

**IN THE TONGOA/SHEPHERDS ISLAND COURT**  
**REPUBLIC OF VANUATU**

Chiefly Title Case 1 of 2010

**BETWEEN:** MALAU KALO MALOSU  
**Claimant**

**AND:** THOMSON ROY KALORIPU MASAMORIMATA  
**Defendant**

**JUSTICES:** Roy Harry  
Kalfau Pakoa  
Sam Andrew

**CLERK:** Collyne Tete

**DATE OF HEARING:** 21 March 2011 to 26<sup>th</sup> March 2011

**DATE OF JUDGEMENT:** Friday 25 March 2011

**VENUE:** Sangava Vilij, Emae

Kot hemi bin sit daon mo harem kes ia long Sangava vilij long aelan blong Emae stat long namba 21 Maj kasem 25 Maj 2011. Long namba 25 Maj kot emi ko hed mo givim decision long Sangava vilij mo talemaot long tufala parties se full judgmen bai I kam maot afta. Kot hemi givim maot olgeta findings blong em blong mekem declaration. Hemia nao emi full judgment blong kes ia.

**JUDGMENT**

Kot emi explenem long tufala parties se kot I sit daon blong mekem decision long jifly taetol "Tarimuimui" be ino considerem ol toktok we I tokbaot baondri or lan ownasip.



## BACKRAON BLONG KES

Hemia emi wan kastomary jifly taetol kleim we Mr. Malaou Kalomuana Malosu olsem spokesperson on behalf blong Mr. Jerry Taripokoto Kalo I faelem long Tongoa/Shepherds aelan kot mo kleim se Mr. Jerry nao hemi gat raet long kastomary jifly taetol ia " Tarimuimui" folem ol pas generations blong em we oli bin ownem taetol ia.

Defenden blong kes Mr Thomson Roy Kaloripu Masamorimata hemi bin faelem countakleim blong defendem nem ia " Tarimuimui" from emi wan kastom taetol blong hed jif blong Paramon Jif Manawota Masamorimata.

Kot hemi harem fastaem kleim blong kleimen we spokesperson hemi presentem, we I ko olsem: -

## KASTOM HISTRI MO TRAVEL BLONG JIF TISOMORIMATA

Jif Tisomorimata I bin stat travel ko long 10 difren aelan bifo hemi kam settle mo mekem vilij long Suarere. Hemi bin travel stat long Erromango we naoia oli kollem Kuks bay. Hemi travel long wan kenu nem blong hem *Leimarere* aot long Kuks bay mo ko long Epangtuei klosap long Ex. IDS hemi aot long Epantuei mo ko long Tepakoro Malatolu we naoia oli kollem Tepakoeo. Hemi aot long Tepakoro mo travel I ko long Navorau we tedei oli kollem Blacksands mo continue kasem Tuktuk area long devils point. Hemi aot bakegen I ko long Retoka , afta long takara, Marou, Sake long Pele aelan afta ko long Etasiwo (Epi) afta travel ko long Panita mo las passes we hemi travel I ko long hem emi Luku mo mekem vilij long hem we oli kollem Mangita long Suarere.

Long arrival blong hem long Suarere hemi talem se Tarimuimui hemi stap finis mo wetem respect hemi givim " namaramarana" or authority mo " nalapalapana" or kastom bandri blong em long Tisomorimata blong hemi lukaot kasem tudei.

Namba tu (2) wokbaot blong Tisomorimata hemi aot long Suarere mo ko long Vaitini afta we I bin gat wan faet we I stap bitwin Tisomoi mo ol man Sasake. Namba tri (3) wokbaot blong Tismori we hemi aot I ko long Australia.

## BLAD LINE BLONG JIFLY TAETOL IA TISMORIMATA TARIMUIMUI

Tisomorimata Tarimuimui hemi gat ten (10) generations evriwan folem histri blong em. Fes generation emi TIARANA I maretem wan woman tufala I gat wan pikinnini 1 boe nem blong hem Franky we I maretem Leinatasi tufala I gat 3 pikinnini 1 boe moe 12 gel. Boe nem blong hem Kalomuana Pakoawia we I maretem 2 woman mo nem blong tufala Leimoko mo Leiwaire. Leiwaire nomo I bonem 5 pikinnini blong Kalomuana from Leimoko ol olfala oli givim kastom leaf long hem blong no karem pikinnini. Ol 5



pikinnini ia I gat 3 gel mo 2 boe. Namba 5 generation hemi George we I maretem Leitarihu mo tufala I gat 5 pikinnini, 3 boe mo 2 gel. Sale Pakoawia we I maretem Maki Leifinerikimata mo tufala I gat 9 pikinnini evriwan. Boe blong hem Kalomuana I maretem Leisau Soro mo tufala I gat 8 pikinnini evriwan we papa blong Jerry, mr Joseph I kam maot long em mo maretem Rossie we tufala I gat 3 pikinnini 2 gel mo 1 boe we hemi Jerry Kalomuana taripoakotot we emi kleimen blong kes.

