

9/1/04/13

13<sup>th</sup> March 1957

JOINT COURT OF THE MALDEN ISLANDS

The thirteenth day of March One thousand nine hundred and fifty one, in the Council Chamber of the Joint Court,

Before Their Honours :

P. COMTE, French Judge, President,  
P. COLLEY, British Judge ad hoc,  
assisted by L. BUTLERI, Acting Registrar.

JUDGMENT

The Court is seized of a request by Mr Henri OHLEN in which he applies for authority to purchase in his name from the natives of Fila Island a parcel of land containing 10 hectares 29 ares 30 centiares forming part of the Anabrou Native Reserve.

Mr OHLEN states :

That by deed signed at the French Administration on 16th August 1930, the Chief and four natives of the Fila Island tribe leased this parcel of land to him for a period of 30 years,

That the said lease included a promise to sell realizable in the six months preceding its expiry,

That the natives of Fila Island have agreed that this promise to sell be realized forthwith.

The Court is of the opinion that it cannot grant this request for the following reasons :-

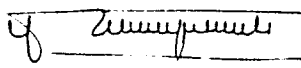
1.- The Court may only in very exceptional circumstances and if the grant is justified for serious reasons, use the faculty of authorizing the transfer to non-natives of lands included in Native Reserves, as provided for in Article 27, Section 2(H) of the Protocol of 6th August 1914;

2.- In the present case the District Agents have, after enquiry, reported unfavourably on the sale, stressing the fact that the lands comprised within the Anabrou Reserve barely suffice for the requirements of the natives of the Fila Island tribe and that the authorization of any alienation would be untimely;

3.- The Anabrou Reserve was moreover created by Joint Court judgment N<sup>o</sup> 57 of 24th January 1930; the promise to sell mentioned in the deed dated 16th August 1930 made at a later date, is therefore invalid and Mr OHLEN may not benefit thereby.

ON THESE GROUNDS :

The Court rejects the request made by Mr Henri OHLEN.



French Judge



British Judge ad hoc



Acting Registrar