

DESPATCH

EAST AFR. PROT.
No. 21089

21089
12 JUN 08

Provisional No.
2200

(Subject.)

1908

Land Titles Order

Last previous Paper.

Submits -

Here copies to Secretary

(Minutes.)

W: Ridley.

W: Coombe is now in the country & would, no doubt, be able to give you any further information which you might require on any point.

W: J.R.
25/6

~~See below~~
See below

I have not time to give out & think it preferable to discuss the ideas outlined on 4/26/07 which were approved in general terms.

Satisfaction from here, I think, been made for safe regarding the interests of the Crown - see copy 822 17.28, 2803 45.

With me just to see 24-26, I compare that I prefer the provisions of the Act in art. see 60 reg. (see copy see 63)

Original done 3/6/31 July for
H.M. to be for D.P. 25/6/08 42351

next subsequent Paper.

42351

9 think the
to had better
instead of
the English
for the purpose
of determining
the law

To allow a person who has obtained possession of his
by fraud or mistake to remain in possession & a
payment of damages is a very strong rule.
Considerations of convenience accommodation and
etc may give a piece or block of land a special
value in the eyes of the dispossessed but true owner
so that its loss cannot be replaced by the substitution
of any other piece or block of land, and consequently
damages are however based on such affairs
no adequate relief. This is the basis of the
English doctrine of specific performance of contracts
relating to land.

The Lord says that finally, under the old law
essential, and a decree of specific performance could
be obtained if, within the year time limit, the
true owner is enabled to evict the fraudulent
possessor, leaving the rights of innocent
purchasers etc for valuable consideration.

(I might here observe that phrase of time here
means years to describe the time limit
rather than the 6 years rule on this point)
~~disputes~~

There are a certain number of verbal or clerical
imperfections - eg. see 111 (18) 19 42

J.S. 1917
A.J.R.
2017

W.H. July 29
at once

1089
Governor's Office JUN 08

Nairobi,

May 15th 1906.

EAST AFRICA PROTECTORATE.

No. 240
(Incl. P)

My Lord,

*g
4/26/11*

As desired in Lord Egin's telegram of the 20th December, I have the honour to submit two authenticated copies of "The Land Titles Ordinance 1906", as finally passed by the Legislative Council, together with a Memorandum by the Crown Advocate. Although the Bill passed the 3rd reading on the 6th ultimo, it was not found possible to get it through the Press till to-day: it had to be reprinted several times, and some unavoidable delay occurred in making the necessary corrections.

Ordinance
Crown Adv.

The Memorandum by the Crown Advocate fully explains the objects, scope and reasons of the Ordinance and I would limit my observations to the following points:-

Section 15 (1). Peremptory powers are taken under this Section making it incumbent on all persons having any interests in immovable property to come forward and claim within 12 months, failing which the title lapses, subject to the right of representation to the Governor within 12 years as provided in Section 17 (2). These powers are necessary for the proper working of the Ordinance and follow the Ceylon Act.

Section

H. M. PRINCIPAL SECRETARY OF STATE

FOR THE GOVERNOR.

DOWNING STREET,

LONDON, S.W.

R.

41

Section 34. This section provides for any person wrongfully deprived of immovable property by fraud or for other reasons noted in the Section, receiving damages for the same. But the immovable property itself remains with the person whose claim thereto has been adjudicated by the Court. The power taken to refuse the return of immovable property to a person who has been deprived of it by fraud, allowing damages in lieu, would appear to be opposed to common law, but the matter was carefully discussed in the Legislative Council, and deemed to be necessary in order to secure that finality for orders of the Court as to title on which the whole object of the Ordinance hinges.

W 278/16

Schedule B. The fees prescribed in this Schedule are less than those suggested in paragraphs 14 to 16 of the Memorandum by His Honour Judge Hamilton of the 27th June, which accompanied my despatch No. 565 of the 19th October 1906, and it is therefore possible that they may not pay the full cost of the enquiry. This, however, cannot be determined yet, and if they do not, we shall derive advantages in other ways as explained in paragraph 15 of Mr. Combe's Memorandum. Your Lordship will also observe that for the purposes of the Schedule no land shall be assessed at a higher value than Rs. 1,500 or £100 per acre. The land in Mombasa is actually valued at a higher rate than this, but is generally held under titles in connection with which there would be no dispute, and under these circumstances it would not be fair of the

Mombasa land owners to pay the proportion of the enquiry which would be represented by the actual difference between the value of these lands and those situated in the outside districts.

