

CHAPTER 60.

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CHAPTER 60.

PROTECTORATE.

32 of 1933.
10 of 1934.
8 of 1935.
12 of 1937.
22 of 1939.
27 of 1945.
3 of 1946.
15 of 1949.
13 of 1955.
35 of 1956.

An Ordinance to Consolidate and Amend the Law Dealing with the Mode of Exercising Her Majesty's Jurisdiction in the Protectorate.

[9TH DECEMBER, 1933.]

PART I.—PRELIMINARY.

Short title and application.

1. This Ordinance may be cited as the Protectorate Ordinance, and shall apply to the Protectorate as hereinafter defined.

Interpretation.

2. (1) In this Ordinance, unless the context otherwise requires—

“ province ” means such tract of country as the Governor in Council shall by Order declare to be a province;

“ Provincial Commissioner ” means such person as shall be from time to time appointed by the Governor to exercise jurisdiction as such. Every such Commissioner shall be *virtute officii* a District Commissioner, and shall exercise jurisdiction in all districts within any province to which he may be appointed, and shall in any such district have all the powers of a District Commissioner for such district;

“ district ” means such tract of country as the Governor in Council shall by Order declare to be a district;

“ District Commissioner ” means the person appointed by the Governor to exercise jurisdiction as such in a district;

“ Assistant District Commissioner ” means a person appointed by the Governor to exercise jurisdiction as such in a district;

“ Paramount Chief ” means a chief who is not subordinate in his ordinary jurisdiction to any other chief;

“ Chief ” means and includes a paramount chief and such other chiefs or headmen as are by native customary law the councillors or assistants of any paramount chief;

“ Headman ” means the recognised head or authority of any town, village or place, by whatever title he may be called;

“ store ” includes house, shop, and every other building used, in whole or in part, for purposes of trade;

“sell” includes disposal by barter or exchange, or in any other manner, for valuable consideration;

“house” means any building used as a dwelling by one family, provided that any building used as a dwelling by more than one family shall be deemed to constitute as many houses as there are families so using the same;

“family” means the head of a house and such relatives not being males of marriageable age as by native custom are entitled to live in the same dwelling. In case of dispute as to what relatives are so entitled the decision of the Paramount Chief shall be liable to revision only by a Provincial Commissioner, District Commissioner or Assistant District Commissioner;

“Native” means any member of the aboriginal races or tribes of Africa ordinarily resident within the Protectorate or within the territories adjacent thereto outside Sierra Leone; 15 of 1949.

“Minister” means the member of the Executive Council charged with the responsibility for Local Government. 13 of 1955.

(2) For the purpose of this Ordinance and of any Ordinance applying to the Protectorate the term “Protectorate” means the territories administered by the Government which are bounded on the north-west, north and north-east by the line of the frontier between the British territory and the territory of the Republic of Guinea, and on the east and south-east by the line of the frontier between the British territory and the territory of the Republic of Liberia and on the south-west by the Atlantic Ocean, with the exception of the portions of the Colony comprised in— Definition
of the
Protectorate.

(i) the Peninsula of Sierra Leone, as defined in the First Schedule to this Ordinance; and

(ii) Tassoh Island and the Banana Islands; and

(iii) the Sherbro Judicial District as defined in the First Schedule to the Courts Ordinance, or in any Ordinance substituted for the same: Cap. 7.

Provided that nothing in this section shall derogate—

(a) from any rights heretofore acquired by the Crown by settlement, conquest, cession or any other means in any part of the above-described territories; or

(b) from the existing national status of any of the inhabitants of the said territories.

Duties and powers of an Assistant District Commissioner.

3. Any Assistant District Commissioner of a district may perform any of the duties of the District Commissioner of that district, but shall only discharge such portion thereof as may, from time to time, be assigned to him by the District Commissioner, subject to any special instructions from the Provincial Commissioner, and while performing any of the said duties he shall have the same powers as the District Commissioner.

Division of Protectorate into provinces and districts.

4. (1) The Governor in Council may by Order divide the Protectorate into provinces, and sub-divide provinces into districts, as he may deem most convenient for judicial and executive purposes. He may in like manner alter or vary the boundaries of any such provinces and districts as he may deem most expedient.

