

**IN THE EFATE ISLAND COURT
OF THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Case No. 16/3931 IC/CHFT

IN THE MATTER OF: DECLARATION BLONG CUSTOM
OWNERSHIP BLONG CHIEFLY TITLE
'MASEIMERMAN' MO
REPRESENTATIVE BLONG ACT
LONG INTEREST BLONG FAMILY
MASEIMERMAN

AND

IN THE MATTER OF: SECTION 10 BLONG AELAN KOT ACT
CAP. [167] MO ARTICLE 95 (3) LONG
KONSTITUSEN BLONG VANUATU
BLONG YEAR 1980.

BETWEEN : CHARLOT NAWEN RUTAU
Claimant

AND: ANDREW BAKOA KALPOILEP
First Defendant

AND: JACK KALON
Second Defendant

AND: JOHN MARKAL
Third Defendant

AND: KALUAT JOSEPH
Fourth Defendant

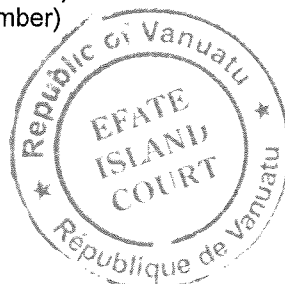
Date of Hearing: Monday 3rd to Friday 7th December 2018 at 8:30 am to 4:30 pm
Date of Judgement: Thursday 21st day of March, 2019 at 4:30 pm
Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila

Before: Justice Metoloa Silou POILAPA (Presiding Justice)
Justice Lutu SAKITA (Member)
Justice Roy TINING (Member)

Island Court Clerk: Alida ALAIN

In Presence: All Parties

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JUDGMENT

Efate Island Court hemi risivim wan claim blong chiefly title 'MASEIMERMAN' blong Erakor village long 25th August 2016. Claimant long case hemi Charlot Nawen Rutau mo hemi filem claim ia akensem Andrew Bakoa Kalpoilep, Jack Kalon, John Markal mo Kaluat Joseph. Every parti long case ia ie ol natives blong Efate Island. Court ie sitdaon blong harem case ia start long 03rd December 2018 kasem 07th December 2018.

APPLICASEN BLONG LOA:

KONSTITUSEN BLONG RIPABLIK BLONG VANUATU – Japta 8 - Article 52 'Ol Vilij Kot mo Aelan Kot: Palemen bambae i mekem ol loa blong stanemap ol velej kot mo aelan kot we bambae oli gat paoa blong jajem ol keis long saed blong kastom wetem sam narafala keis tu mo bambae Palemen i mekem rod blong ol jif oli wok long ol kot ia tu.

ISLAND COURT ACT CAP [167]: Section 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.*

Island Court hemi gat power blong administerem ol matter blong custom follem Section 10 blong Island Court Act Cap 167 mo Article 95(3) long Constitution blong year 1980 hemi talem se 'Long dei we Repablik blong Vanuatu i kam independen, ol loa blong kastom bambae oli gohed blong gat paoa mo bambae oli kam pat blong loa blong Ripablik blong Vanuatu.'

Long matter blong Section 10 blong Efate Island Court ACT [CAP 167] mo hemi matter blong Declaration blong Custom Ownership blong Chiefly Title 'Maseimerman' mo Representative blong Act long Interest blong Family Maseimerman blong Erakor village long South Efaté.

Court hemi identifiaem olgeta spokesman blong ol parties: Kalsarur Nawen RUTAU hemi spokesman blong Claimant mo Jack KALON hemi spokesman blong every Defendants.

STATEMENT MO HISTORY BLONG CLAIMANT

Hemia hemi histri blong hem folem statement mo Family Tree.

Long case blong Charlot Nawen RUTAU olsem Claimant blong case ia, hemi bin givem Testimony blong hem mo sapotem wetem affidavit blong hem we i attachem



wetem wan Family Tree, we i soem olsem wanem nao hemi claimem chiefly title ia, Chief MASEIMERMAN or Marik MASEIMERMAN.

Long affidavit blong hem olsem claimant long case ia, Chief Charlot Nawen RUTAU hemi tokabaot se hemi kamaot long bloodline mo hemi stret custodian blong custom name or title ia, MASEIMERMAN we i survive long Erakor today.