3. I trust the Ordinance will meet with your Lordship's approval, should it do so it will be brought into effect as soon as it has been assented to.

I have the Honour to be,
With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

J. A. ...

INCLOSURE No 2

Jn-Despatch No 200 of May 15, 1908.

C. O.

21089

12 JUN 08

MEMORANDUM

THE LAND TITLE ORDINANCE 1908.

Reasons for enquiring into the validity of titles to land in the Coast Strip.

1. The reasons for enquiring into the validity of titles to land in the Coast Strip have already been laid before the Secretary of State, but for convenience are restated in this Memorandum.
2. A large area of land in the Coast Strip is privately owned but the greater portion is claimed by the Government as Crown or Past Lands. At the present moment it is not possible to determine what proportion of these lands the Government is really entitled to.
3. All waste land and land not hitherto surveyed as well as land which has been surveyed in the past but is not definitely claimed by the Government, but not possible to separate from the total land which is claimed by private owners, the Government is not only not aware of the extent of its own possessions but it is in many instances unable to deal with them in the best advantage.
4. Inasmuch, particularly in the case of large tracts, the number of persons with the most shadowy claim of right, or with no claim of right at all are extending and placing on the land, if the Government takes any steps will in a very short time acquire a good holding title.

This system of extending plantations which commenced some 5 years ago, has during the last 2 or 3 years, particularly in the neighbourhood of Changama and Simani, been rapidly increasing, as the number of years necessary to acquire a possessory title is only 12, it will shortly become impossible in many instances for the Government to affirm its right to its own property which is thus slipping through its hands.

Apart from the question from the Government point of view as the owner is the great uncertainty of private title. And the danger that a purchaser runs of having to pay the costs of an expensive law suit in order to retain his purchase together with a risk of failure, makes the investor and particularly a European investor very shy of putting his money into such a doubtful venture. Consequently the value of land is greatly depreciated, and what might and should be a sound investment on good security becomes in many cases a mere risky speculation and almost a gamble.

These remarks apply to plantation land on the coast equally with garden or building land on the Island of Pemba or in the immediate neighbourhood.

At the present time there is a considerable number of planters who are turning their attention to land in the neighbourhood of Malindi with the object of growing cotton, rubber, fibre, coconuts etc., and investing in connection therewith a large amount of capital, but owing to the insecurity of title offered by native owners and the inability of the Government to lease them the land they require owing to their not knowing what is Government and what is private land, there is considerable danger of the

receiving a distinct check at the outset.

In short it may be said generally that the insecurity of title to land on the coast does and will materially retard the economic development of the country if the difficulties that are now observed are not removed from the path. There is however no doubt that if they are removed great attraction will be held out to the profitable and secure investment of European capital and the Government will benefit both in being able to utilize their own lands to the best advantage and in the general development of the country.

II. The manner in which it is proposed to settle titles to land under the Ordinance.

10. In Ceylon and I believe elsewhere where it has been found necessary to employ extraordinary methods for settling the title to land a law has been enacted requiring all persons who claim to be entitled to land or any interest in the land to come forward and prove their titles within a specified time. To the persons whose claims are upheld by the Court appointed to enquire into such claim a certificate of title is granted by the Court. Whilst the claims of those persons which are rejected by the Courts are henceforth barred. All land in respect of which no certificate of title is granted is deemed to be Crown land and is dealt with accordingly.

11. The method adopted in Ceylon has been followed in this Ordinance. The Ordinance requires all persons who claim any interest in land within the areas to which the Ordinance and by Proclamation is applied shall send to the Recorder of Titles a statement

setting forth the description of the land and interest therein which they claim. Such claim to be made within 12 months from the date on which the Ordinance is applied to the area in which the land/interest is situate. The period allowed for making claims is longer than that allowed in Ceylon and longer than would be necessary if all persons owning land or having an interest in land were resident in this Protectorate. It is however believed that a considerable number of persons whose interest will be affected by the Ordinance are resident in Zanzibar, Muscat and elsewhere and therefore sufficient time must be allowed to permit the requirements of the law to be properly advertised in those parts where persons interested may be resident.

