

IN THE EFATE ISLAND COURT
OF THE REPUBLIC OF VANUATU
HELD AT SIVIRI VILLAGE, EFATE.
(Civil Jurisdiction)

Civil Case No. 19 of 2005.

IN THE MATTER OF: JIFLY TAETOL
"TARIPOAMATA"

AND IN THE MATTER OF: SECTION 10 OF THE ISLAND
COURTS ACT [CAP. 167]

BETWEEN: CHIEF MASONGOMAPULA
Clemen

AND: EDDIE KALOWIA
Difenden

Coram: Jastis Erick MESAU
Jastis Lucy SANDY
Jastis Ann CARLO

Claks: Jonah MESAU
Shemi JOEL

JUDGMENT

Hemia hemi wan claim blong Paramaont Jifly Taetol ia we hemi
"TARIPOAMATA".

CLEMEN: Chief MASONGOMAPULA

Clemen, Chief Masongomapula (Kaleikoro Maseinawota) assisten jif
blong Siviri nao hemi faelem kes ia mo hemi klem se hemi gat raet
long paramount taetol ia "TARIPOAMATA". Raet blong hem, hemi

wan raet we kastom blong Efate nao iallowem mo Eddie Kalowia hemi no gat raet ia nating olsem we hemi stap klem.

**"CLAIM BLONG TITLE TARIPOAMATA BLONG SIVIRI
VILLAGE NORTH EFATE**

Mi Masongomapula IV blong siviri village mi stap claim title ia Taripoamata olsem stret bloodline blong chiefly ia.

Masongo Mapula 1 emi gat wan pikinini boy mo hemi kam Masongo Mapula 2. Masongo Mapula 1 emi ded long 1879.

Masongo Mapula 2 emi maretem wan woman name blong hem Lei Maki mo tufala ikat wan girl name blong hem Lai Mata mo wan boy name blong hem Toamstampangatang or sandwich we emi ded long Solomon Island.

Lei Mata (naika) emi maretem Toa Miala Taripoamata blong Siviri. Toa Miala ikat three brata, Toa Wia, Toa Miro mo Toa Tau. Toa Wia hemi ded long mo hemi nogat pikinini. Toa Miro emi maret mo gat wan girl Tourere we ol family blong hem oli live long Moso tedei.

Toa Tau emi maret mo go stap wetem woman blong hem long Emua mo ol family blong hem oli stap long Emua tedei.

So Toa Miala emi karem title Taripoamata from ol brata blong hem oli leavim hem mo go stap wetem ol woman blong olketa long Emua Village mo Moso Island.

Toa Miala Taripoamata mo Leimata tufala I gat wan girl Touloure. Touloure emi maretem Peter Akisi. Peter Akisi emi blong Ravenga. Peter Akisi emi gat one boy we name blong hem Arthur Tamaro mo tufala sisters Effie mo Vinota.

Taem we Arthur Tamaro emi born long 1914, Leimata I adoptem Arthur Tamaro olsem pikinini blong em from em ino gat pikinini boy blong karem title ia Masong Mapula 3 mo Taripoamata we emi title blong pupu blong hem, Toa Miala Taripoamata mo tu from Arthur Tamaro we emi papa blong blong Claimant emi stret pupu blong tufala.

Arthur Tamaro Masong Mapula 3 emi maret mo kat five (5) boy mo tu girl. Ol boy ia igat Chief Masong Mapula 4 we emi Claimant, Paul Arthur, Edwin Arthur, David Arthur, Kaltava Arthur mo tufala girl igat Tou Mak mo Tou Fau.

Chief Masong Mapula 4 emi rightful claimant blong title Taripoamata through long ol name ia Toa Miala Taripoamata, Touloure mo Arthur

Tamaro we emi papa blong Claimant mo sem taem claimant emi adopted pikinini blong Toa Miala Taripoamata mo Lei Mata.

Peter Akisi we emi pupu blong Claimant emit ed long 1923 mo long 1927, Touloure, pupu woman blong Claimant mo Tourere girl blong Toa Miro tufala. I givim Title Masong Mapula 3 Arthur Tamaro mo Title Tarpoamata long Kalosike Joseph Masenmantoga 3.

Reason we oli givim title ia long Kalosike emi from:

- (a) Long taem ia Masongo Mapula 3 emi yang yet mo oli mas chosem wan man we emi mature blong save lukoatem pipol blong Siviri kasem taem Masong Mapula 3 emi save tekem title ia Taripoamata.*
- (b) Mo Touloure mo Tourere tufala ino wantem Kalo Talang blong karem title blong Chief Maripepe blong leadim pipol blong Siviri from fasen blong hem blong karem plante woman tumas.*

Maripepe emi Chief we emi lukaotem Siviri taem we ino gat wan man emi karem Chief title Masong Mapula mo Taripoamata. Hemia hemi long laef taem blong Touloure mo Tourere kasem we Masongo Mapula 3 emi kasem title blong hem mo Kalosike emi karem title Taripoamata.

Long taem blong givim title Taripoamata long Kalosike, papa blonghem Joseph Suragas Masemantoga 2 ino gat pig blong givim long pikinini blong hem blong performem ceremony mo community blong Siviri oli givim pig long Kalosike Masenmatoga blong kilim. Pig ia Siviri community oli pem long Masta Louis Ross long Undine Bay plantation mo price blonghem long taem ia hemi 8 pounds. Taem ia four (4) man oli karem pig ia from emi hevi tumas.

Stret title blong Kalowia emi Masemantoga 4 but emi no Taripoamata.

Long 1882, taem we ol pipol blong Siviri wetem ol nearby communities oli signem agreemen blong Missionary emi protectem kraon blong olgeta, Toa Miala Taripoamata emi stap long Siviri finis from hem tu emi saenem document ia but Masenmatoga mo ol pipol blong hem oli stap yet long Ravenga, emia antap long bus blong Paunagisu.

Long side blong history blong Kalosike, olfala Masematoga 1 emi bigfala chief blong Ravenga. Emi maretem Vitarik pero mo gat tu boy we emi Masenmatoga 2 Suragas Joseph mo Louis Surosa we hemi born long different mama. Masematoga 2 emi maretem Lei Ntamate we emi daughter blong Chief blong Elama Tongoltong mo Lei Sav Manu.

