

CHAPTER 117.**UNOCCUPIED LANDS.****ARRANGEMENT OF SECTIONS.**

SECTION.

1. Short title.
2. Interpretation.
3. Claim by Crown to unoccupied land.
4. What is unoccupied land.
5. Time for claimants to send in their claims.
6. Persons wrongfully claiming lands.
7. Principles of decisions.
8. Undisputed claims.
9. Crown reservation.
10. When land to be deemed Crown land.
11. Power to make rules.

CHAPTER 117.**UNOCCUPIED LANDS**

12 of 1911.
12 of 1928.

An Ordinance for more readily ascertaining the Ownership of Unoccupied Lands.

[22ND APRIL, 1911.]

Short title.

1. This Ordinance may be cited as the Unoccupied Lands (Ascertainment of Title) Ordinance.

Interpretation.

2. The expression "certified copy" means a copy of a register certified in accordance with the law relating to the registration of instruments affecting land.

Claim by Crown to unoccupied land.

3. Whenever the Director of Surveys and Lands shall be of opinion that any land is unoccupied land, it shall be lawful for him to cause such land to be marked out and a notice to be posted in some conspicuous part of such land, and such notice shall be in these words, viz.: "Claimed as Crown Land" and shall be signed by the Director of Surveys and Lands, and dated.

What is unoccupied land.

4. For the purposes of this Ordinance, all land shall be deemed to be unoccupied land where it is not proved, by the person claiming the same, that beneficial use thereof for cultivation or inhabitation, or for collecting or storing water, or for any

industrial purposes, has been made for twelve years next prior to the commencement of this Ordinance:

Provided that the following lands shall not be deemed to be unoccupied land, namely— Exceptions.

(1) where the person claiming the same is able to produce the instrument or instruments, by virtue of which he is in possession thereof, or the register thereof, or a certified copy showing a title to such lands extending over a period of not less than twelve years prior to the commencement of this Ordinance;

(2) where the land forms part of the lands included in—

(a) The Public Register and plan of town lots of Freetown;

(b) The Public Register and plan of town and country lots of Bonthe;

(c) The Public Register and plan of town and country lots of York Island.

(3) Where the land is planted with banana, coffee, cocoa, gum, kola or plantain trees, or other trees of a permanent economic value.

5. Within a period of six months after the posting of the notice referred to in section 3 hereof, it shall be lawful for all persons claiming the land referred to in such section to send written notice to the Director of Surveys and Lands of their claims, and in such written notices the claimants shall set out the extent and boundaries of the lands claimed by them. Time for claimants to send in their claims.

6. (1) Whenever it appears to the Supreme Court that any person is wrongfully claiming any unoccupied land, the Court, on the application of the Attorney General, may cause a summons to be served upon such person requiring him to appear before the Court at the time and place therein mentioned, and to produce the instrument or instruments, by virtue of which he claims such land, or the register thereof, or a certified copy, or to otherwise prove his right to claim the same. Persons wrongfully claiming lands.

(2) If, on hearing such summons, the Court shall find that such person is wrongfully claiming such land, the Court may order him to give up possession of the same, and shall issue such process as may be necessary for carrying its order into effect.

(3) Any proceeding under this section shall be deemed to be a matter within the meaning of the Courts Ordinance.

Cap. 7.

Principles of decisions.

7. On hearing such summons, the Court shall be guided by equity and good conscience only, and by the best evidence that can be procured, although not such as may be required or be admissible in ordinary cases, nor shall it be bound by the strict rules of evidence or procedure in any case or by any technicalities or legal forms whatever.

Undisputed claims.

8. (1) If the Court shall be of opinion that the land is not unoccupied land, but that the person claiming the same cannot produce any instrument showing a title to such land extending over a period of not less than twelve years prior to the commencement of this Ordinance, or the register thereof, or a certified copy, it shall report the same to the Governor, and thereupon the Governor may issue a Crown Grant of such land to such person aforesaid, subject to such reservations and conditions as the Governor shall determine.

(2) Such Crown Grants shall be, as near as may be, in the words or to the effect of the form in the schedule hereto.

Crown reservation.

9. All Crown Grants made under this Ordinance shall be deemed to contain an express reservation to Her Majesty of all mines, metals, minerals, precious stones and mineral oils, and of a right on the part of Her Majesty, or her nominees, to enter on lands conveyed by such grant, to dig, convert and carry away the said metals, minerals, precious stones, and mineral oils, and for the purposes aforesaid to sink, erect and make all necessary pits, shafts, erections, machinery, roads and other conveniences and things.

When land to be deemed Crown land.

10. If no person shall claim the said land so marked out, as provided in section 3 hereof, within the said period of six months, such land shall be deemed to be Crown Land.

Power to make rules.
Cap. 7.

11. The provisions of section 24 of the Courts Ordinance shall be deemed to extend to making rules for the purpose of carrying out the provisions of this Ordinance.

THE SCHEDULE.

Sec. 8 (2)

This grant made the.....day of.....in pursuance of the Unoccupied Lands (Ascertainment of Title) Ordinance.

Witnesseth that Her Majesty Queen Elizabeth II, doth hereby grant unto and to the use of (A. B.), his heirs and assigns for ever, by the tenure of free and common socage all that piece or parcel of land situate, lying, and being at.....

(L. S.)

*Governor of the Colony of
Sierra Leone.*
