

WESTERN PACIFIC HIGH COMMISSION.

No. 6 of 1918



[L.S.]

BICKHAM ESCOTT,

High Commissioner.

29th May, 1918.



KING'S REGULATION

TO PROVIDE FOR THE ESTABLISHMENT IN THE
BRITISH SOLOMON ISLANDS PROTECTORATE
OF A LAND REGISTRY OFFICE AND TO REGU-
LATE THE REGISTRATION THEREIN OF IN-
STRUMENTS AFFECTING LAND IN THE SAID
PROTECTORATE.

Made by His Britannic Majesty's High Commissioner for
the Western Pacific under the provisions of the Pacific
Order in Council, 1893.

In the name of His Majesty, George the Fifth, by the
Grace of God of the United Kingdom of Great
Britain and Ireland and of the British Dominions
beyond the Seas King, Defender of the Faith,
Emperor of India.

[, 1918.]

1. This Regulation may be cited as the Solomons Land
Registration Regulation 1918. SHORT TITLE.

2. In this Regulation, unless the context otherwise
requires— INTERPRETATION
OF TERMS.

“ Protectorate ” means the British Solomon Islands
Protectorate ;

“ High Commissioner ” means His Britannic Majesty's
High Commissioner for the Western Pacific ;

“ Resident Commissioner ” means the Resident Com-
missioner of the Protectorate ;

“ Court ” means the High Commissioner's Court ;

- "Grantor" includes a vendor, donor, mortgagor, lessor, or other person conveying, mortgaging, charging, or demising land ;
- "Grantee" includes every person taking or claiming any interest under any instrument ;
- "Instrument" includes every instrument in writing affecting land in the Protectorate, including a will and a power of attorney under which any instrument affecting land may be executed ;
- "Land" includes any estate or interest in real property ;
- "Will" includes codicil, and the probate of a will and letters of administration with will annexed ;
- "Appointed fee" means fee specified in the Second Schedule hereto ;
- "Office" means Land Registry Office established under the provisions of this Regulation.

OFFICE OF
REGISTRY TO BE
ESTABLISHED AT
TULAGI.

3. There shall be an office at Tulagi for the registration of all instruments affecting land in the Protectorate, which shall be called the Land Registry Office, and the High Commissioner shall from time to time appoint a fit and proper person to be the Registrar at the said office, and may revoke any such appointment, and may from time to time appoint a Deputy Registrar to act in case of illness, absence or incapacity of the Registrar, and may revoke any such appointment ; and the Deputy Registrar while so acting, shall have all the powers, and discharge the like duties, and be subject to all the provisions and penalties relating to the Registrar.

REGISTRAR TO
KEEP RECORD
BOOKS.

4. The Registrar shall keep a set of books to be numbered consecutively, and shall as soon as practicable, cause every instrument presented for registration at the office, together with the certificate placed thereon, as hereinafter provided, to be copied at full length in one of the said books in the order in which the same shall be presented, and shall cause every instrument as entered in each book to be numbered consecutively from one upwards, and each such book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument other than a will, and the name of the testator of every will recorded in such book, with a reference to the page of the book where the instrument is recorded to which the name refers.

CERTIFICATE OF
REGISTRATION.

5. The Registrar shall immediately after the proof before him of any instrument presented for registration, and upon the presentation of any instrument duly proved before any other person or of any instrument which may be registered under this Regulation without proof, place upon such instrument a certificate in the Form A or the Form B (as the case may require) in the First Schedule hereto under his hand, which shall specify the year, month, day, and hour of the proof, or presentation as the case may be, of such instrument, and the year, month, day, and hour specified in such certificate shall be taken to be the year, month, day, and hour at which such instrument was registered.

6. No instrument, other than a will affecting land, shall be registered unless it contains a proper description, and also a plan of the land affected by such instrument.

INSTRUMENTS
OTHER THAN
WILLS TO HAVE A
DESCRIPTION
AND PLAN.