### **NEM BLONG NAKAMAL BLONG TISOMORIMATA**

Hemi tokbaot se Nakamal blong Tismori hemi stap long Mangita mo nem blong hem emi "Varea ni Tangali ki supe". Smol Nakamal ia I stap lukaotem ol tabu stone blong planem yam mo tabu stone ia oli kollem "vatu ni Nawiroa" Hemi tokbaot tu se hemi gat 7 nara nakamal evriwan we I gat ol hed jifs blong em oli stap lukaot. Nem blong 7 nakamal ia emi:

- Mangita Lapa
- Tongariki
- Naroto ki Tisomorimata
- Ravenga
- Lesi papa
- Wondo
- Singalao

### **OL TABU STONE BLONG TISOMORIMATA MO TARIMUIMUI**

Tismori I stap lukaot ol tabu stone mo tabu ples blong tufala jif ia Tisomorimata mo Tarimuimui.

### **BURIAL SITS BLONG TISOMORIMATA**

Hemi tokbaot tu ol burial sites blong ol past generations blong Tisomorimata. Mo oli hemi nemem olsem:

Malau Pakoawia Tisomorimata - Saumaliu ples we oli burem hem long em  
Kalomuana Pakoawia Tisomorimata – Queensland Australia  
George Pakoawia Tisomorimata – Tulema  
Sale pakoawia – Saumaliu  
Kalomuana Pakoawia - ?  
Joseph Tisomorimata Tarimuimui – Saumaliu

### **OL DEITS WE MASAMORIMATA I "DAPAUPAU" TISOMORIMATA LONG HEM**

Hemi tokbaot sam long ol odineisen olsem:

1. Sale Pakoawia – Masamorimata Mare Sulu I "dapaupau" mo George I odein



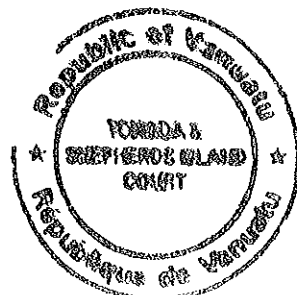
2. Kalomuana Pakoawia – Willie Soko Marikitapu Masamorimata I dapaupau mo Sale Pakoawia I odein
3. Joseph Pakoawia Kalomuana – Tom Roy Masamorimat I dapupau mo Kalomuana I odein

➤ Hemi tokbaot tu ol gudfala relationsip bitwin Tisomorimata mo Masamorimata

Wetem ol toktok ia kleimen hemi stap summarisem nomo se Jifly Taetol Tisomorimata Tarimuimui emi blong hem from we I bin pass tru long ol past generations blong hem kasem tudei.

**Fes witness blong kleimen emi Mr Kalomuana Pakoawia Manasongosongo blong Marae mangita Nsukuaki vilij, Emae aelan. Mo emi mekem statmen blong konfemem se jifly taetol " Tarimuimui" emi blong apu blong hem Mr. Jerry Taripokoto we emi son blong Late Joseph Kalomuana Tisomorimata. Hemi filem wan statmen mo talem olsem:**

- Hemi bon long 1932 mo emi fes bon son blong Sale pakoawia Tisomorimata mo emi blong Marae Matungia vilij long Emae.
  - Bifo we hemi no karem jifly taetol yet emi stap mekem ol wok blong jif finis we papa blong em late Sale Tisomorimata I stap tijim long em from papa blong em I holem wok long jej olsem wan elda
1. Follem ol miting we emi stap attendem blong ol jifs I helpem em blong save fulap kastom blong Emae.
    - Hemi wan foma memeba blong fes Malvatumauri counsel of Jifs
    - Hemi wan founda blong Maraki Vanuariki counsel of jifs also hemi wan founda memba blong Ngarikitu consel of jifs kasem taem we emi handem ova taetol ia Tisomorimata Tarimuimui I ko long fes bon son blong hem.
    - Hemi confemem ol histri blong kleimen emi ol tru kastome histri olsem: -
      1. traveling blong Tisomorimata we emi kam sho long Luku mo mekem vilij long Suarere.
      2. Taem Tisomorimata emi kam sho long Luku Tarimuimui emi stap finis mo emi givim namaramarana mo napalapana ko long Tisomorimata blong luakotem.
      3. Hemi tru se Masamoriamta I ptum " tiapunu" or posen long wota mo kilim Tarimuimui mo ol man blong tufala.
  - Hemi talem tu se I tru taem wan jif I aot ko long narafala aelan or kam sho Jif I save givemaot Namarakiana ( komuniti) , napalapana ( land) mo namaramarana ( authority to rule) I ko long jif we I jes kam blong emi stap lukaotem.



