

IN THE TANNA ISLAND COURT
OF THE REPUBLIC OF VANUATU
Sitting at Isangel

Civil Case No.2431 of 2016

Before: Justice George Nipiko
Justice Jocelyne Usua
Justice Lomai

Clerk: Blandine Tepi

BETWEEN: Romarick NATMENING
Plaintiff

AND: Charley NANGAU
Defendant

JUDGMENT

IN THE MATTER OF: DISPUTE OF CUSTOMARY RIGHT OWNERSHIP OF NAME OF NATMENING AND NANGAU

Case ia ikat two parties we tufala iclaim custom right Onaship long Name we oli refer long hem olsem "Natmening mo Nangau".

Clerk blong Tanna Island Court hemi bin listem case number 2423 of 2016 blong court hemi bin sitdaon mo hearem long Wednesday 31st August 2016 long 9.00 o'clock long morning mo hemi completem.

Tanna Island Court hemi kat prove se tufala parties ia ibin recevem notice blong hearing mo tufala I appear inside long court.



LAWS MO ACCEPTED KASTOM RULE WE ISTAP LONG TANNA

1. Section 10 blong Island Court Act Cap 167 application of customary law.
"Subject to the provision of the Act and 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 nortality and good order.
2. Custormary Right hemi inheritem true long Patrilineal system, from father to son:
3. Kamep or Last surviving bloodline. (Women hemi save inheritem customary right from father where hemi only survivor)
4. Adoption: Adopted pikinini long custom hemi save inheritem customary right(Adoption hemi must follem bloodline)

Kot hemi kivemaot olgeta findings blong hem blong mekem declaration. Hemia nao hemi full Judgment blong case ia.

1. BACKRAON BLONG ROMARICK NATMENING - CLAIMANT

Claimant Romarick Natmening hemi filem claim blong hem long Tanna Island Court se hemi kat full customary right ownership long name Natmening.

2. BACKRAON BLONG CHARLEY NAUGAU - DEFENDANT

After we Defendant Charley Naugau hemi receivem claim blong Plaintiff Romarick Natmening Defendant hemi filem Counter-Claim blong hem long Tanna Island Court se hemi kat full customary right ownership long name Nangau.



SHORT KASTOM HISTRY BLONG ROMARICK NATMENING

Romarick Natmening wife blong hem Loa Adelle mo tufala I live long Sawene Tribe mo Nakamal hemi Lenakmalen mo tufala ikat olgeta pikinini ia: Yaken Noanasisw, Naupat lalo Tom, lalimauk Matha, Nalin lokalifa Raphael mo Tae Edgar.

Yaken Noanasisw wife blong hem Ipai Stephani mo tufala ikat 2 pikinini ia: Johnny Naklipin mo Douglas.

SHORT KASTOM HISTRY BLONG CHARLEY NAUGAU

Charley Naugau wife blong hem Nupupo Marie Assumpta mo tufala I live long Sawene Tribe mo Nakamal hemi Loomekawan mo village hemi Lonapuk mo tufala ikat olgeta pikinini ia: Martine Tess, Kawia Apen, Florence Nimanepen, Jack Jerome, Lop Sasant, Vanessa, Adeline, Junior Charley Nangao.

Kawia Apen wife blong hem Celina Nako mo tufala ikat: Napuat, Nemanepen mo lokawaiu.

FINDING

After long hearing blong case ia:

Court hemi finem se histry we ikam long Romarick Natmening wife blong hem Loa Adelle mo tufala ikat olgeta pikinini ia: Yaken Noanassis, Napuat lelo, lalimauk Martha, Nalin lokalifa Raphael mo Tae Edgar wan custom histry or wan kastom basket.

Court hemi finem se histry we ikam long Charley Naugau wife blong hem Marie Assumpta mo tufala ikat olgeta pikinini ia: Martin Tes, Florence Nemanepen, Kawia Apen, Jerome, Lop Sasan, Vanessa, Adeline mo Junior Charley Naugau. Wan custom histry or wan kastom basket.

Follem olgeta fundings ia mo law we hemi stap mo kastom rule we hemi stap long tanna we court I talem antap, taem court hemi applae laws mo custom rules ia: Mo Court hemi mekem declaration olsem:



DECLARATION:

Tanna Island Court hemi declarem Plaintiff Romarick Natmening customary Right Ownership long Name ia Natmening. Follem ol descendants blong Romarick Natmening kam kasem today we Nakamal blong hem hemi Lenakmelen, village hemi Leniwer mo Sawene Tribe.

Tanna Island Court hemi declarem Defendant Charley Nangau customary Right Ownership long Name ia Naugau. Follem ol descendants blong Chaley Nangau kam kasem today we Nakamal blong hem hemi Loomekawan, Village blong hem hemi Lonapuk mo Sawene Tribe.

