

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

**THE REPUBLIC OF VANUATU**

*(Civil Jurisdiction)*

Civil Case no. 18/1958 IC/ CHFL

**BETWEEN: MCKOY MARANGO**  
**Claimant**

**AND: WILSON BEN**  
**Defendants**

**JUSTICES:**

**Kalfau Pakoa**  
**Amos Willie**  
**Mere Pakoa**

**CLERK: Joel Jacob**

**DATE OF HEARING: 20<sup>th</sup> November 2018**

**DATE OF DECISION: 20<sup>th</sup> March 2019**

**VENUE: Morua Court House**

**MATTER: DISPUTE OVER CHIEFLY TITLE NAME “MALESU-MATA”**

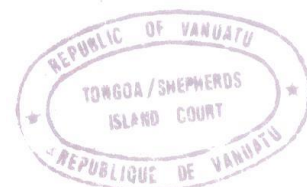
**JUDGMENT**

**Brief Background:**

Kleim ia hemi lodge by Mckoy Marango lo tingting se hem nao hemi stret mo rightful holder blo nem ia Malesu-mata. Hemi expresem hem wan lo statement mo family tree se grandfather blong hem Marango Manakimau Malesu nao hemi onem nem ia mo since we ol ordination long nem ia istap apen long taem blong Marango Manakimau Malesu ikam kasem today, oli stap apen temporarily nomo iko long ol stret blood blong Wilson Ben mekem se today hemi kam long kot ia blong kot ia hemi putum bak nem ia lko bak long hem olsem rightful ona.

**Issue:**

1. Itru se Marango Manakimau Malesu hemi rightful holder blong nem ia Malesu-Mata?



2. Sipos hemi tru wanem nao ol next man or blood we hemi sud transferem nem ia iko long olketa?
3. Who nao hemi stret blood blong Marango Manakimau Malesu?
4. How mo why nao ol ordination istap apen temporarily long taem ikam kasem today long nem ia Malesu-mata?

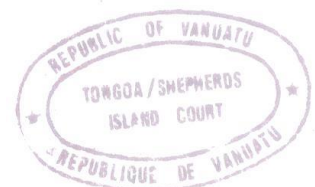
### Full storian:

Claimant blong keis (Mckoy Marango) hemi statem storian blong hem mo talemaot se ikat wan jajmen blong olketa jifs we ikosem every brother blong hem oli dead mo taem we hemi stap wok long Tongoa ikam kasem we incident ia iapen hemi fraet tumas mo hemi ronwe from nokud title ia iko long nara man. Hemi further talemaot se family tree nao hemi kosem problem from Marango ia hemi 2 different man ia; (1) Marango Manaroto mo (2) Marango Malesu. Title blong hem hemi Marango Manaroto taem hemi karem fes wife blong hem mo ijens ikam long Marango Malesu taem ikarem seken wife blong hem.

Long taem blong cross examination question, hemi admitim pakeken se Marango Manakimau Malesu hemi one (1) man nomo be hemi no 2 difren man olsem we ibing talem fastaem. Hemi se long taem we Lokin hemi ordain, fulap jif oli witnisim toktok we Lokin hemi talem se hemi no pikinini blong Manakimau mo hemi no stret ona blong Malesumata. Marango Seule hemi stap expectem se bae Lokin ipasem bak title ia long hem be hemi neva mekem. Hemi stap admitim pakeken se Marango Manakimau Malesu nao hemi odainem Lokin Malesu mo taem we Ben Alfred iolem title ia, hemi still recognisem olsem Malesu-Mata ikam kasem lo taem we hemi witnisim passing over of title ia long Wilson Ben.

Witnis Willie Kalia mo Tom Lorry oli talemaot se Mckoy Marango nao hemi stret man blong karem title ia from hemi right man folem family tree. Taem kot hemi questionm Willie Kalia, Pakoa Philip Varatia mo Willie Ruben, oli admitim se oli stap long taem ia mo witnisim we Pakoa Philip Langiriki istanap mo singaotem Wilson Ben olsem next Malesu-Mata long dead blong Ben Alfred from hemia tu hemi wan part blong custom we hemi exist today blong odainem wan jif mo taem ia, olketa wetem every head jifs blong Rafenga vilij oli witnisim.

Tom Lorry mo Philip Pakoa oli talemaot se Seule Marango hemi smol yet mekem se Marango Manakimau Malesu hemi pasemaot title ia iko long Lokin blong lukaotem. Taem kot hemi askem long Pakoa Philip, Pakoa Philip hemi talemaot pakeken se fes bon boy blong Marango Manakimua Malesu hemi Lokin mo seken bon boy hemi Karie. Pakoa Philip mo Willie Ruben tufala talemaot se taem we Wilson Ben istap olsem Malesu-Mata, inokat any dispute mo Pakoa Philip hemi admitim pakeken se hemi recognisem kud Wilson Ben olsem Malesu-mata be nomo from hemi no sta mekem wok blong hem.