**Namba tri (3) witness emi Willie Masema mo statemen blong em I olsem:**

- Hemi blong Mangita Nasukuaki vilij long aelan blong Emae.
- Hemi talem tu se most long ol kastom histri papa blong hem hemi tijim mo talem long hem oli ol tur histri evriwan olsem: -
  1. “ Nasiliu” emi wan paramon jif
  2. Masamorimata I putum posen long wota blong Tarimuimui wetem Tisomorimata long vaimawa
  3. Hemi confemem tu long kot se Mr Kalsong Varatiali I bin stap mitim em since 2009 mo talem se bae emi ko mekem gud fes long Tisomorimata . Mo long 2010 emi talem long mi about odinesen long taetol “ Tarimuimui” we Masamorimata bae I mekem long Mr Moses Tinapua

Statemen blong witness I shot nomo mo lonh kross examinesen kot ilu se emi storian mo long issue blong kraon we I lid I kam long taetol dispute wee kot I stap sit doan from tudei. Hemi tokbaot tu we Kalsong Varatiali I stap mitim hem mo talenm maot Tisomorimata Tarimuimui I laef I stap wetem papa blong witness.

Follem ol toktok ia Willie Masema emi confemem se jifly taetol Tisomorimata Tarimuimui emi blong kleimen.

**Namba 4 witness blong kes emi Tasso Jack Kalomuana Masereniu blong Marae Mangita Nsukuaki vilij, Emae aelan. Hemi filem wan statmen mo talem ol tingting ia: -**

- Malau Pakoawia Tisomorimata I maretem Leipau. Pikinnini blong tufala nem blong em Kalomuana Pakoawia Tisomorimata .
- Leimala I maretem Titongoamata blong Leiwaima, Tongariki. Gel blong tufala Leiwaire I kam bak long Emae mo hemi maretem Kalomuana Pakoawia Tisomorimata.
- Leimoko I maretem Masaravia Varatiapati mo tufala I gat wan (1) pikinnini mo nem blong hem Seule Sierau Varatiapati.
- Kalomuana Pakoawia Tisomorimata I gat tu (2) waef mo nem blong tufala Leimoko wetem Leiwaire. Taem emi ko wok long Queensland , Australia emi ko long wei wetem tufala waef blong hem ia. Ol authority blong Australia oli stoppem polygamy or fasin blo wan man I gat tu (2) woman so oli talem long hem se emi mas leko wan long tufala woman blong hem. From we Leimoko ol olfala oli gem kastom lif blong no karem pikinnini hemi stap mo Leiwaire I folem em mo tufala I gat wan (1) pikinnini nem blong em George.
- George I maretem Mere Leitariili mo tufala I gat five (5) pikinnini.
- Hemi confemem se Tisomorimata Tarimuimui I gat ten 910) generations evriwan.



Folem ol toktok ia witness emi confemem se Jifly taetol emi blong kleimen blong kes.

**STATMEN BLONG KLEIM BLONG DEFENDAN JIF THOMSON ROY KALORIPU MASAMORIMATA**

Thomson Roy Kaloripu Masamorimata emi bon long 20 Novemba 1957 mo hemi blong Tabakoro vilij, Emae aelan.

Hemi stap mekem statmen mo kleim olsem raetful kastom owna blong Jifly taetol ia "Tarimuimui" we hemi wan kastom taetol blong hed Jif blong paramon jif Manawota Masamorimata. Hemi talem tu se I gat tri (3) paramon Jif nomo long Emae we hemi:

1. **Jof John William Matui – Matimakata**
2. **Jif Thomson Roy Kaloripu Manawota Masamorimata mo**
3. **Jif John Tassiano Ma- Tivaitinimata**

Folem ol trifala paramon Jifs ia aelan blong emae emi divided into tri (3) area : -

1. Long eastern end blong Emae aelan ( Sunrise) Jif Matui – Matimakata
2. Long metel blong aelan Jif Masamorimata
3. Long western saed ( sunset) Jif Mativaitinimata oli ol kastom owna blong ol lan ia

**TUFALA MEIN KASTOM LAN BAONDRIS BLONG EMAE AELAN**

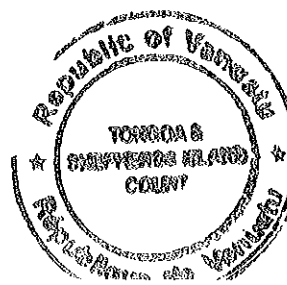
Hemi nemem tufala mein kastom baondris we emi: -

1. **MAALASAIMANU** – Boundri ia emi divaedem Jif Matui-Matimakarnata mo Manawota Masamorimata mo boundri I stat long Balea Maliu kasem Pokalui Poloa.
2. **MAALSAIKAVIKA** – Boundri ia emi divaedem Jif Manawota Masamorimata mot Mativaitinimata mo boundri emi stat long Makapae ko kasem Sokisoki.