12. On receipt of any claims to land the Recorder of Titles can immediately proceed to enquire into the claims and he is given the powers of a Judge of a Subordinate Court for that purpose. In the event of the Recorder of Titles being of opinion that the claim has not been made out he may give judgment accordingly and such judgment unless appealed against and reversed on appeal is binding for all times on that claimant.

In the event of the Recorder of Titles being satisfied that the claim has been made out, he may, if 12 months have elapsed since the application of the Ordinance to the land claimed, give judgment accordingly and grant to the claimant a certificate setting forth a description of the land and the interest to which he is entitled. No final judgment or certificate of title can be entered or granted in favour of a claimant until ^{after} 12 months have elapsed and until the claims of all persons claiming to be interested in the same land

have been heard, ~~as~~ otherwise there ^{would} ~~will~~ be danger of the Recorder of Titles entering judgment in favour of a person who appears to have a good title, and of some other person afterwards putting in a claim superior to that of the first claimed.

13. After the expiration of 12 months all land in respect of which no claim shall have been made or if made shall have been upheld will be deemed to be Crown land.

14. The Ordinance provides that this shall be granted to the persons entitled thereto one of the three kinds of certificate according to interest to which he has been found to possess: Namely

1. A certificate of ownership to be granted to the freeholder.
2. A certificate of Mortgage to be granted to a Mortgagee.
3. A certificate of interest to be granted to the person proving interest other than those mentioned above.

On every certificate of ownership there will be endorsed all Mortgages and other interests in the land the subject of the certificate proved by any person.

It was originally intended that only certificate of ownership should be granted, Mortgages and other interests being sufficiently evidenced by endorsement on that certificate. But it is considered that as this Ordinance should be followed by another Ordinance applying what may be termed as the Torren's system of registration of transactions in land to all land brought under this Ordinance, and as it has not yet been determined as to whether under such Ordinance separate cer-

certificates should be granted to Mortgagees, lessees and other having interest in land other than freehold that it would be advisable to issue separate certificates under this Ordinance, thus following the procedure laid down by the Ceylon Act. As the only extra work entailed by granting separate certificates of Mortgage and Interest will be the filling in of the printed forms and attaching the signature of the Recorder of Titles the Ordinance makes no provision for any fee being charged for those certificates.

15. The Ordinance prescribes that a fee at the rate of 1 percent on the value of the land the subject of a Certificate of ownership shall be paid by the person entitled to receive such Certificate.

Provision is made whereby the land shall not be assessed for the purpose of this fee at a higher value than £.100 an acre.

This provision has been inserted in the interest of the owners of land in Mombasa which land is of considerable value and is generally held under titles with regard to which there is no dispute. It is thought that but for a provision to this effect such land owners would be required to pay too large a proportion of cost of the working and of an Ordinance from which they will derive little if any, benefit.

It is difficult to estimate the revenue which may be expected from these fees as it is not known to what extent land is privately owned or what is a fair value to place upon land not in the immediate neighbourhood of the important centres or the railway. It may however be taken that the fees paid under the Ordinance will not pay the whole of the cost of the working of the Ordinance and that therefore some portion of that

cost will have to be met by general revenue. When however the immediate advantage which will be derived by the Government in ascertaining what land is Crown land and can be dealt with as such, and by the prevention of the encroachments which are now being made on that land by Indians and Swahilis and the ultimate advantage of the increased revenue from stamp duties and registration fees on land transactions are taken into consideration it would seem but just that the whole of the cost of the working of this Ordinance should not be put upon the land owners other than the Crown.

16. No hearing fee will be charged for the enquiry held in the Court of the Recorder of Titles and in the event of disputes a successful claimant will not ordinary receive any part of the expenses he may have been put ^{to} in proving ~~his~~ claim, from an unsuccessful claimant. As however it is necessary to put some check on frivolous or vexatious claim, provision is made whereby the Recorder of Titles shall order an unsuccessful claimant to pay Court fees to any sum not exceeding 2 percent on the value of the property claimed. With that limitation the amount of the fee to be paid is left to the discretion of the Recorder of Titles in order that he may in any case in which he believes that the claim is put forward in the honest belief that the claim is a good one order the claimant to pay a small Court fee only, but that when he believed the claim to be a frivolous one that he may order the claimant to pay the full fee allowed by the Ordinance.

Further to protect land owners from having to defend their title to their land against frivolous

vexatious claims provision is made enabling the Recorder of Titles to order an unsuccessful claimant to pay the whole or a portion of the expenses incurred by the unsuccessful claimant in meeting ~~and~~ a frivolous, vexatious or fraudulent claim.