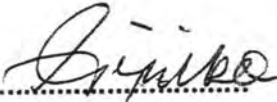
After long declaration ia court hemi mekem Order:

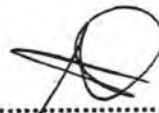
Romarick Natmening mo Charley Nangau custom respect imas stap betwin yutufala mo ol relatives Nakamal we oli bin putum yutufala wetem ol custom road.

1. Wan wan party I meetim own cost blong hem.
2. Tufala parties ikat 30 days blong appeal againsem decision.

Dated at Isangel 31st August 2016.


Justice Jocelyne Usua


Justice George Nipiko


Justice William Lōmai



LAND AGREEMENT.

An agreement made this 2nd day of May, 1962 between Peter Iatis of Ererava and Harry Noka of Lowialu on the one part and Mieri of Loaneal and Natuman of Lowtel on the other parts

Now this Agreement witnesseth as follows:-

1. that the dividing boundary between all that land which under native law and custom belonged in previous times to Natmaning of Lenakmalen nakamal and Nelan of Loonekawan nakamal is a path known as "Rusan Susta" now planted on each side of the path by a line of coconuts and running approximately north/south through that portion of land belonging in previous times to the Sawene tribe now extinct,
2. that the land to the west of this path belonged in previous times to Natmaning and to the east of the aforesaid path belonged in previous times to Nangan,
3. that Natuman of Lowtel is by native law and custom empowered to bestow upon whom he chooses the name of Natmaning and that the person so named will succeed to all that land which by native law and custom is attached to the name Natmaning,
4. that Peter Iatis of Ererava and Harry Noka of Lowialu by mutual consent are by native law and custom empowered to bestow upon whom they choose the name of Nangan and the person so named will succeed to all that land which by native law and custom is attached to the name Nangan.

As witness the hand of the parties the day and the first month of May 1962 above.

..... Peter Iatis Natuman
..... Harry Noka Mieri.

Witnesses to the above signature:-

..... Willy Iau George Iauiniau Eresapan
	Noka	
..... Nako Simiti Hayrapun	

Witnesses to the boundary path known as "Rusan Susta":-

..... Eze Nuisa Weha
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Witnesses to the Agreement.

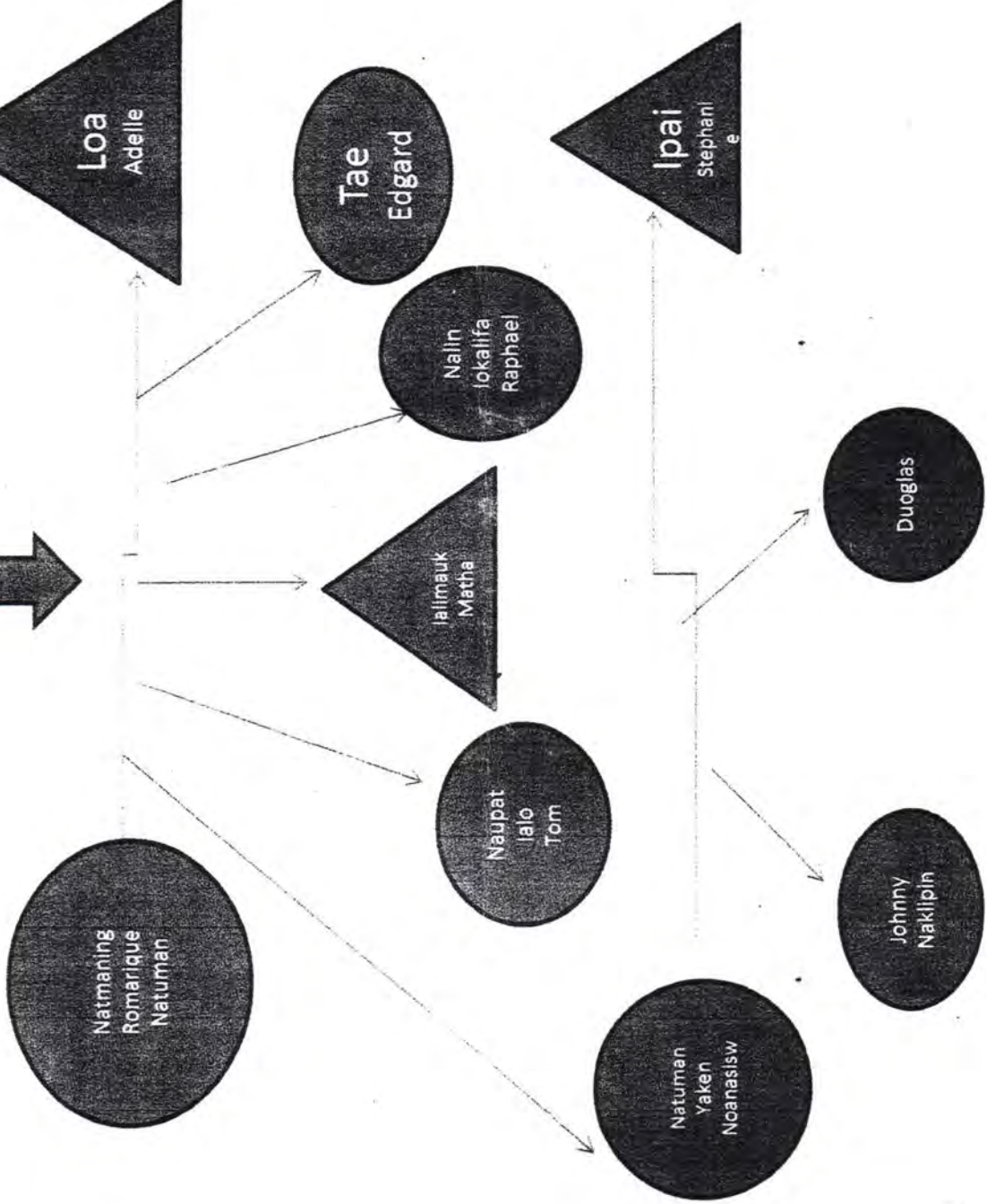
[Signature]
(A. Duc-Dufayard)
French District Agent,
Southern District

