

JOINT COURT OF THE NEW HEBRIDES

CIVIL JURISDICTION

The seventh day of September in the year one thousand nine hundred and forty-four,

The Joint Court of the New Hebrides sitting at the offices of the French District Agent for the Condominium at Santo and composed of:

Their Honours,

A.H. EGAN British Judge,

Y. GESLIN French Judge,

assisted by M. BUTERI Acting Registrar,

has given the following judgment:

Considering the application for registration N° 102 Santo lodged by the SOCIETE FRANCAISE DES NOUVELLES HEBRIDES for the land "Port-Olry";

Considering the various complaints and usurpations alleged by the said Company against the natives settled on this land, and also the report drawn up by the French District Agent for the Condominium at Santo;

Considering the decision of the Joint Court dated 29th August 1944 directing "MR Fletcher, Surveyor at this Court, to proceed to the land in dispute at Hog Harbour (Santo Island) in order to take any useful declarations in the presence of the parties or their representatives; to collect all information with a view to preparing a report containing all the necessary explanations; to interrogate persons whom he considers may be able to furnish information, likewise to question any persons whom the parties may bring to give evidence; to include

also in the report any observations which the parties may make. Costs reserved.";

Considering the report prepared by Mr Fletcher on 5th September 1944 subsequent to his investigation made on the spot;

Whereas the purchase deeds for the land "Port-Olry" situated on the east coast of Santo, lodged by the SOCIETE FRANCAISE DES NOUVELLES-HEBRIDES in support of its application for registration N° 102 Santo, have been made in good faith and in accordance with Article 22 paragraph 6 A (b) of the Convention of 6th August 1914 are unimpeachable, in the present case however the Court is unable to give a decision regarding this application, such decision being reserved until the Court is in a position to give judgment on the whole of the lands included in the said application N° 102;

But whereas on the other hand the Court is seized of the necessity of creating thereon a native reserve;

ON THESE GROUNDS

The Court,

without prejudgment of the rights of the SOCIETE FRANCAISE DES NOUVELLES-HEBRIDES with regard to the whole of the lands forming the property "Port-Olry" included in application for registration N° 102 Santo,

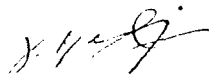
deducts from this property two parcels of land of a total area of about One hundred and Forty hectares, to be formed into a native reserve of which the natives living therein shall have complete possession in accordance with their customs; the said reserve shall remain subject to the provisions of Article 27 paragraph 2 of the Convention and consequently no absolute title will be registered,


orders that the survey work and fixing of boundaries

of this reserve as well as the making of a plan of the roads and servitudes which may be created shall be done on the spot by Mr Fletcher, Joint Court Surveyor, as soon as circumstances permit;

that the report and plan to be made by this Surveyor shall be attached to the present judgment;

orders that the costs of putting this judgment into execution, as well as those occasioned by survey work and fixing of boundaries, shall be advanced provisionally by the Condominium Government until such time as the Court shall give final judgment in respect of application N° 102 Santo of the SOCIETE FRANCAISE DES NOUVELLES HEBRIDES.


French Judge


British Judge


Acting Registrar