

IN THE TONGOA/SHEPHERDS ISLAND COURT OF
THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Civil Case no. 19/320 IC/ CHFL

BETWEEN: MORRIS KALORAN ON BEHALF OF FAMILY
KALORAN
Claimant

AND: MICHELE TARIPOA & CHARLEY KALNASEI
Defendants

JUSTICES:

Berry Obed
Amos Willie
Willie Daniel

CLERK: Joel Jacob

DATE OF HEARING: 16 to 17 May 2019

DATE OF DECISION: 18th May 2019

VENUE: Morua Court House

MATTER: DISPUTE OVA LONG NEM MO ODINATION
BLONG TINAMPUAMATA

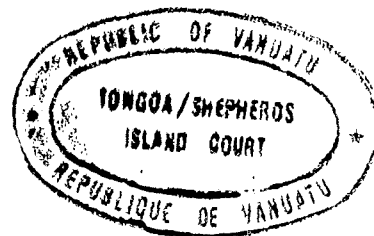
JUDGMENT

Brief Background:

Kleim ia hemi lodge by Morris Kaloran wetem family lo intress se bae kot ia imas quashem decision blo odination lo 22 May 2018 blo Charley (2nd Defendant) mo restorem bak nem ia Tinampuamata iko bak long fes bon bloodline blo nem ia we hemi Tom Lukae.

Issue:

1. Itru se Tom Lukai nao hemi fes bon lo bloodline blo nem ia Tinampuamata?
2. Sipos itru, from wanem mo why nao ol bloodline blo Tom Lukai oli no onem nem ia ikam kasem today?



3. From wanem nao odination ia ino folem stret kastom fasin?
4. How nao ino folem stret kastom fasin?

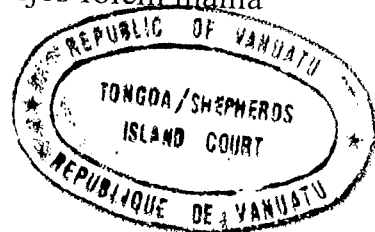
Full storian:

Claimant blong keis (Morris Kaloran) hemi statem storian blong hem mo talemaot se family tree blong Tinampuumata istat long trifala man ia; (a) Tom Lukai, (b) Pakoa Charley mo (c) Kakaë Maoro. Family Kaloran nao isud onem chiefly nem ia from oli kamaot long Tom Lukae we hemi fes bon. Morris Kaloran ibilif se transfer blo nem ia Tinampuumata we ifolem bloodline blo Pakoa Charley ikam kasem today hemi temporary nomo from Pakoa Charley hemi seken bon lo Tinampuumata bloodline. Hemi refer ikobak long ded blong late Kalnasei se hemi wan unexpected ded mo long case olsemia, third bon blong bloodline blong Tinampuumata nao we hemi Willie Samuel isave kam next successor. Further long hemia, hemi se ol narafala bloodline oli no kat any raet blong apointem Tinampuumata. Hemi stap talemaot se Michele Taripoa inokat any kastom bisnis insaet long kavenen sistem blong Tinampuumata. Also hemi stap admitim se hem, ol narafala brata, ol chief mo population blong vilij oli luk we Michele Taripoa ipusum hand blong hem iko antap mo singaot be how we charley istanap long mat ino akri long hem.

Further long ol storian ia, claimant ikam blong karem 5 witness blong sapotem hem. Ol fes 4 (four) witness (Robsen Taripoamata, Alice Kaloran Lucy Kaloran mo Netty Kaloran), oli stap admitim se oli recognisem late Kalnasei olsem paramount jif be oli no akri lo way we Charley Kalnasei (2nd Defendant) hemi ordain. Taem claimant hemi re-examinatem olketa, oli kam blong disakri lo fasin ia we Charley (2nd Defendant) istill olem nem ia Tinampuumata today from Charley ikamaot long seken bon boy long blood blong Tinampuumata.

