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DIVISION I

Introduction to title registration

'Land is the source of all material wealth. From it we get everything that we use or value, whether it be food, clothing, fuel, shelter, metal, or precious stones. We live on the land and from the land, and to the land our bodies or our ashes are committed when we die. The availability of land is the key to human existence, and its distribution and use are of vital importance. Land records, therefore, are of great concern to all governments. The framing of land policy, and its execution, may in large measure depend on the effectiveness of 'land registration', as we can conveniently call the making and keeping of these records.

Land registration must, however, be kept in perspective. It is a device which may be essential to sound land administration but it is merely part of the machinery of government. It is not some sort of magical specific which will automatically produce good land use and development; nor is it a system of land holding; it is not even a kind of land reform, although it may be a valuable administrative aid to land reform. In short, land registration is only a means to an end. It is not an end in itself. Much time, money, and effort can be wasted if that elementary truth be forgotten.'

S Rowton Simpson '*Land Law and Registration*'¹

1. THE DIFFERENT SYSTEMS OF CONVEYANCING: PUBLIC SYMBOLIC TRANSFERS, PRIVATE CONVEYANCING, DEEDS REGISTRATION AND TITLES REGISTRATION

Historically, there have been four general types of systems according to which land transactions in common law jurisdictions have been carried out. They may be very broadly classified as public symbolic transfers, private conveyancing, deeds registration and title registration. By considering each of these systems briefly, the advantages likely to accrue from a system of title registration can be better appreciated.

(a) Public symbolic transfers

The earliest system of land transfers was one involving publicity and requiring no permanent or written record of any kind. When communities

1. Cambridge University Press (1976) Ch 1, p 3.