

**BETWEEN:** MORRIS AMOS TIMATASOMATA  
**Original Claimant**

**AND:** MCCOY MARANGO  
**1<sup>st</sup> Counter Claimant**

**AND:** JIMMY ALICK WOLTA  
**1<sup>st</sup> Defendant**

**AND:** KALMELE KALSAU MORMOR  
**2<sup>nd</sup> Defendant**

**AND:** FAMILY KALTAPANG  
**3<sup>rd</sup> Defendant**

*Date of Hearing:* 2<sup>nd</sup> - 6<sup>th</sup> December 2019 and 17<sup>th</sup> - 19<sup>th</sup> December 2019  
*Date of Judgement:* Wednesday 16<sup>th</sup> December 2020.  
*Before:* Justice Felix Thomas (Presiding Justice)  
Justice Serah Paton (Member)  
Justice Eddie Karis (Member)  
*Island Court Clerk:* Mrs. A. Alain  
*In Attendance:* Claimant – Represented by John Mark Bell  
1<sup>st</sup> Counter Claimant – appeared in person; McCoy Marango  
1<sup>st</sup> Defendant – Represented by Willie Kalo Jacob  
2<sup>nd</sup> Defendant – Represented by Willie Tapasei  
*In Absence:* 3<sup>rd</sup> Defendant – Represented by Erick Kaltapang  
*Copy:* Court File

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## JUDGMENT

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Long date ia 22<sup>nd</sup> November 2016 Morris Amos Timatasomata blong Tongoa Island, hemi faelem claim blong "bloodline blong late paramount chief Roimata wetem brother blong hem Roimur" mo "chiefly title blong Roimata" olsem Paramount Chief blong Efate, i kam long ofis blong Efate Island Court follem Section 10 blong Island Court Act CAP 167. Case ia hemi new long Efate Island Court.

Long claim blong claimant, hemi askem court ia blong diklerem hem wetem olgeta family memba blong hem olsem olgeta true surviving bloodline mo descendants blong paramount chief Roimata mo Roimur blong Efate Island, mo too olsem stret man blong inherited chiefly title blong Roimata follem custom history mo olgeta evidence we oli save pruvum long court ia.

Claimant Morris Amos i faelem case ia againsem trifala defendants ia:

- **Defendant No. 1 – Jimmy Alick Wolta blong Tongoa:** from se hem i stap unlawfully yusum chiefly title Timatasomata/Roimata we Tongoa Council of Chief oli bin mekem decision long hem long date ia 5<sup>th</sup> June 1981 blong go long favoir blong late Pakoa Amos we hemi papa blong Chief Morris Amos Timatasomata.
- **Defendant No. 2 – Kalmele Kalsau Mormor blong Mangaliliu Village, Efate:** From se hem too i stap claim se hemi descendants blong Paramount Chief Roimata.

- **Defendant No. 3 – Family Kaltapang blong Pango Village, Efate:** From se oli bin kamaot publicly long media blong talem se oli descendants blong Paramount Chief Roimata without wan legal declaration we i kamaot long court.

#### APPLIKESEN 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 paa 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 paa mo bambae oli kam pat blong loa blong Ripablik blong Vanuatu.

Tufala main issues we i stap long court ia:

1. **Who ia olgeta stret people we oli ol true bloodline mo descendants blong late Paramount Chief Roimata mo Roimur blong Efate Island?**
2. **Who ia olgeta stret people or man we i gat right blong inheritem chiefly title blong Roimata olsem Paramount Chief blong Efate follem rules blong custom blong Efate Island?**

#### CLAIM BLONG CLAIMANT "MORRIS AMOS TIMATASOMATA"

Long claim blong claimant, hemi describem Roimata we olgeta oli regardem hem olsem bigfala paramount chief blong Efate se hemi wan great warrior, wan man blong mekem peace, wan explorer mo wan master blong win.

Blong sapotem claim ia, Morris Amos Timatasomata hemi produsem long court ia:

- a) Wan family tree blong Roimata we i link i kamdaon long claimant blong pruvumaot long court ia se claimant wetem olgeta members blong family blong hem oli oli true descendants mo bloodline blong bigfala chief ia Roimata mo Roimur.
- b) Information blong Burial Site blong Paramount chief Roimata mo Roimur
- c) History blong Roimata mo Roimur
- d) True Original Custom Boundary Landmark blong Roimata mo Roimur
- e) Olgeta Original sacred song mo items blong Roimata

**a) Family Tree blong Roimata:** Long family tree blong claimant, hemi talemaot se man ia Manaberik i maredem woman ia Leimanu Leinavanu blong Efate mo tufala i gat 3 pikinini we hemi includim 2 twin boy mo one girl. Out long family ia, Roimata oli regardem hem olsem first bon son, Roimur olsem second bon son mo last bon hemi wan girl we name blong hem Leimanu. Sista blong Roimata mo Roimur hemi mared aot i go long southern part blong Vanuatu long island blong Tanna, Roimur i ded single mo nogat generation, however Roimata i mared long wan woman mo tufala i gat pikinini we generation blong ol pikinini ia oli exist today hemia nao we claimant i kamaot long hem.