17. A certificate of title granted under the Ordinance is conclusive evidence of the facts stated in the Certificate and cannot be set aside except in a case when it is proved that the certificate has been obtained by the fraud and the property the subject of the certificate has not been transferred to an innocent holder.

18. Provision is made whereby persons deprived of land through fraud may recover damages from the person or persons who have perpetrated the fraud, and the Ordinance provides for penalties to be imposed on persons making fraudulent claims.

19. Provision is made protecting the rights of the Crown and the public in the land to which the Ordinance may be applied. As it would be found impossible to induce natives to come forward and prove rights of way and rights of water the Ordinance enacts that nothing in any certificate of title shall derogate from any rights to or over water or rights of way subsisting at the date of the issue of such certificate.

20. The provision of the Ordinance are more particularly dealt with in the Schedule attached hereto, and in some respects follows the Ceylon Land Registration Ordinance 1907 (No. 3 of 1907). A copy of that Ordinance was not received until after the Ordinance under consideration had been introduced in the Legislative Council and was therefore only used for the purpose of improving upon or adding to the provisions.

of the Ordinance as introduced.

- 21. This Ordinance should be transmitted to the Secretary of State for his approval and should not be assented to by His Excellency the Governor before such approval has been notified.

E. R. de Gama

Nairobi,

CROWN ADVOCATE.

14.08

REMARKS.

SECTION.

Section 1.
Short Title.

Section 2.
This Ordinance to come into force in such places and at such time as may be proclaimed.

Section 3.
Definition.

As the term "immovable property" is used in all Indian Acts which have been applied to the Protectorate and also in the existing local Ordinances regarding the registration of contracts relating to land that term has been retained in this Ordinance. The definition of that term is the same as that in the Indian Acts with the addition of the words "(other than coconut trees)" which have been added as necessary in the consequence of the number of cases in which the COCONUT trees are owned by persons other than the owners of the land.

Section 4.
A Recorder of Titles to be appointed.

Section 5.
Anything which may be done by the Recorder of Titles may be done by the Deputy Recorder of Titles.

Section 6.
Jurisdiction of the Land Registration and Court.

In the Ceylon Act (No. 3 of 1904) the Court constituted to settle claims to land under that Ordinance have sole jurisdiction to try any action (excepting Mortgage suits) which may be brought relating to land between the time of the application of the Act to the land and the registration of the Title to the land. In the East Africa Ordinance the Land Registration Court merely inquires into and decides claims made under the Ordinance. It would be quite impossible for the Recorder to perform his duties under the Ordinance with the expansion required if his jurisdiction were to be enlarged. Provided the Recorder is kept informed as to any action relating to land within his jurisdiction no explanation should arise on account of his jurisdiction being thus limited.

Section 7.
Judgments of Recorder of Titles to be final and conclusive unless appeal be entered within 30 days.

Enter the Civil Proceedings and a Judge is required to take down the evidence verbatim. To save a vast expense, therefore, is required by this Section to record only the essence of the evidence unless required by the either of the parties to take a full note.

- (2) Records to be taken by
- (3) Records to be open to inspection.
- (4) Consolidation of claims.

Section 34 Sub-sections (2) (3) & (4) of the Ceylon Act.

Section 9. Court to sit at such place as the Recorder of Titles may determine.

In the majority of cases and especially when there is any dispute as to boundaries the Recorder or will find it necessary to hold his Court on or near to the land the subject of the suit.

Section 10. A qualified Surveyor to be attached to the Registration Court.

Section 11. Cases to be taken by the Recorder of Titles or the Deputy Recorder.

Section 12. Seal to be used by the Recorder.

Section 13. All documents pertaining to be issued by the Recorder of Titles to be so issued unless the contrary be shown.

Section 14. Recorder of Titles may, with the sanction of the Government, alter the forms used by the Ordinance.

This is advisable as experience will prove the present forms to be unsatisfactory.

