

JOINT COURT OF THE NEW HEBRIDES.

CIVIL JURISDICTION.

THE seventeenth day of March in the year One thousand nine hundred and sixty-one ,

BEFORE their Honours :

James P. TRAINOR, British Judge, President,  
Georges GUESDON, French Judge,  
assisted by Mr. S. DUBOIS, Acting Registrar.

THE FRENCH GOVERNMENT, applicant for substitution in } Plaintiffs,  
Application for registration of Title No. 394 N.I. }

v.

BURNS PHILIP & COMPANY LIMITED, applicant for } Defendants.  
registration of Title No. 65 N.I. }

THESE proceedings are brought by the FRENCH GOVERNMENT acting through its representative in the New Hebrides, the French Resident Commissioner, by way of an application for an injunction to restrain the Defendants from making installations on a property the matter of a suit between the SOCIÉTÉ FRANÇAISE DES NOUVELLES-HÉBRIDES and BURNS PHILIP & COMPANY LIMITED, pending the decision of that suit. The French Government's alleged right to institute these proceedings derives from a Title acquired from the Société Française des Nouvelles-Hébrides in that portion of the property the subject of the suit between the Société Française des Nouvelles-Hébrides and Burns Philip & Company Limited which has been transferred to the French Government. This portion is referred to as the "ZONE MARITIME".

THE Plaintiffs base their claim in that (a) they are in possession and that this "Zone Maritime" has been considered by everyone as being the property of the French Government (b) that the French Government have conducted themselves as owners of the "Zone Maritime" and in particular have made coconut plantations and built habitation thereon. They further allege that (a) the Defendants have never made any act of ownership until January 1961 and (b) that there is a conclusion to be drawn from the documents of Title filed in the Registry namely, that there is a gap in the Title of the Defendants.

THE Defendants have made a preliminary point that the Plaintiffs (a) are not properly before the Court and (b) even if they are they have not established a sufficiently strong prima facie case for the Defendants to be called upon to answer. The Defendants also allege that the procedure before the Court should be that followed by the County Courts in England.

FUNDAMENTALLY the dispute between the parties is one of ownership and this is a question before the Court in other proceedings. As these other proceedings will be determined by the Court in the near future, within the next few months, the parties hereto have agreed that the present proceedings should stand adjourned sine die pending such determination and that either party be at liberty to apply to have the case reinstated for the Court to make such an order as it may consider necessary.

ACCORDINGLY the Court doth order that this case stand adjourned sine die with liberty to either party to apply to have it reinstated.

French Judge.

James P. Trainor  
British Judge.

Dubois  
Acting Registrar.

*Affaire  
1367*

JUGEMENT No. (A) 10/61

du 17. mars, 1961.

JUGEMENT CIVIL a/s :

DEMANDES Nos. 394 I.N. ETAT FRANCAIS

et

DEMANDE No. 65 I.N. BURNS PHILP & CO. LTD.

classé dans AFFAIRES CIVILES.