Joseph Suragas Masematoga 2 wetem Lei Ntamate tufala I gat two boys mo wan girl. First boy emi Kalserei we emi sik mo ted, second boy emi Kalosike mo gat wan gel we name blong hem emi Toulolo. I gat wan narafala girl we name blong hem hemi Touvapele but emi no pikinini blong Joseph Suragas.

Kalorsike emi maretem Mima mo tufala igat wan girl Rose we emi maret iko long Tasiriki. Taem Mima hemi ted, Kalosike emi maretem Ruta we emi gat three pikinini finis bifo hemi kam insaed long house blong Kalosike we name blong olgeta emi Tamara, Lei Pakoa mo Lei Mata. Tedei Tama emi go bak mo live long Pele from hemi save se emi no pikinini blong Kalosike. Afta long Ruta, Kalosike emi maretem Espela blong Nguna mo karem Kalowia, Toma, Lili, Lei Tap mo Lei Tare.

Naola klosap 17 yia afta long ded blong Kalosike, Eddie Kalowia emi wantem title ia Taripoamata but why nao emi no askem blong papa blong hem Kalosike blong givim title ia Taripoamata long hem.

Toa Miala Taripoamata blong Siviri emi wan jif mo preacher mo hem nao emi go karem Masemantoga 1 wetem ol people blonghem blong Ravenga mo kam putum olgeta long wan ples we name blong hem Matanoaira bitwin 1885 mo 1888 mo long ples ia emi Chief mo preacher blong olgeta kasem 1893, wan bigfala sickness ibreak out mo sam long ol man Ravenga we oli stap long Matanoaira mo Chief Toa Miala Taripoamata oli ded mo olgeta we oli laef oli move ikam long Siviri wetem Joseph Surangas mo oli ordainem Joseph Surangas olsem Masemantoga 2 wetem ol narafala jifs long 1927.

Matanoaira emi ground blong Jif Toa Miala Taripoamata mo long 1920 Leimata emi salem long wan man Pentecost we name blong hemi emi Wari long wan price blong 20 pounds.

Stret bloodline long Title Taripoamata emi Chief Masong Mapula 4.

Mi askem Court blong grandem ol following orders ia:

- (a) Order se mi stret bloodline blong Taripoamata.
- (b) Order se mi gat everi right blong usum title ia "Taripoamata".
- (c) Order se Defendant emi no gat any right blong usum name ia.

Hemia nao klem blong hem long wan applikesen we hemi faelem ikam long Kot (refer long klem) mo stetmen blong Arthur Tamaro.

Long cross-examinesen, Kot hemi collectem sam impoten facts mo hemi no save talem aot evri samting from sam oli unecessari toktok we ino rili relate long kes ia.

Kot hemi notem se clemen hemi no save rivilim evri samting abaot "MASONGOMAPULA I". Clemen hemi no save Christian nem blong "MASONGOMAPULA I" mo "MASONGOMAPULA II". Clemen hemi stap klem se Jif Masongomapula hemi blong Siviri from ol toktok (histori) we istap long Live Book I we Graham Miller ibin raetem.

Hemi klem 100% sure se Toa Miala hemi Naflak Maiu from bubu blong Toamiala hemi stap laef yet.

Masongomapula I hemi gat wan pikinini nomo mo nem blong hem hemi Masongomapula II. Masongomapula II hemi gat 2 pikinin olsem we family tree italem mo onli boy, Tomas Tapangatang hemi ded long Solomon Islands, mo onli get we hemi Leimata hemi maret igo long Toamiala Taripoamata we hemi naflak Malu.

Clemen hemi stap klem se Masongomapula II oli ordeinem hem long ston blong hem mo ston ia ishud stap long nakamal blong hem long Malaksea (Klemen hemi stap klem se Masongomapula hemi paramount jif blong Siviri).

Clemen hemi no talem hu nao asisten jif blong Masongomapula from hemi long taem mo oli no save from oli no gat ricod blong hem.

Clemen hemi talem se igat tri nasara long Siviri:-

1. Malakesa;
2. Savaseve; mo
3. Malapoamata.

Malakesa hemi nakamal blong Masongomapula, Savaseve hemi nakamal blong Tapagai mo Malapoamata hemi nakamal blong Toa Miala Taripoamata.

Witness 1:] Arthur TAMARO

Arthur Tamaro hemi fes witness blong Clemen mo hemi gat wan stetmen we irid olsem ia:-

"Mi name blong mi Arthur Tamaro. Mi bon long 14 July 1914. Papa blog mi hemi Pita Akisi mo hemi blong Ravenga. Mama blong mi emi Touloure, daughter blong Toa Miala Taripoamata mo Leimata we hemi only daughter blong Masongomapula II.

Long 1927 taem oli ordainem mifala five olsem ol new chief blong Siviri, mi gat 13 years nomo. From we mi yangfala tumas mo mi no redi blong mekem work olsem wan chief, mama blong mi Touloure mo cousin system blong Tourere tufala idecide se Kalosike itekem name ia Taripoamata, we emi blong pupu blong mi mo bae hemi karem name ia from hemi older than mi mo emi save mekem work blong chief kasem taem mifala save karem bak name ia Taripoamata.

Namba tu reason emi from we grandmother blong mi Leimata we hemi adoptem mi hemi jusum mi finis blong karem title ia Masongomapula III we emi title blong bigfala pupu blong mi, Masongomapula II.

Igat plante man Siviri oli stap witnessem long ol meeting taem igat strong toktok againsem Kalosike mo emi stap talem se "mi, mi no blong karem name ia Taripoamata" be ol mama blong yufala nao oli talem se mi tekem.

Kalosike emi save gud se hemi stap hollem name ia Taripoamata we emi title blong mi mo family blong mi. Long taem we oli ordainem mifala hemi never raurau or toktok againsem family blong mi kasem taem hemi ted long 1988.

Kalosike emi wan man we emi respectem mi mo family blong mi bigwan mo taem hemi wantem mekem wan decision, hemi always consultem mi fastaem.

Wan very clear example emi taem Siviri iready blong saenem Undine Bay Plantation Land Lease long 1985, hemi kam luk mi, mitufala ikarem ol narafala family representatives mo mifala igo saesenm, lease ia long behalf blong community.