Application. The reason for allowing as long a period as is possible within which claims may be made is to be found in para 21 of the Ordinance herewith. For the convenience of nearly all the applicants a clear should be made to the District Commissioner.

the applied claim

of the year

Section 18.
District Officers to
notice of the
contents of this
Ordinance
may be residing
in the districts
to assist them in
having their
claims

This Section imposes upon the Govern-
ment the duty of notifying the provisions of
the Ordinance in such places within and
without the Protectorate as he may consider
persons may be affected by the Ordinance
may be residing and further requires
District Commissioners to explain the
requirements of the Ordinance to native in-
habitants of the districts to assist them in having their
claims

Section 19.
land with regard to
claims shall be
to be deemed
to be Crown land.

Under the Ceylon Act of 1848 that
claims are made on behalf of the Crown in
respect of any land which is considered to
be Crown land. Under this Ordinance the
Crown is not required to put in a claim,
but has the right to oppose any claim, and
any land with regard to which a certificate
of ownership or title is granted is deemed
to be Crown land.

Sub-section (2) is Section 57 (3) of the
Ceylon Act, with the substitution of 12 years
for 10 years, the former being the
period of limitation in the Coast Strip.

Section 20.
order to give notice
to the persons interested
at the time and place
and where he will
determine disputed
doubtful claims.

Sub-sections (2) & (3) of this Section
are Sections (2) & (3) of Section 58 of
the Ceylon Act.

Section 21.
persons interested may be
presented by Pleaders.
Indians and Natives the
latter of whom will
in many cases be unable
to engage professional
assistance in placing their
cases before the Court, and
provision has therefore
been made enabling Govern-
ment Officers to assist
Natives by conducting their
cases and any other
matter which may be deemed
necessary in the
interest of justice.
by the Commissioner
to appear on behalf of
the Crown.

There will certainly be a number of cases
in which there will be disputes between
Indians and Natives the latter of whom will
in many cases be unable to engage profes-
sional assistance in placing their cases
before the Court, and provision has there-
fore been made enabling Government Officer
to assist Natives by conducting their cases
and any other matter which may be deemed
necessary in the interest of justice.

Section 22.
Certificates of Title
to be granted by the
Commissioner to the persons
named therein.

This Section is explained in paragraph 14
of the Memorandum herewith and is based upon
Section 53 of the Ceylon Act.

Section 23.
and as conclusive
evidence in the Ordinance
Certificate of Title
shall be conclusive evidence
in the several matters
mentioned therein.

tion 22.
e. boundaries to be
and then in and to be
on the land.

The value to the Government of the
wer to be one under the Ordinance would
in some cases be considerably diminished
the boundaries of the land are not marked on
the land itself. The serious question
which arose was as to whether the cost of
the erection of the boundary marks should
fall upon the adjoining owners of the land
or should be borne by the Government and
paid for out of the revenue derived under
the Ordinance. It was contended that the
owners of small shambas could not find the
money necessary to erect substantial and
permanent boundary marks. As the result of
an investigation which was made into this
contention, by a Special Committee of the
Council the Council was advised that it
would be impossible for a very large propor-
tion of the small shamba holders to erect
such boundary marks as would be necessary
to mark the boundaries between their holdings
and Crown land and it was recommended that
a discretion should be left to the Recorder
of Titles to order boundary marks to be
erected at the expense of the Government
whenever he thought fit. It may be assumed
that owners of land abutting upon land
privately owned will erect boundary marks
or otherwise mark their boundaries for their
own protection.

Section 23.
Instruments of Title
to be deposited with
the Recorder of Titles
before the issue of a
Certificate.

Section 24.
In certain cases instru-
ments may be returned
to the proprietor after
the cancellation of such
instruments relates to the
property included in
Certificates of Title.

Section 25.
In case of claimant on a
Certificate of Title
to be deposited for grant
The certificate of title
to be deposited to be
returned to the person
to whom the property
has been developed.

Section 26.
The Recorder of Titles to keep a
register containing a
list of all certi-
ficates issued.

Section 27. The provisions of Sub-sections (2) (3) (4) are necessary if this Ordinance is to be followed by an Ordinance applying the "Torrens" system of registration.

Section 28 (1) Certificate of Title to confer rights in land, minerals, water or water power or water less expressly mentioned. 54

Section 28. The reasons for the Sub-section is explained in paragraph 19 of the Memorandum.

Section 29. Certificate of Title to be registered when marked with the folium and volume as embedded in the register book.

Section 30. Certified copies to be issued on receipt of prescribed fee.

Section 31. Inspection of Register book.

Section 32. Claims to be authenticated by the claimant.

Section 33. Recorder of Titles This Section is explained in the order and unsuccessful paragraph 16 of the Memorandum. Court as per cent of the value of the property claimed.

