

**CHAPTER 51.****SPEEDY EJECTMENT.****ARRANGEMENT OF SECTIONS.****SECTION.**

1. Short title.
2. Summary jurisdiction vested in Magistrate.
3. Proceedings against persons entering upon land without title.
4. (1) Justices of the Peace to issue summons to appear before a Magistrate.  
Order of Magistrate for delivery up of the lands within fourteen days.
- (2) Commitment in default.
- (3) Further order for the delivery up of the lands.
- (4) Warrant to constables, to put owner in possession of lands.  
No order if three years quiet possession or probable claim or title to lands.
5. (1) Jurisdiction of Supreme Court not to be ousted.
- (2) Actions to recover possession and compensation.
- (3) Costs on dismissal of information.
- (4) Costs against parties in wrongful possession.
6. Order of Magistrate final.
7. Indemnity of Justices and Magistrates.
8. Right of audience of counsel.

**SCHEDULE****CHAPTER 51.****SPEEDY EJECTMENT.**

33 of 1906.  
12 of 1928.

**An Ordinance to amend the law relating to the ejectment of persons unlawfully holding lands within the Colony of Sierra Leone.**

[21ST DECEMBER, 1906.]

Short title.

1. This Ordinance may be cited as the Speedy Ejectment Ordinance.

Summary jurisdiction vested in Magistrate.

2. Any Magistrate shall, in manner hereinafter mentioned, exercise a summary jurisdiction for the removal of all persons from the lands of which they may have unlawfully taken, or shall unlawfully take, possession in the said Colony, subject nevertheless to the provisions hereinafter mentioned.

3. It shall be lawful for any Justice of the Peace, except as aforesaid, to receive any information which may be laid before him upon oath, charging any person or persons with having, without probable claim or pretence of title, entered upon, and taken possession of, any lands in the said Colony:

Proceedings  
against  
persons  
entering upon  
land without  
title.

Provided that, if the lands mentioned or referred to in any such information shall belong to, or be vested in, Her Majesty, her heirs or successors, such information shall be preferred by the Director of Surveys and Lands of the Colony, or by some person acting under his authority and on his behalf; but if the lands mentioned or referred to in any such information shall belong to, or be vested in, any persons or person other than Her Majesty, her heirs or successors, such information shall be preferred by the owner or owners of such lands, or by some person or persons who, as general or special agent, attorney, trustee, or otherwise, may be authorised to represent, and to act for, and on the behalf of, such owner or owners, or by some person or persons who may be authorised by the Supreme Court of the said Colony to prefer such information.

4. (1) Every Justice of the Peace before whom any such information shall be preferred shall issue his summons (in the form contained in the schedule annexed to this Ordinance marked A) for the appearance before a Magistrate of the party or parties alleged to have so illegally entered upon, or taken possession of, such land, and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such information, and upon the return of such summons shall proceed in a summary way in the presence of the parties, or in case of the wilful absence of any person against whom any such information shall have been laid, then in his absence to hear and determine such information; and in case, on the hearing thereof, it shall be made to appear by such evidence, to the satisfaction of such Magistrate, that the party or parties against whom the same shall have been laid hath, or have entered upon, or taken possession of, the land mentioned or referred to in such information without any probable claim or pretence of title, then such Magistrate is hereby authorised and required to make an order (in the form contained in the schedule annexed to this Ordinance marked B) directing such party or parties to deliver up to Her Majesty, her heirs or successors, or other the owner or owners of such lands, or person preferring the information (as the case may be), to be named in such order, peaceable possession

Justices of  
the Peace to  
issue sum-  
mons to  
appear before  
a Magistrate.

Order of  
Magistrate  
for delivery  
up of the  
lands within  
fourteen  
days.

of such lands, together with all crops growing thereon, and all buildings and other immovable property upon, and affixed to, the said lands.

Commitment  
in default.

(2) In case the party or parties against whom any such order shall have been made shall not, within fourteen days after service thereof, deliver up possession of the said lands and premises pursuant to the said order, and upon proof of such service by a true copy of such order having been personally served upon such party or parties, and, at the same time, showing the original order to him or them, then and in such case it shall be lawful for such Magistrate to adjudge such party or parties to be imprisoned for any time not exceeding fourteen days, which commitment shall be made in the form annexed (marked C).

Further order  
for the  
delivery up  
of the lands.