Willie Samuel olsem las witness blong Claimant istap confemem se yes, hemi present long full program blong late Kalnasei taem we ided mo iwantem se bae nem ia (Tinampuumata) ino stap long laen blong late Kalnasei.

Long narasaet storian, 1st Defendant (Michele Taripoa) italemaot se Morris Kaloran hemi no stret bloodline blong Tinampuumata from hemi neva ordain mo olem wan kastom taetel. Tinampuumata hemi property blong ol head jif long Lumbukuti. Hemi ko further mo talemaot se Kalnasei hemi officiatem pig killing ceremony long ordination blong hem we istap kwalifaem Charley (2nd Defendant) blong stanap long mat long ded blong Kalnasei olsem next Tinampuumata. Ino akri long toktok ia se Kaloran hemi fes bon boy blong Tom Lukae. Tingting ia hemi kamaot from we bifo Leivarea istap wetem Tom Lukae we tufala ibonem Abed mo Tom Noel, ibing kat wan pikinini finis wetem Pakoa Miala we hemi Kaloran. Kaloran ijes folem mama



blong hem nomo iko long Lumbukuti vilij blong stap anda long care blong Tom Lukae.

Long family tree blong Tinampuumata, Simbolo Kalnasei Tinampuumata I maretem Leivarea tufala ibonem wan kel nomo (Leibunua Hanna). Simbolo Kalnasei hemi lukaotem Charley Savea pikinini blong Savea wetem wan Narupa olsem adopted brother blong Leipunua Hanna be ino stret bloodline blong Tinampuumata. Taem Charley Savea istap wetem Leinasei Leikoro tufala ikat 3 pikinini (Tom Lukae, Pakoa Charley, Kakae Maoro). Leipunua Hanna imaretem Sai Sai Kinawota mo tufala ikat 6 pikinini (Lydia, Timakuramata, Nisini, Serah, Dina mo Lui Abed). Taem Leipunua Hanna iolem taetel ia, ino save perfomem ol duty blong hem from hemi woman mekem se ol head jif oli akri wetem Charley Savea se Missionary bae lukaotem. Out long 6 pikinini ia, Sai Sai Kinawota ikivim out Lydia iko long Charley Savea, Nisini iko long Makao, Serah iko long Usamoli, Tina iko long Tapau Ndaraliu be iolem taet tufala boy blong hem blong karem bak taetel blong hem (Timakuramata mo Timakuraroto): Lydia iko stap wetem Charley Savea lo tingting se mbae hemi maretem wan long ol trifala boy ia (Tom L, Pakoa C, Kakae M) be no from oli tritim hem olsem sista blong olketa mekem se Charley Savea isentem hem iko long Rafenga vilij mo bonem Malesumata. Taem oli kivim Serah iko long Usamoli (spokesman blong Tinampuumata long Lumbukuti vilij), Usamoli hemi talem long trifala boy ia se from we one long yufala ino maretem Lydia, wan imas stap wetem Serah imekem se Pakoa Charley imaretem Serah mo tufala ilukaotem nem ia kasem taem we Kalnasei ibon. Folem kasetom fasin ia nao imekem se long 1991 Charley Kalnasei hemi ordain olsem Tinampuumata.

Afta long hemia, Defendant ikoet mo joenem iko long family tree blong Tom Lukae. Hemi se Tom Lukae imaretem Leivarea mo tufala ibonem Abed mo Tom Noel. Be Bifo imaretem Tom Lukae, ibing kat wan boy wetem Pakoa Miala we hemi Kaloran.

2nd Defendant tu istap talemaot se Tinampuumata hemi property blong ol head jif mo confemem se family Kaloran iblong Rafenga vilij.

