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GILBERT AND ELLICE ISLANDS COLONY.

No. 5 of 1919



[L.S.]

C. H. RODWELL,

High Commissioner.

24th September, 1919.

AN ORDINANCE

TO MAKE PROVISION FOR THE DETERMINATION OF OWNERSHIP OF NATIVE LANDS WITHIN THE GILBERT AND ELLICE ISLANDS COLONY AND FOR THE LEGALISATION AND REGISTRATION OF TITLE TO SUCH LANDS.

[24th September, 1919.]

BE it enacted by the High Commissioner, as follows:—

1. This Ordinance may be cited for all purposes as the ^{SHORT TITLE} Gilbert and Ellice Native Lands Ordinance 1919.

2. In this Ordinance—

“Lands Commissioner” means any person appointed by the High Commissioner to be a Native Lands Commissioner under this Ordinance.

“Native Member” means any native appointed by the Resident Commissioner to be a member of the Native Lands Commission under this Ordinance.

3. The High Commissioner shall appoint a Native Lands Commission consisting of one or more Commissioners each of whom shall likewise hold the office of Deputy Commissioner under the provisions of the Pacific Order in Council 1893 and which shall have the powers of the Commission who shall be charged with the duties of ascertaining what lands in such islands of the Colony as the Resident Commissioner shall specify are in accordance with native customs and usage the rightful and hereditary property of native owners whether of individuals or families or in whatever other manner or way the same may be held,

INTERPRETATION

APPOINTMENT AND DUTIES OF LANDS COMMISSIONER

12. When recording the owners of any land the Commission shall ascertain and record the name of any person who holds with respect to such land any customary title or office and shall also record any encumbrance or easement to which the land may be subject.

13. When the Commission has completed an inquiry in any island it shall cause a public meeting to be held in such island and the findings of the Commission shall be read in the native tongue at such meeting and a copy of such record in the native language shall be left for examination by interested parties with the native magistrate of the island.

14. Any person feeling himself aggrieved by any record of the Commission shall within three days of the aforesaid public meeting at which the record was read give notice of his desire to appeal which notice shall be signed by the appellant or his duly authorised agent before the native magistrate and forwarded through the Lands Commissioner to the Resident Commissioner. Any appeal as to any record of the Commission shall be heard and determined by the Resident Commissioner whose decision shall be final if his finding upholds the records of the Commission. When the finding of the Resident Commissioner on appeal does not uphold the records of the Commission the Resident Commissioner shall forward to the High Commissioner a copy of the record of the Commission together with a copy of the evidence taken on appeal and the decision of the High Commissioner in the matter shall be final.

15. If no notice of desire to appeal is given within the specified time the record of the Commission shall be conclusive and final.

16. For the purposes of any inquiry the Commission shall have such powers as are vested in Deputy Commissioners for the Western Pacific to summon and examine upon oath or otherwise any person who may be thought able to give relevant evidence and to require the attendance of all claimants to any land the title to which is the subject of inquiry and of all persons likely to be interested in the title to such land.

17. The Lands Commission shall cause the description of the boundaries and situation of land recorded and settled in the manner aforesaid to be entered in a register denominated the "Register of Native Lands" and shall have power to order the owners of the land to mark off the boundaries upon the ground where there is no natural boundary by planting lines of trees or placing boundary stones or in any such other manner as the Commission may order so that the written description given in the register can be followed without difficulty and any person who shall fail to comply with such order or shall tamper with or destroy or remove any such boundary mark set up by the orders of the Commission shall be liable on conviction to a fine not exceeding ten pounds (£10) or to imprisonment for a period not exceeding six months.

18. The volumes of such register shall be kept in such manner as the Lands Commission may determine and shall be transmitted to the Resident Commissioner in whose office they shall be retained.

4. The Resident Commissioner shall appoint one or more natives of good repute from each island in which the Commission may sit to be native members of the Commission.

5. The native magistrate the chief of kaubure and any recognised hereditary chief shall sit as assessors during such time as the Commission shall conduct any inquiry in the island in which such native magistrate chief of kaubure or hereditary chief holds office or recognised chieftainship.

6. If any native member or assessor is the claimant to ownership of any land or appears to the Lands Commissioner to be a near relation to any claimant to ownership of any land or to be otherwise interested in such land it shall be lawful for the Lands Commissioner to debar such native member or assessor from taking any part in the proceedings of the Commission during any inquiry or discussion concerning such land. Any native member or assessor so debarred shall be permitted to give evidence before the Commission regarding the land in which he is or appears to be interested.

7. The Commission shall institute inquiries regarding the title to all lands claimed by individuals or by families or otherwise and shall describe in writing the boundaries and situation of such lands together with the names of individuals or families or other bodies claiming to be the owners thereof.