Chief **MASEIMERMAN** (*1st Generation*) ikat wan pikinini boe nomo we nem blong hem Apiu.

Apiu (*2nd Generation*) emi mared wetem wan woman we nem blo hem Limor mo tufala ikat 8 pikinini everiwan, 4 boys mo 4 girls.

Ol pikinini blong Apiu mo Limor:

1. Kalotip
2. Tame
3. Kalangis
4. Rutau
5. Topet
6. Linuk
7. Touran
8. Leisei

Kalotip emi mared be inokat pikinini.

Tame i nokat woman mo i nokat pikinini.

Kalangis emi ko long Queensland lo taem blo Blackbirding mo emi neva kam back.

Rutau, (*3rd Generation*) emi mared wetem Mary, daughter blo Chief Mansil Koriman blo Rentapau mo tufala ikat 2 pikinini boys; Yona mo John MORTEN.

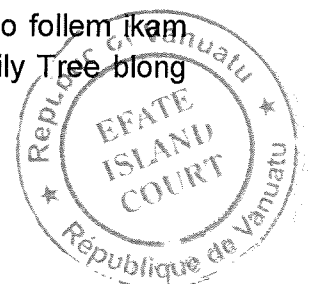
Yona (*4th Generation*) emi mared wetem Liser mo tufala ikat six (6) pikinini, 2 boys mo 4 gel. Tufala boys ia ikat; Nawen mo Lofite.

Nawen (*5th Generation*) emi mared wetem Lesta mo tufala ikat 3 boys mo 2 gel. Ol trifala boys ia ikat; Reth, Alick mo Kaar.

Reth (*6th Generation*) emi mared wetem Leone mo tufala ikat 5 pikinini; 3 boys mo 2 gel. Ol trifala boys ia ikat; **Charlot NAWEN**, Arno mo Alfred.

Charlot NAWEN (*7th Generation*) emi mared wetem Evelyne.

Long case blong Charlot Nawen RUTAU hemi talem se Papa blong hem, Reth RUTAU nao hemi oldest surviving man long saed blong bloodline blong man mo passem title ia ikam long hem olsem niu Jif MASEIMERMAN. Hemi klem se hemi namba *7th Generation* follem bloodline blong Chiefly Title MASEIMERMAN. Hemi continue blo talem se tufala only man-bloodline blo Chiefly Title ia we i exist tudei mo follem ikam emi ol sixfala boys blong Reth NAWEN mo Alick NAWEN. Folem Family Tree blong



Charlot Nawen RUTAU hemi diuti blong court ia blong comparem olgeta toktok mo right blong wanwan claimant long case ia. Case blong Charlot Nawen RUTAU i continue, mo ikat naen (9) witnesses we olgeta ikam testify wetem saporting statement blong olgeta bei along the process two (2) witnesses; Johnston Kalman Tau mo Andre Kalwatong tufala i withdrawmaot tufala long case. Olgeta naen witnesses ia ikat:

1. Kalsarur Nawen RUTAU
2. Reth NAWEN
3. Kalserei Lofite JONAH
4. Jack Norris KALMET
5. Jonah Rutau KALENGOR
6. Richard KALTONGA
7. Jack KORIMAN

Witness No. 1 blong Claimant: Kalsarur Nawen RUTAU

Kalsarur Nawen RUTAU i konfemem long court se hem i also namba 7th Generation blong tribe blong Chief MASEIMERMAN long saed blong manblood. Hemi konfemem se follem History mo Family Tree we oli provaidem long court i pruvum se olketa nao oli stret bloodline mo i soem very clear man we emi kontiniu blong bonem manblood we oli kat raet long Chiefly Title ia emi Rutau mo Chief Charlot RUTAU nao ikat raet blong karem Title ia follem custom procedure blong putum wan chief blong South Efate.