Claimant i putum long claim blong hem se Roimata i mared long woman ia Leinavanu blong Puninga Island long Shepherds group mo tufala i bonem two pikinini boy: Tinga mo Songilap we trough long

tufala pikinini boy blong Roimata ia nao, claimant wetem olgeta family member blong hem oli kamaot long tufala. Claimant hemi presentem family tree blong hem long two part; first part hemi tokbaot line blong Tinga mo second part hemi tokbaot line blong Songilap :

- **Family Line blong Tigan, first bon son blong Roimata:** Tigan i mared long Leinaleo mo tufala i bonem wan pikinini boy name blong hem Sal Keke. Sal Keke i mared long Leiel mo tufala i bonem wan pikinini boy ia Toara Nike, Leias Levinga, Lepitok, Marie Nawa mo laswan hemi Taripo Sup we hemi wan boy. Tigan mo Leinaleo tufala i gat 2 pikinini boy nomo we hemi Toara Nike mo Taripo Sup. Toara Nike i mared long Leiash nao tufala i bonem Lukai Jacob, Manirik, Leikav, Leirer, Samuel mo last bon hemi Tom Alick. Tigan mo Leinaleo i gat 4 boys mo 2 daughters. Lukai Jacob i mared long Leimarew mo tufala i bonem every pikinini boys. I gat: Pakoa Amos, John Asiri, Jack Arenas, Sandy Bel mo Philip Lukai. Pakoa Amos hemi mared long Betty Amos mo tufala i bonem Morris Amos, Ruby Amos, Willy Amos, Mark Amos, Leisal Amos, David Amos, Joseph Amos, Philip Amos, Kelep Amos mo Shem Amos. Morris Amos we semtaem claimant long case ia, hemi mared long Leipakoa Rebecah mo tufala i bonem Jimmy Fira, Sarlin, Paul mo Darlinda.

I gat 8 generations everywan long line blong Tigan follem bloodline blong man.

- **Family Line blong Songilap, second bon son blong Roimata:** Songilap i mared long Leiman mo tufala i gat three pikinini we two boy mo wan girl. First bon boy hemi Sios Semoramat, Second bon boy hemi Gabati Titongoamat mo last bon girl hemi Leiwi Namatean. Sios Semoramat i mared long woman ia Leipunusar mo tufala i gat three pikinini: first bon boy hemi Tiek Semoramat, second bon pikinini wan girl hemi Lepunu Annie mo last bon pikinini wan boy hemi Tion. Tiek Semoramat i maredem Tarivaraman mo tufala i gat three boys mo three girls. First bon pikinini blong tufala we hemi wan boy name blong hem Manapale. Manapale hemi maredem woman ia Nasio mo tufala i gat four pikinini. First bon boy hemi Buruta, second bon boy hemi Harry Bel, nambatri bon hemi wan girl we hemi Lemalset mo last bon girl hemi Lepunu. Buruta Tiek i mared mo i gat pikinini be ol girl nomo. Smol brother blong hem Harry Bell i maredem Ruby Marie Leinapatoko mo tufala i bonem wan pikinini boy nomo we hemi John Mark Bell, spokeman blong olgeta claimant long case. John Mark Bell i maredem Dora Masoeliu Tarioriu mo tufala i gat four pikinini; Besline Rubby, Leiwil Lytee Shana, Eddie Harry Bell Junior mo Lerina Nasio.

I gat 8 generations everywan long line blong Songilap follem bloodline blong man.

**b) Information blong Burial Site blong Paramount chief Roimata mo Roimur:** Claimant i talemaot long court se Roimur we hemi second born twin brother blong Roimata, hemi ted mo oli putum hem i rest long Southern Part blong Epi long Filakara mo grave blong hem hemi still exist kasem today. Taem Roimur i ded, Roimata mo ol warriors blong hem nao oli berem hem mo after we oli berem Roimur, oli travel i go long Island blong Tongoa. Long ples we oli berem Roimur long hem, i gat wan stone nomo we oli bin stanemap long grave blong hem blong makem stret ples blong blong grave ia mo stone ia i still exist kasem today.

Paramount Chief Roimata we hemi bigfala chief blong Efate, taem hemi ded mo ol pipol we hemi stap governem olgeta oli putum hem i rest long Eastern part blong Tongoa long wan nasara blong hem we oli kolem Kamal Oriu long area blong Selebanga. Grave blong Paramount Chief Roimata hemi still yet exist kasem today.

**c) History blong Roimata mo Roimur:** Roimata mo Roimur tufala i bon mo grow up long wan tabu ples we i located long wan hill we kastom name blong hill ia "Mahilalat" long area blong Rangorango long Efate. Taem we tufala i bon, tufala i nogat name kasem taem we tufala i grow kam big boy mo save mekem something nao tufala i just risivim name blong tufala after long wan taem we tufala i plan blong

go bekem kaekae long "Eton". Eton long original language blong Efate hemi meanim "Bake". Tufala brother ia i bakem bunia long separate place nao bunia blong Roimata i no tan be blong Roimur i tan gud. Roimur i luk se kaekae blong bigfala brother blong hem i no tan gud mekem se hemi stap laf long hem so taem papa blong tufala i luk mo faenemaot wannem we i happen long tufala pikinini blong hem, idea blong putum names blong tufala i stap kam reveal nao. Papa blong tufala i namem ROIMATA from we kaekae blong hem i no tan (amat) mo ROIMUR from kaekae blong hem i tan be hemi stap laf (iur). Meaning blong Roimata se "i no tan or i laef nomo i stap" mo Roimur i mean se "Laf". Tufala brother ia i karem name blong tufala long "Kamal-Siliwi nakamal" we i stap long Rangorango. After we tufala i bakem bunia finis, tufala i directem "Rikikor River" i ron blokem ples we tufala i bin bake long hem blong haetem long ol man blong oli no save from nogud bae oli change storian.