7. Every instrument executed before the commencement of this Regulation other than a will, and every will of a testator who shall have died before the commencement of this Regulation, shall as regards any land to be affected thereby take effect as against other instruments affecting the same land from the date of its registration under this Regulation. Provided that every such instrument shall take effect from the date of its execution, and every such will shall take effect from the death of the testator, if registered in the same manner and within the time according to the provisions of the following sections limited for the registration of similar instruments executed after the commencement hereof. Provided also that any instrument deemed to be registered by virtue of section twenty-one hereof shall have the priority provided for by the said section.

PRIORITY OF
INSTRUMENTS
EXECUTED
BEFORE AND
WILLS OF PER-
SONS DYING
BEFORE THE
COMMENCEMENT
OF REGULATION.

8. Every instrument executed after the commencement of this Regulation other than a will shall, so far as regards any land to be affected thereby, take effect as against other instruments affecting the same land from the date of its registration. Provided that every such instrument shall take effect from the date of its execution if registered within such of the following periods as shall be applicable to such instrument, that is to say:—

PRIORITY OF
INSTRUMENTS
OTHER THAN
WILLS
EXECUTED AFTER
COMMENCEMENT
OF REGULATION.

- (1) In the case of an instrument executed at any place situate within fifteen miles of the office, the period of three weeks from its date;
- (2) in the case of an instrument executed elsewhere in the Protectorate, the period of three months from its date;
- (3) in the case of an instrument executed in any State or Territory of the Commonwealth of Australia, the period of six months from its date;
- (4) in the case of an instrument executed elsewhere out of the Protectorate, the period of twelve months from its date.

9. Every will of a testator dying after the commencement of this Regulation shall, so far as regards any land to be affected thereby, take effect as against other instruments affecting the same land from the date of its registration. Provided that every such will shall take effect from the death of the testator if registered within such of the following periods as shall be applicable to such will, that is to say:—

PRIORITY OF
WILLS OF
TESTATORS
DYING AFTER
COMMENCEMENT
OF REGULATION

- (1) In the case of the will of any person dying in the Protectorate, the period of four months next after the death of the testator;
- (2) in the case of the will of any person dying in any State or Territory of the Commonwealth of Australia, the period of nine months next after the death of the testator;
- (3) in the case of the will of any person dying elsewhere out of the Protectorate, the period of eighteen months next after the death of the testator.

MODE OF
PROOF

10.—(1) No instrument executed after the commencement of this Regulation, other than a will, shall be registered unless it has been proved on oath by the grantor or one of the grantors, or by the grantee or one of the grantees, or by one of the subscribing witnesses to have been duly executed by the grantor or grantors.

(2) No will of a testator dying after the commencement of the Regulation shall be registered,—

(a) unless it has been proved on oath by one of the subscribing witnesses, or if both are dead, or if from any other cause whatever proof by the oath of either of them cannot be obtained, by the oath of some other person present at the execution of the will, or, if the Registrar be satisfied that no such proof can be obtained, by the oath of some person or persons who can testify to the handwriting of the testator and of the subscribing witnesses, or

(b) unless the probate of such will or letters of administration with such will annexed under the seal of the Court or of a court in some part of His Majesty's other Protectorates, or in some part of His Majesty's Dominions, having jurisdiction to grant the same, shall be produced to the Registrar.

The oath shall be in the Form C or D in the First Schedule hereto (as the case may require) or to the like effect.

(3) The proof required by this section shall be made as follows:—

IN THE
PROTECTORATE.

(a) If such instrument or will be executed in the Protectorate before the Registrar, or before a member of the Court, or an officer thereof having authority to administer an oath;

IN GREAT
BRITAIN AND
THE COLONIES.

(b) if such instrument or will be executed in any part of His Majesty's Dominions or in any other Protectorate before any Judge of any Court of Law, any Magistrate, Commissioner of Oaths, or Notary Public therein, or the person administering the Government thereof;

IN FOREIGN
COUNTRIES.

(c) if such instrument or will be executed in any foreign country not being a Protectorate of His Majesty before any British Consul or other accredited British Representative resident in such country;

CERTIFICATE OF
PROOF.

