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COMMONWEALTH OF THE BAHAMAS
IN THE COURT OF APPEAL
SCCivApp & CAIS No. 138 of 2011

Personal Representatives of the Estate of Ruth Ingraham
Appellant

And

Personal Representative of the Estate Herbert H. Heastie
and Wenfred Heastie
Respondent

(Substantive Appeal)

Before: The Hon Mrs Justice Anita Allen, President
The Hon Mr Justice Blackman, JA
The Hon Mr Justice Conteh, JA

Mr Anthony Thompson, with Mr Andrew Thompson,
Counsel for Appellant
No appearance by or on behalf of Respondent

2 November 2012

1 The oral judgment of the court was delivered by

2 Allen, P:

3 Having heard the submissions of counsel and having
4 read the learned Chief Justice's ruling, we accede to the
5 appeal in light of the evidence.

6 We find the learned judge clearly misdirected
7 himself in paragraph 8 when he said the petitioner adduced no
8 documents showing that CC Mason acquired the 19.72 acres.
9 This is totally inconsistent with the evidence which he
10 himself referenced in paragraphs 10 through 16 and at
11 paragraph 40. In our view, there is sufficient evidence from
12 which one may reasonably infer that CC Mason had documentary
13 title to the subject land, and, indeed, evidence that his
14 successors in title were in possession of the same for the
15 requisite period.

16 The Chief Justice's function was to investigate and
17 discover who had the better title, not who had a good title.
18 There was cogent evidence that the petitioner had the better
19 title to the land. Consequently, we found the Chief Justice
20 erred in finding that he had no title. Having considered all
21 of the evidence, we find that the petitioner had indeed proven
22 better title to the property than the adverse claimants.

23 In the premises, we set aside the decision of the
24 learned Chief Justice and grant, in accordance with section 17
25 of the Quieting Titles Act, a certificate of title to the

1 petitioner/appellant in the form prescribed by section 18 of
2 the Act.

3 We grant no order as to costs.
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7 Dated this 2nd day of November, 2012
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ALLEN, P

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13 CONTEH, JA:

14 May I just add that I agree with the disposition of
15 the appeal and the orders made by the learned President and to
16 say that reading the Chief Justice's judgment, particularly at
17 paragraph 55, his conclusion, is not in accordance with the
18 requirements of the Quieting Titles Act. There has to be
19 a determination where there is a petition and adverse claim or
20 claims. The duty on the court is to investigate and determine
21 which of the claimants, the petitioner or the adverse
22 claimant, have a better title. In this case, as the learned
23 Chief Justice said in his ruling, "...none of the parties have
24 satisfied me that any of them were in long and exclusive
25 possession for a period of 20 years ...", disregarding the

1 documentary title in favour of the appellant and her
2 predecessors in title.

3 Accordingly, I entirely agree with the disposition
4 of the appeal as the learned President has said.

5 If I may just add further, the whole purpose of
6 Chapter 142, as its title implies, Quieting Titles Act, but,
7 as the Chief Justice left it, no title was quieted and left it
8 to be agitated forevermore. There has to be a determination
9 between the claimants, whether the petitioner or the adverse
10 claimants, as to which of them has the better title.

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14 CONTEH, JA

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