ino happen. Coconut platation oli bikwan mo lavcuth I katem copra plante taem bifo Kalhu I tet long 2004.



DECLARATION

Folem evri toktok we ikam aot long Kot, Kot I mekem dekleresen olsem:

Warput mo ol Klan memba blong hem oli kastom land owner blong graon we baondri blong hem istap olsem:

long east hemi bandri wetem Tomker

long west hemi bandri wetem kalhi

long north hemi bandri wetem Paster Path, mo

long south hemi bandri wetem Thapun

Graon ia kastom nem blong hem, Votgakar Lemthenieth. Ol klan memba oli kat raet blong yusum graon ia long fasin we stret blong benefit ol.

Kalhu mo ol Klan memba blong hem oli kastom land ona blong graon we bandri blong hem istap olsem:

Long west istat long kastom riva Rocker iron folem Warmet Hill I passem kastom kev mo ifolem Major hill mo istretem wan stampa blong melek tri.

Long North istat long kastom riva, Rocker iron stret igo long men rod ikasem Vatgnager hill long wan stampa blong natavoa.

Long is stat long natavoa iron i passem stampa namalaus mo red lif laplap mo igo long stampa blong nakatambol.

Long saot istat long nakatambol i bandri wetem graon Thabra iron ikasem stampa blong melek tri long Maior hill.

Graon ia kastom nem blong hem hemi Vatgnatie.

Ol pikinini blong Pastor Narr we hemi biological brata blong David Kalhu olgeta tu oli kat raet blong yusum graon ia. Ol descendant blong Ps Narr mo David Kalhu oli kat raet blong yusum graon long wei we oli ting se i stret.



lavcuth wetem ol famli blong oli kat raet blong yusum graon we istap insaed long kastom graon blong Kalhu mo mak blong hem istap olsem:

Bitwin tufala rod mo graon blong Warput mo ful length blong coconut plantation blong lavcuth.

DATED at Luganville this 9th day of May, 2012.



JIMMY GARAE
Presiding Magistrate



SAM VULA
Justice



JAMES NGISA
Justice



WARAWARA BANI
Justice

