

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.