Manamberik hemi papa blong Roimata mo Roimur mo hem nao hemi perfomem first ever kastomary ordination blong Efate taem hemi ordainem Roimata long chiefly title name ia "Timatasomata" mo Roimur long chiefly title ia "Timatasamur" long Silimbang we today yumi singaotem Maniuro. Maniuro hemi no really name blong wan village be hemi name blong wan language we i kamaot long first original language blong Efate we oli kolek 'Namakura' mo translation blong hem long Bislama hemi meanim se "Thousand Pipol oli stap laf". Before ordination i tekem ples, ol pipol blong Silimbang (Maniuro) oli stap laf long tufala brother ia from we tufala i no ready blong ordain from nogat inaf kakae but papa blong tufala i encouragem tufala bigwan blong tufala i no tekem note long ol pipol ia but mas prepare from ordination blong tufala. Before we Roimata mo Roimur i risivim chiefly title blong tufala, each wan long tufala i kilim wan-wan bigfala pig we tooth blong ol i fas gud mo oli kastretem olgeta follem custom. I gat fulap man oli witessem event ia from we oli interest tumas long hem.

Manamberik i ordainem Roimata long chiefly title 'Timatasomata' olsem Paramount Chief blong Efate. Since after long ceremony blong ordination ia, olgeta people we oli kam witessem ceremony ia oli gat bigfala interest blong oli ordainem olgeta too. After we Roimata i ordained olsem paramount chief, hemi tekemap responsibility ia blong exercisem power blong hem so hemi ordainem olgeta man ia too long "Kamal Matas Nakamal", wan olfala nakamal we i stap long village blong Silimbang (Maniuro) long East Efate. Roimata i givim duties long olgeta people ia olsem ol head chief blong hem we oli work under long leadership blong hem olsem paramount chief blong Efate blong lukaotem ol people mo managem ol graon raon long ol villages blong Efate mo stap mekem customary duty lease blong graon i too i go long hem (Roimata). Olgeta chiefs we Roimata i ordainem olgeta mo givim duties long olgeta i gat:

1. Chief Mariri Manakor blong Eton
2. Chief Marikorokor blong Epau
3. Chief Korikor blong Pangpang
4. Chief Manusongosong blong Takara
5. Chief Tihivat blong Mangaliuliu
6. Chief Maraki blong Mele
7. Chief Natang Varakinambua blong Ifira
8. Chief Tabavak blong Pango
9. Chief Tarimanu blong Eratap

Long taem blong ordination, ol people blong Silimbang (Manurio) oli kam blong witessem pig killing blong ogeta head chiefs ia mo lukim Roimata i stap holem head blong olgeta mo givim chiefly title blong olgeta. Long taem ia i gat bigfala kaekae mo bigfala custom danis i happen follem beat blong custom music blong Roimata we oli kolek "Nampala". After long ceremony blong ordination, Roimata i performem wan narafala ceremony bageken blong Navavakasar (protection) we hemi blong protectem olgeta newly head chiefs ia long any sickness we i save pass tru long ol customary chiefly titles blong olgeta.

After long ordination we i tekem ples long Silimbang (Manurio), Roimata mo Roimur tufala i muv i go long Lelepa wetem parents mo ol wokman blong olgeta from se papa blong tufala Manamberik i wantem kivim ol final instraksen mo handem over every blessings blong hem long tufala pikinini blong hem.

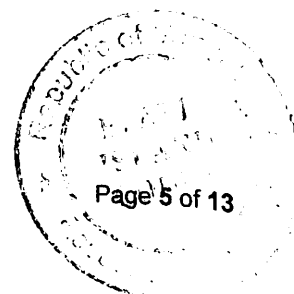
Long Mangaliliu, Paramount Chief Roimata mo Roimur i preperem wan feast mo tufala i kakae lastwan wetem parents blong tufala mo ol wokman blong olgeta before oli travel i go long Eretoka (Hat Island). During long taem ia we oli stap kaekae, Manaberik i introdusem 2 narafala name bageken "Masilaerang mo Matukor" long paramount chief Roimata.

Way blong Roimata mo Roimur wetem parents mo wokman blong olgeta blong go long Eretoka hemi trough long wan sacred custom prayer we Manaberik hemi offerem then solwater i divide mo allowem olgeta blong walkbaot cross. Roimata wetem brother blong hem Roimur tufala i explore full Efate, Epi, Sheperds Islands mo ol narafala islands blong Vanuatu. Ples we Roimata i settle long hem hemi long Island blong Tongoa.

Claimant i talem se Roimata nao hemi introdusim system blong Naflak from we i gat faet yet i stap continue long island blong Efate. Hemi invitem everywan araon long Efate blong kam attendem wan peace ceremony wetem gifts blong olgeta long wan ples name blong hem 'Mpumpu' long Maniuro. Taem oli kam, oli karem wetem olgeta ol basket island kaekae, samfala oli kam wetem ol laef animals, mo samfala oli kam wetem different kaen meat blong solwater. Taem everywan oli kam, Chief Matuick we hemi wan head chief blong Tongoa mo hemi bin live wetem Roimata taem tufala i stap long Tongoa, i risivim authorization blong Roimata mo namem each families or tribes after long name blong wan traditional item we oli karem i kam wetem olgeta. Process ia nao oli kolem "Naflak" we hemi still exist today.

**d) True Original Custom Boundary Landmark blong Roimata mo Roimur:** Customary boundary blong Papa blong Roimata mo Roimur we hemi ownem long time ia hemi whole Efate. Ol pek we i connectem bigfala boundary ia hemi ol tabu ples ia:

	LOCATION	NAME BLONG TABU PLES
1	Maniuro	Fatumial
2	Epule	Kirau
3	Takara-arik	Nambahi
4	Bauvatu	Limbiton
5	Paunangisu	Tangewall
6	Sifiri	Mpake-Amorr
7	Moso Island	Nearr-wasik
8	Lelepa Island	Navat-natakerekerr
9	Eretoka (Hat Island)	Namberik
10	Tuktuk	i. Navat-nakah ii. Navat-nakahu iii. Navat-nalang
11	Hideaway	Mbuviv
12	Malapoa Point	Navale-navivingi
13	Vanambea	Kisamanda
14	Fatumaui Bay	Navat-nambukame
15	Iririki	Nanirik
16	Pango Point	Naetatam-natina
17	Erakor	Nambuembu
18	Eratap	i. Naetatam-viviorr ii. Navat-nambukame
19	Erueti	Navat-nawaru
20	Eton	Naetatam-napupus Varen-nampumpu
21	Pangpang	Mbake-amorr



f). **Olgeta original sacred song mo items blong Roimata:** (1) "Nampalas" we hemi wan sacred custom music, (2) song blong head chiefs we Roimata i baptizem olgeta long Lotas, (3) Song blong canoe mo (4) Song blong Tabu ples long Efate. Mo olgeta custom items blong hem we hemi gat hemi (1) custom tools blong surveyem customary boundary landmark mo (2) custom tool blong testem tru DNA blong Paramount Chief Roimata mo Roimur.

