

## COLONY OF NORTH BORNEO

I assent,

R. E. TURNBULL,  
*Governor.*

29TH SEPTEMBER, 1956.

### No. 19 of 1956

An Ordinance to provide for the completion of the reconstitution of the Land Title Registers of the Mainland.

#### **Date of commencement.**

[29th September, 1956]

ENACTED By the Governor of the Colony of North Borneo with the advice and consent of the Legislative Council as follows:-

#### **Short title.**

1. This Ordinance may be cited as the Reconstitution of Land Title Registers (Completion) Ordinance, 1956, and shall be construed as one with the Reconstitution of Land Title Registers Ordinance, [Cap. 120.] hereinafter referred to as the "principal Ordinance".

#### **Public notice of outstanding reconstitutions.**

2. (1) The Director of Lands and Surveys shall on or before the 31st day of March, 1957, cause to be published in the form set out in the First Schedule a list or lists of documents of title to land on the Mainland or such other particulars as he may be able to give for the identification of any land on the Mainland which he has cause to think may have been

alienated prior to the loss or destruction of the land records and for the reconstitution of title for which no application has been received.

(2) Publication of the list or lists referred to in subsection (1) shall be made in the following manner:-

- (a) publication of such list or lists in two successive issues of the *Gazette* and by displaying such list or lists upon the notice board at the Office of the Director of Lands and Surveys;
- (b) by displaying upon the notice board of the District Land Office, District Court House, Native Court House and all markets within any local authority area a list similar in form to that published under paragraph (a) but containing only the references to land within such districts; and
- (c) by causing to be published twice at an interval of fourteen days in a newspaper or newspapers circulating in the Colony, the Colonies of Sarawak, Singapore and Hong Kong, the Federation of Malaya, the State of Brunei and the City of London a notice in the form of the Second Schedule.

(3) Every Assistant Collector shall, upon receipt of the notices referred to in paragraph (b) of subsection (2) cause such action to be taken and shall certify to the Director of Lands and Surveys the date on which and the places at which such list was exhibited and the fact that such list remained exhibited at the District Land Office for a period of at least thirty days.

**Individual notices.**

3. If in respect of any land described in the list referred to in section 2, any rent due under the provisions of the Land Ordinance [*Cap. 68.*] has been paid at any time after the first day of January, 1953 the Director of Lands and Surveys shall cause enquiries to be made and if the person by whom such rent has been paid can be traced then the Director of Lands and Surveys shall serve upon such person a notice of the provisions of this Ordinance in the form set out in the Second Schedule and referring specifically to the land in respect of which such payment of rent was made. If after enquiry he is unable to trace the whereabouts of such

person he shall record the details of his enquiry and his finding that it is impossible to effect personal service upon such person and thereupon the public notice provided for in section 2 shall be deemed to have been sufficient notice to such person of the provisions of this Ordinance.

**Rights of co-owners.**

4. Where any interest in land is registered in the name of two or more persons and application has been made by any of such persons for reconstitution of the register but such application has not been signed by any other such person and such other person if not resident in the Colony has not by himself or by any duly constituted attorney thereunto properly authorised performed any act necessary to the reconstitution of the register, then any notice required to be given or act necessary to be performed by such other person may be given to or performed by the Administrator-General of the Colony for the purpose of the reconstitution of the register but for no other purpose, and the Administrator-General shall not be liable to any action, suit or demand in respect of any act performed by him in pursuance of the provisions of this section.

**Unclaimed land to revert to Crown.**

5. (1) On the thirty-first day of December; 1957, any land on the Mainland for which no title has been entered in any register including the Reconstituted Registers or which is not the subject of a pending application for entry in any such register shall revert and escheat to the Crown.

(2) Where any application, enquiry or appeal in respect of any application under the provisions of the principal Ordinance shall be pending the operation of subsection (1) shall be deferred until the completion of any such application, enquiry or appeal but unless upon the final order on such application, enquiry or appeal a title shall be issued to any person then subsection (1) shall, upon the completion of such proceedings, apply to any land which was subject to any such application, enquiry or appeal.

(3) The Director of Lands and Surveys shall as soon as possible after the thirty-first day of December, 1957, and to the best of his ability prepare and publish in the *Gazette* a list of all titles affected by the operation of this section and shall enter in any relevant records in

the Land Office the fact of such reversion and escheat and thereafter any rights of any person in such land, other than the Crown, shall cease.

**Protection of persons acting in execution of duty.**

6. (1) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Ordinance –

(a) without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof;

(b) after the expiration of three months from the date of the accrual of the cause of action.

(2) In every action so brought it shall be expressly alleged that the defendant acted maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(3) Though judgment shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify approbation of the action.

FIRST SCHEDULE  
COLONY OF NORTH BORNEO  
RECONSTITUTION OF LAND TITLE REGISTERS  
(COMPLETION) ORDINANCE, 1956  
NOTICE

In pursuance of section 2 (1) of the Reconstitution of Land Title Registers (Completion) Ordinance, 1956, it is hereby notified that the Records of the Land Office contain no titles to the land referred to in the Schedule hereto.

Any person claiming any right, title or interest in the said land is hereby notified that, under the provisions of the Ordinance, unless application to reconstitute the register is

made under the provisions of the Reconstitution of the Land Title Registers Ordinance [Cap. 120.] prior to the 31st day of December, 1957, such land will revert and escheat to the Crown

The particulars set out in the Schedule to this notice have been compiled from various sources and are as accurate as possible but there may be errors and there may be other lands which had been alienated before the 15th July, 1946, of which no details are available in the records.

Any person making claim to land, the particulars of which have not been recorded in the Land Registry since the above date, should give written notice of such claim to the Director of Lands and Surveys through the local Collector of Land Revenue.

SCHEDULE

Lot No.	Plan No.	Locality Area	Title No.	Person last registered (if known)
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Dated at Jesselton, this day of \_\_\_\_\_, 1956.

*Director of Lands and Surveys*

SECOND SCHEDULE  
COLONY OF NORTH BORNEO  
RECONSTITUTION OF LAND RECORDS

WHEREAS during the period of the war many of the Land Title Registers in respect of the former State of North Borneo were destroyed;

AND WHEREAS such records have been reconstituted as far as possible;

NOW, THEREFORE, notice is hereby given that under the provisions of the Reconstitution of Land Title Registers (Completion) Ordinance, 1956, of the Colony of North Borneo any land in the former State of North Borneo formerly alienated for which no title has been registered nor any application received for reconstitution of such a title in the Land Registry at Jesselton prior to the thirty-first day of December, 1957, shall as from such date be deemed to have reverted and escheated to the Crown and therefore any person claiming any right, title or interest in land in the former State of North Borneo whose rights or claims have not been so recorded in the Land Registry since the 15th day of June, 1946, should communicate urgently with the Director of Lands and Surveys, Jesselton, North Borneo.

Passed this 18th day of September, 1956.

MOH'D. KASSIM,  
*Clerk of Legislative Council.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct copy of the said Bill.

MOH'D. KASSIM,  
*Clerk of Legislative Council.*