Long kros examination question, 1st defendant istap admitim se yes taem yu wan bloodline blong jif, yu save perfomem ol duty nomo without wan odination mo pakeken ikoet mo riptim toktok ia se Tinampuumata hemi property blong ol head jif. Istap referem family tree blong claimant se hemi no proper be hemi admitim se yes family tree blo Charley hemi pass tru long Leipunua Hanna we hemi wan woman. Istap concludum se trifala man ia (Tom L, Pakoa C mo Kakae M) oli pikinini blong rod.

Long respond blong 2nd defendant, istap talemaot se 1st bon male nao long bloodline blong jif ikat raet blong mekem or officiatem wan pig killing ceremony or stanap long mat incase ikat wan sudden ded. Lastly istap reconfirmem pakeken se odination blong



hem hemi stret folem kastom from we nem blong hem ia, ol ankle blong hem oli kivim long hem long birth blong hem mo pakeken long ordination blong hem we istanap long mat. Taem we istanap lo mat fulap head jif, ol people mo sam paramount jif oli present long taem ia. Hemi concludum mo riptim pakeken se Tinampumata hemi property blong ol head jif mo nem ia Tinampumata ikamaot long Leipunua Hanna (woman) line blong hem (2nd defendant).

Fes witness (Andrew Stevie Namali) istap talemaot se hemi wan head jif we ol people long vilij oli askem hem blong hemi administratem ded ia blong late Kalnasei long 2018. Hemi vinisim toktok blong hem se Kaloran hemi no fes bon blong Tom Lukae mo tu hemi nokat any connection wetem Tinampumata therefore istap askem blong kot ia imas strikemaot keis ia.

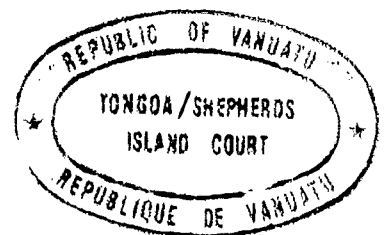
Taem we claimant iaskem hem, hemi admitim pakeken se yes hemi wan head jif mo nem ia Tinampumata hemi property blong ol head jif.

Willie Ruben hemi kam blong witness tufala defendant ia mo talem se long ded blong late Kalnasei, raet man blong singaotem nem blong Charley we istanap long mat hemi Usamoli. Inomo kat man blong performem duty ia from Usamoli ino stap imekem se oli jusum Michele Taripoa. Hemi vinisim toktok blong hem mo talem se, long 37 years blong hem we hemi active olsem wan head jif, ineva arem toktok ia "temporary appointment or ordination" blong nem ia Tinampumata. Iko further mo talemaot se ineva arem mo lukim se Willie Samuel mo Robson Kakae oli ordain long tufala jifly nems ia (Masoe & Taripoamata).

Long cross-examination question, hemi kliarem pakeken se 11 head jifs (69%) oli present mo 5 (31%) long olketa oli absence long taem blong ordination blong Charley we istanap long mat. Istap endem mo talemaot se Tom kaloran ino fes bon son blong Tom Lukae from hemi pikinini blong rod be Tom Noel nao isave karem chiefly title ia from hemi kamaot long Tom Lukae.

Long re-examination process, hemi exprem hem wan mo talem se ordination we itekem ples long taem we charley istanap long mat ifolem stret process blong kastom from long 37 years olsem wan oldest head jif, ineva arem se ikat dispute long nem ia Tinampumata.

3rd witness (Eslie Marango) istap talemaot se hemi present long taem ia we charley hemi stanap long mat mo full process blong ordination ia hemi folem stret fasin blong kastom. Brother blong hem hemi Willie Samuel mo Robson Kakae we ineva arem, lukim or witness se tufala ordain long wan jifly nem.