Claimant hemi gat 3 witness we oli faelem witness statement blong olgeta under oath mo pass tru long witness box blong sapotem claim blong Morris Amos Timatasomata. Olgeta witness ia i gat:

1. John Mark Bell Tapangasaru
2. Zachariah Charlie
3. Charlie Selei Semoramata

### **CLAIM BLONG COUNTER CLAIMANT NO. 1 "MCCOY MARANGO"**

McCoy Marango hemi kamaot long Ravenga Tribe mo hemi blong Tongoa Island. Hemi faelem counter claim blong hem blong claimem bloodline blong Roimata tru long couple ia "Roimiala mo wife blong hem Masoi", ol foreigner we oli arrive long Vanuatu around 12<sup>th</sup> hundred mo stap long Vanuatu olsem part blong Ravenga Tribe. Tufala couple ia i settle long Retoka Island we noiwa yumi save long hem olsem Hat Island mo hemi still part blong Ravenga tribe. Then later tufala i kam settle fulwan long main island blong Efate hemia long Mangasi we hemi fesem hat island.

Roimiala mo Masoi tufala i bonem 5 pikinini: 3 boys mo 2 girls. Name blong olgeta pikinini ia: Roimata (boy), Roimuri (boy), Roimaro (boy), Teimekolo (girl) mo last bon hemi Makitau (girl).

Roimiala hemi main chief blong Ravenga Tribe mo chiefly title blong hemi Masoinua. Ol people oli stap singaotem hem se "*King blong olgeta chiefs*". Taem Roimiala hemi ted, trifala pikinini boys blong hem oli kam ol custom chiefs mo wanwan long olgeta i gat wanwan chiefly title.

- Roimata – hemi kam wan custom chief mo tekem chiefly title name "Roimata"
- Roimuri – hemi kam wan custom chief blong smol nakamal we i stap under long chief "Roimata"
- Roimaro – hemi kam chief blong kraon mo karem chiefly title name "Roimaro Masoinua".

Ol narafala chiefs blong Efate oli save long trifala chiefs olsem ol recognized chiefs trough long wan custom ceremony from we trifala ia oli governem full island blong Efate.

Just after long ceremony ia, i start blong gat danger long island blong Efate especially blong Roimata wetem tufala brother blong hem. I mekem se Roimata mo second bon brother blong hem Roimuri tufala i decide blong givim chiefly powers blong tufala long last bon brother blong tufala Roimaro Masoinua under long "Navuvusakeana Governing System" after tufala i sendemaot hem i aot long island blong Efate mo go long Quai Island before island ia i split long ol narafala islands mo wan long olgeta island ia nao hemi Tongoa.

During stay blong Roimata mo Roimuri long island blong Efate, tufala i decide blong changem governing system ia i go long "Nafalak Governing system". Long time ia nao, ol narafala chiefs blong olgeta narafala tribes long island blong Efate oli decide blong bribem mo convinsem Roimuri blong kilim dead brother blong hem Roimata mo take-over long chiefly powers blong hem.

Roimata mo Roimuri, tufala i tekem second last bon sister blong tufala Teimekolo i go long Tuktuk area blong mekem hem i mared wetem chief Tariliu from tufala i wandem se sister blong tufala i mas out long Mangasi Village, village we Ravenga tribe i reside long hem long reason se sapos ol people oli murderem tufala from chiefly titles blong tufala, be sister blong tufala bambae hemi save take-over long chiefly title blong tufala tru long Nafalak mo Navuvusakeana governing system.

Taem trifala ia oli stap wokbaot from Mangasi Village blong go long Tuktuk, Roimuri hemi talem long Roimata wetem sister blong tufala se hemi fraet, bambae hemi mas go back long Mangasi village from

nogud bae ol narafala man oli kilim olgeta long road be Roimata i talem long hem se, bambae hem (Roimata) wetem Teimekolo i continue blong wokbaot i go long Tuktuk so long taem ia nao, Roimuri hemi sutum Roimata wetem wan poisoned arrow. Ples we accident ia i happen long hem, today yumi singaotem "Mangaliliu". Meaning blong Mangaliliu long language blong Nakanamanga hemi se "I am going back" or "Mi stap go back".

Taem trifala ia Roimata, Roimuri mo Teimekolo i leavim Mangasi village mo stap walkbaot blong go long Tuktuk, ol narafala chiefs blong ol narafala tribes oli tekem last bon sister blong trifala ia "Makitau" mo fasem taet hem i go wetem wan bundle coconuts mo mekem hem i float long solwater. Makitau i float mo kasem island blong Nguna wea long ples ia nao hemi mared.