(3) Upon proof of the expiration of such imprisonment, and of the discharge therefrom, and that the said lands and premises have not been delivered over as directed, such Magistrate shall make a further order (in the form annexed marked D) for the immediate delivery over of the possession of such lands and premises to Her Majesty, her heirs or successors, or other person or persons whom such Magistrates may have found to be entitled to the possession thereof, and who shall be named in such further order.

Warrant to  
constables, to  
put owner in  
possession of  
lands.

(4) In the event of the said further order not being instantly obeyed upon proof of due service thereof as aforesaid, it shall then be lawful for the said Magistrate to issue a warrant under his hand and seal (in the form annexed marked E), commanding the constables and peace officers of the Colony, within four days from the date of such warrant, to enter, by force if needful, into the said lands and premises, and give possession thereof to Her Majesty, her heirs or successors, or to such other person or persons accordingly:

No order if  
three years  
quiet pos-  
session or  
probable  
claim or title  
to lands.

Provided always, and it is further enacted, that no such order for the delivery up of possession of any such lands shall be made by any such Magistrate as aforesaid, if it shall appear to such Magistrate that the party or parties against whom any such order is sought hath or have been, by himself or themselves, or by those under whom he or they claim title, in the quiet possession of the land mentioned or referred to in any such information, for three years next before the date thereof, or that such party or parties hath, or have, any probable claim or pretence of lawful title to such lands, or to the occupation thereof.

5. (1) For the purpose of any such order to be made by any such Magistrate as aforesaid, the adjudication of such Magistrate shall be conclusive as to the title of the person to whom delivery of the said lands and premises may be directed to be made; but nothing herein contained shall extend, or be construed to extend, to take away or abridge the jurisdiction by law vested in the Supreme Court in taking cognisance of, and adjudicating upon, titles to land.

Jurisdiction of Supreme Court not to be ousted.

(2) Any person against whom any such order as aforesaid may have been made may, notwithstanding such order, proceed by the ordinary course of law to recover possession of such lands in case he shall be able to establish a title thereto, and may also in such case recover a reasonable compensation for the damage he may have sustained by reason of his having been compelled to deliver up possession of the said premises, and in like manner, in case of the dismissal of any such information, the party having preferred the same may proceed before the ordinary tribunals as if no such information had been preferred:

Actions to recover possession and compensation.

(3) Provided always that in case any such information shall be dismissed, it shall be lawful for the said Magistrate, if he shall think fit, to order the person by whom the same may have been preferred, whether such information may have been preferred by the Director of Surveys and Lands, or by any other person, to pay to the party or parties against whom the same may have been preferred, such sum as the said Magistrate may consider to be the amount of costs fairly incurred by such party or parties by reason of such information so dismissed; and

Costs on dismissal of information.

(4) The said Magistrate shall also, in like manner, if he shall think fit, order costs to be paid by any party or parties, who may be convicted by him of having unlawfully taken possession of any such lands as aforesaid, the amount of which costs shall be certified by him, and endorsed upon the order or orders given for the delivery of such lands to the person or persons entitled to the same; and the payment of such costs may be enforced in the same way as the payment of other debts may be enforced in the Colony.

Costs against parties in wrongful possession.

6. No order made by any Magistrate, in the execution of the jurisdiction so vested in him as aforesaid, shall be liable to be reversed, set aside, appealed from, or questioned by any Court of Justice in the said Colony; but the same shall, to all intents and purposes, be binding, final, and conclusive; subject nevertheless to the rights of the parties to proceed as hereinbefore mentioned before the ordinary tribunals of the Colony.

Order of Magistrate final.

Indemnity of  
Justices and  
Magistrates.

7. For all acts done by any Magistrate or Justice of the Peace in the execution of the jurisdiction hereby vested in him, such Magistrate or Justice shall be entitled to the same protection and indemnity as, by any law in force in the Colony, any Magistrate or Justice is entitled to claim, or to have, in respect of any act by him done in execution of the powers vested by law in him.

Right of  
audience of  
counsel.

8. It shall be lawful for any party or parties who shall make such complaint as aforesaid to be assisted in such application by counsel or attorney; and for any person summoned under this Ordinance to appear by counsel or attorney; and it shall be lawful for either of such parties to have all witnesses examined and cross-examined by such counsel or attorney.

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SCHEDULE

FORM A.

Sec. 4 (1).

FORM OF SUMMONS.

To the constables of.....in the Colony of Sierra Leone.