[Signature]
(D.K. Wilkins)
British District Agent,
Southern District.

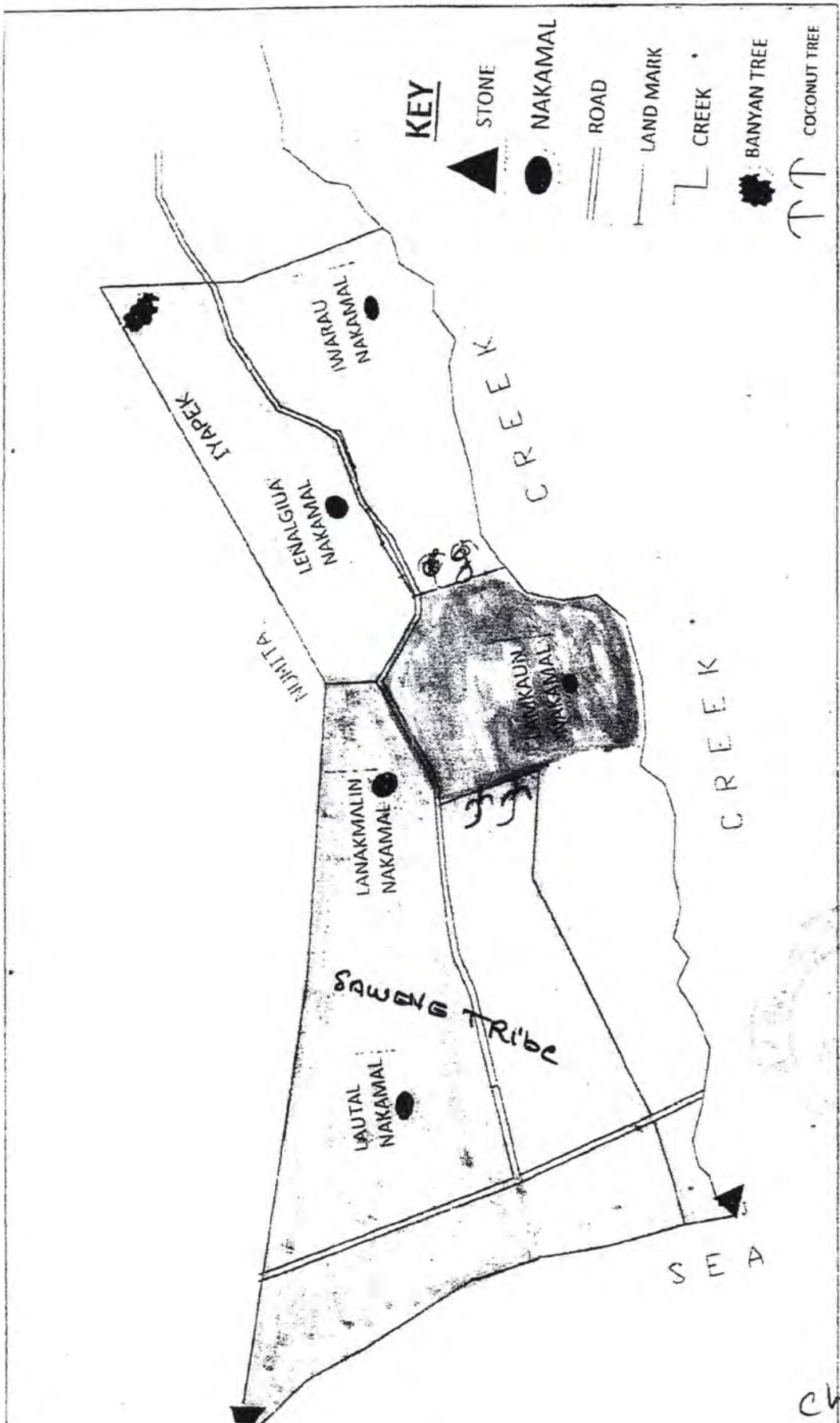




Family three blo Natmaning-Sawene Tribe



"DS 2"



Ch. 2