(2) Where any part of the Colony is, under the provisions of this Ordinance, included within any such district, such part shall become subject to the Ordinances for the time being in force in the Protectorate, and shall for administrative purposes be deemed to be part of the Protectorate, and, save as herein-after provided, no Ordinance of the Colony, not in force within the Protectorate, shall be applicable thereto:

Provided that the Governor in Council may by Order direct that, on a date to be mentioned in such Order, any such part of the Colony shall cease to be administered as part of the Protectorate, and thereafter such part shall be administered as, and be deemed to be part of, the Colony:

Provided also that the Governor in Council may by Order direct that, on a date to be mentioned in such Order, any Ordinance in force in the Colony or any part of such Ordinance shall, with or without conditions, extend to any such part of the Colony as may have been included in any such district of the Protectorate, and thereafter such Ordinance, or part thereof, shall extend to such part of the Colony in the same manner as if it had been extended to the Protectorate.

PART II.—ELECTION OF CHIEFS.

Election of chiefs.

5. (1) Whenever the office of any chief shall become vacant the Tribal Authority of the chiefdom of which he was chief shall elect a chief to be in charge of the chiefdom and such chief shall generally maintain order and good government among the natives residing or being in the area over which the Tribal Authority exercises jurisdiction.

(2) Whenever the office of any chief becomes vacant by death or otherwise and the Tribal Authority fails, neglects or

refuses to elect a new chief within a period of twelve months after having been directed so to do by a Provincial Commissioner, then and in such case it shall be lawful for the Governor in Council to appoint a person to carry on the duties of the chief pending the election of a chief. 13 of 1955.

PART III.—ABOLITION OF SLAVERY.

6. The legal status of slavery and slavery in any form whatsoever is abolished throughout the Protectorate. Abolition of slavery.

7. Any person who— Punishment for dealing in persons.

(1) deals or trades in, purchases, sells, transfers, takes or receives any person; or

(2) places or receives any person in any service as a pledge or security for debt, whether then due or owing, or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person shall be called or known; or

(3) conveys any person, or induces any person to come within the Protectorate in order that such person may be dealt or traded in, bought, sold, transferred or be placed in any service as a pledge or security for debt; or

(4) conveys or sends any person, or induces any person to go out of the Protectorate in order that such person may be dealt or traded in, bought, sold, transferred, or become a slave, or be placed in servitude or in any service as a pledge or security for debt; or

(5) enters into any contract or agreement, with or without consideration, for doing any of the acts or accomplishing any of the purposes mentioned in this section; or

(6) ships, tranships, embarks, receives, detains or confines on board, or contracts for, or authorises, the shipping, transshipping, embarking, receiving, detaining or confining on board of any ship, vessel, boat or canoe, any person for the purpose of their being carried away, or removed from, or brought into, any place whatsoever as, or in order to their being dealt with as, slaves; or

(7) by any species of coercion or restraint, unlawfully compels, or attempts to compel, the service of any person, shall be guilty of an offence and liable, on conviction, to a fine not exceeding one thousand pounds or to imprisonment, with or without hard labour, for a period not exceeding ten years, or to both such fine and imprisonment.

Accessories.

8. Whoever aids, assists, counsels, procures, or commands any person to commit any of the acts above mentioned may either be tried and convicted as an accessory before the fact to the principal offence, together with the principal offender, or be tried and convicted of a substantive offence, whether the principal offender shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished as if he had been convicted of the principal offence.

*PART IV.—HOUSE TAX.

House tax.

9. (a) Every chief or headman, in respect of every house (other than a house owned or occupied by a non-native) situate in any town or village in which he has jurisdiction, and

(b) Every non-native not being a person in the service of Her Majesty, who resides in the Protectorate, in respect of every house owned or occupied by him,

shall pay to the District Commissioner, or to the public officer appointed by him to receive the same, an annual house tax of five shillings:

†

Provided that the Governor may, by Order, reduce the amount of house tax payable in any year and/or exempt any district or portion thereof, or any town, village, house, or class of houses from payment of house tax or some specified part thereof during any year:

Provided also that whenever any town, village or house shall be destroyed by fire, it shall be lawful for the Governor by warrant under his hand wholly to exempt such town, village or house as the case may be, from the payment of house tax.