(d) an instrument or will not proved before the Registrar, shall not be registered unless it shall have upon it a certificate as near as may be in the Form E in the said First Schedule hereto purporting to be under the hand and official seal or private seal (if there should be no official seal), or the hand alone if the person shall have no official or private seal, of some one of the persons hereinbefore authorised to receive such proof to the effect that such instrument has been proved.

COPY OF AN
INSTRUMENT
MAY BE REGIS-
TERED WHEN
ORIGINAL IS
PRESERVED IN A
PUBLIC OFFICE.

11. If any instrument be executed in any part of the world where by law the original is kept in any Public Office in such part of the world, in such case a copy of the original and the certificate of proof thereof as the case may be, certified to be correct by the Public Officer in whose custody the original is kept, shall be registered by the Registrar in the same manner as an original instrument, provided the original instrument shall have been proved in the manner herein provided.

12. Every instrument executed after the commencement of this Regulation whereby land is granted by natives to any person or persons other than natives, or by the Crown to any person or persons whatever, shall be void unless the same be registered within a period of three months from the date thereof, and every other instrument executed after the commencement of this Regulation shall, so far as regards any land to be affected thereby, be void unless and until it be registered under this Regulation. Provided that no instrument shall be void by reason of any error or omission of the Registrar.

GRANT BY
NATIVES TO
NON-NATIVES
AND BY THE
CROWN TO BE
VOID UNLESS
REGISTERED
WITHIN THREE
MONTHS, OTHER
INSTRUMENTS
UNTIL
REGISTERED.

13. Registration shall not cure any defect in any instrument registered, or confer upon it any effect or validity which it would not otherwise have had.

REGISTRATION
NOT TO AFFECT
VALIDITY OF
INSTRUMENT.

14. An instrument endorsed on another instrument shall not be registered without the instrument on which it is endorsed unless the latter instrument is already registered.

ENDORSED
INSTRUMENTS.

15. Every judgment or order of a Court affecting land in the Protectorate, every resolution of creditors appointing a trustee in the bankruptcy of a person having any title to or interest in land in the Protectorate, and every resolution of an incorporated company having any title to or interest in land in the Protectorate appointing a liquidator, shall so far as regards any such land affected or to be affected thereby be void unless a memorial thereof as hereinafter provided be registered at the Land Registry Office within, in the case of a judgment order, or resolution pronounced, made or passed within the Protectorate, three months from the date thereof, or within, in the case of a judgment order or resolution pronounced, made or passed out of the Protectorate, six months from the date thereof. Provided that no judgment order or resolution shall be void by reason of any error or omission of the Registrar.

JUDGMENT ETC.
AFFECTING LAND
TO BE VOID
UNLESS MEMO-
RIAL THEREOF
REGISTERED.

16.—(1) Every memorial shall express—

- (a) the nature of the memorial;
- (b) the date of the judgment, order, or resolution;
- (c) the title of the cause or matter wherein the same purports to have been pronounced, made, or passed;
- (d) the name and address of the person registering the memorial;
- (e) a description of the land in the Protectorate affected or to be affected by the judgment order or resolution, a plan being in the case of a memorial of a judgment or order annexed to the memorial, if the same shall have been put in evidence before the Court by which the judgment or order was pronounced or made and shall be expressly referred to in the judgment or order.

FORM OF
MEMORIAL.

(2) The memorial shall have the necessary particulars set out as nearly as may be according to Form F in the First Schedule hereto.

17. Every Memorial shall be verified by the oath of some competent person that the same contains a true statement of the several particulars therein set forth, such oath to be according to Form G in the First Schedule hereto and to be sworn before the Registrar or any person before whom in the like case of proof of an instrument an oath can be sworn. Provided that a Memorial not sworn to before the Registrar shall not be registered unless it have

VERIFICATION
OF MEMORIAL.

upon the back thereof a certificate according to Form H in the First Schedule hereto which shall be subscribed by the person administering the oath in the like manner as the certificate provided for by section ten subsection three hereof is required to be subscribed.

REGISTRATION
OF AND RECEIPT
FOR MEMORIAL.

18.—(1) The Registrar upon receiving a Memorial duly proved shall insert in the columns thereof provided for that purpose the necessary particulars of the date and hour of its receipt by him, the name and address of the person verifying the Memorial, and the number thereof, and shall place upon and at the foot of the Memorial so completed a certificate under his hand according to the following form, viz. :—

“This Memorial was received by me at the time therein stated and duly registered.