Long laef blong Kalosike, hemi never gat any raurau wetem mi kasem taem hemi ted long 1988.

Tudei Eddie Kalowia emi stap traem blong usum name ia Taripoamata but emi no bloodline blong Toa Miala Taripoamata. Hemia nao mifala 'istap claim title ia Taripoamata from hemi title blong mifala.

Long cross-examinesen, witness ia hemi no save nem blong Masongomapula II. Hemi talem se gran papa blong hem hemi Tom Toamiala Taripoamata mo gran mama blong hem hemi Leimata.

Witness ia hemi stap klem se long 1927 hemi kasem ordinesen blong hem olsem Masongomapula III. Witness ia hemi gat daot as to hu hemi paramount jif blong Siviri.

Hemi stap talem se long 1927, olfala Kalosike, papa blong Eddie Kalowia hemi bin sidaon long chair mo putum leg long ston mo oli ordenem hem.

Witness 2: James STEEL

Hemia nao hemi stetmen blong James Steel.

"Mi, James Steele Tapalo, mi bin born long Siviri long 14th March 1926. Mi, mi the only brother blong Arthur Tamaro.

Mi mekem toktok ia blong mi blong supportem claim blong Masongomapula IV se hemi stret bloodline blong title ia Taripoamata.

Mi save gud se ol family blong Kalosike Taripoamata, especially Kaltora Harry emi save gud se chiefly title ia Taripoamata ino blong olgeta from se long 11 September 1982 taem Kaltora Harry mo uncle blong hem Kalosike iraurau from kokonas plantation blong Leinamos Kalsev.

Long taem ia Kaltora Harry emi talem long Kalosike Taripoamata se "ale yu aot long Siviri yu go long Ravenga, yu no chief blong ples ia, yu chief blong Ravenga."

Kaltara emi mekem semak toktok bagegen long 4 May 1984 taem we tufala iraurau from wan pis kraon we Kalosike Taripoamata emi givim long Siviri Community blong buildim wan hot air drier long hem.

From raurau blong tufala, Arthur Tamaro italem long tufala se yutufala ino raurau, yufala ikam yumi go buildim hot air drier blong yumi long ground blong mi long Malala blong mi ong Napangkaniana.

So long pis land blong mi nao wetem Arthur Tamaro, Siviri Community emi buildim hot air drier blong olgeta long hem.

Raurau blong Harry Kaltora mo Kalosike emi some very klia se chiefly title Taripoamata emi no blong Kalosike mo Kaltora.

Kaltora emi stap claim se name ia iblong Family Malu blong Siviri mo hemi rightly ownem from se hemi memba blong Family Malu blong Siviri.

Toktok blong Kaltora Harry emi absolutely correct mo hemi leadim yumi go stret long Tom Toamiala Taripoamata we hemi stret malu blong Siviri.

Tom Toamiala Taripoamata emi last person wetem title Taripoamata kasem taem we emi ted mo daughter blong hem Touloure mo cousin sister blong Touloure igivim title ia long Kalosike blong hol'em kasem taem mifala isave karem bak title ia mo givim long Masongomapula IV.

Long cross-examinesen, witness ia hemi stap klem se long 2003 taem oli ordeinem Masongomapula IV, hemi from we taetol ia istap long han blong olgeta. Hemi stap talem se olgeta ino wantem or nogat tingting blong karem bak taetol blong Taripoamata long Kalosike from hemi save se blong olgeta mo oli rispektem hem mo hem tu igat rispekt long olgeta. Hemi kam luk olgeta long desisen making. Oli save nomo se sapos Kalosike ilus samtaem, bambae nem ia Taripoamata ikam bak long olgeta.

Witness ia hemi no save ples we oli ordeinem olgeta Masongomapula mo Taripoamata long hem. Hemi stap confemem nomo bakeken se nakamal blong Masongomapula hemi Malakesa.

Witness 3: Joel MATUELE

Hemia nao hemi stetmen blong witness namba tri we hemi Joel Matuele mo hemi rid olsem:-

"Mi, Chief Joel Matuele, mi bon long March 1933. Ordination blong mi itekem ples long 1994.

Mi stap mekem statement ia blong supportem claim blong Chief Masongomapula IV. Mama blong mi emi Emily, daughter blong Tourere girl blong Toa Miro.

Between 1885 mo 1888 Great grandfather blong Masongomaula IV, Chief Tom Toamiala Taripoamata, missionary emi usum hem blong go karem ol man Ravenga Ikam down mo putum olgeta long Matanaira klosap long Siviri.

Long taem ia bigfala chief long Ravenga emi Masenmantonga Iwe emi great grandpapa blong Eddie Kalowia.

Masenmantonga itu emi bin kam down long Matanaira. Masenmantonga lemi karem plenty woman.

Joseph Surangas hemi Masenmantonga II, hemi grandpapa blong Eddie Kalowia.

Joseph Surangas Masenmantonga II hemi maretem Leintamate girl blong bigfala chief Tongoltong blong Elama.

Joseph Surangas mo Leintamate tufala igat wan boy name blong hem Kalosike Joseph.

Kalosike Joseph emi papa blong Eddie Kalowia.

Long taem blong Touloure mo Tourere ino kat plenty stret man Siviri oli stap, mekem se Touloure emi gat control over long mo decide blong givim title Taripoamata long Kalosike long 1927.

Tourere mo Touloure tufala I bin cordinatem ordination blong Kalosike Joseph.

Long taem ia tufala italem long Kalosike se bae emi tekem title ia kasem taem we Masongomapula III emi ready blong take over from tu se tufala ino wantem Kaltakae we emi pikinini blong Chief Maripepe blong tekem title ia from ol rabis fasin blong hem.

Hemi clear taem we Touloure emi givim title ia from Touloure emi grandmother blong Masongomapula III mo Masongomapula IV emi gat right long title ia tru long bloodline.

Mi wantem confirm tu se Tom Toamiala Taripoamata emi gat 3 brata. Toawia emi ded be ino gat pikinini, Toatau emi maret mo stap long Emua mo Toamiro emi maret mo go stap long Moso. Only decendants blong Toatau mo Toamiro igat right blong claimem title ia be ino Kalowia Eddie from stret title blong hemi Masenmantonga.

Eddie Kalowia emi save claimem tufala narafala title ia Masenmantonga mo Tongoltong.