Assessment
of tax on
houses
occupied by
natives.

10. (1) The annual house tax to be paid by every chief or headman as provided in section 9 shall be assessed on all such houses mentioned in paragraph (a) thereof as were owned or occupied at any time during the year next preceding that in respect of which such tax is due, and shall be payable to the chief or headman by such owners and occupiers.

* Part IV of this Ordinance was repealed by section 33 of the Local Tax Ordinance (Cap. 63); subject to the proviso that Part IV should remain in force in every area, district and Chiefdom of the Protectorate, until the Local Tax Ordinance was applied to such area, etc.

The Local Tax Ordinance has been applied to every area and chiefdom except the Toli Chiefdom of the Kono District (P.N.1 of 1955 and P.N.70 of 1959).

† The Governor has delegated to all persons for the time being holding the office of Provincial Commissioner the power to exempt from payment of house tax any town, village or house, which has been destroyed by fire (P.N.112 of 1951).

(2) The assessment of houses shall be effected by a Chief or Headman under the direction of the Paramount Chief and shall be liable to revision only by a Provincial Commissioner, District Commissioner or Assistant District Commissioner.

(3) In case of dispute as to whether more than one family is living, or as to how many families are living, in the same building the decision of the Paramount Chief shall be liable to revision only by a Provincial Commissioner, District Commissioner or Assistant District Commissioner.

11. (1) The house tax in respect of each year shall become due on the first day of January of that year, and shall be paid on or after that date on such day and at such place as shall be notified by the District Commissioner or the public officer appointed by him to receive the same. Payment of house tax.

(2) When any chief has paid the full amount of house tax for which he is liable at the time and place appointed for the payment thereof, the District Commissioner shall allow him a rebate of five per cent. on the amount so paid. Rebate allowed.

(3) Two-and-a-half per cent. rebate may be paid by the District Commissioner to any chief who, by reason of the taxable houses being scattered, or of other cause, has been put to exceptional labour in collecting the house tax, but no chief who is allowed a rebate under sub-section (2) shall be paid any additional sum under this sub-section. Special rebate in certain cases.

12. The house tax shall be paid in coin or currency notes, and the District Commissioner is hereby empowered to appoint a public officer to receive the same. Tax, how payable.

13. A receipt in the form in the Second Schedule or a form to the like effect, for the amount of house tax paid by each person liable to pay the same under section 9 and signed by the public officer receiving the same, shall be delivered to each such person. Receipts.

14. If any non-native liable to pay house tax under section 9 refuses or neglects to pay the same at the time and place appointed for the payment thereof, the District Commissioner is hereby empowered and authorised to levy the tax on the goods and chattels of such defaulter: Collection of taxes from persons other than natives.

Provided that all goods and chattels which shall be levied on by the District Commissioner under this section shall be sold by him at a public auction to the highest bidder, and the sum or sums of money arising from such sale shall be applied by the

District Commissioner to the payment of the amount of house tax due and of all charges attending such levy and sale, and the surplus, if any, shall be returned to the persons entitled thereto.

Duties of chiefs in regard to collection of house tax and penalty for non-fulfilment.

15. Every chief shall be the collector of house tax within the area over which he has jurisdiction, and any chief who wilfully neglects or refuses to collect the same, or who collects more than is due under the provisions of this Part, shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding two years.

Penalty for failure to pay over or account for house tax.

16. Any chief who wilfully neglects or refuses to pay, at the time and place appointed, any sum or sums of money which have been received by him on account of house tax, or who wilfully neglects or refuses to give a just and true account to the District Commissioner of all moneys received by him as aforesaid shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour, for a period not exceeding two years.

Penalty for fraudulent evasion, etc. of house tax.

17. Any person who fraudulently evades, or wilfully refuses, payment of the house tax payable by him under the provisions of this Part, shall be guilty of an offence and liable, on conviction, to a fine not exceeding treble the amount of the tax unpaid or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months.

Inciting against payment of house tax, etc.