**DIVISEN BLO LAN INSAED LONG BOUNDRI BLONG MANAWOTA MASAMORIMATA**

Jif Manawota Masamorimata emi divaedem kastom graon insaed long lan boundr blong em I ko long olgeta tri (3) lan division ia:

1. Long **FENONGE** emi odeinem Jif Mataritapa blong exercisem ol kastom ol kastom responsibilities mo lukaot ol nara hed Jifs blong ol nara Nakamal we oli existy insaed long eria blong Fenonge.
2. Long **NSUKUAKI** emi odeinem Jif Tarimuimui blong pefomem ol kastom responsibilities mo lukato ol nara hed jif blo ol nara Nakamal we oli exist insaed long eria blong Nsukuaki.



3. Long **REVENGA/POLOA** Jif Masamorimata nao emi lukaotem ol nara hed Jifs blong em.

Hemi talem se trifala lan boundri ia oli exist long taem finis mo ol kastom gavening systems start long taem blong darkness kasem tedei.

### **KASTOM STRAKJA BLONG NSUKUAKI**

Jifly taetol Tarimuimui emi wan hed jif blong paramon jif Masamorimata. Hemi talem se Jif Manawota Masamorimata nomo emi gat raet blong mekem odinesen blong Jif Tarimuimui. Kastom strakja emi some olsem ia: -

**MANAWOTA MASAMORIAMTA - Narewo Jif Tarimuimui (hed Jif blong Masamorimata) - NATOTO (hed jif blo Tarimuimui) - ol smol smol hed Jifs we oli anda long Jif Tarimuimui.**

Hemi continue blong talem se jifly taetol Tarimuimui emi pas tru long ol generations mo descendants we oli stret bladline blong Manawota Masamorimata.

### **HAO NAO TAETOL TISOMORI EMI KO INSAED LONG NSUKUAKI**

Hemi talem se Jifly taetol Tisomori emi neva exist insaed long eria blong Nsukuaki be long 1948 Jif Charley Pakoawia Atavi Atungia Tisomori emi jes mov I ko long Nsukuaki.

### **ODINESEN BLONG CHARLEY PAKOAWIA WETEM JIFLY TAETOL TISOMORI**

Sam ples 1933 Jif Maraesulu Manawota Masamorimata emi ko antap lo Matanavaka long Sasake vilij mo odeinem Charley Pakoawia Atavi Atungia wetem Jifly taetol "Tisomori" Rison why emi odeinem Charley from we Charley I kam cry long em from taetol ia.

### **SETTLMEN BLONG CHARLEY PAKOAWIA ATAVI ATUNGIA TISOMORI LONG NSUKUAKI**

Araon 1948 Charley Pakoawia, waef blong em mo ol pikinnini oli mov aot long Sasake vilij mo ko liv long Nsukuaki mo caretaker long taetol blong Tarimuimui kasem I gat wan stret odinesen.

### **ODINESEN BLONG KALOMUANA WETETM JIFLY TAETOL "TISOMORI"**



Samples 1968 Paramon Jif Willy Soka Manawota Masamorimata emi odeinem fes bon son blong Charley Pakoawia we nem blong hem Kalomuana wetem Jifly Taetol  
"TISOMORI"

### **ODINESEN BLONG JOSEPH KALO WETEM JIFLY TAETOL TISOMORI**

Long May 1999 Jif Thomson Roy Kaloripu Manawota Masamorimata mo ol memba blong counsel blong em oli ko long Nsukuaki mo odeinem fes bon son blong Kalomuana we hemi Joseph Kalo wetem Jifly Taetol "Tisomori". Afta we hemi singaot Tisomori emi sapis we papa blong Joseph emi singaot "epi Tisomori Tarimuimui" (we I minim emi Tisomori Tarimuimui). Hemi talem fasin we Kalomuana emi singaot emi no folem kastom procedure blong odinesen.

### **BRIF HISTRI BLONG FAMILY CHARLY PAKOAWIA ATAVI ATUNGIA**

Papa blong Charley Pakoawia emi "George Masoewia". Nem blong mama blong em emi "Mere. Tufala I liv long Matan – Navaka long Sasake vilij mo gat four (4) pikinnini 2 boe mo 2 gel. Follem gudfala rilisensip blong Jif Matokai mo George Masoewia, jif Matokai emi odeinem fes bon son blong George We hemi Charley Pakoawia wetem wan kastom taetol we hemi "Atavi Atungia" we hemi atatvi blong Jif Matokai so therefore emi Atavi blong "Tarikirangi". Charley Pakoawia Atatvi Atungia emi maretem Maki mo tufala I gat 8 pikinnini.

### **ODINESEN BLONG MOSES JOHN AMOS TINAPUA WETEM JIFLY TAETOL TARIMUIMUI**

Long 19 June 2010 Jif Thomson Roy Kaloripu Manawota Masamorimata emi mekem wan kastom odinesen ceremony long Nakamal blong "Tarimuimui" long Nsukuaki mo odeinem Moses John Amos long taetol ia.

Hemi summarisem ol toktok blong talem se Tarimuimui emi kastom mo wan hed Jifly taetol blong paramon Jif Manawota Masamorimata.

