

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

- (2.) Because the land, having formerly been vineyard, requires to remain for a longer time uncultivated in order that it may become fit for replanting; provided that no such land shall be so exempted if it remains uncultivated on the whole for more than twenty years; or
- (3.) Because the land belongs to a chiftlik by right of title, or to a monastery as being its property *ab antiquo*, and has been always used as pasture-land (*mera*), or as forest; or
- (4.) Because the land surrounds a private dwelling house or a public office or institution, provided that such land is kept uncultivated for the purpose of amenity or as a pleasure ground and shall not exceed six donums in extent (including the area on which the said dwelling house or public office or institution stands) and provided that such land shall not extend more than three hundred feet in any direction from the said dwelling house or public office or institution; or 6. 1922, 2.
- (5.) Because the land is used as a public park or for the purposes of general recreation and amenity in or near any town or village, provided that such land shall not exceed thirty donums in extent; or 6. 1922, 2.
- (6.) Because the land is used :— 6. 1922, 2.
- (a.) In connection with any school or college for the purposes of instruction or as a recreation, sports or playground for students or pupils thereof; or
- (b.) In connection with any club or society for athletic or recreation purposes.

Provided that such land shall not exceed the area of forty donums. Save that in the case of a race course the area of land may, with the sanction of the High Commissioner, extend to an area with a circumference of not more than two miles; or

- (7.) Because the High Commissioner has by Order in Council declared that for good and sufficient reasons the land mentioned in the said Order in Council shall, subject to any conditions contained therein, be exempted from confiscation. 6. 1922, 2.

6. The relative Articles of the Law on land of the 7th Ramazan 1274, *i.e.*, Articles 68, 69, 70, 71, 72, 73, 74 and 75, and all previous orders inconsistent with this Law are repealed. Repeal.

7. This Law may be cited as the Confiscation of Public Lands Law, 1885. Short title.