



REPUBLIC OF NAURU

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NAURU LANDS COMMITTEE

In the matter of an application by Susanah Capelle and Others to determine whether certain lands owned by Mwareow Dowaiti are held by him on trust.

WHEREAS on the 7th day of January, 1972, His Honour, Mr. Justice I.R. Thompson, Chief Justice, in the exercise of the Civil Jurisdiction of the Supreme Court of Nauru in Land Appeal No. 19 of 1971 between the abovenamed parties made the following order:

"Appeal allowed in part. This dispute is referred back to the Nauru Lands Committee -

- (a) subject to the following findings of fact -
- (i) that the lands of Eidiaiaigo previously in dispute and awarded to the respondent in 1932 were received by him subject to obligations of a customary nature towards his brothers and sisters and their children; and
 - (ii) that the lands of Dowaiti given to the respondent and Detudamo by Dowaiti were received by the respondent subject to obligations of a customary nature towards his brothers and sisters and their children; and
- (b) with a direction that the Committee determine the nature of the obligations, whether they were enforceable at the time when the lands were respectively received by the respondent, and, if so, whether, when the conduct of the parties since that time is taken into account, they should be enforced now."

AND WHEREAS the Nauru Lands Committee having regard to the terms of reference now determines that the obligations found to exist by the Supreme Court are of a nature which cannot be defined by the Committee and further the obligations found to exist by Supreme Court were not enforceable at the time when the lands were respectively received by Mwareow Dowaiti and are not now enforceable.

If any of the persons who were a party in Supreme Court Land Appeal No. 19 of 1971 wishes to appeal against the above determination such appeal must be lodged with the Supreme Court Registry within 21 days of this Gazette and no appeal may be commenced after that time.

Dated this 12th day of April, 1972.

JEREMIA,
SECRETARY
FOR THE NAURU LANDS COMMITTEE.