Colony of Sierra Leone	}	WHEREAS C.D. of.....in the Colony aforesaid ( <i>Labourer, as the case may be</i> ), hath this day been charged (to wit). } before me E.F. esquire, one of Her Majesty's Justices of the Peace for the Colony aforesaid, on the oath of a credible witness, for that he the said C.D. did on the.....day of.....at.....in the Colony aforesaid, without probable claim or pretence of title, unlawfully enter upon and take possession of certain lands and premises situate .....in the Colony aforesaid, belonging to or vested in A.B., .....
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These are therefore to require you forthwith to summon the said C.D. to appear before a Magistrate at the Court in.....in the Colony aforesaid, on.....next, the.....day of.....instant, at the hour of..... in the forenoon of the same day, to answer to the said charge, and to be further dealt with according to law.

And be you then there to certify what you shall have done in the premises. Herein fail you not.

Given under my hand and seal this.....day of.....in the year of our Lord one thousand nine hundred and.....

.....  
E.F.

## FORM B.

Sec. 4 (1).

## FORM OF ORDER.

Colony of } WHEREAS complaint hath been made to.....by  
 Sierra Leone } A.B. of.....in the said Colony, that C.D. did on  
 (to wit). } the.....day of.....at.....in the  
 Colony aforesaid, without probable claim or pretence of title, unlawfully enter  
 upon and take possession of certain lands and premises situate.....in  
 the Colony aforesaid, belonging to or vested in the said.....

Now.....the said.....having summoned the said C.D.,  
 and the said C.D. now appearing before.....(or the said C.D. not appearing  
 now before in obedience to the said summons, and the service of the said  
 summons being now duly proved to.....upon oath), and having  
 examined the witnesses and proofs in this behalf and duly considered the  
 same do find that the said C.D. hath, without probable claim or pretence of  
 title, unlawfully entered upon and taken possession of the said lands and  
 premises belonging to or vested in the said A.B. as aforesaid: And.....  
 do hereby adjudge and order that the said C.D. shall, within fourteen days  
 from the service hereof, deliver up peaceable possession of the said lands and  
 premises (together with all crops growing, and all buildings and other movable  
 property upon and affixed to the said lands) to the said A.B. who is entitled  
 to the possession of the same.

Given under my hand and seal (or our hands and seals), this.....  
 day of.....in the year of our Lord one thousand nine hundred and  
 .....

.....  
*E.F., Magistrate.*

## FORM C.

Sec. 4 (2).

## FORM OF COMMITMENT.

To the Constables of the Colony of Sierra Leone, and to the Superinten-  
 dent or Keeper of the prison at.....

Colony of } WHEREAS C.D., late of.....in the said Colony  
 Sierra Leone } was on the.....day of.....last past duly  
 (to wit). } convicted before.....for that he the said C.D. did on  
 the.....day of.....last past, at.....aforesaid,  
 without probable claim or pretence of title, unlawfully enter upon and take  
 possession of certain lands and premises situate at.....in the Colony  
 aforesaid, belonging to or vested in A.B. against the form of the Speedy  
 Ejectment Ordinance. And the said.....thereupon adjudged and  
 ordered the said C.D. should, within fourteen days from the service of the said  
 order, deliver up peaceable possession of the said lands and premises (together  
 with crops growing and all buildings and other immovable property upon and  
 affixed to the said lands) to the said A.B., who was entitled to the possession  
 of the same: And whereas the said C.D. hath not within fourteen days from  
 the service of such order delivered up the possession of the said lands and  
 premises, nor hath he yet delivered up the same, but therein hath made  
 default and disobeyed the said order.

These are therefore to command you, the said constables of Sierra Leone  
 aforesaid, to apprehend the said C.D., and him safely to convey to the prison  
 aforesaid, and there to deliver him to the said Superintendent or Keeper  
 thereof, together with this precept. And we do hereby command you, the  
 said Superintendent or Keeper of the said prison, to receive the said C.D. into

the said prison, there to imprison him for the space of fourteen days, unless the said lands and premises as aforesaid shall be sooner delivered up to the said A.B.: And for you so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals), this..... day of.....in the year of our Lord one thousand nine hundred and .....

.....  
*E.F., Magistrate.*

Sec. 4 (3).

FORM D.

FORM OF FURTHER ORDER.

To the Constables of the Colony of Sierra Leone.

