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Separate Judgment of  
the FRENCH JUDGE of  
the JOINT COURT.

WILLY and other natives of LELEPPA

v/ Captain ASHTON

JOINT COURT

Considering that according to writ of FAUCHER'S, Balliff, of 17th November 1917, the natives WILLY and associates, natives of the island of LELEPPA, Havannah Harbeur ( EFATE ), represented by M. SEAGOE, Acting Advocate for the Natives, have summoned before this Court M. Percival G. ASHTON for that:

" Considering the said ASHTON has penetrated into the complainants property at Havannah Harbour, known under the name of BALAU, which property has been occupied by them and their tribe for upwards of 30 years, and the Captain ASHTON claims by virtue of a title contested by the plaintiffs;

" To hear the said ASHTON condemned to discontinue all occupation or possession or act as proprietor, until the Joint Court will have decreed upon a definite establishment or regulation of the title to the property,

" Whereas the defendant on his side acknowledges that the sale of which he avails was effected outside the prescribed conditions in article 27 of the Convention of 20<sup>th</sup> October 1906, relative to the sales and transfers subsequent to the said Convention;

" But whereas the question in the case concerns a claim for landed property in the meaning of Article 12,1)a ) for the exercise of which alone the special regulations formulated by the Convention in Articles 22 and following ones, under the head of "Landed property regimen"; that in effect, the present debate raises a question both of possession and of property: of possession with regard to the plaintiffs who state they are owners from a

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"time immemorial; of property on the part of the defendant who lays  
"claim as proprietor by virtue of an act of sale; that necessarily, to  
"decide this litigation it would require to examine the validity of the  
"rights of the parties before deciding who is the legitimate owner or  
"proprietor;

"Therefore considering that according to the decision of the two  
"Governments notified to the President of this jurisdiction by a joint  
"letter No. 72 bis dated 20 th July 1915 from the two Resident Commis-  
"sioners, the registration of landed property has been suspended during the  
"continuance of the War;

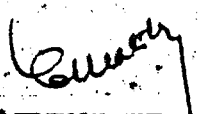
"Considering that the Court could not, without violating this deci-  
"sion, enter into the main points of this suit, which would necessitate the  
"examination of titles as has been said; that it appears certain that this  
"examination is narrowly attached to the question of registration, which  
"is in some respects but the consecration of the defendants claim.

That under these conditions it is needful to maintain the statu  
quo and to suspend a decision in the present instance until the resumption  
of the work of registration.

For these reasons,  
The French Judge is of opinion to:

Suspend decision on the present instance until the resumption of  
the land registration -

Total costs to be pooled and be paid in equal shares by the two  
parties in the cause.

  
FRENCH JUDGE