Roimata i kasem kill finis long poisoned arrow we brother blong hem Roimuri i sutum hem wetem. Hemi save se bambae hemi ted. Taem hemi kasem Tuktuk wetem Teimekolo, hemi stap long ples ia mo talem long Teimekolo se hemi save se bae hemi ted be sapos hemi ded, bae Teimekolo i berem hem long "Retoka Island" we nowia yumi save long island ia olsem "Hat Island". Teimekolo i mekem olsem we brother blong hem Roimata i talem. Taem Roimata i ted, Teimekolo i tekem magic stone blong Roimata mo seraotem solwater long hem after hemi karem ded body blong brother blong hem long Efate mo krosem i go long Retoka blong berem. Long time ia i wan bigfala funeral from we i gat fulap chiefs oli kam mo semtaem oli mekem olsem wan celebration too from oli successfully kilim Roimata i ded.

Roimuri i ronwea long Island blong Efate from we hemi fraet tumas blong lusum life blong hem from everyone oli save se hem nao i kilim bigfala brother blong hem Roimata. So hemi leavim Efate mo go long Emae Island then after Quai. Taem hemi kasem Quai Island, hemi go live long village blong Sakaw mo long ples ia nao hemi ted single mo nogat pikinini.

Chief Tariliu blong Tuktuk i mekem Teimekolo i pregnant be from we ol family blong hem oli talem se Teimekolo hemi wan lazy woman, oli influensem Tariliu blong kilim ded Teimekolo. Long 8 manis pregnancy blong Teimekolo, Chief Tariliu i kilim wife blong hem i ted mo meanim blong burnem daon house blong tufala blong haetem crime ia. After hemi karem magic stone blong Teimekolo mo wrappem around long body blong baby ia blong protectem life blong baby, after hemi mekem baby ia i float long solwater. Stone ia hemi teachim baby ia how blong singsing mo toktok. Baby hemi travelled inside long magic stone mo go Mele, Tuktuk, Lelepa, Moso, Nguna, Pele, Emau, Mataso, Makira, Emae mo kasem Quai, ples we Roimaro Masoinua i reside long hem.

Roimaro Masoinua hemi kam long pasis mo tekem magic stone then hemi realisem se stone ia i severem life blong pikinini blong sister blong hem Teimekolo. Chief Roimaro Masoinua i tekem pikinini boy ia i go long Nakamal mo givim customary chiefly title name ia "Woratasi Malesu" mo chiefly powers blong hem long youngfala ia blong i holem. Chief Roimaro Masoinua i considerem Malesu olsem pikinini boy blong hem. Taem Malesu i kam bigfala man, hemi travelled back i go long Efate mo putum name ia "Malesu" long wan man long Mele, first ples we hemi singsing long hem, then after long Tuktuk, Lelepa, Moso, Nguna, Pele, Emau, Mataso, Makira, Emae, mo Quai (later Tongoa).

Chiefly Title name ia Malesu i bin inherited from Woratasi Malesu blong Ravenga Tribe i kam long McCoy Kalo Malesu blong Ravenga Tribe through long 17 title holders kasem today.

Follem family tree blong "Roimiala mo wife blong hem Masoi", counter claimant kamaot long line blong Teimekolo we hemi namba four pikinini blong Roimiala mo Masoi.

Blong sapotem counter claim ia, McCoy Marangoe hemi produsem long court:

- a) Family tree blong Ravenga
- b) Statement blong custom chief McCoy Marango blong Ravenga Tribe concernem custom ownership blong Hat Island (Retoka Island)
- c) History blong Malesu from Woratasi Malesu blong Ravenga Tribe
- d) Agreements blong Malesu Tribe concernem Roimata Bloodline Generation

- e) Photo blong red stone we Roimiala hemi carvem mo stone ia i givim birth long Melsu Woratasi
- f) Custom Ownership blong kraon we name blong hem Ravenga long North-East Efate
- g) Olgeta supporting letters blong Chief Masoenua

Counter Claimant hemi gat 1 witness nomo we hemi faelem witness statement blong hem under oath mo pass tru long witness box blong sapotem counter claim ia; Witness Joseph Kalo Malesu.

## DEFENSE STATEMENT BLONG 1<sup>ST</sup> DEFENDANT "JIMMY ALICK WOLTA"

Jimmy Alick Wolta blong Tongoa Island i stap confirmem long court ia se chiefly title blong hem hemi "Matoi Roimata Timatasomata" we hemi bin claimem long Tongoa Sheperds Island Court wetem Moris Amos under long chiefly title case no. 16/2485 IC/CHFT mo judgment blong case ia i kamaot finis long 12<sup>th</sup> July 2018.

First defendant ia hemi talemaot long defense statement blong hem se claimant Morris Amos Timatasomata hemi stap kiaman long honourable court ia long fasin we:

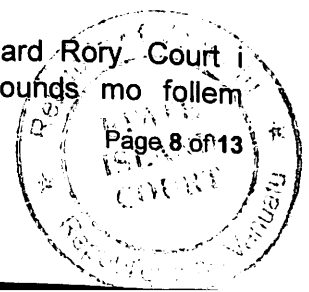
- 1) Hemi brekbrekem title ia "Matoi Roimata Timatasomata" blong claimem heritage blong Roimata we hemi sem chiefly title nomo long chiefly title case no. 16/2485 IC/CHFT.
- 2) Family tree we hemi presentem long claim ia, hemi semak family tree nomo we hemi bin presentem long Tongoa Island Court we i showem se hemi no stret bloodline blong Matoi Roimata Timatasomata – refer long court judgment dated 12/07/2018 blong Tongoa Shepherds Island Court.
- 3) Court hemi givim hem right blong appeal be hemi no bin mekem – refer long Magistrate court minute dated 02/07/2019.
- 4) Long humble opinion blong first defendant, spos court ia i bin harem case ia bageken, bae hemi stap deal or judgem case ia namba 2 times.
- 5) Olsem honorable court ia i save, yumi no save seperatem wan chiefly title long property blong hem;
- 6) Hemi common sense se taem court i faenemaot mo judgem se you stret man or title i no blong you, you no save kamback blong stap claimem property blong hem unless you wantem stap kam kiaman long court.
- 7) Blong pruvumaot ownership blong yumi long wan chiefly title or heritage family tree blong yumi hemi important tumas. Taem yumi luk long judgment blong island court long 12<sup>th</sup> July 2018, claimant or Morris Amos i no stret bloodline blong Matoi Roimata Timatasomata.
- 8) From hemi no stret bloodline blong Matoi Roimata Timatasomata, hemi no gat right nating blong claimem any property or heritage blong Matoi Roimata Timatasomata.