Long saed blong Tongoltong, emi from se Joseph Surangas emi bin maretem girl blong Tongoltong we emi Leintamat.

Stret title blong Eddie Kalowia emi Masenmantonga blong Ravenga.

Long cross-examinesen, hemi stap talem se Joseph Masemantoga blong Ravenga Village.

Witness ia hemi stap talem se Masongomapula hemi paramount jif blong Siviri. Witness ia hemi confused mo no ansarem gud ol kwestin olsem se wan difren man iratem stetmen blong hem.

Witness 4: MARIPOPONGI

Withdrawn because of a title used in Court in which he supposed not to used "MARIPOPONGI".

"Mi Jif Kaloronga Maripopogi blong Paunagisu Village North Efate. Mi mekem statement ia blong supportem claim blong Masongomapula IV from title ia "Taripoamata".

Mi born long 12 February 1942. Mi wantem confirmem se stret title blong Eddie Kalowia emi Masenmantonga III.

Masenmantonga I emi great grandpapa blong Eddie Kalowia mo emi blong wan village insaed long bush blong Paunagisu we oli callem Ravenga. Joseph Surangas we emi Masenmantonga II emi papa blong Kalosike Joseph Masenmantonga.

Joseph Surangas emi maretem wan woman Elama inside long area blong Port Havannah we name blong hem emi Leintamat.

Papa blong Leintamat emi Tongoltong, bigfala chief blong Elama.

Long save blong mi, stret title blong Eddie Kalowia emi Masenmantongia IV mo emi save claim title blong Tongoltong but ino "Tarpoamata" from se title ia emi blong Masongopula IV we emi stap claim naoia.

Title "Taripoamata" tufala olfala woman Toulora mo Tourere tufala I givim long Kalosike long 1927 from se long taem ia Masongomapula III emi no bigwan enough blong save karem title a blong lukoatem ol man Siviri.

Masongmapula III taem emi mature emi bin wan Elder mo Preacher blong North Efate Session inside long Presbyterian Church mo long taem blong hem hemi no tokabout title ia "Taripoamata".

Masongomapula III emi wan respected man long North Efate we hemi wok wetem 2 missionary we tufala I las whiteman missionary blong lukaotem North Efate Session.

Mi wantem confirm tu se Tom Toamiala Taripoamata emi gat 3 bratas. Toa Wia emi ded mo no gat pikinini, Toa Tau emi go maret mo live long Emua mo Toa Miro emi maret mo kat family oli live long Sunae village long Moso Island.

Tedei Masongmapula IV emi stap claim title ia "Taripoamata" follem stret bloodline blong hem

Witness 5:

"HISTORY BLONG MASONGOMAPULA MO OLSEM WANEM HEMI ENTITLED BLONGKAREM TITLE TARIPOAMATA"

Masongo Mapula 1 emi kat wan pikinini boy mo hemi kam Masong Mapula 2. Masong Mapula 1 emi ded long 1879.

Masong Mapula 2 emi maretem wan woman name blong hem Lei Mata mo wan boy name blong hem Tomastapangatang or sandwich we emi ded long Solomon Islands.

Lei Mata (Naika) emi maretem Toa Miala Taripoamata blong Siviri. Toa Miala ikat three brata, Toa Wia, Toa Miro mo Toa Tau. Toa Wia emi ded mo hemi no gat pikinini. Toa Miro emi maret mo gat wan girl Tourere we ol family blong hem oli live long Moso tedei. Toa Tau emi maret mo go stap wetem woman blonghem long Emua mo ol family blong hem oli stap long Emua tedei.

So Toa Miala emi karem title Taripoamata from ol brata blonghem oli leavim hem mo go stap wetem ol woman blong olgeta long Emua Village mo Moss Island.

Toa Miala Taripoamata mo Leimata tufala igat wan girl Touloure. Touloure emi maretem Peter Akisi. Peter Akisi emi blong Ravenga. Peter Akisi emi gat one boy we name blong hem Arthur Tamaro mo tufala sisters Effie mo Vinota.

Taem we Arthur Tamaro emi born long 1914, Leimata I adoptem Arthur Tamaro olsem pikinini blong em from ino gat pikinini boy blong karem title ia Masong Mapula 3 mo Taripoamata we emi title blong pupu blong hem, Toa Miala Taripoamata mo tu from Arthur Tamaro we emi papa blong Claimant emi stret pupu blong tufala.

Arthur Tamaro Masongo Mapula 3 emi maret mo kat five (5) boy mo tu girl. Ol boy ia igat Chief Masong Mapula 4 we emi Claimant, Paul Arthur, Edwin Arthur, David Arthur, Kaltava Arthur mo tufala girl igat Tou Mak mo Tou Fau.

Chief Masongo Mapula 4 emi rightful claimant blong title Taripoamata through long ol name ia Toa Miala Taripoamata, Touloure mo Arthur Tamaro we emi papa blong Claimant mo sem taem Claimant emi adopted pikinini blong Toa Miala Taripoamata mo Lei Mata.

Peter Akisi we emi pupu blong Claimant emi ed long 1923 mo long 1927, Touloure, pupu woman blong Claimant mo Tourere girl blong Toa Miro tufala igivim Title Masong Mapula 3 long Arthur Tamaro mo Title Tarpoamata long Kalosike Joseph Masenmantoga.

Reason we oli givim title ia long Kalosike emi from:

- (a) Long taem ia Masong Mapula 3 emi yang yet mo oli mas chosem wan man we emi mature blong save lukoatem pipol blong Siviri kasem taem Masong Mapula 3 emi save tekem title ia Taripoamata.

- (b) Mo Touloure mo Tourere tufala ino wantem Kalo Talang blong karem title blong Chief Maripepe blong leadim pipol blong Siviri from fasen blong hem blong karem plante woman tumas.

Maripepe emi chief we emi lukotaem Siviri taem we ino gat wan man emi karem chief title Masong Mapula mo Taripoamata. Hemia hemi long laef time blong Touloure mo Tourere kasem we Masongo Mapula 3 hemi kasem title blong hem mo mo Kalosike emi karem title Taripoamata.

