

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 chieftom 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