Follem olgeta defense statement ia, first defendant Jimmy Alick Wolta i askem court ia blong sakemaot case ia mo orderem claimant Morris Amos blong nomo mekem any issue or claim long behalf blong title ia "Matoi Roimata Timatasomata". First defendant i askem court too blong must mekem wan order blong orderem ol police blong arrestem claimant follem decision blong Tongoa Sheperds Island Court blong 12 July 2018 olsem comtempt blong Court.

Blong sapotem defence statement ia, first defendant Jimmy Alick Wolta i produsem long court:

- a) Copy blong judgment mo copy blong claim we first defendant i faelem long Tongoa Sheperds Island Court long Chiefly Title Case no. 16/2485 IC/CHFT (long book blong 1<sup>st</sup> defendant – page 3 kasem 85)

First defendant i gat 2 witness we hemi Marikor Manaroto Jack Pierre mo Richard Rory Court i withdrawemaot witness blong Marikor Manaroto Jack Pierre follem medical grounds mo follem



application blong withdrawal we 1<sup>st</sup> defendant i mekem. Narafala witness nomo we hemi Richard Rory i pass long witness box.

## **DEFENSE STATEMENT BLONG 2<sup>ND</sup> DEFENDANT "KALMELE KALSAU MORMOR"**

Second Defendant 'Kalmele Kalau' blong Efate Island, mo chiefly title name blong hem hemi 'Mormor'. Defendant ia i faelem defence statement blong hem long behalf blong olgeta people blong Mangaliliu, Lelepa, Mangas mo Artoka, hemi talem se olgeta oli ol stret custodian blong tufala name ia 'Roi Mata' mo 'Roi Mur' since ancient time kasem nowia mo oli gat wan historical connection we hemi clearly reflectem original establishment long ol ples olsem Eretoka (Hat Island), Feles Cave (Lelepa Island) mo Mangas area long North-West Efate. Tufala chiefly title names ia i gat bigfala power mo authority long tufala i mekem se second defendant mo olgeta people we hemi representem olgeta oli considerem tufala names ia se oli 'tabu' or sacred we bambae oli no save bestowem long any narafala man after long death blong 'Roi Mata' mo 'Roi Mur'.

Kalmele Kalsaur i talem se oli gat fulap chiefs we oli gat ol different chiefly title names mo oli reign inside long region blong 'Roi Mata' mo 'Roi Mur' fulap years i pass finis kasem today be nogat one long olgeta chiefs ia i challengem chiefly titles ia. Second defendant i talem se olgeta people blong Lelepa Island (Alpat) mo Efate mainland - Mangas oli exchangem wan piece kraon blong exchangem burial site we i stap long Eretoka (Hat) Island. 'Roi Mata' mo 'Roi Mur' wetem 'Roi Mantai' oli ol three brothers we oli gat laef bloodline we i stap long Lelepa Island mo Mangaliliu village long Efate Island. 'Roi Mata' hemi bin float long canoe blong hem mo go ashore long Emae Island mo long ples ia olgeta people blong Emae oli treatim hem olsem slave kasem taem we oli faenemaot se hemi wan bigfala great chief so oli mekem wan bigfala custom ceremony mo organisem back way blong hem blong return back long Efate Island (Mangas). Concernem death blong 'Roi Mata', olgeta people blong Lelepa nao oli responsible long hem so oli tekemap responsibility blong muvum death body blong hem between Lelepa mo Efate blong go long Hat Island. Defendant ia i talem se olgeta oli gat fulap related stories blong 'Roi Mata' mo 'Roi Mur' we bambae olgeta witness blong hem bambae oli just talem aot long witness box sapos court ia i allowem more time.

Long closing defence statement blong Kalmele Kalsau, hemi talem se hem wetem olgeta people we hemi toktok long behalf blong everywan oli live longtaem long olgeta areas blong Mangaliliu, Lelepa Island mo Efate (Mangas) fulap years i pass finis kasem today be olgeta oli nogat any stories we bambae i connectem olgeta wetem olgeta people blong Tongoa Island. Defendant ia hemi se hemi surprise tumas blong look se i nogat wan man Efate i claimem chiefly title blong 'Roi Mata' mo 'Roi Mur' be olgeta people blong Tongoa Island nomo.

Blong sapotem defence statement ia, second defendant hemi gat four witness we oli faelem witness statement blong olgeta mo family tree blong olgeta we bambae i linkim bloodline blong olgeta wetem 'Roi Mata'. Olgeta witness ia i gat:

- 1) Chief Avaranearu Richard Matanik
- 2) Chief Pierre Kalsale Vartapar
- 3) Steven Kalsong
- 4) Metau Gideon Kalotiti

## **DEFENSE STATEMENT BLONG 3<sup>RD</sup> DEFENDANT "FAMILY KALTAPANG"**

Erick Kaltapang hemi representative blong Family Kaltapang blong Pango Village long Efate. Long defence statement blong hem, hemi talem se Family Kaltapang i nogat any family mo bloodline connection wetem Roimata. Defendant ia i confirmem too se Family Kaltapang i nogat any interest long

chiefly title name Roimata mo Roimur. Hemi talem thank you long court blong save understandem defence statement ia mo considerem.

