

1972/12/11

JOINT COURT OF THE NEW HEBRIDES

P E T I T I O N

The Mele Village Community, Efate Island, New Hebrides, represented by their custom Chief, Mr. Peter Poilapa, of the said Mele Village, farmer.

Assisted by Mr. Thierry Dehesdin, appointed Native Advocate ad hoc by the British and French Resident Commissioners in their joint letter of the 27th November 1972.

And the SOCIETE DES ILES DU PACIFIQUE, a joint stock company with a capital of 6,000,000 New Hebrides Francs, having its registered office at Vila, represented by the President of its Board of Directors Mr. Frank Larcher, of Noumea, New Caledonia, company director, (hereinafter referred to as "LA S.I.P.").

Having as Counsel Maître Armand de Préville, Defence Counsel of Vila.

STATE

That they have agreed to proceed to an exchange of parcels of land, according to which Mele Village shall transfer to the S.I.P. two parcels of land containing in all approximately 17a. 34ca., being part of the property "RESERVE ILOT MELE", registered in favour of the inhabitants of Mele Village under No. 164, by virtue of a Judgment of the Joint Court given on the 24th January 1933 which declared it a native reserve, in compliance with the provisions of article 24 (3) of the Anglo-French Convention of the 6th August 1914.

That according to article 27 (2) H of the said convention, land thus reserved for natives "may not be sold or granted to non-natives, so long as the authority by whom the reserve was constituted does not cancel or modify its decision."

That the exchange agreed upon by the applicants may only be finalised if the Joint Court decides to exclude from the "RESERVE ILOT MELE" the two parcels of land in question and authorises the transfer of these parcels to the S.I.P.

That the exchange foreseen represents an obvious advantage for both parties to the deed of exchange.

That the Mele Village Community will in fact receive from the S.I.P. a parcel of land larger than that which it will give in exchange.

That the two parcels transferred by Mele Village will allow the S.I.P. easier access to certain parts of its property.

SO MAY IT PLEASE THE COURT

Considering article 27 (2) H of the Anglo-French Convention of the 6th August 1914.

Considering the deed of exchange drawn up on the 27th November 1972, subject to the Court's approval.

To modify the decision made by the Joint Court in its judgment No. 203 of the 24th January 1933 stating that the two parcels of land which Mele Village proposes to transfer to the S.I.P. will cease to be subject to the system of rules governing native reserves and to authorise the transfer of the said parcels of land to the S.I.P.

Made at Vila, the 11th December 1972.

sgd. A. de Préville

sgd. T. Dehesdin