Long taem blong givim title Taripoamata long Kalosike, papa blong hem Joseph Suragas Masematoga 2 ino gat pig blong givim long pikinini blonghem blongperforem ceremony mo community blong Siviri oli givim pig long Kalosike Masematoga blong killim. Pig ia Siviri community oli pem long Masta Louis Ross long Undine Bay Plantation mo price blong hem long taem ia hemi 8 pounds. Taem ia four (4) man oli karem pig ia from emi hevi tumas.

Stet title blong Kalowia emi Masematoga 3 but emi no Taripoamata.

Long 1882, taem we ol pipol blong Siviri wetem ol nearby communities oli signem agreement blong Missionary emi protectem kraon blong olgeta, Toa Miala Taripoamata emi stapling Siviri finis from hem tu emi saenem document ia but Masematoga mo ol pipol blong hem oli stap yet long Ravenga, emia antap long bus blong Paunagisu.

Long side blong history blong Kalosike, Olfala Masematoga 1 emi bigfala chief blong Ravenga. Emi marettem Vitarik pero mo gat tu boy we emi Masematoga 2. Suragas Joseph mo Louis Sursa we hemi born long different mama. Masematoga 2 emi marettem Keu Btanate we emi daughter blong Chief blong Elama Tongoltong mo Lei Sav Manu.

Joseph Suragas Masematoga 2 wetem Lei Ntamate tufala igat two boys mo wan girl. First boy emi Kalserei we emi sik mo ted, second boy hemi Kalosike mo gat wan gel we name blong hem emi Toulolo. Igat wan narafala girl we name blonghem hemi Touvpele but emi no pikinini blong Joseph Suragas.

Kalosike emi maretem Mima mo tufala igat wan girl Rose we emi maret iko long Tasiriki. Taem Mima hemi ted, Kalosike emi maretem Ruta we emi gat three pikinini finis bifo hemi kam insaed long house blong Kalosike we name blong olgeta emi Tamara, Lei Pakoa mo Lei Mata. Tedei Tamara emi go bak mo live long Pele from hemi save se emi no pikinini blong Kalosike. Afta long Ruta, Kalosike emi maretem Espela blong Nguna mo karem Eddie Kalowia, Toma, Lili, Lei Tap mo Lei Tare.

Naola klosap 17 yia afta long ded blong Kalosike, Eddie Kalowia emi wantem title ia Taripoamata but why nao emi no askem papa blong em Kalosike blong givim title ia Taripoamata long hem taem ilaef istap yet.

Toa Miala Taripoamata blong Siviri emi wan jif mo preacher mo hem nao emi go karem Masemantoga 1 wetem ol people blong hem blong Ravenga mo kam putum olgeta long wan ples we name blonghem Matanoaira bitwin 1885 mo 1888 mo long pleas ia emi Chief mo preacher blong olgeta kasem 1893, taem wan bigfala sickness I break out mo sam long ol man Ravenga we oli stap ong Matanoaira mo Chief Toa Miala Taripoamata oli ded moolgeta we oli ordainem Joseph Surangas olsem Masemantoga 2 wetem ol narafala jifs long 1927.

Matanoaira emi ground blog Jif Toa Miala Taripoamata mo long 1920 Leimata emi salem long wan man Pentecost we name blong hem Wari long wan price blong 20 pounds.

Stret bloodline long Title Taripoamata emi Chief Masong Mapula 4.

Long cross-examinesen, witness ia stetmen blong hemi istap talem nomo bakeken ples we oli ordeinem hem long hem mo hemi stap talem se Tom Toamala Taripoamata hemi paramount jif blong Siviri (contradictim stetmen blong ol narafala witnesses).

Witness ia hemi stap confirmem se Toamiala hemi naflak Malu. Witness ia hemi stap confirmem se Kalosike Taripoamata hemi naflak malu.

Hemia nao hemi storian blong Clemen.

Defenden: Eddie KALOWIA

Defenden we hemi Eddie Kalowia hemi stap difendem nomo nem ia "Taripoamata" we papa blong hem ibin ordeinem long hem mo hem olsem saksesor afta long papa blong hemi hemi klem folem bloodline mo raet blong papa igo long son.

Hemia nao hemi defens blong hem (refer to statement).

"Mi, Eddie Kalowia, eldest mo chosen son blong late Kalosike Taripoamata, custom mo paramount jif blong Siviri village, mi mekem statement ia blong highlighthem position blong mi, history blong late jif Kalosike Taripoamata, chiefly title "TARIPOAMATA" mo claim blong Peter Masongomapula long title ia.

Mi, mi bin choosen by papa blong mi late jif Kalosike Taripoamata blong tekem ova ples blong hem taem hemi lus wan day long world ia. Long 23 August 1988, Papa blong mi idead, so mi nao mi bin escorted by Jif Eson Manapangarasikai round long dead body blong papa blong mi long presence blong fulap jifs long North Efate area, Ngunu, Pele mo general public. Emia istap showem long custom se mi nao bambae mi tekem up title is long future.

Sixteen years afta dead blong papa blong mi, mo mi stap prepare blong go long ordination long 30 November 2004 olsem we ol families oli bin agree long hem, mi bin sadly receivim one restraining order long Magistrate Court se mi no usum name Taripoamata from Peter Masongomapula istap claimem. Surprising claim blong Peter Masongomapula ia, ibin raisem plante questions among fulap people mo families blong Siviri se from wanem nao hem (Peter) ino bin claim taem Jif Kalosike Taripoamata ilaef yet istap?

Taripoamata Kalosike History

Late jif Taripoamata Kalosike hemi bin born, long Siviri village long year 1906. Long 27 September 1927, hemi bin ordain by Jif Suasavi Taripoaliu, high jif blong Ngunu Island. Samtaem ia too Arthur we hemi still laef yet today, hemi kasem ordination blong hem olsem Masongomapula, one long olgeta smol jif long village. Long custom blong mifala smolsmol jif oli no save performem ordination only paramount jif nomo isave mekem.

Follem family tree sketch plan blong late Kalosike Taripoamata, istap showem clearly se ownership blong chiefly title "Taripoamata" emi Leisavimanu natif blong Siviri mo sametaem grandmother blong late Kalosike Taripoamata. Taem blong darkness, olfala woman ia (Leisavimanu) hemi marret igo long Elima wanfala village we emi situated south/eastern part long Port Havana, long wanfala jif we name blong hem Tongolton. Tufala ibin return back long Siviri wetem tufala girls blong tufala afta we oli bin came Christian, mo too, from we olfala woman (Leisavimanu) igat bigfala property istap long Siviri, includim chiefly title ia "Taripoamata" we ibin foldown istap long taem.