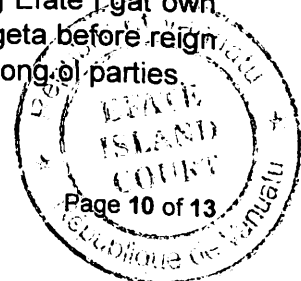
**After we court i readim, harem mo considerem toktok blong every parties mo every witness blong olgeta,**

**Mo after we court ia i cross-examinem every parties mo every witness blong olgeta, court ia i stap mekem findings blong hem blong ansarem tufala issues we i stap before this honorable court ia:**

- 1. Who ia olgeta stret people we oli ol true bloodline mo descendants blong late Paramount Chief Roimata mo Roimur blong Efate Island?**
- 2. Who ia olgeta stret people or man we i gat right blong inheritem chiefly title blong Roimata olsem Paramount Chief blong Efate follem rules blong custom blong Efate Island?**

Court ia i faenemaot se:

1. Yes every parties oli agree se Roimata mo Roimur hemi ol chiefly titles blong Efate Island.
2. Court i faenemaot se Roimata hemi paramount chief blong Mangaliliu, Lelepa, Mangas mo Artoka (Hat).
3. Morris Amos (Claimant) mo McCoy Marango (Counter Claimant No. 1) i confusem court ia taem tufala i stap yusum toktok ia 'Heritage' mo stap refer long ol land boundaries mark blong Roimata includim custom ownership blong Hat Island long statement blong tufala blong karem court ia i go long issue blong kraon which court ia i no save allowem from case ia 16/3830 IC/DCLR hemi no case blong kraon, hemi wan normal civil case nomo we hemi deal wetem custom ownership blong chiefly title names Roimata mo Roimur plus declaration long bloodline blong tufala nomo.
4. Issue blong chiefly title case no. 16/2485 long Tongoa/Sheperds Island Court hemi aboutem Chiefly Title ia 'Timatasomata blong Tongoa Island' nomo be i no 'Roimata' olsem we Jimmy Alick Wolta (1<sup>st</sup> Defendant) i putum long defence statement blong hem.
5. Morris Amos i save gud se dispute blong chiefly title name 'Timatasomata' i still pending long higher court be hemi continue blong yusum long case ia which court ia i no save allowem.
6. Morris Amos (Claimant), McCoy Marango (Counter Claimant No. 1), Jimmy Alick Wolta (1<sup>st</sup> Defendant) mo every witness blong olgeta everywan oli ol true natives blong Tongoa Island mo oli kam live long Island blong Efate.
7. Chief Roimata we claimant i stap claimem bloodline mo chiefly title blong hem hemi stret Roimata we i ded mo burial site blong hem i stap long Artoka (Hat) Island be i no Roimata we burial site blong hem i stap long Tongoa Island olsem we Morris Amos wetem olgeta witness blong hem oli talem.
8. Claimant hemi claim se Chief Roimata hemi paramount chief blong full Island blong Efate which court ia i faenemaot se hemi kiaman from we wan wan area blong Efate i gat own paramount chief blong ol mo own people blong olgeta we oli lukaotem olgeta before reign blong Roimata mo Roimur taem court ia i cross-examinem ol witnesses blong ol parties



9. Blong fairness blong court mo access long justice, claimant hemi should addemap long claim blong hem names blong every paramount chiefs blong wanwan village blong Efate blong kam olsem ol defendants long case ia so that bae oli save kam talemaot saet storian blong olgeta long issues ia from we hemi stap claimem se Roimata hemi paramount chief blong full island blong Efate be court ia i faenem se hemi meanim blong no mekem.
10. Court i faenemaot se long family trees mo chiefly structures we claimant, 1<sup>st</sup> counter claimant mo 1<sup>st</sup> defendant i yusum long ol statements blong olgeta i nogat any connection long blood mo chietly title blong Roimata mo Roimur blong Efate, from ol names blong ol tribes/families mo chiefs we i stap long ol statements blong olgeta hemi blong ol man Tongoa Island nomo mo hemi no even related long ol man Efate. Evidence hemi showem clear long ol sapoting documents we oli submittim i kam long Efate Island Court long case ia be ol documents ia oli bin yusum finis long some cases blong Tongoa/Sheperds Island Court.
11. Morris Amos (Claimant), McCoy Marango (Counter Claimant No. 1), Jimmy Alick Wolta (1<sup>st</sup> Defendant) oli kiaman long court ia se oli ol stret bloodline blong Roimata mo Roimur blong Efate taem olgeta yet oli no ol stret native blong Efate.
12. During time blong cross-examination, spokeman blong 2<sup>nd</sup> Defendant i questionem similar questions about origins blong both claimants wetem spokesman/witness blong hem John Mark Bell; mo tufala i admitim mo confirmem se oli originally blong Tongoa Island.
13. Morris Amos (Claimant), McCoy Marango (Counter Claimant No. 1), Jimmy Alick Wolta mo every witness blong olgeta everywan oli ol true native blong Tongoa Island we oli live long Efate Island.
14. Court i faenemaot se main intention blong Morris Amos wetem McCoy Marango long case ia hemi blong faenem wan way blong accessem mo ownem olgeta heritage blong chief Roimata olsem custom graon mo every resource blong kraon we Roimata i leavim behind after long ted blong hem.
15. Morris Amos (Claimant), McCoy Marango (Counter Claimant No. 1), Jimmy Alick Wolta (1<sup>st</sup> Defendant) mo every witness blong olgeta everywan oli no save pruvumaot olgeta long court se oli ol true custodian blong chief Roimata mo Roimur blong Efate Island we i stap long Eretoka (Hat) Island.
16. Trifala custom names ia 'Eretoka', 'Artok' mo 'Artoka' hemi stap refer nomo long 'Hat Island'.
17. 2<sup>nd</sup> Defendant wetem olgeta witness blong hem oli pruvumaot olgeta long court se oli ol true custodian blong Roimata mo Roimur from we olgeta nomo oli live closap long Eretoka (Hat) Island, mo semtaem oli continuously caretaker long burial sites blong Roimata, Feles Cave (Lelepa Island) mo Mangas area long North-West Efate.
18. Claimant i talem se spoken dialect blong Roimata mo Roimur hemi Namakura be taem spokesman blong 2<sup>nd</sup> defendant i cross-examinem hem, hemi still insist se hemi Namakura but taem spokesman hemi pointemaot sacred song blong Roimata mo askem se song ia i stap long wannem language, claimant i admittim se i true, song i stap long language 'Nakanamanga'. Court i faenemaot se claimant i stap kiaman long court.