18. Any person who, directly or indirectly, permits, encourages, aids, abets, incites, deters or prevents any person from paying or collecting house tax, or who makes use of any manner of force or inflicts or threatens to inflict any manner of bodily pain or punishment, or destroys or damages the property of any person, in order to prevent the payment or collection of house tax, shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months.

Power of Governor in Council to make rules.

19. The Governor in Council may make rules for the further, better or more convenient effectuation of the provisions or purposes of this Part, and in particular, but without derogating from the generality of the foregoing, with respect to any of the following matters—

(a) the appointment of persons to assess house tax, the time of such assessment and the manner in which it is to be carried out;

(b) the method, time and place of collecting house tax;

(c) the prescription of the powers and duties of any person appointed to assess or collect house tax;

(d) the imposition of fines not exceeding fifty pounds in any one case on persons who, being duly appointed to assess the house tax, wilfully make a wrong assessment or who wilfully neglect or refuse to make assessment; and

(e) the payment of rebates to chiefs under section 11 (2) and (3).

PART V.—STORE AND HAWKERS' LICENCES.

20. (1) No person shall, either by himself, or by any one in his service or on his behalf deal in, or keep, or expose for the purpose of being dealt in, in any store, any wares, goods, merchandise, or other articles, other than native produce, without having first obtained from the District Commissioner a store licence in the Form A in the Third Schedule or as near thereto as circumstances permit:

Store
licences.

Provided that this section shall not apply to the sale of intoxicating liquor in terms of a licence issued under the Liquor Licensing Ordinance.

Cap. 238.

(2) The District Commissioner may authorise the holder of any store licence to transfer such licence to another building within the same district, and may, on the death of the holder of a store licence, when it is intended to make use of such licence in respect of the same premises, authorise the transfer of such licence to the personal representatives of the deceased licensee or to such other person as they may designate. When any transfer is made under this sub-section, the District Commissioner shall amend the licence in accordance therewith.

Transfer of
store
licences.

21. (1) No itinerant trader shall deal in, sell, hawk, or expose for the purpose of being dealt in, any wares, goods, merchandise or other articles, other than native produce, without a hawker's licence first obtained for that purpose from the District Commissioner. No such licence holder shall be thereby authorised to carry about for the purpose of trading a greater quantity of such wares, goods, merchandise, or other articles than can be transported by two carriers, or any intoxicating liquor as defined in the Liquor Licensing Ordinance, unless the licence be endorsed to that effect by the District Commissioner and then only beer and wine and in quantities not exceeding twelve pint bottles in all and in the area specified in the licence.

Hawkers'
licences.

Cap. 238.

(2) A hawker's licence shall not be transferable. It shall be operative only in the district in which it is granted, and shall be in the Form B in the Third Schedule or as near thereto as circumstances permit.

(3) It shall be lawful for the Governor, by Order, to prescribe areas within which hawkers' licences shall not be granted.

Dealing in
wares
without
licence an
offence.

22. Every act of dealing in, or keeping, or exposing for the purpose of being dealt in, any wares, goods, merchandise, or other articles, other than native produce, without a store or hawker's licence, shall constitute an offence by the person so dealing in, keeping or exposing; and in case any person being a servant or agent, and acting on his master's or employer's behalf, so deals in, or keeps or exposes for the purpose of being dealt in, any such wares, goods, merchandise, or other articles, it shall constitute an offence also by such master or employer. Any person who is convicted of an offence under this section shall be liable to a fine not exceeding twenty-five pounds, or to imprisonment, with or without hard labour, for any period not exceeding three months:

Cap. 238.

Provided that this section shall not apply to the sale of intoxicating liquor in the terms of a licence issued under the Liquor Licensing Ordinance.

Duration of
licences and
fees payable
therefor.

23. (1) A store or hawker's licence may be half-yearly or yearly, and shall, unless forfeited or suspended under section 24 (2), continue in force from the date of the granting thereof until the thirtieth day of June or the thirty-first day of December, as the case may be, of the year in which the licence was granted.

(2) The Governor in Council may by Order—

(a) prescribe the fees payable for store licences and hawkers' licences; and

(b) provide for the issue of store licences and hawkers' licences without the payment of any fee.