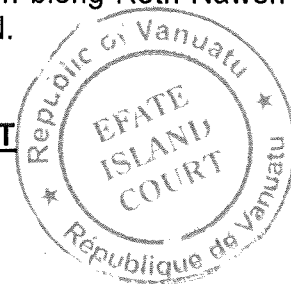
Witness No. 2 blong Claimant: Reth Nawen RUTAU

Reth Nawen RUTAU i konfemem long court se hemi stret male bloodline olsem we istap long Family Tree blong Chief MASEIMERMAN mo hemi konfemem tu se hemi stret Papa blo Charlot Nawen RUTAU we emi first born son blong hem mo hemi handem or passem over Title ia mo rights iko long hem, we hemi claimant long case ia. Hemi konfemem tu se hemi only existing person blong save karem chiefly title ia mo follem age mo health blong hem, hemi passem title ia iko long Chief Charlot Nawen RUTAU olsem first-born son blong hem mo tu follem bloodline mo custom blong South Efate.

Witness No. 3 blong Claimant: Kalserei Lofite JONAH

Kalserei Lofite JONAH blong Eratap village, South Efate emi konfemem long court se hem i wan blood blong Chief MASEIMERMAN follem sait blong man we hemi relate olsem smol Papa blo Chief RUTAU mo Papa blong hem Lofite JONAH (5th Generation) emi smol brother blo Nawen we hemi Apu blo Chief RUTAU (7th Generation). Hemi konfemem tu se tedei first born son blong Reth Nawen RUTAU emi kat right blo karem chiefly title ia, MASEIMERMAN.

Witness No. 4 blong Claimant: Jack Norris KALMET



Jack Norris KALMET blong Eratap village, South Efate emi konfemem long court se hemi also blood blong Chief MASEIMERMAN follem sait blong woman mo hemi relate long Chief RUTAU olsem Cousin. Hem i se Grandmother blong hem Hellen (5th Generation) emi stret sister blong Nawen we emi Grandfather blong Charlot RUTAU (7th Generation). Hemi konfemem tu long court se cousin brother blong hem we emi claimant long case ia, Chief Charlot Nawen RUTAU emi raet man blong karem title ia MASEIMERMAN follem kastom practice blo South Efate, blong ordainem wan chief emi mas follem first-born son bloodline be ino naflak or clan. Hemi konfem se ol defendants oli kamaot long sait blong woman bloodline mo oli related olsem wan big family nomo blong great-great-great-grandfather blong olketa we emi Chief MASEIMERMAN.

Witness No. 5 blong Claimant: Jonah Rutau KALENGOR

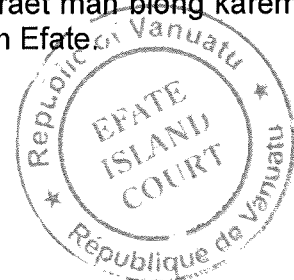
Jonah Rutau KALENGOR blong Eton village i konfemen long court se hem tu i also blood blo Chief MASEIMERMAN long sait blong mama blong hem, Ligmal (5th Generation) we hemi stret sister blong Nawen mo papa blong hem Kalengor we descendant blong Leisei (3rd Generation). Hemi konfemem tu se Leisei emi sister blong Rutau wei apu blong tufala emi Chief MASEIMERMAN. Hemi konfem se hem mo Charlot RUTAU tufala i related, olsem smol papa blong hem mo follem history blong tufala long tribe blong MASEIMERMAN, hemi stap konfemem long court ia se claimant emi stret bloodline blong Chief MASEIMERMAN, follem tu custom blong South Efate.

Witness No. 6 blong Claimant: Richard KALTONGA

Richard KALTONGA blong Ifira Island emi konfemem long court se hemi wan bloodline blong Chief MASEIMERMAN long saed blong woman we oli kolem Topet (3rd generation) we hemi stret sister blong Rutau. Hem i konfemem tu se Chief MASEIMERMAN (1st generation) emi grandfather, blong grandmother blong hem Topet KALTONGA. Hemi konfemem tu se Chief Charlot Nawen RUTAU emi kamaot long 7th Generation mo hemi stret man blong karem title ia MASEIMERMAN follem first-born son long bloodline mo follem tu custom procedure blong putum wan chief long South Efate.

Witness No. 7 blong Claimant: Jack KORIMAN

Jack KORIMAN blong Eratap village emi konfemem long court se hemi relate long Chief Rutau follem Mary (3rd Generation) we hemi waef blong Rutau mo semtaem hemi great-grandmother blong hem. Hemi stap konfemem tu long court se emi tru se Charlot Nawen RUTAU emi bloodline blong Chief MASEIMERMAN mo hemi no. 7th Generation follem man bloodline mo tu follem custom procedure blo putum wan chief. Hemi konfemem se Charlot Nawen RUTAU emi raet man blong karem taetel ia follem fasin blong putum wan custom chief long South Efate.