Colony of } WHEREAS complaint was lately made to.....by  
Sierra Leone } A.B., of.....in the said Colony, that C.D.....  
(to wit). } did on the.....day of.....at.....  
in the Colony aforesaid, unlawfully enter upon and take possession of certain lands and premises situate at.....in the Colony aforesaid, without probable claim or pretence of title, belonging to or vested in the said A.B.: And.....the said.....having summoned the said C.D., who then appeared before.....(or the said C.D., who did not then appear before.....in obedience to the said summons, but the service of the said summons was then duly proved to.....upon oath), and having examined the witnesses and proofs in that behalf, and duly considered the same, did find that the said C.D. had, without probable claim or pretence of title, unlawfully entered upon and taken possession of the said lands and premises belonging to or vested in the said A.B. as aforesaid: And.....did thereupon adjudge and order that the said C.D. should, within fourteen days from the service of the said order, deliver up peaceable possession of the said lands and premises (together with all crops growing and all buildings and other immovable property upon and affixed to the said lands) to the said A.B., who was entitled to the possession of the same: And whereas the said C.D. did not, within fourteen days of such order, deliver up the possession of the lands and premises as aforesaid, nor hath he yet delivered up the same, but therein made default and disobeyed the said order: Whereupon the said C.D. was committed by.....to the custody of the Superintendent or Keeper of the prison at.....there to be imprisoned for the space of fourteen days, unless the said lands and premises as aforesaid were sooner delivered up to the said A.B. And whereas the said C.D. remained in the said custody of the Superintendent or Keeper of the said prison the full period of his imprisonment, and has been discharged therefrom without having delivered over the possession of the said lands and premises as before directed.

I (or we) do therefore further order and direct that the said C.D. shall immediately upon the service hereof deliver up peaceable possession of the said lands and premises (together with all crops growing, and all buildings and other immovable property upon and affixed to the said lands) to the said A.B., who is entitled to the possession of the same.

Given under my hand and seal (or our hands and seals), this..... day of.....in the year of our Lord one thousand nine hundred and .....

.....  
*E.F., Magistrate.*

## FORM E.

Sec. 4 (4).

## FORM OF WARRANT.

To the Constables of the Colony of Sierra Leone, Greeting.

Colony of }  
Sierra Leone } WHEREAS certain proceedings were lately taken before  
(to wit). } .....upon the complaint of A.B. of.....by  
virtue of the Speedy Ejectment Ordinance, wherein it was  
found, after having examined the witnesses and proofs in that behalf, that  
C.D. had, without probable claim or pretence of title, unlawfully entered upon  
and taken possession of certain lands and premises situate.....in the  
Colony aforesaid belonging to or vested in the said A.B. of.....  
And that thereupon.....did adjudge and order that the said C.D.  
should, within fourteen days from the service of the said order, deliver up  
peaceable possession of the said lands and premises (together with all crops  
growing, and all buildings and other immovable property upon and affixed to  
the said lands) to the said A.B., who was entitled to the possession of the same:  
And whereas the said C.D. did not, within fourteen days of the service of such  
order, deliver up the possession of the said lands and premises, but therein  
made default and disobeyed the order: Whereupon the said C.D. was  
committed by.....to the custody of the Superintendent or Keeper  
of the prison at.....there to be imprisoned for the space of fourteen  
days, unless the said lands and premises as aforesaid were sooner delivered  
up to the said A.B.: And whereas the said C.D. remained in the said prison  
the full period of his imprisonment and was thereupon discharged without  
having delivered over the possession of the said lands and premises as before  
directed: We did therefore further order and direct that the said C.D. should  
immediately upon the service of such further order deliver up peaceable  
possession of the said lands and premises (together with all crops growing  
and all buildings and other immovable property upon and affixed to the said  
lands) to the said A.B., who was entitled to the possession of the same: And  
whereas the said C.D. still retains unlawful possession of the said lands and  
premises as aforesaid, and has not delivered over the same to the said A.B.,  
but therein hath made default and disobeyed the said further order: I (or we)  
do therefore in pursuance of the said Ordinance in such case made and provided,  
charge and command you, the said constables aforesaid, that within four days  
from the date hereof you go unto the said lands and premises, and that you  
enter the same with the appurtenances by force, if needful, and that you put  
the said A.B. in full possession of the same (together with all crops growing,  
and all buildings and other immovable property upon and affixed to the said  
lands). And herein fail you not.

Given under my hand and seal (or our hands and seals), this.....  
day of.....in the year of our Lord one thousand nine hundred and  
.....

.....  
*E.F., Magistrate.*