Version or toktok blong olfala woman ia igo long tufala pikinini girls blong hem se: "Mi no gat pikinini boy be sapos one long yutufala imaret mo gat one pikinini boy, givim hem jifly title ia, Taripoamata from we title ia iblong me". Emia nao i one long olgeta reason we ol olfala blong Siviri before oli follem blong ordainem grandson blong olfala woman ia (Leisavimanu) we hemi late Kalosike Taripoamata.

Papa blong Kalosike Taripoamata emi Joseph Masoe Manutonga mo hemi came long Ravenga area long Paunagisu hill. Hemi life long Siviri

taem hemi young man mo marret wetem Leintamate we hemi one long tufala girl blong Laesavimanu mo jif Tongolton Napuksere mo sametaem mama blong late Kalosike Tariipoamata. So claim we Peter Masongomapula imekem, lukluk blong mi se ino gat real meaning blong em, unless hemi save pruvum.

Lastly, mi stap requestem long honorable Court ia, blong consider nul and void every ordinations we Peter Masongomapula ibin mekem long 5 March 2003 long Siviri village from olgeta points ia:-

1. Peter Masongomapula ino wan paramount jif blong Siviri blong contactem one ordination olsem.
2. Action blong Peter Masongomapula we iclaimem chiefly title Tariipoamata emi link wetem wrongful ordination blong 5 people namely:-
 - Edwin Masoewia
 - Kalegoro Masenawota
 - Philip Tarisongololo
 - Robert Manauvea
 - Kalsau Ataviwia

From reason ia nao oli stap traem blng takemaot title ia long mi.

Mi takem chance ia blong talem thankiu long members blong Island Court Judges mo thankio long attention blong everyone.

Defenden hemi stanap tu olsem witness long kes blong hem. Long cross-examinesen, defenden hemi talem se hemi klem folem bloodline mo hemi stap talem se papa blong hem oli ordeinem hem long Siviri nomo be ino long nasara blong hem and hemia from ol man imuvaot long Ravenga finis. Hemi stap dinaem congregasen approval as involvemen long issue blong taetol ia from hemi folem bloodline. Hemi confirmem se hemi wokabaot raon long ded bodi blong papa blong hem taem Esrom Manapanga hemi pulum hem raon long ples ia.

Defenden hemi stap talem se Laesarimanu hemi naflak Maiu mo hemi no save talem papa mo mama blong Laesavimanu. Hemi talem se long 1927, Laesavimanu hemi ded finis taem ordinesem hemi bin tekem ples. Hemi confirmem se Tariipoamata hemi naflak Maiu olsem we hemi stap klem. Eddie hemi klem se hem, hemi naflak Maiu mo hemi stap klem folem bloodline be ino naflak. Hemi se tufala we iagri se papa blong hem ikarem taetol hemi Laesavi Manu wetem

Leintamate. Hemi talem se Taripoamata, nakamal blong hem hemi Malakpoa.

Witness 1: Charley Obed MONOMONO

Hemia nao hemi stetmen blong fas witness.

"Mi, Charley Obed Monomono, mi makem statement ia blong talem out se long billif blong mi, Kalowia Eddie we hemi eldest chosen son blong late paramount chief blong Siviri Kalosike Taripoamata, hemi rightful owner blong title ia "TARIPOAMATA" followem famelly three blong em.

Long Sunday 12 August 1984, emia long house blong hem long Siviri village, later Chied Kalosike Taripoamata now istap storian long mi se grand mother blong hem (Leisavimanu) hemi blong Siviri be hemi marret igo long Elama long one fala chief we name blong hem (Togoltong).

Twofala icome back long Siviri withem two girls blong twofala after we oli receivem light (Christianity) long Samoa Point Presbyterian Church.

Late Chief Kalosike Taripoamata italem too se coming back blong twofala olfala long Siviri ifrom we olfala woman ia igat bigfala property istap long Siviri includem chiefly title ia Taripoamata we ifoldown istap long time.

Followem short storian blong Paramount Chief ia, imakem se mi gat strong belif mo saportem se eldest mo chosen son blong Kalosik Taripoamata, Eddie Kalowia imust tekem back chiefly title ia blong hem.

Charley Obed Monomono."

Long cross-examinesen, hemi blong Nguna mo hemi stap talem se Laesavi Manu hemi naflak Maiu. Hemi no save weta Tom Toamiala Taripoamata hemi naflak Maiu or no.

Witness 2: Chief Esrom MANAPANGA

"Mi, Chief Esron Manapangasakai, mi kam long Siviri long 1952 long January 2 blong mi kam olsem wan teacher Chief Taripoamata emi kam lookim pastor Tom Kalmara blong askem mi blong ko teach long Siviri. Mi teacher long 7 years koko long taem ia emi karem mi olsem secretary blong village.

After taem ia mi stap helpem hem long olketa work blong chief long village blong hem. After mi stap work wetem hem koko emi ded long 1988. So taem ia every chiefs blong Efate mo Nguna oli nominatem mi blong karem estate blong hem kasem August 27th 2004, mi kivim nem igo back long son blong hem Kalowia Eddie.

Thank yu tumas long Honourable Court is. Mi understand se name ia Taripoamata emi true chiefly title blong Chief Kalosike Taripoamata.

Long cross-examinesen hemi blong Malafau, mo iklem se imuv ikam long 1952 long Siviri. Hemi confirmem nomo se hemi bin escortem Eddie Kalowia mo tufala iwokbaot raon long papa blong hem taem hemi ded istap. Ol narafala kwestin, witness it hemi relacten or no wantem ansarem or hemi ansa se hemi no save.

Witness 3: Kalo MORRIS

Hemia nao hemi stetmen blong Kalo Morris.

"Long 27 September 1922 taem oli ordainem Chief Kalosike Taripoamata by Chief Suasavi Taripoaliu blong Nguna. After samdays later Chief Kalosike Taripoamata, hemi nominetem mama blong mi Mrs. Leinasei Morris blong kam assistant blong hem. Taem mama blong mi hemi ded Chief Taripoamata emi nominetem papa blong mi Chief Morris Manaruru koko, taem emi ded so Chied Kalosike Taripoamata emi kam lookim mi bakeken blong kam assistant Chief blong hem kasem today.