19. Witness blong claimant hemi talem se olgeta people blong Mangaliliu, Lelepa, Mangas mo Artoka oli toktok long spoken language blong 'Namakura or Nakanamanga' be court i faenemaot se statement ia i no true.
20. 2<sup>nd</sup> Defendant i talem true toktok long court taem hemi confirmem se Roimata hemi toktok long language 'Baesil' we today olgeta people blong Mangaliliu, Lelepa, Mangas mo Artoka nomo oli yusum olsem unique daily spoken dialect blong olgeta. I nomo gat wan narafala area or village long Efate mo Tongoa Island oli save toktok long 'Baesil' dialect. Court i faenemaot se statement ia hemi true tumas.
21. Morris Amos (Claimant), McCoy Marango (Counter Claimant No. 1), Jimmy Alick Wolta (1<sup>st</sup> Defendant), everywan ia oli talem se olgeta nao ol stret bloodline mo oli gat right blong inheritem chiefly title blong Roimata mo Roimur blong Efate be court i faenemaot se i nogat wan long olgeta i save confirmem long court wannem language nao Roimata mo Roimur i toktok long hem olsem spoken dialect blong tufala mo olgeta people blong tufala. Taem you claim se you kamaot long bloodline mo you true descendant blong Roimata mo Roimur, you should save identifiaem spoken language blong tufala bubu blong you ia blong pruvumaot identity blong you.
22. Court i faenemaot se claimant mo counter claimant tufala i putum claim blong tufala i kam long court without realistic evidence.
23. Court i faenemaot se Chief Roimur hemi nogat descendants blong hem from hemi ted single.
24. Court i faenemaot se tufala chiefly title names ia 'Roimata' mo 'Roimur' i gat bigfala power mo authority long tufala i mekem se olgeta real native blong Efate, second defendant mo olgeta people we hemi representem olgeta, oli considerem tufala names ia se oli 'tabu' or sacred we bambae oli no save bestowem long any narafala man after long death blong 'Roi Mata' mo 'Roi Mur' kasem today mo long future.
25. 3<sup>rd</sup> defendant we hemi Family Kaltapang blong Efate Island stret hemi admitim long court se hemi nogat any interest long case from hemi save se i gat ol stret natatok blong matter ia. Court ia i faenemaot se Family Kaltapang hemi honest wetem court.

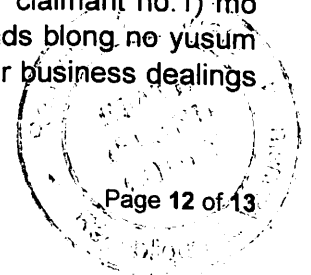
Follem olgeta findings ia mo how court ia i applaem i kam follem custom rules mo custom practice blong Island blong Efate includim Efate Offshore Islands, court ia i satisfae long olgeta findings ia, nao hemi stap mekem declaration mo orders blong hem olsem:

#### **DECLARATION BLONG COURT:**

- Efate Island Court i declarem Kalmele Kalsau Mormor olsem representative blong olgeta people blong Mangaliliu, Lelepa, Mangas mo Artoka oli ol stret descendants mo bloodline blong Chief Roimata mo Roimur blong Efate Island.

#### **ORDERS BLONG COURT:**

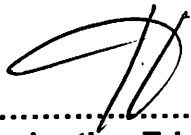
1. Court ia i stap restrainem Morris Amos (claimant), McCoy Marango (counter claimant nō.1) mo Jimmy Alick Wolta (1<sup>st</sup> Defendant) includim olgeta families, relatives mo friends blong no yusum Chiefly Title Name ia Roimata blong Efate Island long any custom activities or business dealings from oli nogat right.




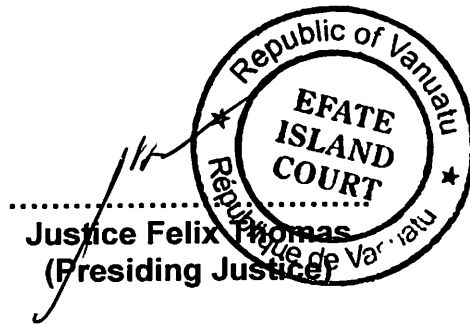
2. Sapos any parties long case ia i no respektem order no. 1, second defendant Kalmele Kalsau Mormor olsem representative blong olgeta people blong Mangaliliu, Lelepa, Mangas mo Artoka i kat raet blong save apply from *enforcement* i go before Supervising Magistrate blong Efate Island Court blong hemi Enforsem decision ia.
3. Every parties i gat raet blong mekem wan appeal long decision ia sapos hemi no happy wetem i ko long Magistrate Court within 30 days start from tedei.

**DATED at Port Vila this 16<sup>th</sup> December, 2020.**

**BY THE COURT**



Justice Eddie Karis  
(Member)



Justice Serah Paton  
(Member)