STATEMENT MO HISTORY BLONG OL DEFENDANTS:

First (1st) Defendant: Andrew Bakoa KALPOILEP

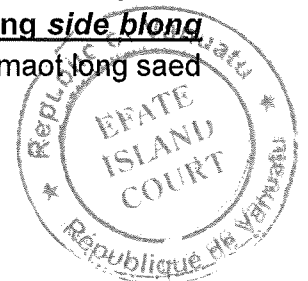
Court ie notisim se defendant ia hemi risivim directly long date ia 9th November 2018 long 14:05 pm, Court Notice mo Summons blong attendem hearing ia be hemi no filem any defence statement blong hem mo even hemi no appear long court. Spokesman Jack KALON hemi talem in general nomo se hem (Jack KALON) i also spokesman blong defendant ia. Since court ie notisim se defendant ia hemi no filem eni defence statement blong hem long case ia, court ie decide blong proceed stret i go long second defendant.

Second (2nd) Defendant: Jack KALON

Jack KALON i konfemem long court se hemi namba 5th Generation mo hemi descendant blong Touran (3rd Generation) blong Chief MASEIMERMAN blong Erakor village, South Efate. Hemi konfemem tu long court se long June 1999 Tribe or Klan or Naflak Nmaal we oli main descendants blong Apiu mo Touran long Erakor i bin holem wan miting lo Nakamal blo Allen Kallon blong putumap wan kometi mo jusum hem olsem jif blong olketa. Hemi konfemem tu long kot se title ia MASEIMERMAN hemi blo clan o naflak Nmaal nomo we oli stap kivim long jifs blong olketa follem history we ol olfala oli bin passem daon i kam long olketa. Hemi konfemem tu se rison ia nao Apiu taem emi laef yet oli stap kolem hem *Marik Maama* be oli *neva* kolem hem MASEIMERMAN. Hemi konfemem long court se hemi talem long ol family se ***"i gud bae mi holem taetel blong yufala i stap supos yufala i faenem wan memba blong Naflak Nmaal bae yufala i stap kivim long em, from mi mi nematrau blong Nmaal be ino naflak."*** Hemi konfemem tu long court se taem Naflak Nmaal oli kivim title ia long hem, hemi bin usum 2 or 3 taem nomo be hemi nomo usum from hemi respectem se ino blong hem. Hemi konfemem se taem hemi stap raetem leta plante yia i kam hemi stap usum – **TRIBAL CHIEF NAFLAK NMAAL.**

Third (3rd) Defendant: John MARKAL

John MARKAL blong Eratap village, South Efate i konfemem long court se hemi namba 5th Generation blong Apiu mo Limor (2nd Generation) tru long olfala Linuk (3rd Generation) we emi gel blong tufala. Hemi konfemem long court se title ia MASEIMERMAN emi customary Chiefly Title be emi talem se emi pass tru traditional clan system we family or clan ia *Naflak Nmaal* ikat customary relationship over some special common custom issues olsem part-boundary blong ground mo narafala custom fasin mo process. Hemi konfemem tu mo strongly emphasistem se Family Tree we Claimant, Charlot Nawen RUTAU mo ol nara members blo family we oli mentioned long Family Tree oli family descendants blong chief late grand-apu Apiu mo Limor we **some oli bloodline blong man mo some long side blong woman we oli bloodline blong clan system** olsem olketa we oli kamaot long saed



blong woman mo konfemem se olketa everiwan i descendants blong Apiu mo Limor. Hemi lastly konfemem se title ia emi blong olketa everiwan be Naflak nao i holem mo hemi acceptem Family Tree we claimant i putum istap se emi blo olketa everiwan tu.