.....
Registrar,
Land Registry Office.”

(2) The Registrar shall give a receipt for every Memorial duly proved and received by him. The receipt shall take the form of a certificate under the hand of the Registrar placed upon and at the foot of a copy of the Memorial, completed as aforesaid, such certificate to be according to the following form, viz. :—

“The original and duly completed Memorial whereof the above writing is a true copy was received by me at the time therein stated and duly registered.

.....
Registrar,
Land Registry Office, British Solomon Islands.”

(3) Every Memorial received by the Registrar shall be filed and kept by the Registrar in his office in such order and manner as subject to the directions of the High Commissioner therein he shall think fit, so that the same may be most readily inspected.

HIGH COMMISSIONER TO HAVE
PREPARED AND
DELIVERED TO
REGISTRAR A
BOOK OF CERTI-
FIED COPIES
OF ENTRIES IN
WESTERN
PACIFIC HIGH
COMMISSION
OF LAND
CLAIMS.

19.—(1) Upon the commencement of this Regulation the High Commissioner shall forthwith cause to be made on durable paper a copy, certified by the Secretary to the Western Pacific High Commission to be a true copy, of every entry affecting land in the Protectorate then contained in the book kept in Fiji at the office of the Western Pacific High Commission and intituled, “Register of Land Claims.”

(2) All such copies as aforesaid shall be arranged together consecutively in the order of the respective dates of the original entries and shall as so arranged be bound together with a durable binding so as to constitute a book in one or more volumes according as may be most convenient for use.

(3) The book so constituted shall have each sheet therein contained numbered consecutively from one upwards, each such sheet being deemed to be a page, and shall have set out therein an index in which shall be stated in alphabetical order the name of every party to every instrument other than a will and the name of the testator of every will whereof a copy certified as aforesaid is contained in such book with a reference both to the page or pages of such book where is contained the copy of the instrument to which the name refers and also to the page or pages of the Register above-mentioned where is contained the original entry whereof such copy has been made.

(4) The book constituted as aforesaid shall also have a title page on which shall be set out and sealed with the seal of the High Commissioner under his hand an inscription according to the following form, viz. :—

British Solomon Islands Protectorate.
Land Registry Office.

Book of certified copies of entries affecting land in the Protectorate made under the Solomons Land Registration Regulation 1918 from the Western Pacific High Commission Register of Land Claims.

[Signature and Seal of High Commissioner.]

(5) If the said book is constituted of two or more volumes the said inscription sealed as aforesaid shall in the case of the first volume thereof have set out therein on a separate line and immediately preceding the signature and seal of the High Commissioner the additional words " volume one," and in the case of a volume thereof other than the first be inscribed therein as aforesaid with the addition on a separate line and immediately preceding the signature and seal of the High Commissioner of appropriate words of reference to the number of the volume such as " volume two " or as the case may require.

(6) The High Commissioner shall forthwith upon the due completion of the said book cause it to be delivered into the custody of the Registrar.

20. Upon the commencement of this Regulation the Resident Commissioner shall forthwith cause to be delivered into the custody of the Registrar every book which then is in the custody or under the control of the Resident Commissioner and which purports to be a book relating to the registration of instruments affecting land in the Protectorate as theretofore practised in the office of the Resident Commissioner.

RESIDENT
COMMISSIONER
TO DELIVER TO
REGISTRAR ALL
PREVIOUS BOOKS
OF REGIS-
TRATION.

21.—(1) Every book duly caused by the High Commissioner or the Resident Commissioner to be delivered to the Registrar under the provisions of section nineteen or section twenty hereof shall when received by the Registrar into his custody be, in relation to any instrument recorded therein as having been registered in the office of the High Commissioner or the Resident Commissioner as the case may be before the commencement of this Regulation, deemed to be a register book or register within the meaning of this Regulation but no further entries shall be made therein.

AFORESAID
BOOKS TO HAVE
EFFECT AS
REGISTERS
UNDER
REGULATION.