8. The Commission shall with the approval of the Resident Commissioner make rules for regulating the procedure to be followed and prescribe forms for use at any such inquiry.

9. When any inquiry is to be held in any island of which notice in accordance with the rules of the Commission has been duly given it shall be the duty of the persons claiming to own lands in that island to mark out and to define in such manner as the native magistrate of the island may direct the boundaries of the lands of which they claim to be the respective owners. Every person failing to comply with this provision shall be liable to a fine not exceeding one pound (£1) or to imprisonment for a period not exceeding one month and shall delay any expenses incurred in marking out and defining the boundaries caused by such default.

10. If there is no dispute as to the ownership of any lands marked out and defined as aforesaid and the Commission is satisfied that the claim is *bona fide* and that all conditions as to notice of the inquiry and the claim have been duly complied with and that full opportunity for objecting to the ownership claimed has been given to all interested the Commission shall record the boundaries of such lands and the names of the owners.

11. If there is any dispute as to the ownership of any lands marked out and defined as aforesaid the Commission shall inquire into such dispute and after hearing evidence and the parties to the dispute decide the question of ownership and record its decision. Provided that if the parties to the dispute agree in writing in the presence of the Lands Commissioner to a compromise and the Lands Commissioner is satisfied that such compromise is *bona fide* and is a just and equitable arrangement the Commission shall record the boundaries of the land and the names of the owners.

NATIVE MEMBERS.

ASSESSORS.

INTERESTED PARTIES MAY BE DEBARRED FROM TAKING PART IN THE PROCEEDINGS OF THE COMMISSION.

DESCRIPTION OF PROPERTIES AND CLAIMANTS TO BE RECORDED.

COMMISSION TO MAKE RULES AS TO PROCEDURE.

CLAIMANTS TO MARK AND DEFINE BOUNDARIES.

PROCEDURE IN CASES WHERE TITLE IS NOT DISPUTED.

PROCEDURE IN CASES WHERE CLAIMS ARE DISPUTED.

ENCUMBRANCES AND EASEMENTS TO BE RECORDED.

FINDINGS OF THE COMMISSION TO BE READ IN PUBLIC.

SPECIAL COURT DECISION OF COMMISSION.

FINALITY OF RECORD WHERE NO APPEAL.

POWERS OF COMMISSIONER TO SUMMON AND EXAMINE WITNESSES.

REGULATION OF BOUNDARIES AND PLACING OF BOUNDARY.

REGISTER TO BE KEPT IN OFFICE OF RESIDENT COMMISSIONER.

**PROCEEDINGS TO
BE TAKEN
IN WRITING.**

19. The Commission shall take or cause to be taken a full account in writing of all proceedings and of the evidence given at all inquiries held under this Ordinance.

**PENALTY FOR
INTERFERING
WITH
OR OBSTRUCTING
THE COMMISSION.**

20. If any person wilfully obstructs or insults a member of the Commission appointed in pursuance of this Ordinance while engaged in taking evidence for the purpose of an inquiry held under this Ordinance or interrupts the proceedings or in any way interferes in the inspection of land or boundaries or otherwise misbehaves during the holding of such inquiry or fails to attend an inquiry or to give evidence when required to do so under the provisions of this Ordinance he shall be liable on conviction to a penalty not exceeding ten pounds (£10) or to imprisonment for a period not exceeding six months.

**PENALTY FOR
OBTAINING
OR GIVING FALSE
EVIDENCE.**

21. If any person being required to make a statement on oath or otherwise as a witness in the course of any inquiry under this Ordinance wilfully makes a statement material for the purposes of such inquiry which he knows to be false or does not believe to be true he shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

**PENALTY FOR
ABUSING
THE POWERS
OF THE COMMISSION
OR THE OUT-
LET.**

22. If any person wilfully obstructs or assaults any person who is engaged in marking out and defining land as provided in section nine hereof he shall be liable on conviction to a penalty not exceeding five pounds or to imprisonment for a period not exceeding three months.

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GILBERT AND ELLICE ISLANDS COLONY.

No. 6 of 1919



[L.S.]

C. H. RODWELL,

High Commissioner.

24th September, 1919.

AN ORDINANCE

TO FURTHER AMEND THE LAW RELATING TO LICENCES.

[24th September, 1919.]

B if it enacted by the High Commissioner as follows:—

1. This Ordinance may be cited for all purposes as the Licences Amendment Ordinance 1919.

2. Schedule B "5" of the Licences Ordinance 1917 is hereby amended and shall be read as if the following proviso appeared at the end thereof:—

" Provided that a bicycle motor cycle or motor cycle with side car kept by a Minister of Religion ordinarily officiating as such and used by him in connection with his duties as such Minister of Religion shall be exempt from payment of the licence fee hereby prescribed."