Las witnis Leibunua Joel hemi talemaot se Manakimau Marango hemi paramount jif mo ol fes blood line blong hem nao hemi Lokin mo Karie. Taem Lokin hemi odain mo pasem title iko long Ben Alfred, inokat any man Rafenga I interfere or disputum odination ia from title ia hemi blong Ben Alfred. Hemi expresem long language se “Seule ma enanga epia, Ben tepei natamoli enga tapea nangisa aneana”.

Hemi talemaot tu se ol head jifs blong Rafenga oli save kud se man blong hem hemi stret jif mo hemi talem se papa blong Ben Alfred italemaot se sipos Ben iolem taetel ia, bae hemi dead.

Taem kot hemi kros examinatem hem, hemi admitim pakeken se ordination blong Wilson Ben we istanap long mat hemi stret folem custom.

Long narasaet storian, Defendant (Wilson Ben) hemi talemaot se family tree blong tufala hemi orate nomo istap, bifo ikam kasem today inokat any dispute long title nem ia Malesu-Mata. Marango Manakimua hemi onem 2 title, Malesu-mata mo Manaroto. Marango Malesu hemi pasem title ia iko long Lokin mo Lokin ipasem ikam long Ben Alfred mo Ben ipasem ikam long hem tru long taem ia we i stanap long mat be still inokat any dispute. Wan respected person hemi Pakoa Philip Langkiriki, hem nao hemi singaotem Wilson Ben long nem ia Malesu-mata taem i stanap long mat. Iko further mo talemaot se after long dead hemi kam long Tongoa mo pasem wan mat iko long Seule blong talem thank yu long hem from istap lukaotem nakamal. Taem ia Titongoaroto mo fulap jifs oli stap long ceremony ia. Ibing kat wan kot (TCC) settelem issue ia finis mo oli sek hand mo kakae tuketa be today hemi namba 4 taem we hemi luk issue ia pakeken. Hemi concludum mo talemaot se decision blong TCC (Tongoa Council of Chiefs) hemi favor long hem from hemi stret bloodline from long custom, nem hemi always pass on from father to son (fes bon).

Taem kot hemi questenem defendant long nem ia Marango Manakimua Malesu, hemi admitim pakeken se nem ia hemi sem nem nomo we hemi stap klemem. Tufala boy blong hem hemi Lokin mo karie long fes woman mo Seule long seken woman. Lokin mo Karie tufala istap olemtaet toktok blong daddy blong tufala se bae tufala i no mas foketem Seule Marango long any custom occasion. Marango Seule italemaot long Ben Alfred se title ia hemi blong hem from hem ikat right long hem be ino olsem we claimant italem se title ia istap transfer temporarily. Further long hemia, hemi se taem we Pakoa Langkiriki isingaotem hem blong kam Malesu-mata, hemi decision blong every head jifs se bae iolsem mo, oli no talemaot long hem se bae ijies pasemaot title ia iko long Seule Marango? Long conclusion blong hem, hemi se title ia istap wetem hem 29 years nao.

Fes witnis blong defendant istap talemaot se Marango Manakimua malesu ikat 2 wife. Fes wife ibonem Lokin mo Karie mo seken wife ibonem Seule. Hemi talemaot se



truaot long ordination blong Ben Alfred, every 13 jifs oli witnisim. Hemi present tu lo taem ia we Wilson Ben hemi ordain mo inokat any raorao long title ia. Taem defendant hemi re-examinatem hem, hemi talemaot se long taem ia we oli kam long Tongoa after long ded blong Ben Alfred, oli kam nomo blong appointem wan representative blong Malesu-Mata be ino blong transferem title ia.

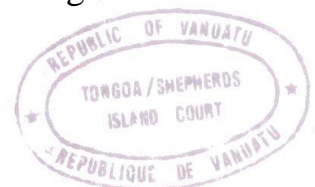
Seken witnis Willie Manaroto istap talemoat se hem nao hemi head jif mo istap pleim full part blong hem iko long Malesu blong Rafenga vilij. Hemi kam blong sapotem fes mo seken sentence blong fes witnis mo hemi se Lokin hemi ordain long Malesu mo Karie hemi ordain long Manaroto.

Tari Morris Timatua istap talemaot long kot ia today se hemi kam nomo blong witnisim tufala woman blong Marango Manakimua Malesu. Leipakoa Leitava hemi blong Tevala we hemi kam long hem mo trifala pikinini blong Leitava oli jes folem mama blong olketa nomo iko long Rafenga. Hemi finisim toktok blong hem se Wilson Ben nao hemi stret bloodline blong karem title ia Malesu-mata.