Fourth (4th) Defendant: Kaluat JOSEPH

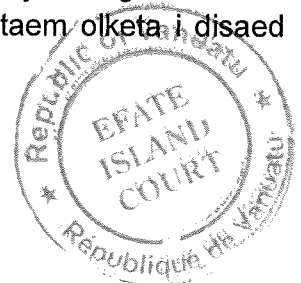
Kaluat JOSEPH long Erakor village long South Efate i konfemem long court se hemi namba 5th Generation blong Chief MASEIMERMAN mo hemi descendant blong Touran (3rd Generation) we hemi grand-daughter blong Chief MASEIMERMAN. Hemi talem se hemi defendem title ia MASEIMERMAN se emi stret title blong *naflak Nmaal*. Hemi konfemem tu se long 1999 oli jusum Jack KALON olsem chief blong *Naflak* mo *Nametau Nmaal* mo kivim taetel ia MASEIMERMAN. Hemi konfemem tu se hemi tribe blong Chief MASEIMERMAN, hemi konfemem se Chief MASEIMERMAN emi kat wan (1) pikinini nomo we nem blong hem, Apiu.

Witness blong ol Defendants: Walter Malau KALKOT

Walter Malau KALKOT blong Erakor village, South Efate i konfemem long court se hemi descendant blong John Rutau MORTEN (4th Generation) we oli fully exist yet long Erakor village, South Efate. Hemi konfemem tu se olketa olsem ol descendants blong John Rutau MORTEN ikamaot long Apiu (2nd Generation) mo Second (2nd) Defendant mo others ikamaot long Touran. (3rd Generation) Hemi continue blong konfemem se title ia, MASEIMERMAN *naflak Nmaal* nao i kivim long 2nd Defendant. Hemi lastly konfemem mo testifem long court se emi tru, hem i bin raetem wan leta iko long Claimant, Chief Charlot RUTAU long 29th November 2018, addressem mo acknowledgem hem olsem Marik MASEIMERMAN long wan issue blong olketa.

Witness blong ol Defendants: Apiu JOSEPH

Apiu JOSEPH blong Erakor village, South Efate i konfemem long court se hemi namba 5th Generation blong Chief MASEIMERMAN tru long Touran (3rd Generation) we hemi daughter blong Apiu mo konfemem long court tu se taem hemi bon Kalotip (3rd Generation), son blong Apiu nao i bin kivim nem ia Apiu we emi nem blong papa blong hem, APIU (2nd Generation). Hemi konfemem mo acknowledgem tu se claimant emi tru saed blong man or manblood olsem we oli talem, from ol fes born brothers oli ded. Hemi rekonfemem tu long court follem konfemesen blong 2nd Defendant se Apiu stret son blong Chief MASEIMERMAN ino save usum nem ia, be oli stap kolek Marik MAAMA. Hemi lastly konfemem long court se long June 1999 oli jusum 2nd Defendant blong ikam jif blong olketa mo kivim title ia blong deal wetem problem blong family kasem taem olketa i disaed blong kivim long wan stret klan o *naflak Nmaal*.

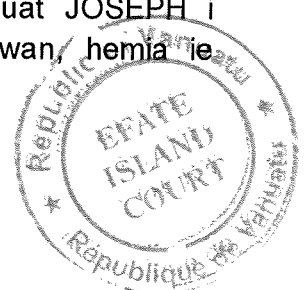


COURT FINDINGS:

Afta court i **readim, hearem mo considerem** every statement mo ol documents blong ol parties mo every witness blong olketa;

Mo bageken, afta we court i **cross-examinem** every parties mo every witness blong olketa, findings blong court hemi olsem:

