

COPY

. . Mr. Justice Phillips.

IN THE CENTRAL COURT) .

OF THE TERRITORY OF) Monday, 17th March 1930.

NEW GUINEA

IN THE MATTER OF THE LANDS REGISTRATION ORDINANCE i

1924-1929

and

IN THE MATTER OF THE REGISTRATION OF THE CUSTODIAN OF
EXPROPRIATED PROPERTY IN THE LAND REGISTER AS THE OWNER '
OF THE LAND KNOWN AS RALUM SITUATED ON BLANCHE BAY IN
THE ADMINISTRATIVE DISTRICT OF NEW BRITAIN IN THE

â€™ TERRITORY OF NEW GUINEA VOLUME 1 FOLIO 57

and

IN THE MATTER OF THE REFERENCE OF THE COMMISSIONER !

OF NATIVE AFFAIRS

The summons herein coming on to be heard on the 17th day of September 1929, and later on divers dates in the months of September, October, November and December 1929, and January, February and March 1930, and this day in the presence of the representatives of the Commissioner of Native Affairs and the Custodian of Expropriated Property: AND IT APPEARING to the Court that the said summons had been duly served on all other persons required by law to be served UPON | READING the said summons AND UPON HEARING the evidence of the witnesses called herein AND UPON READING the Exhibits put in in such evidence { which Exhibits included Exhibit "B1" the Draft Certificate of Title for the land the subject matter of these proceedings (hereinafter called | "Ralum Estate") Exhibit "B2", the map annexed to the abovementioned i Draft Certificate of Title and Exhibit N, a heliographed plan based on | the Survey: Plan of Gire Gire Plantation, Kokopo, (Deposited Plan Number | 23) but with additional colouring and markings agreed upon by the abovenamed parties AND the Commissioner of Native Affairs by his representative Mr. L.C. Corfe and the Custodian of Expropriated Property | by Mr. HO. Townsend, his Delegate in the said Territory, having this day consented to this Order, THIS COURT DOETH NOW ORDER AND DECLARE that the following native rights exist affecting Ralum Estate:

1. As to that part of Ralum Estate delineated and coloured blue in Exhibit "B2", The right of the natives of Ulagunan to exercise thereover the permanent, free and undisturbed right of dwelling and user but subject to the reservation in the case of removal !

and the restriction on transfer which are set out in paragraph 6 : =
hereunder.

20 As to those parts of Ralum Estate delineated and coloured green f
: and purple in Exhibit "B2". The right of the natives of the dist-
' picts Lalar, Kikire, Viatoms Vunakoa » Muragalip, Ireirapi, Malemale, '!
Kadakada, Tingenawudu, Painapurur, Vuhneibu, Bitarabarebe, x
Vunabalbal and Kunakunai and those of the people of Ulagunan who
belong to the tribe of Tongaru and Tonila to exercise thereover
the permanent, free and undisturbed right of dwelling and user :
but subject to the reservation in the case of removal and the
restriction on transfer which are set out in paragraph 6 hereunder. |

3. As to the two parts of Ralum Estate delineated and coloured yellow
in Exhibit "B2". The right of the natives of Ulaulatawa to
exercise the permanent, free and undisturbed right of dwelling and
user over the more northern of the two parts of Ralum Estate :
coloured yellow as aforesaid and the right of the natives of ;
Malakunan to exercise the permanent, free and undisturbed right of j
dwelling and user over the other of the two parts of Ralum Estate |
coloured yellow as aforesaid but subject, in each case, to the
reservation in the case of removal and the restriction on tran
which are set out in paragraph 6 hereunder. 55

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As to that piece, of land which is situated in the western and north-western portions of Ralum Estate and has an area of 790 hectares,

more or less, and which is delineated and coloured green in Exhibitâ€™™. .

tN", Except as to 1 hectare thereof at Rabuana (including the Rabuana trading-store site at present occupied by Benjamin William Costello) and except as to the trading site at Tabaur at present occupied by the said Benjamin William Costello, the natives of Keravia, Balnataman, Nanuk, Ngunguna and Rebar or Gunambar have the right to exercise thereover the permanent, free and undisturbed right of dwelling and user but subject to the reservation in the case of removal and the restriction on transfer which are set out in paragraph 6 hereunder.

As to that piece of land which is situated in the south-eastern portion of Ralum Estate and has an area of 700 hectares, more or less, and which is delineated and coloured green in Exhibit "N" - The right of the natives of Malakunan, Ulaulatawa, Tingenawudu,

Kadakada and Ulagunan to exercise thereover the permanent free and undisturbed right of dwelling and user but subject to the reservation in the case of removal and the restriction on transfer which are set out in paragraph 6 hereunder.

The right referred to in paragraphs 1, 23.3, 4 and 5 above, to exercise over land the permanent, free and undisturbed right of dwelling and user, is in each case subject to the reservation that, in the case of removal from all or portion of the land (that is to say, removal or emigration from all or portion of the land with the intention of abandoning and never returning to it) lasting over 6 months, such right is lost in respect of the land or portion thereof from which such removal has taken place. Further the said right may not be transferred: to any person on any ground whatever even if only by way of temporary exercise without the consent of the registered owner of Ralum Estate.

7e(a) As to the three adjoining fishing-places known as Bitakoai, Vunakabi

and Bitakatakatai, which are situated on the foreshore of Ralum Estate and together have a sea-frontage of approximately 122 metres.