**Fes witness blong defendant hemi defendant blong kes Mr Thomson Roy Kaloripu Manawota Masamorimata** hemi summarisem nomo ol toktok blong hem folem kleim blong hem mo talem se ol kastom odinesen we hemi stap pefomem hemi folem kastom protocol blong Emae aelan mo tu Tarimuimui hemi hed jif blong hem.

Long kross examinesen difendan emi talem se taem emi stap travel emi leko Tarimuimui I stap long Nsukuaki mo lukaotem ol pipol blong em. Long fes traveling blong hem emi putum Kaltuk Tarimuimui, long secon travel blong hem emi leko Marisu Tarimuimui. Hemi talem emi neva disputum taetol ia Tarimuimui from emi blong em mo eria long Nsukuaki emi neva disputum. Hemi talem tu se I bin gat dispute insaed long Nskukai be emi from lan mo solwota be I no from taetol. Mo disput emi stap bitwin Tisomori mo Titongoa Leseriki. Hemi talem tu se Tisomori Tarimuimui emi tu (2) difren taetol . Tarimuimui emi blong Masamorimata mo Tisomori emi blong Tarialiu. Hemi tokbaot tu





se Tisomori kam sho Tarimuimui ded finis. Hemi talem long taem blong odinesen long 1968 Willie Soka Manawota Masamorimata emi odeinem Kalomuana Pakoawia long Jifly taetol Tisomori. Hemi talem tu se odinesen we I tekem ples long May 1999 long Joseph Kalo emi blong karem taetol Tisomori nomo.

Nsukuaki emi neva disputum. Hemi talem tu se I bin gat dispute insaed long Nskukai be emi from lan mo solwota be I no from taetol. Mo disput emi stap bitwin Tisomori mo Titongoa Leseriki. Hemi talem tu se Tisomori Tarimuimui emi tu (2) difren taetol . Tarimuimui emi blong Masamorimata mo Tisomori emi blong Tarialiu. Hemi tokbaot tu se Tisomori kam sho Tarimuimui ded finis. Hemi talem long taem blong odinesen long 1968 Willie Soka Manawota Masamorimata emi odeinem Kalomuana Pakoawia long Jifly taetol Tisomori. Hemi talem tu se odinesen we I tekem ples long May 1999 long Joseph Kalo emi blong karem taetol Tisomori nomo.

Folem ol toktok ia defendan hemi stanap strong blong talem maot se Jifly taetol Tarimuimui hemi blong hem from we hemi wan long ol hed Jif blong hem.

**Secon witness blong defendan hemi Chief Ben Mataritapa** blong Fenonge Vilij, Emae aelan.

Hemi filem wan shot statmen mo talem olsem: -

Jifly taetol ia Tarimuimui hemi wan kastom taetol blong hed Jif blong Paramon Jif Manawota Masamorimata mo Jif Masamorimata nomo hemi gat raet blong mekem odinesen long taetol ia. emi bin stap long odinesen long May 1999 we oli odeinem Joseph Kalomuana mo taetol we oli odeinem hem long hem emi “ Tisomori”

Hemi filem wan shot statmen mo long kross examinesen hemi talem se hemi bin pefomem tri (3) odinesen mo tokbaot plante se Jifly taetol Tarimuimui emi blong Masamorimata from hemi wan hed jif blong em. Hemi talem tu se afta long ded for late Joseph taetol ia I still fold daon I stap kasem tudei.

**Nambatri (3) witness blong kes defendan hemi Jif Roy Pakoa Titongoa Leseriki mo statmen blong hem I olsem: -**

Hemi blong Marae vilij mo tu hemi talem se Jifly Tarimuimui Jif Masamorimata nao hemi stap odeinem taetol ia. Hemi tokbaot plante nao kastom histri blong hem. Hemi talem se fes fala Titongoa Leseriki we hemi *Matanauretongo* we taem hemi kam sho long Nagisu long Marae emi mitim Jif Tarimuimui we hemi stap finis. Long fes approach ia Jif Tarimuimui hemi talem long hem se bae hemi setel insaed be bae hemi luk luk hem wan blong luk Jif Manawota Masamorimata we hemi Kastom ona blong eria blong Nsukuaki. Taem ia nao relationsip blong Titongoa wetem Masamorimata hemi stat. Hemi talem tu e taem Tarimuimui hemi ded Titongoa Leseriki wetem ol pipol blong hem nao oli berem hem.



Folem shot statmen blong hem hemi summarisem nomo ol toktok blong hem folem famili histri or relationships blong hem wetem Jif Manawota Masamorimata. Mo stap confemem nomo long kot se Jifly taetol Tarimuimui emi blong Masamorimata.

**Namba 4 witness blong defendan blong kes hemi Jif David Simeon Kolau blong Nsukuaki vilij, Emae aelan.** Mo hemi filem statmen mo talem olsem:-

Hemi jif blong Nakamal *Narota* mo hemi stap confemem long kot ia se Jifly taetol Tarimuimui emi wan kastom taetol blong Jif Manawota Masamorimata mo hem nom I gat raet blong mekem odinesen long taetol ia.