(2) Every instrument so recorded shall be deemed to be registered under this Regulation, and shall so far as regards any land to be affected thereby take effect as against other instruments affecting the same land from the date of such registration. Provided that nothing herein contained shall be deemed to prevent the registration anew if so desired under this Regulation of any such instrument and the acquisition accordingly of the priority provided for in respect thereof by section seven of this Regulation upon strict compliance being made with the provisions of this Regulation.

PRIORITY OF
INSTRUMENTS
RECORDED
THEREIN.

22. A certificate appearing upon any instrument which is thereby certified to have been registered in the office of the High Commissioner or the Resident Commissioner as the case may be before the commencement of this Regulation, and, in the case of an instrument certified to have been registered as aforesaid in the office of the High

CERTIFICATES OF
PAST REGISTRA-
TION IN OFFICE
OF HIGH
COMMISSIONER
OR RESIDENT
COMMISSIONER
TO BE RECEIVED
IN EVIDENCE.

Commissioner, purporting to be under the seal or signature of any person for the time then being acting as High Commissioner, Assistant High Commissioner, or Secretary to the Western Pacific High Commission, or, in the case of an instrument certified to have been registered as aforesaid in the office of the Resident Commissioner, purporting to be under the seal or signature of any person for the time then being acting as Resident Commissioner, shall be received in evidence of the matter certified in the like manner as it is provided by this Regulation that a certificate of registry purporting to be signed by the Registrar shall be received in evidence.

REGISTERS
DEEMED IN
LEGAL CUSTODY
AND RECEIVABLE
IN EVIDENCE.

23. All register books, registers, and registered memorials at the Land Registry Office shall be deemed to be in legal custody, and shall be receivable in evidence in all legal proceedings whatsoever, and the Registrar shall produce or cause to be produced any register book, register, or memorial in his office, on subpoena or order of the Court without payment for so doing unless the Court or Tribunal shall direct otherwise.

COPIES OR
EXTRACTS OF
REGISTERS TO BE
EVIDENCE.

24. The Registrar shall allow searches to be made at all reasonable times in any register book, register, or file of memorials in his custody, and upon request and payment of the appointed fees shall give copies or extracts of or from any entry in any such book or register, or of or from any such memorial, and shall certify as correct all such copies or extracts. Every copy or extract, or certificate of registry purporting to be signed by a Registrar, shall be received in evidence without any further or other proof thereof, unless it shall be proved that the same is a forgery, in all legal proceedings of a civil nature instead of the production of the original register or record, subject nevertheless to the provisions hereinafter contained.

CERTIFIED
EXTRACTS MAY
BE USED UPON
NOTICE GIVEN.

25. In case any party shall intend to use in evidence on the trial or hearing of any civil action, suit, or matter in Court any copy or extract certified as hereinbefore mentioned of or from any entry in any such register book or register, or of any such memorial, he shall give notice in writing to the opposite party, his solicitor or agent, of his intention to use such certified copy or extract in evidence at such trial or hearing, and at the same time shall deliver to him, his solicitor or agent, a copy of the copy or extract and of the certificate thereon, and on proof by affidavit of the service or on admission of the receipt of such notice and copy such certified copy or extract shall be received in evidence at such trial or hearing if the Court shall be of opinion that such service has been made in sufficient time before such trial or hearing to have enabled the opposite party to inspect the original register book, register, or memorial, from which such certified copy or extract has been taken.

PENALTY FOR
FALSE STATE-
MENT.

26. Any person who shall wilfully make or cause to be made for the purpose of being inserted in any register under this Regulation any false statement touching any of the particulars herein required to be known and registered, shall be guilty of a misdemeanour and shall at the discretion of the Court be liable to a fine not exceeding one hundred pounds or to be imprisoned, with or without hard labour, for any term not exceeding one year.

NO ERASURE IN
ANY REGISTER.

27. No erasure shall be made in any register book, or register, or certified copy or extract thereof or therefrom;

Solomons Land Registration Regulation 1918.

FIRST SCHEDULE.

FORM A.

Certificate of Proof of Instrument before a Registrar.

British Solomon Islands.

