

11 OF 1885.

TO PROVIDE FOR THE SPECIFIC PERFORMANCE OF CONTRACTS
FOR THE SALE OF IMMOVABLE PROPERTY.

ROBERT BIDDULPH.]

[April 2, 1885.

Formalities
necessary for
enforcement
of contract.

1. Subject to the provisions hereinafter contained, every contract for the sale of immovable property shall be capable of being specifically enforced under the order of a District Court or the Supreme Court, if it is a valid contract according to law and if the following conditions have been complied with in relation thereto, viz. :—

- (a.) If it is in writing;
- (b.) If the purchaser shall within twenty-one days of the date of the contract deposit or cause to be deposited at the Land Registry Office of the District within which the property is situate a copy of the contract;
- (c.) If the purchaser has before the institution of an action to compel specific performance of the contract, called upon the vendor to appear before a Land Registry Official and declare that he has agreed to sell the property mentioned in the contract;
- (d.) If an action has been instituted within two months from the date when the contract was made to compel the specific performance thereof.

Enforcement
of contract.

2. Any law to the contrary notwithstanding, any Court may by its order direct that any contract for the sale of immovable property in respect of which the formalities prescribed by section 1 have been complied with shall be specifically enforced.

Provided that the immovable property described in the contract shall at the time of the deposit of the copy of the contract at the Land Registry Office have stood registered in the name of the vendor under the contract.

Order to be
acted upon
within
3 months.

3. If any person in whose favour an order directing specific performance of a contract for the sale of immovable property has been made, shall within three months of the date of the order apply at the office of Land Registry for the District within which the property is situate for the transfer thereof into his name, and do all acts and things necessary to enable the transfer to be made, the

proper Officer of Land Registry, on production to him of the order or of an office copy thereof, may cause all such registrations to be made in the books of the Land Registry Office as shall be necessary for giving effect to the order.

4. If any person in whose favour an order directing specific performance of a contract for the sale of immovable property has been made, shall neglect or fail to apply for the transfer thereof into his name, and to do all acts and things necessary to enable the transfer to be made, within three months from the date of the order, his right to claim specific performance of the contract shall absolutely cease and determine, and no transfer of the property into the name of the purchaser in the books of the Land Registry Office shall be made under the authority of the order.

Right to specific performance to cease if property not transferred in due time.

5. Where any purchaser under a contract for the sale of immovable property shall obtain an order for the specific performance of the contract and shall duly cause the property to be transferred into his name in the books of the Land Registry Office, the property shall on the transfer thereof become vested in him for all the estate and interest therein of the vendor under the contract; and the Court by whose order specific performance of the contract has been directed, may make all such orders directing the vendor to deliver up possession of the property or otherwise for securing the purchaser in the possession thereof, as to the Court shall seem fit.

Effect of transfer under order for specific performance.

6. Where a copy of any contract as been deposited at the Land Registry Office under the provisions of this Law, it shall from the date when it is deposited be open to inspection at the office where it is deposited; and notwithstanding any voluntary transfer that may subsequently be made of the property therein described to any person other than the purchaser under the contract, the property shall at any time thereafter, upon the order of a Court, be transferred into the name of the purchaser, and the remedy of any other person into whose name the property may (subsequently to the deposit) have been transferred, whether by way of gift, sale, inheritance, mortgage or otherwise, shall be in damages only against the vendor under the contract.

Effect of deposit of copy of contract at Land Registry Office.

The deposit of a copy of a contract of sale of immovable property at the Land Registry Office shall not operate to defeat or delay any sale which may prior to the date of the deposit have been directed by any Court or Judge.

7. Nothing in this Law contained shall be construed as depriving any Court of the right to award damages for breach of a contract for

Saving power of Court.

the sale of immovable property, where the Court shall so think fit, in lieu of ordering specific performance of the contract.

Liability of heirs of vendor.

8. If any vendor under a contract for the sale of immovable property in respect to which the formalities prescribed by section 1 have been complied with, shall have died subsequently to the execution of the contract, the purchaser shall be entitled to claim against the heirs of the vendor all such relief as he is by this Law entitled to against the vendor.

Remedies of vendor.

9. Where any purchaser of immovable property under a contract in respect to which the formalities prescribed by section 1 have been complied with, shall refuse to pay the purchase money and accept the property, the remedy of the vendor under the contract shall lie in damages only.

Short title.

10. This Law may be cited as the Sale of Land (Specific Performance) Law, 1885.

14 OF 1885.

CONCERNING THE CONFISCATION OF PUBLIC LANDS.

[June 24, 1885.]

Definition.

1. The word Land in this Law means all cultivable land.

Confiscation of uncultivated land.

2. Public land (arazi-mirie) which has been left uncultivated for ten years, unless under the provisions of section 5 of this Law, shall be confiscated by the Government.

To be sold to former owner or by auction.

3. The Government on confiscating the land shall offer it to the former owner at the equivalent value, and, if he refuse it, shall put it up to auction for one month and adjudge it to the highest bidder.

Decision of equivalent value.

4. The equivalent value shall be decided by two experts, one chosen by the Government and one by the party interested. Before considering the price the two experts shall appoint a third party, who shall decide the price in case of difference between the other two.

Exceptions from confiscation.

5. There shall be excepted from such confiscation any lands which have remained uncultivated either:—

(1.) From the inundation of water; or