Long kross examinesen hemi talem se hemi wan hed jif blong Tarimuimui mo hemi stap finis bifo Tarimuimui hemi kam sho.

**Namba 5 witness blong defendan hemi Jif Kalo Sande Tapanganirua.** Mo statmen blong hem I ko olsem: -

Hem blong Nsukuaki vilij long Emae aelan mo wok blong hem emi olsem Jif representative blong Jif Matarilangi we Nakamal blong hem emi Laken Narau. Mo tu hemi statem maot se Jif Matarilangi hemi wan hed Jif blong Tisomori. Hemi talem tu se taetol Tarimuimui hemi blong Jif Manawota Masamorimata mo hem nomo I gat raet blong mekem odinesen long taetol ia.

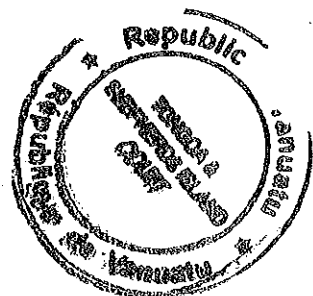
Long kross examinesen hemi talem se I no gat jif I stap naoia long Marae vilij. Mo Matarilangi hemi wan hed jif blong Tisomorimata hemi talem tu se taem oli odeinem yu folem kastom hemi duty blong yu blong pem maot nem ia long papa blong yu mo long Jif. Mo tu hemi talem se Marae mo Nsukuaki hemi semak nomo.

Folem ol toktok ia hemi confemem bakegen se Tarimuimui hemi blong Jif Masamorimata.

**Namba six (6) witness blong kes hemi Jif Donald Samuel Mariwota.** Mo hemi filem wan statmen olsem: -

Hemi blong Tabakoro vilij long Emae aelan. Hemi tokbaot tu se Jifly Taetol Tarimuimui hemi blong Jif Masamorimata. Mo Jif Masamorimata nomo hemi gat raet blong mekem odinesen long taetol ia mo putum hem olsem Jif blong Nsukuaki. Hemi talem tu se hemi bin part blong counsel blong ol Jifs blong Poloa we oli bin ko wetem Atavi Nawota blong pem las rispek long late Joseph. Long taem ia hemi remuvum tu (2) mats long kofin blong late Joseph wan hemi representem Jif Tarimuimui mo narawan Jif Tisomori. Hemi givim Tisomori long Harry Kalo blong lukaotem be holem taet Tarimuimui from we Masamorimata hemi no officially odeinem Late Joseph long taetol ia.

Folem shot statmen ia long kross examinesen hemi summarisem nomo ol toktok we I stap long statmen blong hem mo talem long kot se Tarimuimui emi blong Jif Masamorimata.



**Namba seven (7) witness blong defendan hemi Jif Kalsong Varatiali long Sasake vilij Emae aelan.**

Hemi blong Mangita long Emae aelan. Hemi talem tu se taem Tisomori kam sho hemi kam sho long passes blong Varatiali long *elaunkapau*. Taem hemi kam sho Jif Varatiali hemi stap finis mo I tekem hem I ko long Nakamal blong hem mo Tisomori I kam olsem wan nakainanga blong hem. Jif Varatiali hemi gem maot graon long evri hed jif blong hem mo I nomo gat graon I stap so hemi gem namarakiana blong hem long Tisomori blong lukaotem mo pefomem ol duties blong hem.

Long kross examinesen hemi talem se hemi karem taetol blong hem we mama blong hem I gem long hem. Hemi talem tu se taem hemi gem namarakiana long Tisomorimata , Tarimuimui hemi laef yet. Hemi talem tu taem we hemi karem bak taetol ia Tisomori hemi gem Tarimuimui I ko long Masamorimata. Hemi talem tu se *Malalotolu* hemi emi Titongoa Leseriki blong Tisomorimata. Hemi talem tu se Nsupuaki hem I blong Tisomori. Hemi talem tu long kot mo confemem se Masamorimata nao I posenem wota blong Tarimuimui. Hemi talem tu se blad blong Tisomori hemi nomo gat ol latest Tisomorimata hemi ol new one.

**Namba eight (8) witness blong defendan hemi Makali Atavi Nawota blong Tabakoro vilij Emae aelan. Mo hemi filem wan statmen olsem: -**

Hemi Atavi blong Paramon Jif Manawota Masamorimata. Hemi talem se Tarimuimui hemi wan kastom property blong Jif Masamorimata mo hem nomo I gat raet blong mekem odinesen long taetol ia. Hemi talem tu se papa blong late Joseph hemi no gat raet blong singaot fes bon son blong hem long Tarimuimui. Hemi talem tu long ded blong late Joseph Kalo hemi bin karem maot Tarimuimui mo holem taet blong Masamorimata mo gem Tarimuimui long Harry Kalo blong lukaotem I stap blong boe blong late Joseph we nem blong hem Jerry. Hemi talem tu se hemi no bon gem "nangisa natovea" long Jerry from we hemi no stret uncle blong Jerry. Hemi talem tu se hemi pakasara Moses Amos wetem Taetol ia Tarimuimui afta Jif Masamorimata I odeinem hem. Long kross examinesen hemi stap summarisem nomo ol toktok long statmen blong hem mo confemem long kot se taetol ia Tarimuimui hemi blong Jif Masamorimata.

