

Act No. 18 of 1968**LAND TITLE (CARMICHAEL VILLAGE)**

18 of 1968
E.L.A.O., 1974

An Act to provide for the investigation, confirmation and vesting of title to certain lands in The Bahamas and for matters connected therewith.

[Commencement 16th July, 1968]

Short title.

1. This Act may be cited as the Land Title (Carmichael Village) Act.

Interpretation.

2. In this Act, unless the context otherwise requires —
“claim of the Crown” means the claim by the Crown to be the legal and beneficial owner of the Scheduled land;

“Commissioner” means the Commissioner appointed under section 3 of this Act;

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“Minister” means the Minister responsible for Crown Lands;

“objection” means an objection to the claim of the Crown made under the provisions of this Act and

“objector” means a person making an objection;

“preliminary plan” means the plan prepared by the Crown Lands Officer under section 4 of this Act;

First Schedule.

“Scheduled land” means the area in the vicinity of Carmichael Village in the Island of New Providence described and bounded in the manner set out in the First Schedule.

Appointment of
Commissioner.

3. The Governor-General may on the advice of the Chief Justice appoint a person to be the Commissioner for the purposes of this Act:

Provided that no person shall be so appointed unless he holds or has held high judicial office or is qualified under the provisions of the Supreme Court Act to be appointed to be a judge of the Supreme Court.

Ch. 53.

4. The Crown Lands Officer shall cause to be prepared a plan of the Scheduled land which he shall mark with the title “Carmichael Village Claim” and keep exhibited or available for inspection by the public free of charge at such places and during such times as the Commissioner may direct.

Preliminary plan.

5. Any person who considers that he has a better title to the Scheduled land, or any part or parts thereof, than the Crown, may make objection, in the manner provided by this Act, to the claim of the Crown.

Objections to Crown’s title.

6. Notwithstanding any other provisions of this Act, nothing in this Act contained shall affect —

Rights not affected.

- (a) any lease or licence granted by the Crown since the 1st day of January 1939 and not terminated at the commencement of this Act; or
- (b) any easement or profit acquired by grant from the Crown or by prescription before the commencement of this Act and then subsisting, in respect of or in, over, through or under the Scheduled land or any part or parts thereof.

7. (1) The Commissioner shall cause a notice in Form 1 in the Second Schedule to be published in accordance with the provisions of this section, declaring that the Crown claims to be the legal and beneficial owner in fee simple of the Scheduled land, stating the places where and the times at which the preliminary plans may be inspected and specifying the date by which and the place where any person claiming title to the land or any part thereof and wishing to object to the claim of the Crown may file his objection.

Commissioner to give public notice.
Second Schedule.

(2) The notice to be published under subsection (1) of this section shall be published in two newspapers circulating in The Bahamas once in each of three successive weeks and in such other manner and places as to the Commissioner may seem fit, and the date by which any objections may be filed to be stated therein shall be a day not earlier than the last day of the period of four weeks next following the date of the last of such publications.

8. An objection shall be in the Form 2 in the Second Schedule and shall state by reference to the preliminary plan the part or parts of the land title to which is claimed by the objector, and the nature of the title claimed, and shall be accompanied by —

Form of objections, affidavits, etc.

- (a) all documents evidencing the title in the possession or power of the objector or, where such documents are not in his possession or power but are recorded documents, certified copies thereof;
 - (b) where the objector claims such possession of the lands as would under the Limitation Acts bar the title of the Crown to the land, at least two affidavits evidencing such possession;
 - (c) a concise statement setting out such facts as are necessary to establish the title of the objector; and
 - (d) the address at which notices and documents under this Act can be served upon the objector.
- Second Schedule.

Copies to be sent
to the Attorney
General.

9. The Commissioner shall transmit to the Attorney General without delay a copy of every objection, together with copies of all documents accompanying that objection, received by him.

Hearing of
objections.

10. (1) So soon as may be after the expiration of the period limited for making objections in the notice published in accordance with section 7 of this Act, the Commissioner shall cause a notice to be served upon each of the objectors and upon the Attorney General, specifying the date and time when and the place where the objection will be heard.

(2) The objection shall be heard and determined by the Commissioner as nearly as may be in the same manner as if it were an originating motion made to the Supreme Court under the Rules of the Supreme Court and as if the objector and the Attorney General were parties thereto, and for that purpose the Commissioner shall have all the powers and authorities including the power to require affidavits and to take evidence upon oath, of a judge of the Supreme Court under those Rules.

Appeal.

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11. (1) An appeal from the determination of the Commissioner of any objection shall lie to the Court of Appeal and for all purposes of the Court of Appeal Act and the Rules made thereunder any such appeal shall be deemed to be an appeal in civil proceedings from a judgment of the Supreme Court.

(2) The Registrar of the Court of Appeal shall transmit a copy of the judgment of the Court in any appeal under this section to the Commissioner.

12. After all objections made under the provisions of this Act have been determined whether on appeal or otherwise, the Commissioner shall in a report to the Minister specify —

Report of
Commissioner.
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- (a) the several objections received by him indicating by reference to the preliminary plan the part or parts of the Scheduled land to which they severally relate;
- (b) the manner in which every such objection has been determined, stating his decision thereon and in the event of any appeal having been made against his decision, the decision of the Court of Appeal,

and shall together with such report forward a copy of the preliminary plan certified by him and clearly indicating any part or parts of the Scheduled land in respect of which any objection to the claim of the Crown has been allowed.

13. After receiving the report of the Commissioner under section 12 of this Act, the Minister shall publish a notice in the *Gazette* declaring all that part of the Scheduled land in respect of which no objection to the claim of the Crown has been allowed, to be Crown Land, and on and after the date of publication of that notice the Crown shall be, for all purposes, deemed to be and to have been the legal and beneficial owner in fee simple of the land described therein and all and any competing title, interest or claim in or to any part of such land shall, subject to the provisions of this Act, cease and be extinguished.

Notice to be
published.

14. Notwithstanding any other provisions of this Act the Commissioner may hear and determine any objection filed or made otherwise than in accordance with the provisions of this Act which he considers the interests of justice require him to hear and which is brought to his notice before the date on which he gives his decision in the last of all other objections.

Discretionary
powers of
Commissioner.

15. Where at any time after the date of publication of the notice referred to in section 13 of this Act, it is made to appear to a judge of the Supreme Court that any person was at such date the true owner in fee simple of any part or

Compensation.