The right of the natives of Balnataman to exercise thereover the permanent, free and undisturbed right of dwelling and user but subject to the reservation in the case of removal and the restriction on transfer which are set out in sub-para(e) of this paragraph.

{b) As to the two adjoining fishing-places known as Bitakua and

{c) As' to the three adjoining fishing-places known as Bitalivule, Tawlo j _

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Bitavaila, which are situated on the foreshore of Ralum Estate and together have a sea-frontage of approximately 70 metres, and two other fishing places nearby known as Rapana and Liliai which adjoin each other and are situated on the said foreshore and together have

â€™ a sea-frontage of approximately 100 metres. The right of the natives

of Keravia to exercise thereover the permanent free and undisturbed right of dwelling and user but subject to the reservation in the case of removal and the restriction on transfer which are set out in sub-paragraph(e) of this paragraph. ~

and Mamapua which are situated on the-foreshore of Ralum Estate and have sea-frontages of approximately 152,171 and 208 metres respectively. The right of the natives of Vunamami. and Kumakunai to exercise over the fishing places Bitalivule and Tavulo, and the right of the natives of Vunamami and Vunabalbal to exercise over theâ€™ fishing-place Mamapua, the permanent, free and undisturbed right of dwelling and user but subject in each case to the reservation in the case of removal and the restriction on transfer

which are set out in sub-para(e) of this paragraph.

The boundaries of the abovementioned fishing-places are those agreed upon by the abovenamed parties on the spot on the 19th day of February 1930. :

The right, referred to in sub-paras (a), (bo) and (c) of this paragraph to exercise over fishing places the permanent, free and

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7. (e) (Continued)

undisturbed right of dwelling and user is in each case subject to the reservation that, in the case of removal from any or

portion of any such fishing-place(that is to say, removal or emigration from any or portion of any such fishing-place with the intention of abandoning and never returning to it) lasting over one year, such right is lost in respect of the fishing-place or portion thereof from which such removal has taken place. Further the said right may not be transferred to any person on any ground whatever even if only by way of temporary exercise without the consent of the registered owner of Ralum Estate. ;

8.(a) The right of the natives of Ulagunan to have access to (by existing native rights-of-way) and to have the use of the water of that portion of the Muka or Iapolo River as is situated within Ralum Estate. . .

(b) The right of the natives of Tingenawudu, Kadakada, Ulaulatawa and Malakunan to have access to (by existing native rights-of-way) and to have the use of the water of Takabur pool (situated in Ralum Estate near the Takabur Roman Catholic Mission Station): and the water of Ikongo Spring (which spring is situated on the boundary between Ralum Estate and the more northern of the two areas of land referred to in para 3 above and shall belong jointly to the registered owner of Ralum Estate and to the natives of Ulaulatawa)..

(c) The right of the natives of Keravia, Bainataman, Nanuk, Ngunguna, Vunamami, Kunakunai, Vunabalbal, and Bitarebarebe to have access to (by existing native rights-of-way) and to have the

use of the water of Tavanabere Spring (which spring is situated on the foreshore of Ralum Estate between the fishing-places Liliai and Bitalivule abovementioned).

(d) The user of the waters of the river, pool and springs mentioned : in sub-paras (a), (b) and (c) of this paragraph, whether by natives having the right to such user or by the registered owner of Ralum Estate, is to be user that will not render such waters unfit for human consumption.

AND THIS COURT DOTH FURTHER ORDER AND DECLARE that the triangular-shaped piece of land, which has an area of 174 hectares more or less and is approximately delineated and coloured blue in Exhibit "N" forms, part of Ralum Estate and that no native rights now exist affecting it.

This triangular-shaped piece of land is bounded as follows- on the east, by a straight line which commences at the cement peg known as :

"Mark 14" of Ralum Estate and situated near the junction of the road from Takabur Roman Catholic Mission Station to Varzin and the road from Tobera to Varzin and bears $32^{\circ} 01'$ for 2,659.90 metres to a cement peg situated near Tuluai and in the deep gully that runs from Baliora Spring to Tapigu Spring and thence to the coast; on the west, by a straight line from the abovementioned cement peg known as "Mark 14" bearing 337° for 1,016 metres to another cement peg situated on the northern side of the road known as the "old" road from Kokopo to Varzin and Toma and thence by a line bearing generally north-westerly, north-

. . easterly and east-north-easterly for approximately 1,140 metres to a

cement peg:at the spring known-as Baliora Spring in the gully above-mentioned; (that is to say, the western boundary of the abovementioned triangular-shaped piece of land marches with the eastern boundary of the land known as Varzin and described in Certificate of Title Volume 1

.Folio 47); and on the north, by a line commencing at the cement peg at Baliora Spring and bearing in a more or less easterly direction along the gully hereinbefore mentioned until: the abovementioned cement peg hear Tuluai and in the said gully is reached. AND THIS COURT DOTH DIRECT that the native rights declared by this Order to exist affecting : Ralum Estate shall be protected by the necessary entries in the Register i Book and on the Certificate of Title about to be issued for Ralum {

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Estate AND that Exhibits "Bi", "B2" and "N" hereinbefore mentioned

shall be lodged at the Office of Titles at Rabaul in the said

Territory. there to be safely kept and preserved.

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(Sgd) REGISTRAR.

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