**Las witness blong difendan hemi witness namba nine (9) we hemi Chief Moses Amos Tinapua. Mo hemi filem wan statmen olsem: -**

Hemi blong Nsukuaki (Marae) vilij Emae aelan. Hemi tokbaot histri blong hem mo talem se long 1948-mama mo papa blong hem wetem mo ol brata mo sista blong hem oli jes muv I ko long Nsukuaki mo settle long we. Hemi talem tu se Tarimuimui hemi wan hed jif blong Masamorimata mo hem nomo I gat raet blong odein long nem ia mo putum hem blong lukaotem Nsukuaki

Long kross examinesen hemi talem se oli bin odeinem hem long 1987 long Panita Tongoa. Hemi no bin present long taem ia from we hemi stap long skull long new Zilan.

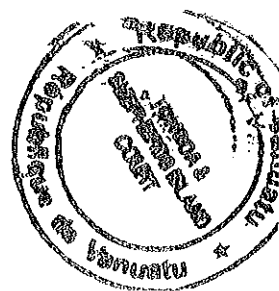


Fulap long ol toktok blong hem emi bin summarisem ol toktok we stap long statmen blong hem mo confemem se Jifly taetol Tarimuimui emi blong Jif Masamorimata.

**Afta we kot I harem tufala parties tufala I submittem ol submission mo talem olsem:**

***Kleimen hemi talem olgeta poens ia: -***

- Odinesen we oli pefomem long Late Joseph Kalo hemi we I also show long wan photograph we kleimen I submitted I kam long kot olsem evidence hemi consistant wetem principle kastom blong Shepherds
- Jifly taetol nem hemi transfer directly from papa ko long pikinnini long taem blong odinesen olsem we I stap long exhibit mo witness blong defendan **DAVID KALOU, KALONAGISU TAPANGANIRUA, MOSES TINAPU** mo **ROY TITONGOA** oli bin confemem se I tru papa I putum han long hed mo singaot
- Kalomuana hemi talem se I tru Masamori I putum tiapunu long wota blong Tarimuimui long Vaimaua mo defendan witness Kalsong mo Thomson Roy Masamorimata tu I agree se statmen ia I tru.
- David Kalou mo Kalnagisu tufala witness blong defendan I agri se Late Joseph Kalo I bin kilim pig I ko long ol Jifs long taem blong odinesen blong olgeta.
- Harry Taripomata I bin statem se long ol paste generations mo ol past odinesen blong Tisomorimata Tarimuimui I neva bin stap long dispute. Defendan tu Masamorimata taem we I bin questioned hemi bin talem se hemi plan blong karem maot taetol blong Tarimuimui long 2009. Toktok ia hemi soem se Joseph oli bin odinatem hem long taetol blong Tisomorimata Tarimuimui
- Tasso Maereniu I confemem se I tru Jerry hemi tru bladline blong Tisomorimata mo hem I entitle long taetol ia.
- Hemi statem tu se bae kot I sakem maot famili tri we defendan we I mekem famili tri blong Tisomori mata hemi no stret
- Hemi talem se Tarimuimui hem I travel wetem ol stone blong hem be Masamorimata mo Usamoli defendan I no bin givim wan explanation about why hemi no travel wetem ol stone blong hem
- Defendan I bin statem se hemi travel long kenu wetem Tarimuimui mo Usamoli be hemi no bin putum long statmen blong hem se Usamoli I bin travel wetem tufala
- Hemi talem tu se defendan Masamorimata hemi talem se Joseph I neva bin odein wetem Tisomorimata Tarimuimui be Makali Atavi Nawota hemi confemem long kot se long ded blong Joseph hemi bin karem maot tu mat long kofin blong Late Joseph Kalo we I pruvum long kot se Late Joseph Kalo hemi bin odein wetem Taetol "*Tisomorimata Tarimuimui*"
- Long principle blong kastom wan pikinnini I mas pem maot nem I ko long papa blong hem blong I directly transferem nem I ko long boe blong hem mo defendan blong kes tu I confemem long kot se Jifly taetol Masamorimata I blong hem mo bae hemi gem long boe blong hem James Manatoro.
- Hemi askem long kot blong I sakem maot submission blong Kalsong Varatiali from hemi no contractictim toktok blong Masamorimata we hemi talem se



Kalsong I karem maot Jifly taetol Tisomorimata Tarimuimui be long submission Varatialiui hemi talem se long 18 July 2001 hemi karem maot taetol blong Tisomorimata nomo

- Witness blong defendan Donald Samuel hemi bin talem I no save ol Hed jifs blong Tarimuimui be yet hemi talem se Masamorimata hemi bin odeinem Tisomorimata mo Tisomori nao bae hemi jes odeinem ol hed jifs blong Tarimuimui