Section 34. Action for damages in certain cases to be brought by a person wrongfully deprived of immovable property.

Section 35. Action must be brought within 12 years from the date of such deprivation. Having as to infants persons of unsound mind.

Section 37. Claims which should be barred if not made within the prescribed period.

Section 38.
Saying as to the rights
of the Crown and the
title.

Section 104 of the Ceylon Act.

Section 39.
Recorder of Titles may in
certain cases summon persons
to produce a certificate of
title.

This provision is inserted to enable
the Recorder of Titles to correct errors
made in the filling up of a Certifi-
cate of Title or in a Memorandum on
the Certificate also to obtain posses-
sion of a Certificate which is in the
hands of a person who it has been
obtained by fraud.

Section 40.
Persons refusing to produce a
Certificate of Title when
ordered to do so by the
Recorder of Titles may be
committed to prison.

This is a usual provision in Acts
which make provisions for the issu-
ing of Certificates of Titles.

Secondary certificate may
be granted.

Section 41.
Recorder of Titles
may issue a Certificate
to replace one lost etc.

Section 42.
Notice to be given before
the issue of such certificate.

Section 43.
Penalties.

Section 44.
No action under Section 43
shall affect remedy of
party injured.

Section 45.
Recorder of Titles may issue
Certificate of possession in favour
of the Crown.

Section 46.
Persons obstructing, resisting,
or hindering the execution of writ
may be called upon to show

Section 41 of the Ceylon Act.

Section 47.
Persons obstructing
or hindering the
execution of writ.

Section 42 of the Ceylon Act.

Section 48.

Section 49.
Laws relating to the
registration and assignment of
titles not to apply to
Certificates of title.

Section 50.
Laws relating to the
registration and assignment of
titles not to apply to
Certificates of title.

Section 50.

When fee for certificate
ownership shall be payable.

56

Section 51.

A Recorder of Titles not
liable to any action for
matters bona fide done
or omitted to be done.

Section 52.

Power to make rules.

Ed. R. M. Tomlinson

CROWN ADVOCATE.

Sw / East
2085

31 July 48

Order 4351

DRAFT

S. A. P. N^o 361

Sw. in J. J. J. J.

MINUTE.

Mr. Jones 30 July
Mr. Reed 31

- Mr. J. J.
- Mr. Andrews.
- Mr. Cox.
- Sir C. Lucas.
- Sir F. Hopwood.
- Col. Seely.
- The Earl of Crewe.

In, I have the honour to
 to let of your ref. N^o 200
 of the 15th May submitting
 transcripts of the Land Titles
 Ordinance 1908, as passed by the
 Legislative Council.

2. The Ordinance is ~~not~~ ^{on}
 the whole satisfactory but I
 regret not the able to allow of
 your assenting to it as Sec. 34-36
 stand at present.

3. It is not in my opinion
 just that a person should be
 allowed to be allowed to
 of land by fraud or mistake
 should be allowed to be allowed to

has been

You will remember that the
 has adopted a similar provision
 for every compensation in case
 of fraud. The Legislature also having
 come into I shall with this note.

I do not know whether the fact
 allows the provision at all of
 not what is done for the
 next to the for the

The deep has been
 should be a similar
 In action may
 Case of the

Remain in possession of it in
payment of Damages. Consideration
of his duties hereby accommodation,
Said etc. may give a piece or
block of land a special value
in the eyes of the dispossessed but
true owner, so that the loss
cannot be remedied by the

substitution of any other piece or
block of land. (acknowledgment of damages
on the same kind a scale of
no adequate relief; and this
law is the basis of the
English doctrine of specific
performance of contracts relating

to land. ~~It is not~~
6. ~~It is not~~ but finally
under the Ordinance is ~~remedied~~

The Ordinance
will be
the only of his
the Ordinance

Lawyer but finally can still be
obtained if within the given time-
limit the true owner is enabled
to oust the fraudulent possessor,
saving the rights of innocent
purchasers etc. for valuable
consideration

5. I have therefore proposed
that the Ordinance may be
amended by the substitution
for Secs 34-36 of the corresponding
provisions of the English Ordinance
(Secs. 60 et seqs.), which would
the 17th Law. of the hour
advocate's report seems to
more preferable than the
provisions of the Ordinance
passed by the Council

6. There are a certain