

If in such a case the Court should, nevertheless, consider that the rights of the native claimant or his tribe would be infringed, it may, while confirming the title, order the payment of reasonable compensation to the said native party, or may reserve a portion of the land for this party in conformity with the general declaration contained in Article XXIV hereafter.

(B) When the right of action is admitted, and the case is considered on the merits, the title-deed can only be invalidated if it is proved :—

- (a) That the agreement is not signed by the vendor or grantor, or by some person duly authorized by him, or that, if the vendor or grantor did not know how to write, or was incapable of signing, the agreement is not attested by two witnesses or in some other manner that establishes its authenticity according to English or French law ;
- (b) That the agreement was obtained by fraud, violence, or other improper means :
- (c) That the land granted or sold was not the land of the vendor or grantor or his tribe.

If the Court finds that the rights of the vendor or grantor or his tribe extended only to a part of the land in dispute, it may recognize the sale or grant to the extent of that part, and fix the boundaries thereof. The Court may, in any case except where bad faith has been proved on the part of the grantee, confirm the title to the whole or part of the property, subject to the reservation for the native claimants, if the circumstances require it, of sufficient land for their needs, and the determination of the rights of way or other easements to be secured to them over the whole property.

ARTICLE XXIII

Land Suits between Non-natives.

(1) When no question arises as to the original land transaction with the natives, the Court shall be bound by the laws of the defendant's country.

(2) Whenever questions do arise as to the original transaction with the native, the Regulations laid down in Article XXII shall be observed by the Court in all that concerns that transaction.

In cases covered by the same Article (5 (A), (b), 2nd paragraph) the Court shall indicate, if necessary, by which of the non-native litigants the payment of compensation is due.

(3) When the Court, upon the evidence before it, considers that it cannot decide the questions that arise as to the original transaction with the natives—as, for instance, when it is confronted with two or more title-deeds, neither of which it is able to confirm as giving a good title—the Court shall decide according to the circumstances of the case, due regard being paid to priority of title.

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 *bona 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.