Any such Order may apply to the whole or to any part of the Protectorate, and may extend to store licences or to hawkers' licences or to both. Unless and until such Order be made the fees set forth at the end of the Third Schedule shall be in force throughout the whole Protectorate.

Improper
use of
licence.

24. (1) Any person who makes an unauthorised or improper use of any hawker's or store licence, or who transfers or

attempts to transfer, or is concerned in the transfer or attempted transfer, of any such licence to any other person or building other than the person or building to whom or in respect of which it has been issued, except in accordance with the provisions of this Part, shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds or to imprisonment, with or without hard labour, for a period not exceeding two months, or to both such penalties.

(2) Whenever any holder of a hawker's or store licence is proved to have made an improper use of such licence or to have conducted any licensed premises in a disorderly or improper manner, it shall be lawful for the District Commissioner to forfeit any such licence or to suspend the same for such period as he may think fit.

Forfeiture or suspension of licence of which improper use has been made.

(3) Every person who is required by this Part to hold a store licence or a hawker's licence, shall produce for inspection a subsisting store or hawker's licence, as the case may be, duly issued to him, when required so to do by the District Commissioner or a police constable authorised by such Commissioner, or by any chief or headman within whose chieftom or area of jurisdiction he deals in, sells, hawks, or keeps or exposes for the purpose of being dealt in, in any store or otherwise, as the case may be, any wares, goods, merchandise, or other articles, other than native produce.

Production of store and hawkers' licences at request of District Commissioners and chiefs.

(4) Any person who, in contravention of sub-section (3) fails, without sufficient excuse, to produce a store licence or hawker's licence, as the case may be, duly issued to him, shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds or to imprisonment with or without hard labour, for a period not exceeding three months.

Penalties.

PART VI.—DEPOSITION OF CHIEFS AND BANISHMENT OF DISTURBERS OF THE PEACE.

25. (1) The Governor in Council may, upon the receipt of a report from a Provincial Commissioner that the conduct of any chief has been of a kind subversive of the interests of good government, appoint a Commissioner to inquire into the matter, and may also in his discretion appoint one or more assessors to such Commissioner, and every such Commissioner shall have the same powers as a Commissioner appointed under the Commissions of Inquiry Ordinance, or any Ordinance substituted therefor.

Deposition of chiefs and amalgamation of chieftoms.

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35 of 1956.

Cap. 54.

(2) The Commissioner shall make a report to the Governor in Council containing a full statement of the evidence taken and of his opinion thereon. Each assessor shall sign the report, or

state in writing to the Governor in Council his dissent therefrom and the reasons for that dissent.

(3) If upon review of the report aforesaid the Governor in Council is of opinion that the chief should be deposed, the Governor in Council may depose such chief.

(4) The Governor in Council may order any chief, who has been deposed under the provisions of this section, to reside in any specified town or chiefdom or to reside out of any specified towns or chiefdoms of the Protectorate which may be named in the order, and if the chief fails to comply with such an order he shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment, without hard labour, for a term not exceeding two years.

(5) If, upon review of the report aforesaid, the Governor in Council is of the opinion that the chief should continue to exercise jurisdiction as chief, he may direct accordingly and shall cause a notice to that effect to be published in the *Gazette* and in such other manner as he may direct to ensure that all the people of the chiefdom have knowledge thereof.

(6) (a) If, upon review of the report aforesaid, the Governor in Council is of the opinion that it is not in the interests of peace, order and good government that the chief should continue to exercise jurisdiction as chief, the Governor in Council may direct that the chief shall cease to exercise jurisdiction as chief and shall resign his office and in such a case the chief shall be paid such gratuity or pension as the Governor in Council may direct.

(b) If the chief fails to comply with any direction given under paragraph (a) of this sub-section, he shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment, without hard labour, for a term not exceeding two years.

(7) (a) If, upon review of the report aforesaid, the Governor in Council is of the opinion that in the interests of peace, order and good government any chiefdom should be amalgamated in whole or in part with any other chiefdom or chiefdoms, the Governor in Council may by Order direct that such amalgamation shall take place from a date to be specified in such Order, and such amalgamation shall have effect from that date.