1. Name ia MASEIMERMAN emi wan customary title blong wan chief;
2. Name ia MASEIMERMAN emi no wan Family Name;
3. Every witnesses blong every parties mo olgeta defendants oli akri long Family Tree blong claimant;
4. Every witnesses blong every parties wei oli testify long court oli related mo oli wan bigfala family nomo we tuketa i kamaot long wan stampa or same Family-Tree blong Chief MASEIMERMAN;
5. Claimant emi nokat wan custom Nasara, Nakamal or Farea we emi exist under long Custom Governance blong hem so that bae hemi save yusum blong performem olgeta custom duties mo responsibilities under long custom jurisdiction blong hem;
6. Claimant emi stret male bloodline we emi kamaot long Generation no. 7 long Family-Tree blong Chief MASEIMERMAN;
7. Every witnesses blong claimant mo claimant oli testify long kot se i bin kat wan kastom ceremony long date ia 8th August 2015 long Ewentau Station long Eratap we ol authorities blong Rutau Family ibin ordainem Charlot Nawen RUTAU mo kivim chiefly title name ia "Chief Rutau Maseimerman" or "Marik Rutau Maseimerman";
8. Claimant emi bin ordained by Chief Kalsaur POMAL VIII long 15th August 2015 long Erakor village mo givim name ia Marik Rutau MASEIMERMAN;
9. Second Defendant emi bin stap usum name ia MASEIMERMAN finis long Year 2004; Refer long "Eratap Customary Lands Tribunal Land Case No. 1 OF 2004 – Location : NAISRAPER area-ETAS Area, SOUTH EFATE";
10. Olketa Defendants oli neva disputem Chiefly Title ia MASEIMERMAN afta ordination blong Claimant long date ia 8th August 2015 long Ewentau Station, Eratap Vilij mo 15th August 2015 long Erakor village;
11. Some long olketa witnesses blong Claimant wei oli kamaot long saed blong Naflak NMAAL or woman bloodline oli maintenem position blong olgeta blong sapotem mo konfemem se Charlot Nawen RUTAU hemi rightful kastom owner blong name ia MASEIMERMAN follem male bloodline mo tu kastom blong Erakor mo South Efate;
12. After Generation No. 7, olgeta Defendants i just kamap blong disputem title ia MASEIMERMAN nomo after wei claimant ie askem court blong declerem hem se hemi rightful ona blong Chiefly Title ia, MASEIMERMAN;
13. Trifala defendants ia Jack KALON, John MARKAL mo Kaluat JOSEPH i produsem wan Family Tree nomo wei ie kavremap everywan, hemia ie excludim 1st defendant Andrew Bakoa KALPOILEP;



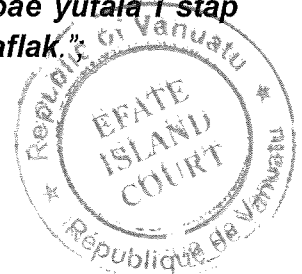
14. Every parties wei oli present long court mo olgeta witnesses blong olgeta oli akri se First Defendant emi no bloodline or even wan descendant blong Chief MASEIMERMAN based long Family Tree blong claimant mo Family Tree blong 2nd, 3rd mo 4th defendants;
15. Family-Tree we trifala defendants ia Jack KALON, John MARKAL mo Kaluat JOSEPH i prodiusem long court hemi no complete mo i nogat any link blong inheritem Chiefly Title ia MASEIMERMAN follem kastom blong South Efate;
16. Second Defendant ino stret person blong karem title ia MASEIMERMAN taem hemi konfemem long kot se hemi holem smol taem nomo kasem ol Nematrau oli faenem stret man blong em;
17. Olgeta Defendants ie talem se full name blong MASEIMERMAN hemi 'WITAU MASEIMERMAN' be oli no pruvumaot long court ol evidence blong sapotem statement ia;
18. Even though claimant mo Jack KALON, John MARKAL mo Kaluat JOSEPH i kam anda name ia MASEIMERMAN base long Family Tree blong Claimant, yet spokesman blong defendants emi insist long court se emi wan mistake blong Charlot Nawen RUTAU blong ordained long Chiefly Title ia, MASEIMERMAN but hemi (defendant's spokesman) fail blong pruvumaot statement blong hem long court;
19. Olgeta defendants oli no aware long ordination blong Claimant we ie happen long Ewentau, Eratap village long Chiefly title ia MASEIMERMAN so oli talem se i no tru;
20. Second Defendant oli choosem hem nomo blong representem or act long behalf blong name ia, MASEIMERMAN be hemi no pass tru long customary process mo ordination blo karem wan chiefly title name, follem kastom blong Erakor mo South Efate;
21. Even though Claimant mo Defendant i konfemem se tufala i wan family nomo, court ie faenemaot se olketa oli neva kat ol meeting tuketa, mo ol toktok blong kam tuketa i always fail kasem taem wei claim blong chiefly title ia, MASEIMERMAN ikam long kot;
22. Most long ol witnesses blong Claimant oli konfemem se Claimant emi karem chiefly name ia, Chief Rutau MASEIMERMAN long wan seremoni long Ewentau, Eratap village and recommendation iko long Chief Kalsaur POMAL VIII blong Erakor village blong finally ordainem hem mo name ia, Marik RUTAU MASEIMERMAN long Erakor village long 15th August, 2015.
23. Claimant ino kamaot long Naflak NMAAL be hemi kamaot long male-bloodline follem Family-Tree we hemi provaetem blong Chief MASEIMERMAN.
24. Second Defendant hemi konfemem tu se hemi no kamaot long Naflak NMAAL be hemi kamaot long woman-bloodline follem same Family-Tree we hemi (Jack KALON) provaetem mo claimant i agree long em olsem wan big family blong Chief MASEIMERMAN.
25. Second Defendant i konfemem long cross-examination se hemi no qualify blong tekem chiefly title name ia 'MASEIMERMAN' from hemi wan SPECIAL TITLE blong ol Naflak NMAAL nomo we ol narafala tribe or Naflak oli no save yusum;



