

CHAPTER 50.

SUMMARY EJECTMENT (PROTECTORATE).

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SECTION.

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CHAPTER 50.

SUMMARY EJECTMENT (PROTECTORATE).

**An Ordinance to establish a form of procedure for the summary ejectment of persons not being natives of the Protectorate who are in wrongful possession of Protectorate lands.**

41 of 1932.  
32 of 1933.

[1ST JANUARY, 1933.]

1. This Ordinance may be cited as the Summary Ejectment (Protectorate) Ordinance, and shall be read as one with the Protectorate Ordinance and the Native Courts Ordinance.

Short title and construction.  
Cap. 60.  
Cap. 8.

2. When it appears to a Tribal Authority that any person not a native has wrongfully entered upon and taken possession of any land within the chiefdom and the Tribal Authority has demanded possession from such person and the said person has neglected or refused to give up the possession of the said land, or when any person not a native is in possession or occupation of any land as tenant on any kind of tenancy and such tenancy has been duly determined by notice to quit or otherwise and such tenant has neglected or refused to quit or deliver up possession of the same, the Tribal Authority may give notice to such person of its intention to apply to the Magistrate's Court for summary ejectment under this Ordinance, and the

Notice of intended ejectment.

Magistrate's Court shall have jurisdiction to hear and determine the matter.

Form of  
notice.

3. Such notice may be in Form A set forth in the Schedule, or as near thereto as circumstances permit, provided that the time allowed therein for quitting and giving up possession shall not be less than seven days.

Complaint  
and  
jurisdiction.

4. (1) The Tribal Authority may, after giving notice of its intention to apply to the Magistrate's Court for summary ejectment, lay a complaint before the Court which complaint may be Form B or C set forth in the Schedule, and the Court shall issue a summons returnable not less than eight clear days after the service of the said summons. The Court shall have jurisdiction to deal with such summons notwithstanding any claim of right or title.

(2) The summons shall be in Form D set forth in the Schedule, or as near thereto as circumstances permit.

Service.

5. Any notice or summons specified or referred to in this Ordinance may be served either personally or by leaving it with some person apparently residing at the place of abode of the person to whom it is addressed, provided that if the person to whom it is addressed cannot be found and his place of abode be not known or admission thereto cannot be obtained for service of such notice or summons, service may be effected by posting the same on some conspicuous part of the land.

Hearing and  
judgment.

6. At the hearing of the summons and upon proof of the following facts—

- (i) (a) wrongful entry and taking possession, or
- (b) tenancy and determination thereof, as the case may be; and
- (ii) notice as hereinbefore provided; and
- (iii) neglect or refusal to comply with the notice; and
- (iv) service of summons,

the Magistrate's Court may, notwithstanding the absence of the defendant, order that the defendant be ejected, and it may in addition order him to pay any sum by way of damages not exceeding fifty pounds.

(2) For the purposes of the hearing only the Magistrate's Court shall be presided over by the Magistrate who is also the Provincial Commissioner of the Province unless such Magistrate shall, in respect of any such case, by warrant under his hand

authorise any other Magistrate by name to preside in his stead in such Court.

7. The payment of damages may be enforced in the same manner as a judgment debt under the provisions of the Courts Ordinance. Having ordered that the defendant be ejected the Magistrate's Court shall issue a warrant to any Police Constable (which warrant shall be in Form E set forth in the Schedule, or as near thereto as circumstances permit) commanding them within a period named therein to enter (by force if needful) into the land and give possession thereof to the Tribal Authority. Execution. Cap. 7.

8. Entry under such warrant shall not be made till the day following that on which the summons was determined by the Court, nor on a Sunday, Good Friday, Christmas Day or any other public holiday, nor at any time before the hour of eight o'clock in the forenoon or after the hour of four o'clock in the afternoon. Entry.

9. No notice, complaint, summons, warrant or other proceeding under this Ordinance shall be set aside for any defect in form. Defect in form of process.

10. Any person aggrieved by the decision of the Magistrate's Court may appeal to the Supreme Court, and such appeal shall be subject to the provisions of the Appeals from Magistrates' Courts Ordinance: Appeal. Cap. 16.

Provided that the Supreme Court shall not reverse the decision of the Court below unless substantial injustice has been done, and provided also that where a Tribal Authority to the knowledge of the tenant has shown a clear intention to determine a tenancy but has failed to give the tenant proper legal notice to quit, the Supreme Court may, instead of reversing the decision of the Court below, affirm or amend such decision and may grant a stay of execution for such period as may appear just.

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SCHEDULE.

Sections 2  
and 3.

FORM A.

*Notice.*

We, the Tribal Authority of the.....Chiefdom, hereby give you notice that you, within seven days of the receipt of this notice, do quit and give up possession of the land occupied by you at.....(*here describe the land if possible*) and within this our chiefdom, and that if you do not comply with this demand, proceedings will be forthwith taken against you under the "Summary Ejectment (Protectorate) Ordinance."

(Signed).....

*For and on behalf of the Tribal Authority of the.....Chiefdom.*

To.....

Section 4.

FORM B.

*Complaint.*

In the Magistrate's Court, .....District.

We, the Tribal Authority of the.....Chiefdom, hereby make complaint and say as follows—

One.....has wrongfully entered upon and taken possession of certain laid situate at.....and within our chiefdom, and after demand has neglected (*or refused*) to quit or deliver up possession of the said land, and we hereby apply for a summons against the said.....in order that this our complaint may be heard and that the Court may grant us such remedy as it may see fit.

(Signed).....

*For and on behalf of the Tribal Authority of the.....Chiefdom.*

Section 4.

FORM C.

*Complaint.*

In the Magistrate's Court, .....District.

We, the Tribal Authority of the.....Chiefdom, hereby make complaint and say as follows—

One.....was tenant under us of certain land situate at.....and within our chiefdom, and the said tenancy was duly determined (*or expired*) on the.....day of.....19....., and the said....., after notice duly given by us, neglects (*or refuses*) to quit the said land and deliver up possession thereof, and we hereby apply for a summons against the said.....in order that this our complaint may be heard and that the Court may grant us such remedy as it may see fit.

(Signed).....

*For and on behalf of the Tribal Authority of the.....Chiefdom.*

FORM D.

Section 4.

Summons.

In the Magistrate's Court, ..... District.

To.....of.....

A complaint against you having been made by the Tribal Authority of the.....Chiefdom that.....(setting out the terms of the complaint). You the said.....are hereby commanded in Her Majesty's name to appear before this Court at.....on the.....day of.....19....., to show cause why the Court should not order that you be ejected from.....and pay damages to the Tribal Authority.

Take Notice that if you do not attend at the time and place hereinbefore appointed the Court may proceed to hear and determine the said matter in your absence.

Issued at.....the.....day of.....19.....

.....  
Magistrate.

FORM E.

Section 7.

Warrant.

To any Police Constable of the Protectorate of Sierra Leone.

WHEREAS.....(set forth complaint). These are therefore to command you in Her Majesty's name on any day (except Sunday, Christmas Day, Good Friday, or any other public holiday) within.....days between the hours of eight o'clock in the forenoon and four o'clock in the afternoon to enter (by force if needful) and with or without the aid of the Tribal Authority and any other person or persons whom you may think requisite to call to your assistance into and upon the land and premises.....(here describe them as near as may be) situate at.....and of the said land and premises full and peaceful possession to deliver to the said Tribal Authority.

Given under my hand this.....day of.....19.....

.....  
Magistrate.