Lastfala witnis hemi Joseph Dick Manamuri. Hemi witnisim Wilson Ben nomo long taem blong ded blong Ben Alfred. Hem nao hemi communicator mo spokesperson long taem ia. Hemi negotiate wetem ol jif long Tongoa mo oli agree mo oli respectem blong Wilson Ben istanap long mat. Inokt any dispute mo taem ia body blong Ben Alfred ino save kam long Tongoa from bad weather. Lastly hemi talemaot se isave kud se ordination blong Wilson Ben hemi proper from (1) bloodline (2) standing long mat (3) ordination long nakamal. Olketa principals ia oli very important long any custom ordination.

**After long presentation blong tuketa parties, kot ia hemi faenemaot se;**

1. Witnis blong claimant (Pakoa Philip Faratia, Willie Ruben mo Leipunua Joel) oli admitim stret se ordination blong Wilson ben long ded blong papa blong hem I folem stret custom.
2. Witnis Leipunua Joel (mama blo claimant) hemi admitim pakeken se nem ia Malesumata inokat any dispute long hem stat taem we Marango Manakimua I onem taetel ia ikam kasem long ordination blong Wilson Ben (hemi talem long language se ““Seule ma enanga epia, Ben tepei natamoli enga tapea nangisa aneana””)
3. Tuketa parties wetem ol witnis oli talemout se tuketa parties ikam out long wan man nomo Marango Manakimua Malesu.
4. Toktok we claimant hemi talem se Lokin hemi bikinini blong rod hemi no tru from hemi mensenem wan taem nomo truaot long full hearing blong kot mo tu inokat any witnis blong talem or mensenem se hemi bikinini blong rod.



5. Marango Manakimua Malesu ikat 2 boy long fes woman, fes bon boy hemi Lokin we defendant nao hemi blood blong hem. Claimant hemi blood blong seken woman blong Marango Manakimua Malesu.
6. Tuketa parties itokbaot wan family tree nomo.
7. Ikat wan body (TCC) ibing setelem issue ia finis.
8. Inokat any temporary ordination stat long Marango Manakimua, Lokin, Ben Alfred mo ikam kasem Wilson Ben today.
9. Olketa principals blong kam wan paramount jif long kastom (1) paramount chiefly bloodline, (2) must be Male (fes bon) (3) must kat wan ordination “either long nakamal (killing of pigs) or, stanap long mat (dead by accident)”.
10. Wilson Ben hemi ordain folem stret custom from ol head jis blong rafenga mo ol 13 jifs blong Tongoa oli witnisim.
11. Bloodline blong Wilson Ben hemi stat long Marango Manakimau ikam long Lokin, Ben Alfred, mo Wilson Ben today.
12. Bloodline blong Mckoy Marango istat long Marango Manakimua ikam long Seule Marango mo ikam kasem Mckoy Marango today.
13. Lokin hemi fes bon son blong fes wife mo Seule hemi fes bon son blong seken wife blong Marango Manakimau Malesu.

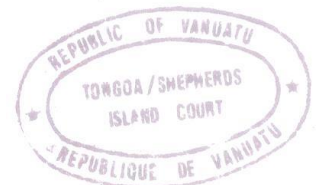
**Kot hemi tekem real issue ikam long stret fasin bong kastom blong yumi;**

1. Fes bon nao ikat raet blong olem wan taetel.
2. Sipos man ikat 2 woman, fes woman nao hemi recognize be sipos fes woman inokat wan boy, boy blong seken woman nao isave karem title.
3. Long issue ia, Marango Manakimua ikat 2 woman. Fes woman hemi bonem Lokin mo seken woman I bonem Seule.

**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 “Malesu-Mata”.**

**ORDER**

- **Kot hemi stap declarem se yu nao Wilson Ben yu stret mo rightful holder blong nem ia “Malesu-Mata”**
- **Mckoy Marango, yu nokat any raet blong Tokbaot title ia Malesu-Mata pakeken se hemi blong yu.**
- **Wilson Ben yu mas luk save Mckoy from hemi close bloodline blong yu long any custom occasion.**
- **Tuketa parties imas performem wan custom reconciliation wei every head jifs blo Rafenga oli witnisim mo bae arrangement blo reconciliation ia hemi stap long hand blong yutufala bifo namba 3**



**april 2019. Reconciliation ia hemi blo mekem kud face blo every families mo blong bringim unity ikam bak long Rafenga community.**  
➤ **Yu we yu no klad long decision ia, yu kat 30 days blong apil iko long Magistrate kot stat today 20/03/2019 kasem 20/04/2019.**

Dated long Morua kot aos, Tongoa Island this 20<sup>th</sup> March 2019.

BY THE COURT



Amos Willie



Mere Pakoa



Kalfau Pakoa