26. Even though Defendant i talem se kastom jif blong Erakor i no follem bloodline for the last 120 years be Chief POMAL 1, first ever Chief blong Erakor long year 1861 emi follem male-bloodline taem emi start lukaotem ol pipol blong Erakor village;
27. Second Defendant emi believe se oli berem Late Chief MASEIMERMAN (1st Generation) long Emeltafra hemia long Erakor long haos blong 2nd Defendant, be i nokat evidence se grave or Historical burial site emi blong hem (Chief MASEIMERMAN long 1st Generation);
28. Second defendant Jack KALON emi konfemem se First Defendant Andrew Bakoa KALPOILEP emi no bloodline mo descendant blong Chief MASEIMERMAN.

Findings blong court afta wei hemi gat site-seeing wetem ol parties:

29. Chief MASEIMERMAN emi startem wokabaot blong hem long wan ples we oli singaotem 'Naisraper' be inokat evidence se hemi bin live long ples ia mo inokat eni cultural burial site blong hem follem claim blong Claimant.
30. Defendant emi no challengem sem ples ia we claimant i talem mo konfemem long kot se Chief MASEIMERMAN i startem wokabaot blong hem tu long area ia, 'Naisraper'.
31. Claimant emi claim se Chief MASEIMERMAN emi kat wan (1) historical 'tabu' stone or rock we emi stap kivim kud luck mo security long sem area blo Naisraper.
32. Defendant emi disputem se Chief MASEIMERMAN emi kat two (2) stones blong kud luck mo security long sem area nomo;
33. Tugeta parties ie no gat historical evidence blong pruvum long court settlement blong Chief MASEIMERMAN mo Farea or eni historical cultrural site blong hem long wan area we oli singaotem EPKAT (currently Montmartre mission school) olsem defendant i kleimem;
34. Defendant emi claim se historical burial site, refer *Exhibit "SR7" mo Exhibit "SR8"* emi blong Chief MASEIMERMAN be ino kat evidence blo identifiyem stret grave blo hem long wan area we oli singaotem EMELTAFRA (current residence of Defendant).
35. Court i faenemaot se Defendant emi save kud ol wokabaot blong Chief MASEIMERMAN wetem ol people blong hem be hemi nokat evidence blong provumaot historical sites mo burial site blong Late Chief MASEIMERMAN.
36. Claimant hemi no save gud ol historical wokbaot blong late Chief MASEIMERMAN wetem ol people blong hem mo hemi no save nothing burial site blong Chief MASEIMERMAN;
37. Follem Family –Tree blong ol Defendant, oli kamaot long Naflak NMAAL be emi woman-bloodline according long Family-Tree blong claimant, mo oli nokat raet blong defendem name ia, MASEIMERMAN follem statement blong 2nd defendant we ie quoted se: ***"i gud bae mi holem taetel blong yufala i stap supos yufala i faenem wan memba blong Naflak Nmaal bae yufala i stap kivim long em, from mi mi nematrau blong Nmaal be ino naflak."***



38. Defendant emi stap long no. 3 Generation long same Family-Tree blong Chief MASEIMERMAN be long woman bloodline or matrilineal system, whereas Claimant emi stap long no. 7 Generation long saed blong Male bloodline or patrilineal system.
39. Defendant mo Claimant ikat communication breakdown blo tufala parties istap kam mo consult tuketa blo faenem wan way forward mo everi taem oli singaotem ol meetings, i neva happen;
40. Seken Defendant i kleim se History blong Family-Tree we Claimant i producem long case ia ino stret be hem (seken defendant) i no save pruvumaot statement blong hem blong convinsim court;
41. Tufala parties ie no convinsim court se originality blong Chiefly Title ia MASEIMERMAN hemi blong Erakor;
42. Every parties mo every witness oli agree se Chiefly Title MASEIMERMAN hemi blong South Efate;
43. Claimant hemi no provem long court se originality blong title MASEIMERMAN i blo Erakor.
44. Tuketa parties ino provem aot long court se chiefly title ia MASEIMERMAN emi title blong wan paramount chief o wan lesser chief.