### **Submissen blong defendan hemi statem olsem: -**

- Hemi talem se long Emae aelan I gat tri (3) paramon Jifs evriwan we emi -

1. Jif John William Matui Matimakata
2. Jif Thomson Roy Kaloripu
3. Jif John Tassiano Ma – Tivaitini

Mo folem ol tri fala Jifs ia Emae aelan hemi divided into tri (3) large areas

- Hemi tokbaot tu tufala mein boundris blong graon long Emae emi MAALASAIMANU mo MAALSAIKAVIKA
- Long kross examinesen blong defendan witness Kalsong Varatialiui emi confemem toktok ia mo talem se Sale Pakoawia nao emi jes jensem histori ia taem emi ko askem Maraesulu Manawota Masamorimata blong hemi odeinem hem wetem Jifly taetol ia “Tisomori”
- Long kleim blong defendan hemi talem se Tarimuimui hemi kam long Emae wetem Jif Manawota Masamorimata long kenu blong Masamorimata we hemi “Lavisoro”. Therefore stone blong nasautonga blong Jif Tarimuimui we emi stap fasem pig blong nasautonga blong hem long hem emi blong givim long Jif Manawota Masamorimata
- Hemi outlinem tu se generations blong Tarimuimui hemi 14 generations evriwan.

Afta web kot I ridim ol submissen blong tugeta parties, mein issue we I stap se hu nao hemi raetful owna long taetol ia “**TARIMUIMUI**”

### **Kot hemi mekem ol findings blong hem olsem ia:**

- a. Generation blong Tarimuimui mo bladline blong hem oli ded evriwan taem Jif Masamorimata I putum tiapunu or Posen long wota blong hem long Vaimaua
- b. Tugeta parties I save se **CARETAKER** blong taetol ia Tarimuimui emi **TISOMORIMATA** since 1948. Paramon Jif Maraesulu Masamorimata emi odeinem Charlie Pakoawia Atavi Atungia wetem Taetol ia Tisomori long 1933.



- c. Tugeta parties I save tu se long odinesen long 7 Mei 1999 concernem Jifly taetol Tisomorimata wetem Tarimuimui we Manawota Masamorimata Thomson Roy Kaloripu wetem Kalomuana I odeinem Jifly taetol ia Tisomorimata Tarimuimui I ko long Late Joseph Kalomuana
- d. Tugeta parties I save tu se long odinesen ia Jif Joseph Kalo Tisomorimata Tarimuimui emi odeinem ol hed Jifs blong hem Tisomori mo emi odeinem ol hed Jifs blong Jif Tarimuimui we hemi: 1. Kolau 2. Masoerangi 3. mo Matarilangi
- e. Long 11 oktoba 2007 Late Joseph Kalomuana Tisomorimata Tarimuimui emi ded mo Makal Atavi Nawota blong Masamorimata I kam pefomem Kastom ceremony we emi tekemaot Jifly taetol ia Tisomorimata Tarimuimui long ded bodi blong Joseph Kalomuana mo givim I ko long Harry Taripomata blong emi stap lukaotem blong gem I ko bak long Jerry boe blong Joseph.
- f. Kot I faenem maot se tufala parties I fail blong stap blong decidem se who bae I tekem Jifly taetol ia Tarimuimui. Afta we Atavi Nawota hemi bin remuvum Jifly taetol ia long ded blong Joseph.

**Afta we kot I mekem olgeta findings blong hem, kot hemi mekem olgeta DECLARESEN IA:**

1. Kot I satisfy mo stanap long wan gud position blong putum bak Jifly taetol ia “ Tarimuimui” I ko long kleimen blong kes

**Afta long deklereesen kot hemi mekem olgeta odas ia: -**

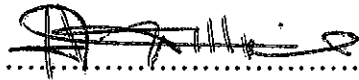
1. Tufala parties mo ol relatives I mas mekem wan reconciliation kastom ceremony blong reunitem mo restorem bak pis mo harmony bitwin ol famili insaed long komuniti bifo 31<sup>st</sup> May 2011
2. Afta reconciliation tugeta parties I stap tugeta blong decidem whu bae I next Tarimuimui
3. I no gat oda blong kost
4. Anda long Act Cap 197 section 19; failure to obey order of court - any person who fails without reasonable cause to obey an order of an island court shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding 1 week for each 1000 VT or



part of 1000 VT unpaid or where compensation of damages is ordered otherwise than in money for each 1000 VT or part of 1000 VT of the value of the compensation of damages not rendered.

5. Anda long section 22 blong Aelan Kots Act {CAP 167} tugeta parties I gat 30 deis blong apil.

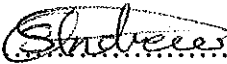
DATED LONG SANGAVA VILIJ, EMAE AELAN LONG 25 MAJ 2011.



Justice Roy Harry



Justice Kalfau Pakoa



Justice Sam Andrew