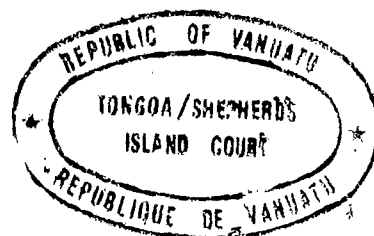
Finally, paramount jif Malesumata hemi stap konfirmem long kot ia se hemi blong Rafenga vilij mo istap putum ikam long kot ia se family Kaloran oli blong Rafenga vilij, ino blong Lumbukuti. Istep jalenjem witnis blong claimant (Willie Samuel) se nem ia Masoe hemi property blong hem (Malesumata) mo ino save se who nao iordainem Willie Samuel long nem ia? Long las toktok blong hem, hemi se present Tinampuamata hemi Charley (2nd Defendant) from hemi folem stret process blong ordination folem kastom blong Tongoa Island.

Taem Morris Kaloran iaskem hem, hemi toktok stret mo talemaot se yes, bloodline blong hem ikamaot long Lydia we hemi wan woman mo appointment blong hem olsem paramount jif hemi tru long woman ia nao. Istep konfirmem pakeken se appointment blong Charley olsem Tinampuamata ikamaot tu long sem bloodline we hemi kamaot long hem.

After long presentation blong tuketa parties mo ol witnesses, kot ia hemi faenemaot se;

1. Four witness blong claimant (Robsen Taripoamata, Alice Kaloran, Lucy Kaloran mo Netty Kaloran) oli admitim se late Kalnasei hemi paramount jif blong Lumbukuti vilij.
2. Almost every head jifs blong Lumbukuti vilij oli witnessim ordination blong Charly we istanap long mat.
3. Toktok ia we ol defendant mo ol witness oli stap talem se Tinampuamata hemi property blong ol head jif ino tru.
4. Morris Kaloran ineva ordain long wan jifly taetel.
5. Pikinini blong Charley Savea hemi Tom Lukae, Pakoa Charley mo Kakae Maoro we Morris istap klemem.
6. Defendant istap talemaot se Charley Savea hemi pikinini blong wan Narupa
7. Claimant istap talemaot se Charley Savea nao hemi title holder blong Tinampuamata.
8. Long blood blong Leipunua Hanna mo ikam kasem Charley today, oli still performem ol kastom duty olsem ordination or pig killing long jifly taetel ia Tinampuamata folem stret kastom fasin.
9. Blood blong Tinampuamata nao hemi pass tru long woman ia Leipunua Hanna.
10. Dispute long nem ia istat long taem blong late Kalnasei we hemi olem taetel ia istap.
11. Every kastom history blong Tongoa Shepherds oli pass on from generation to generation.
12. Every defendant oli admitim se Morris Kaloran ino kamaot long Tom Lukae.

Kot hemi tekem real issue ikam long stret fasin bong kastom blong yumi;



1. Jifly taetel isave pass tru from father to fes bon son
2. Jifly taetel isave pass tu from father to daughter sipos papa ino kat any boy.
3. Sipos woman I olem taetel, isave lukaotem nomo be ino save perfomem wan duty kasem taem we ibonem wan fes bon boy blong pasem taetel iko long hem.

Folem olketa findings ia mo how yumi applaem ikam long kastom fasin blong yumi especially ol jifly issues, hemia nao hemi order blong kot long jifly taetel nem ia "Tinampumata".

ORDER

- Charley Kalnasei nao hemi rightful holder blong taetel ia Tinampumata.
- Imas kat wan reconciliation within long 2 weeks taem blong klinim kud face blong every families.
- Pis mo unity imas stap oltaem long community blong Lumbukuti vilij.
- Decision blong odination we itekem ples long 22 May 2018 hemi folem proper kastom fasin we Charley istanap long mat.
- Every parties irisponsibol long cost.
- Yu we yu no klad long decision ia, yu kat 30 days blong apil iko long Magistrate kot stat today 18/05/2019 iko iko kasem 18/06/2019.

Dated long Morua kot aos, Tongoa Island this 18th May 2019.

BY THE COURT



Berry Obed



Amos Willie



Willie Daniel