Afta wei court ie listimaot olgeta forty-four (44) findings blong hem, court ia hemi satisfae mo stap long wan better position blong determinem application blong Charlot Nawen RUTAU:

1. Declaration blong Custom Ownership blong Chiefly Title 'Maseimerman' mo
2. Representative blong Act long Interest blong Family Maseimerman blong Erakor village long South Efate.

DECLARATION BLONG COURT:

Efate Island Court hemi declarem:

1. Name ia 'MASEIMERMAN' se hemi wan true Title blong Chief be ie no wan Family Name;
2. Charlot Nawen RUTAU blong Erakor Village, South Efate se hemi stret man blong ownem Chiefly Title name ia MASEIMERMAN follem Patrilineal Bloodline mo follem Kastom blong South-Efate;

ORDERS BLONG COURT:

1. Efate Island Court ie oderem every Descendants blong Chief MASEIMERMAN long 1st Generation ie kam kasem 7th Generation we Charlot Nawen RUTAU ie stap long hem, olgeta everywan blong oli stap under long kastom authority mo kastom leadership blong Chief Charlot Nawen RUTAU MASEIMERMAN.



2. Efate Island Court ie restrainem Andrew Bakoa KALPOILEP wei hemi 1st Defendant long case ia mo Jack KALON wei hemi 2nd Defendant long case ia blong tufala i nomo yusum Chiefly Title Name ia 'MASEIMERMAN' long any business developments, any matters mo any custom activities wei hemi concernem olgeta descendants blong Late Chief MASEIMERMAN long 1st Generation ie kam kasem nowia.
3. Efate Island Court ie no grantem second application blong claimant hemia se blong declarem hem (Chief Charlot Nawen RUTAU MASEIMERMAN) olsem Representative blong Act long Interest blong Family Maseimerman blong Erakor village long South Efate.
4. Further long order no.3, Efate Island Court ie orderem Chief Charlot Nawen RUTAU MASEIMERMAN blong hemi mas gatherem every descendants blong Late Chief MASEIMERMAN long 1st Generation kasem generation blong naoia, under long Kastom authority mo kastom leadership blong hem (Chief Charlot Nawen RUTAU MASEIMERMAN), blong oli mas createm wan body in place wei bae ie save representem mo act long best interest blong every descendants blong Late Chief MASEIMERMAN since Generation 1 ie kam kasem nowia.
5. I nogat order long cost.
6. Tufala parti i gat 30 deis blong apilim decision ia ie go long Magistrate Court sapos anywan ie no happy wetem.

DIRECTION BLONG COURT:

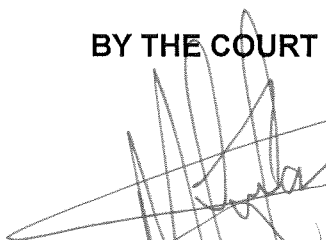
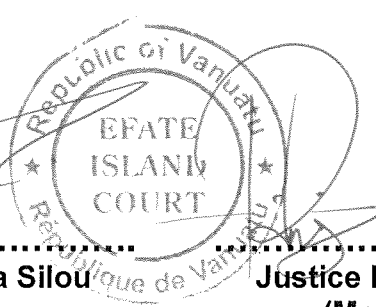
Efate Island Court i directem every parties wetem ol families mo ol relatives blong olgeta blong oli mas mekem wan bigfala custom reconciliation ceremony blong re-unitem mo restorem back peace mo harmony between olgeta before Friday 31st May, 2019.

DATED at Port Vila this 21st day of March, 2019.

BY THE COURT



Justice Lutu Sakita
(Member)

Justice Metoloa Silou
Poilapa
(Presiding Justice)



Justice Roy Tining
(Member)