

ARTICLE XXIV.

Provisions common to all Land Suits.

(1.) In cases where land acquired in good faith has been improved or cultivated on the strength of a title which is found to be defective, this title may be confirmed in whole or in part upon the payment by the occupier to the person or persons entitled thereto of an indemnity, the amount of which shall be determined by the Court.

(2.) If the Court considers it necessary to decree the eviction of a *bonâ fide* occupier, it may order the payment of reasonable compensation to him.

(3.) Whenever it shall consider it necessary, the Court may assign to native claimants reserves of land in proportion to their requirements, and may determine the easements necessary to secure to them the full enjoyment of these reserves.

(4.) An occupier or holder of a title-deed who has been evicted shall, in the case of subsequent sale or grant of land and unless his bad faith has been established, enjoy a prior claim to the repurchase of the property from which he has been evicted. If the owner and the occupier or holder of a title-deed who has been evicted should disagree as to the amount to be fixed as the price of repurchase, the Court shall determine the amount. If there are several evicted persons claiming to exercise the prior right above specified, the Court shall fix, according to the facts of the case, the order in which these persons shall be entitled to exercise this right.

(5.) When a title-deed to a disputed property does not contain an adequate description of the land, the Court shall investigate and determine the situation and boundaries thereof.

(6.) It shall be the first duty of the Court, in all land suits, to endeavour to effect an amicable arrangement between the litigants.

(7.) Generally, the Court shall, in its decisions, pay due regard to the interests of the native populations and those of the non-native purchasers whose bad faith has not been established.

ARTICLE XXV.

Entry of Judgments.

(1.) When the Court, in conformity with the above regulations, shall have decided that a claim is valid, its decision shall be entered in a land register.

This entry shall declare :

(A.) The situation, extent, and boundaries of the land in question ;

(B.) The nature of the rights granted, and any limitations thereof.

(2.) A copy of the entry shall constitute a conclusive title to land.

ARTICLE XXVI.

Registration of Titles.

(1.) Any person may, though no dispute exists, require the Court to enter in the above-mentioned register a title-deed in his favour, and may obtain a copy thereof duly certified.

(2.) The Court shall cause the applications for registration to be published in the prescribed form. They shall be complied with and given effect to unless, within a period of one year from the date of their publication, they have been opposed. In case of opposition, the Court shall deal with them in accordance with the provisions of Articles XXII, XXIII, and XXIV above, and action must be taken by the objector before

the Court within six months, or his claim will be barred.

(3.) Copies of the entries in the register issued in accordance with the above provisions shall constitute title-deeds transferable by way of endorsement. No subsequent charge on or transfer of property shall affect the land unless and until it is entered in the register and inscribed on the copy issued.

ARTICLE XXVII.

Sales and Grants of Land subsequent to the Convention.

(1.) From the date when the present Convention comes into operation, no sale or grant of land by a native to a non-native shall be valid, except on the following conditions :—

(2.) The sale or grant shall be effected by a written document, and shall take place in the presence of four witnesses, two of whom shall be natives, and of an officer or agent of one of the two Signatory Powers, or some other person duly authorized for the purpose, either by the President of the Joint Court or by the High Commissioners or their Delegates acting in concert.

(3.) The officer, agent, or person duly authorized shall testify to the presence and qualification of the witnesses, shall ascertain that the vendor or grantor was a free agent, understood the effect of his act, received the price or consideration agreed on, and was satisfied therewith, shall state these facts on the title-deed ; shall mention in it the situation and boundaries of the land ; and shall date and sign it, at the same time as the parties and witnesses capable of signing.

(4.) The purchaser or grantee shall, within six months from the date of the deed, make an application to the Joint Court for registration. This application shall be dealt with in accordance with Article XXVI of the present Convention.

(5.) If the Court considers that the price or consideration mentioned in the deed is manifestly inadequate, having regard to the importance of the land granted or sold, it may, as a preliminary to registration, order the payment of a larger sum or a further consideration.

(6.) In the event of the grantee failing to comply with the decision of the Court within six months from the date of such decision, the sale shall be cancelled *in toto*, and the sum of money or the consideration received by the native restored.

(7.) If the native is unable to restore such sum, the Court shall decide how much of the property represents the sum or consideration received by the native, and shall confirm the grantee in possession of such part.

(8.) Whenever the High Commissioners or their Delegates jointly consider that the amount of land acquired from the natives in one of the islands of the Group is so great that the land remaining undisposed of is indispensable for the needs of the natives, they may prohibit any new sale or grant of land in such island to non-natives.

(9.) Land reserved for the natives, either by the Joint Court, in accordance with Article XXIV of this Convention, or by the High Commissioners or their Delegates, under the preceding paragraph, 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.