

GILBERT AND ELLICE ISLANDS COLONY.

No. 16 of 1917



[L.S.] BICKHAM ESCOTT,
High Commissioner.

22nd December, 1917.

AN ORDINANCE

TO GOVERN THE SALE AND LEASE OF NATIVE
LANDS.

[28th December, 1917.]

BE it enacted by the High Commissioner as follows:—

1. This Ordinance may be cited as the Native Lands Ordinance 1917.

2. In this Ordinance—
"Colony" means the Gilbert and Ellice Islands Colony.

"Resident Commissioner" means the Resident Commissioner of the Colony.

"Native" means aboriginal native of any island in the Colony.

"Native land" means land owned by natives or subject to the exercise by natives of customary rights of occupation, cultivation or other uses.

3. Nothing in this Ordinance shall affect the power of natives to dispose of their lands amongst themselves according to their native laws and customs.

4. Save as provided in this Ordinance, native lands in the Colony shall not be alienated by sale, gift, lease or otherwise to non-natives.

Provided that native land which is not in cultivation nor required for the future support of natives may be sold to the Colonial Government.

Provided further that native land may be acquired compulsorily by the Colonial Government for public purposes.

6. If any non-native person enters into a lease of land owned by a native, he shall forthwith submit such lease to the Resident Commissioner who shall, at a convenient opportunity, make inquiry of the native lessor and of the native authorities of the island in which the land sought to be leased is situated. If it shall appear that such land is not the property of the proposed lessor, or that the lease has been unfairly obtained, or that the terms are manifestly to the disadvantage of the native lessor, or that there will not be left sufficient land to support the family of the lessor, or that the lease is otherwise contrary to sound public policy, the Resident Commissioner shall refuse to confirm such lease; otherwise the Resident Commissioner shall cause a copy of such lease to be entered in a book to be kept for that purpose, and shall make an endorsement on the lease to the effect that the lease has been approved and registered. Provided that the registration of the lease shall not be conclusive evidence against a person not claiming through the lessor.

6. No lease shall be granted for a longer period than ninety-nine years, nor for any one parcel of land in any one island of greater extent than five acres.

7. Every lease shall be subject to the approval of the High Commissioner.

8. It shall be lawful for the Resident Commissioner to demand and receive the several fees specified in the Schedule hereto for the performance of the several acts, matters, and things therein specified relating to the registers kept in his office of deeds and other documents concerning land.

9. Sections twenty-two, twenty-three, and twenty-four of the Gilbert and Ellice Islands Protectorate (Consolidation) Regulation 1908, and the Solomons and Gilbert and Ellice (Registration Fees) Regulation 1915, so far as it relates to the Colony, are hereby repealed.

REPEAL OF REG-
TIONS 21, 22, AND
23 OF THE
REGULATIONS
OF 1908 AND OF
KING'S REGULA-
TION 11 OF 1915.

THE SCHEDULE.

	£	s.	d.
Registration of claim			NIL.
Registration of original deeds other than "Phosphate deeds," or certified copies thereof, and all documents filed.		0	5
For the first 100 words		0	1
For every additional 100 words or fraction thereof.			
For every plan attached to a deed or other document.			
Not exceeding 6 inches square		0	5
Over 6 inches square		0	10
Registration of Phosphate deeds or certified copies thereof (each)		0	2
Registration of leases by natives to non-natives		1	0
Certified copies of entries in Register of claims or of documents.			
For the first 100 words		0	5
For every additional 100 words or fraction thereof.		0	1
For every plan.			
Not exceeding 6 inches square		0	5
Over 6 inches square		0	10

PROCEDURE ON
LEASING LAND.

REGISTRATION
OF LEASE.

PROVID.

TENURE AND
EXTENT OF
LEASE.

APPROVAL OF
HIGH COM-
MISSIONER.

FEES.