**Kawalya-Kagwa v Registrar of Titles**

**Division:** Court of Appeal at Kampala

**Date of judgment:** 21 October 1974

**Case Number:** 38/1974 (4/75)

**Before:** Spry Ag P, Mustafa and Musoke JJA

**Sourced by:** LawAfrica

**Appeal from:** High Court of Uganda – Wambuzi, C.J

*[1] Land – Mailo land – Applicant from Ghana – Whether member of indigenous African tribe or*

*community – Effect of mixed blood – Interpretation* (*Special Provisions*) *Act* (*Cap*. 17), *s*. 2 (*U*.).

*[2] Statute – Construction – Member of indigenous African tribe or community – Meaning –*

*Interpretation* (*Special Provisions*) *Act* (*Cap*. 17), *s*. 2 (*U*.).

**Editor’s Summary**

The appellant, the widow of a Muganda, was the daughter of a Ghana African and an English mother.

She applied to be registered as the proprietor of mailo lands and when this was refused contended in the High Court that she was a member of an indigenous African tribe, that of her father. The High Court found against her and on appeal the argument was advanced that she had become a member of the

Baganda community.

**Held** –

(i) a person of mixed blood may be a member of a tribe if so recognised by that tribe;

( ii) an indigenous African tribe means a tribe indigenous to Uganda;

(iii) a person may be a member of an indigenous African community if accepted as a member of it;

(iv) there was no evidence on which the court could find that the appellant was a member of the

Baganda community.

Appeal dismissed.

**Case referred to Judgment:**

(1) *Katate v. Nyakatukura* (1953), 7 U.L.R. 47.