(b) Where as a result of an amalgamation made in terms of paragraph (a) of this sub-section there is no longer a chiefdom over which a chief may exercise jurisdiction, such chief shall be paid such gratuity or pension as the Governor in Council may direct.

26. (1) Whenever the District Commissioner shall deem it expedient for the peace, order or good government of his district or of any chiefdom or group of chiefdoms therein, that any person should be banished therefrom he shall hold an inquiry on oath, of which such person shall be notified and at which he shall be entitled to attend and show cause against his being so banished. The absence of such person from the inquiry shall not invalidate the proceedings thereat if it is proved on oath that he was duly served with a notice to attend.

Banishment
of persons
disturbing
the peace,
etc.

(2) After the inquiry the District Commissioner shall forward a full report of the proceedings thereat to the Governor and if, upon review of such report, the Governor in Council considers that the banishment of such person is desirable for the reasons aforesaid, he shall make an Order requiring such person to leave such district, chiefdom or group of chiefdoms within a period fixed by the Order and thereafter to remain out of such district, chiefdom or group of chiefdoms as may be named therein, and to reside in any other portion, district or chiefdom of the Colony or Protectorate which may be named in the Order. All persons in any way concerned in carrying out any such Order shall be held harmless, and no action at law shall be maintainable in respect of any act done in pursuance thereof.

27. If any person banished from any district, or chiefdom, or group of chiefdoms in accordance with section 26—

Penalty for
disobeying
an Order of
banishment.

(a) neglects or refuses to comply with the order of banishment, or

(b) leaves the portion, district or chiefdom of the Colony or Protectorate in which he was ordered to reside, or

(c) returns to the district, or chiefdom, or group of chiefdoms from which he was banished without the licence of the Governor first had and obtained,

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding two years.

PART VII.—LAND DISPUTES AND OTHER MATTERS ARISING OUT OF NATIVE RITES AND CUSTOMS.

28. (1) A District Commissioner shall have power and authority to inquire into and decide as hereafter provided any matters within his district which have their origin in poro laws, native rites or customs, land disputes, including land disputes

Power of
District Com-
missioner to
hold
inquiries.

arising between paramount chiefs, or any other disputes which, if not promptly settled, might lead to breaches of the peace.

(2) In any such inquiry the District Commissioner may, if he thinks fit, be assisted by one or more assessors, to be summoned by him as occasion requires. The opinion of each assessor shall be given orally, and shall be recorded in writing on his record of the proceedings by the District Commissioner, but the decision shall rest exclusively with the District Commissioner, and no decision shall be deemed invalid if any, or all, of the assessors so summoned shall not be present throughout the whole of the inquiry.

(3) The District Commissioner shall at the conclusion of the inquiry, or in due course record and announce his decision therein which shall be binding on the parties summoned to the inquiry or which may be declaratory of the rights of any chief or person in which case the decision shall be binding *in rem*. Any decision shall take effect as from the date of its announcement and shall continue in force unless and until it be varied, set aside, revoked or appealed from as hereafter provided, but any act done or omitted in the meantime in accordance with such decision shall be legal and valid, and shall in no case render any person liable to legal proceedings.

Power of
Provincial
Commissioner to
revise
decision.

(4) (i) The District Commissioner shall immediately after the announcement of his decision forward a certified copy of the record of the proceedings and his decision to the Provincial Commissioner who may on review vary or set aside such decision.

(a) If the Provincial Commissioner vary the decision he shall publish the decision as varied to the parties, chiefdoms or tribes concerned, and the decision thereupon shall continue in effect as varied.

(b) If the Provincial Commissioner set aside the decision he shall publish his decision in manner aforesaid and may order a fresh inquiry to be held by any District Commissioner.

(ii) In either case or if the Provincial Commissioner approve the decision, he shall endorse his decision on the record of the proceedings.

Power of
Governor to
revise same.

(5) Any person aggrieved by any decision may within three months of the announcement thereof or of the publication of any decision which has been set aside or varied complain to the Governor who shall if he thinks that the complaint be not frivolous or vexatious notify the complainant that the complaint will be considered as an appeal from such decision, and shall call for the record and notes of the inquiry and on review

thereof shall have the same powers and duties as are vested in and imposed upon a Provincial Commissioner under the last sub-section, provided that the Governor may affirm and re-publish a decision appealed from in which case or if the decision be varied, the decision, or the decision as varied, shall again take effect as from the date of the re-publication thereof.