This instrument was proved before me by the oath of *A.B.*, within named at.....o'clock in..... noon this.....day of; 19.....

G.H.

Registrar, Land Registry Office.

FORM B.

Certificate of Delivery to Registrar of an Instrument not proved before him.

British Solomon Islands.

This instrument was delivered to me for registration by *A.B.*, of [state his residence and profession] at..... o'clock in the..... noon, this..... day of....., 19.....

G.H.

Registrar, Land Registry Office.

FORM C.

Oath for Proof of an Instrument.

I, *A.B.*, of....., make oath and say that on the.....day of....., 19..., I duly executed the instrument now produced to me and marked A, and that I can read and write (or cannot read and write, and that the said instrument was read over and interpreted to me by..... at the time of its execution, and that I understood its provisions).

Sworn at..... this..... }
day of19 }

A.B.

Before me,

C.D. [Stat: official description.]

FORM D.

I, *C.D.*, of....., make oath and say that on the..... day of....., I saw *A.B.*, of....., duly execute the instrument now produced to me and marked A, and that the said *A.B.*, can or could read and write (or cannot or could not read and write, and that the said instrument was read over and interpreted to him by..... at the time of its execution, and that he appeared to understand its provisions).

Sworn at..... this..... }
day of19 }

C.D.

Before me,

E.F. [state official description.]

FORM E.

Certificate of Proof of Instrument not before the Registrar.

This instrument was proved before me by the oath of the within named.....to have been duly executed by the within named.....on the..... day of....., 19.....

Given under my hand and official seal.

(Signed) *A.B.* [state official description.]

or,

Given under my hand and private seal, I having no official seal.

(Signed) *A.B.* [state official description.]

or,

Given under my hand, I having no official or private seal.

(Signed) *A.B.* [state official description.]

FORM F.
Memorial.

Nature of memorial.	Place and date of judgment (or &c.)	Title of cause (or &c.)	Name and address of person registering memorial.	Description of land affected.				Particulars to be inserted by Registrar.		
				Where situate and class of land.	Area.	Name of person in possession.	State if plan annexed.	Date and hour of receipt.	Name and address of person verifying memorial.	Office number of memorial.
<i>e.g.</i> , Judgment of (specify Court).		<i>e.g.</i> , A v. B or re C.D.								

FORM G.

Oath for Proof of a Memorial.

I, *A.B.*, of....., make oath and say that the statement of the several particulars set forth in the memorial now produced to me and marked A is within my own knowledge true.

Sworn at..... this..... }
day of....., 19..... } *A.B.*

Before me,

C.D. [state official description.]

FORM H.

Certificate of Proof of Memorial not before the Registrar.

The memorial contained on the other side hereof was proved thisday of..... before me by the oath of *X.Y.*, of.....

Given under my hand and official seal.
(Signed) *A.B.* [state official description.]

or,
Given under my hand and private seal, I having no official seal.
(Signed) *A.B.* [state official description.]

or,
Given under my hand, I having no official or private seal.
(Signed) *A.B.* [state official description.]

SECOND SCHEDULE.

FEEs.

	£	s.	d.
For every instrument or memorial presented for registration	0	2	6
For the proof before the Registrar of an instrument or memorial	0	2	0
For the registration and recording of an instrument, for every folio of 72 words or part thereof	0	2	0
Additional fee for every plan contained in an instrument :—			
For plan not exceeding 36 square inches	0	5	0
For plan exceeding 36 square inches	0	10	0
For the registration and recording of a memorial	0	5	0
For every search, for every half hour or part thereof	0	2	6
For a certified copy of, or extract from, a recorded instrument or memorial, for every folio of 72 words or part thereof	0	2	0
Additional fee for plan contained in certified copy or extract :—			
For plan not exceeding 36 square inches	0	5	0
For plan exceeding 36 square inches	0	10	0
For comparing if required, an instrument with the register thereof, for every folio of 72 words or part thereof	0	1	0

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-ninth day of May, one thousand nine hundred and eighteen.

By Command,

A. L. AYTON,
Acting Secretary to His Britannic Majesty's
High Commissioner for the Western Pacific.



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