Thank you tumas long Honourable Court ia mi understand se name ia Taripoamata, emi true Chiefly title blong Chief Kalosike Taripoamata.

Long cross-examinesen, witness ia hemi klem se papa blong hem ikam assisten jif long 1984. Ol narafal kwestins mo ansas oli no relevan long issu blong dispute ia.

SABMISENS

Eddie Kalowia nao hemi mekem sabmisen blong hem fastaem mo hemi olsem ia.

"History blong Masongomapula"

Paragraph 1 Annex A and C refer to Annex A ino kat prove se Masongomapula iblong Siviri from hemi nokat nasara long Siviri. Mi annexem long ples ia mo makem wetem letter A.

Paragraph 2 hemi false statement from se Masongomapula hemi maretem Toutuele. Refer long Masongomapula history chart mi annexem long ples ia letter C. Tufala ikat wan girl nomo we hemi (Toutuele) emi kam wetem long Tongoa nem blong hem Leimata.

Paragraph 3 hemi false statement. Toamiala Taripoamata emi no maretem Leimata Tomatoma nao emi maretem Leimata refer to history chart. Mi annexem long ples ia letter C emi some se inokat prove se Toamiala ikarem title it Taripoamata.

Paragraph 4 hemi false statement.

Paragraph 5 Touloure emi no pikinini blong Toamiala be hem (Touloure) emi pikinini blong Tomatoma mo Leimata refer long history chart mi annexem long ples ia letter C.

Paragraph 6 – 8 Masongomapula, claimant long chiefly title blong Taripoamata emi false refer igo long history chart, mi annexem long ples ia letter C title ia in oblong pupu blong hem.

Paragraph 9 emi false statement.

Paragraph 10 Maripepe emi no wan chief emi wan independent warrior from wan chief ino safe kilim wan man long custom.

Paragraph 12 Kalowia Eddie emi kat raet blong karem nem ia Taripoamata, brother blong hem Tom Tary emi bin chosen blong karem title Masemantonga.

Paragraph 13 Taripoamata we emi saenem agreement blong missionary blong protectem kraon ino kat prove se emi Toamiala Taripoamata emi likely se emi Taripoamata (navlak banana) we late Taripoamata Kalosike ibin talem long sam family.

Paragraph 18 McDonald we emi missionary emi usum Tomatoma mo Charley Toamiro blong Tanmiala (Emua) olsem preachers mo teachers. Tufala nao iko from people blong Ravenga ikam down long Matanoaira. Taem ia ino kat Toamiala Taripoamata long Siviri.

Paragraph 20 emi false statement. From se stret bloodline we istart long Taripoamata ikam down long son blong hem Eddie Kalowia long Siviri inevery kat wan Toamiala Taripomata.

Additional: Mi stap askem long Court ia too blong rimuvum olketa following names long list blong lease blong Undine Bay olsem custom owner. Suppose Court istap long side blong mi Arthur Tamaro Masongomapula mo James Steele order se claimant ino interfere mo disturbem preparation blong ordination blong mi long chiefly title Taripoamata.

Sabmisen blong Clemen:-

"Hemi showem clear se oli no save stret number blong nasara, ol names blong ol chiefs mo ol staffs blong olgeta. Refer long attachment mi annexem long ples ia letter A.

Question about ordination ceremony.

Mi askem long Arthur Tamaro se how much chiefs oli bin kasem ordination long September 27, 1927? Mo askem se who chief now I come mekem ordination?

Hemi answer 6 mo talem se chief Mansakau. Toktok blong hem ia ino true chief Suasavi Taripoallu nao ikam mekem ordination mo ordainem twofala man nom we twofala i Kalosike Taripoamata mo Arthur Masongomapula.

Time oli ordainem yufala, who ia nao iparamount chief?

Answer blong Arthur Masongomapula "everyone oli same mark nomo". Toktok ia oli no true from se September 27, 1927, Chief Kalosike Taripoamata now isitaon long stone mo purufut long stone time Arthur Masongomapula long hood. Hemia ishowem se Taripoamata now iparamount chief blong village. From reason ia paramount chief Kalosike Taripoamata istap performem ol ordination ceremony round long area blong North Efate.

Emia somefala names we paramount chief Taripoamata Kalosike hemi bin ordainem olgether long 1968, Taripoamata Kalosike hemi ordainem:-

- Solomon Manlaewia (Paunagisu)
- Peter Mariki Popongi (Paunagisu)
- Kalfau Atavira (Paunagisu)
- Masoemanukon (Paunagisu)
- Kalmelu Marimelu (Moso)
- Edward Matokoale (Moso)

Mo somefala moa we mi no save mentionem olgeta. Understanding blong mi, Arthur Masongomapula III inevery mekem any ordination sinse

ordination blong hem, we ishowem clear se hemi one small chief blong village ia Siviri.

Follem ol submission mo proves we mi stap showem long Court ia, ishowem se chiefly title ia Taripoamata emi blong mi, mo too olsem mi bin choosen mo go round long ded body blong papa blong mi lat jif Kalosike Taripoamata.

Follem ordination ceremony long 1927 we papa blong mi isitaon long stone mo ol ordination we hemi stap mekem round long Efate ishowem se hem nao late Taripoamata Kalosike iparamount chief blong Siviri.

Farea ni Malapoamata

- Kalosike Taripoamata (Malu)
- Morris Atavtari (Karau)
- Marikay Tasinga
- Arture Masongomapula (Nawi)
- Mariki Monomono"

Sabmisen blong clemen

"HISTORY BLONG MASEMANTONGA

Masemantonga 1 Ravenga great grandpapa blong Kalowia.

1885 – 1888 I kam Taon long matnaira after I ded.
1893 Joseph Suragasi iaot long Matnaira mo kam long Siviri.
1906 Kalosike papa blong Eddie Kalowia I bon.
1927 Ordination blong 6 jifs mo 2 assistant.
1. Kalosike, Taripoamata No.
2. Arthur, Masongomapula No.3
3. Toara, Marikai
4. Morian, Maripepe
5. Usi, Tarisongololo
6. Joseph, Suragas Masemantongoa No.2.

Assisten Jif 1. Jimmy Patchi, Atavitari
3. Tapi, Vevikon Ata Nawota

1988 Kalosike Taripoamata No.2 I ded.
2005 - Eddie Kalowia ino save tekem title Taripoamata, from ol rabbis fasen blong hem, from title Taripoamata iblong Masongoma Pula No.4 paramount jif blong Siviri mo pipoi blong hem"

"HISTORY BLONG TOM TOAMIALA TARIPOAMATA NO.1 MALU BLONG SIVIRI

1882

- I saenem pepa wetem Daniel Mac, Daonld from ol mission land claim.

Bitwin 1885 – 1888, Tom Toamila Taripoamata No.1 iko karem Masemantonga No.1 great gran papa blong Kalowia mo ol pipol blong Ravenga oli kam taon.

Tom Toamiala Taripoamata No.1 mo Leimata gel blong Masongomapula No.2, tufala ikat wan gel Touloure.

1893

- Tom Toamiala Taripoamata No.1 emi ded. Live 5 page 102.

Bitwin 1893 – 1926 – Titel Taripoamata hemi feiken.

September 27-1927 – Touloure mo Touloure gel blong Toamiro brata blong Tom Toamiala Taripoamata No.1, tufala ijumlah kalosike blong karem title Taripoamata kasem time we ol stret man blonghem oli tekem bak jifly title ia Taripoamat blong kam Taripoamata No.3".

"HISTORY BLONG EFATE

History blong Efate, taem wan woman imaret out long village blong hem, taem ikam bak home ino kat raet blong claimem eny jifly title, etc. etc... Olsem woman ia Lelsavmanu we Eddie Kalowia istap claimem."

ISSUE BIFO LONG KOT IA

- Hu long tufala disputing patis ia hemi gat raet or hemi entaetol long nem ia TARIPOAMATA according long kastom?

APPLIKESAN BLONG LOA

"SECTION 10 OF THE ISLAND COURTS ACT.

"Subject to the provision 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."

FAEDINGS BLONG KOT

Jif Masongomapula IV hemi klem se hemi gat raet olsem custodian ova long taetol ia Taripoamata. Raet blong hemi ia hemi folem nomo bloodline we ikam daon raet from Taamiala Taripoamata mo ipass ikam daon long onli gel blong hem Touloure. Touloure hemi maretem Peter Akisi mo tufala ibonem wan boy mo tu gel. Onli son blong tufala nao hemi Arthur T. we hemi wan witnis long kes ia. Arthur T. hemi kam Masongomapula III and son blong hem Peter IV hemi saksidim taetol olsem Masongomapula.

- Kot hemi faenem se Masongomapula hemi wan difren taetol we ino rilet nating long Taripoamata.
- Tom Toa Miala hemi gat tu nara eldest brata we wan nem blong hem Toa Miro mo Toa Tau I, we tufala inoliv long Siviri tedei, be Kot iassum se ol disenden blong tufala ilaef yet.
- Arthur Tamao hemi Masongomapula III hemi son blong Touloure. From we Toa Miala mo Leimata tufala inogat pikinini boy, tufala iadoptem hem (Arthur) blong saksidim taetol ia Taripoamata.
- Arthur Tamaro hemi blong Ravenga viilej or papa blong hem Peter Akisi hemi disenden blong Ravenga.
- Tugeta grup iagri se Leisavimanu we hemi maretem Tongotong hemi gat wan pikinini gel we nem blong hem Leintamate.
- Clemen oli talem se oli no save se Leisavimanu hemi blong wea.
- Defenden oli talem se Laesavimanu hemi blong Siviri.
- Kot hemi faenem se tufala grup iklem se Taripoamata olsem hemi kamaot long ol difren family.
 - Clemen oli talem se Taripoamata hemi taetol blong family blong Tom Toamiala we oli family MAIU.

- Difenden oli klem se Taripoamata hemi taetol blong Siviri we onli disenden blong hem hemi Laesavimanu we imaret igo long Elima mo bonem Leitamate. Laentamate imaretem Joseph Masoemanutonga, mo pikinini blong tufala nao hemi Kalosike Taripoamata we hemi papa blong difenden (Eddie Kalowia).
- Tugeta patis iagri se Kalosike Taripoamata hemi pikinini blong Joseph Masoemanotonga mo hemi maretem Isabel/Espela mo boy blong tufala nao hemi Eddie Kalowia.
- Kot hemi mas faenem nao se hu long tufala ia hemi gat raet long taetol ia Taripoamata, Laesavimanu or Toamiala Taripoamata. Kot bambae hemi iusum ol toktok we ikamaot long Kot nomo blong mekem wan feedings.
 - (a) Tufala patis iagri finis se Laesavimanu nao gel blong hem, hemi Laentamate.
 - (b) Defenden oli talem se raet blong Taripoa ibin stap long Laesavimanu mo hem nao igivim raet ia long Kalosike ikam Taripoamata.
 - (c) Clemen oli talem se Tom Toamiala ibin holem taetol ia mo hem nao ipassem igo long Kalosike from man we ishud karem taetol ia Arthur hemi smol yet.

LAS TOKTOK

Kot hemi wantem letem isave se long interest blong komunity mo blong promotion pis mo unity olsem kastom istap encouragem kot italem olsem ia:

- (1) Any man we ikarem tittle blong jif, weta paramoun or hed jif be imas liv mo wok wetem pipol.

- (2) I mas gat cooperation long velej blong mentainem pis oltaem.
- (3) Imas gat gud example long community, olsem any man we I karem title hemi mas respectem title ia mo some long pipol.

DECISION

- (1) Stat tedi, Right blong Title ia Taripoamata hemi stap long hand blong Claimant folem bloodline blong Toamiala Taripoamata.
- (2) Eddie Kalowla hemi mas handem ova title ia iko long Claimant long period blong 3 manis taem.
- (3) Tufala parti imas mekem reconceilation ceremony between tufala before ordination long new fala chief Taripoamata.
- (4) Ino kat oda blong kost.
- (5) 30 days blong appeal.

DATED long Sviliri this 20th of June 2005.

Justice Erick Mesau



Justice Ann Kalo

Justice Lucy Sandy