(6) Notwithstanding anything in the last sub-section the Governor may at any time on his own motion revoke any decision or order a District Commissioner to hold a fresh inquiry and may on review of such inquiry revoke or vary the standing decision.

(7) A District Commissioner shall transcribe every decision, under a heading or note of the inquiry in the district decree book, and shall record similarly any subsequent proceedings affecting such decision.

(8) Any disregard or defiance of a decision made under this section shall constitute an offence punishable, on conviction, by a fine not exceeding one hundred pounds or by imprisonment with or without hard labour, for a period not exceeding two years.

Penalty for disregard of decision.

PART VIII.—OFFENCES AGAINST PUBLIC AUTHORITY AND THE ADMINISTRATION OF JUSTICE.

29. Any person who resists or, with others, conspires to resist the execution of any process of law, or to overawe, by force, or show thereof, any public officer in the exercise of his duty, shall be guilty of an offence.

Resistance to lawful authority.

30. Any person who, within the limits of the Protectorate, compasses, imagines, devises or intends—

Offences in the nature of treason.

(i) to deprive or depose Her Majesty from the style, honour or royal name of the Imperial Crown of the United Kingdom of Great Britain and Northern Ireland or of any other of Her Majesty's dominions and countries; or

(ii) to levy war against Her Majesty in order, by force or constraint, to compel her to change her measures or counsels for the good government of the Colony or Protectorate, or in order to put any force or constraint upon or in order to intimidate the Governor or the Executive Council or House of Representatives; or

(iii) to move or stir any foreigner or stranger with force to invade the Colony or Protectorate or any other of Her Majesty's dominions or countries,

and expresses, utters or declares such compassing, imagination,

invention or device by publishing any printing or writing, or by any overt act or deed, shall be guilty of an offence and liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding twenty years.

Building stockades, etc.

31. Any person who builds, puts up, or maintains any war fence or stockades, or makes any trench or loopholes any walls for defensive purposes in any town or village in the Protectorate, without the consent of the District Commissioner first had and obtained, shall be guilty of an offence and liable, on conviction, to a fine not exceeding two hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding three years.

Obstructing public officer, etc.

32. Any person who wilfully obstructs or hinders any public officer in the exercise of his authority, or refuses to aid in apprehending and securing offenders when lawfully called upon so to do, shall be guilty of an offence.

Impeding the course of justice.

33. Any person who wilfully obstructs the course of justice, whether by destroying or secreting proofs of crime or by being a party to any illegal personation or false claim, or who in any way acts, or refrains from acting, with intent to impede or defeat the ends of justice, shall be guilty of an offence.

Accusing or threatening to accuse with intent to extort.

34. Any person who accuses or threatens to accuse either the person to whom such accusation or threat is made, or any other person, of any crime or of any act made by this Ordinance an offence, with the view or intent to extort or gain from such person so accused or threatened to be accused or from any other person any property, chattel, money or other valuable security, shall be guilty of an offence.

Penalty for offences.

35. Every person guilty of an offence under this Part for which no other penalty is provided shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding two years.

PART IX.—PRISONS AND IMPRISONMENT.

Sentences over six months to be served in Colony prisons.

36. (1) Whenever a Magistrate's Court shall sentence any person to imprisonment for a period exceeding six months, or exceeding the maximum period, if any, fixed by the Governor under the provisions of sub-section (2), or shall commit any person for trial before the Supreme Court, the Court so sentencing or committing shall signify on the back of the warrant of

commitment that the prisoner shall be imprisoned in a prison in the Colony, and this endorsement shall be sufficient warrant for those having the lawful custody of the prisoner to remove him to such prison, there to be detained till his trial or to serve his term of imprisonment wholly or in part, and for the Director of Prisons to receive and keep in prison the person who shall be brought to him under such endorsed commitment.

(2) It shall be lawful for the Governor by Order—

(a) to vary the maximum period of imprisonment to be served entirely in the prison of any district of the Protectorate;

(b) to declare that persons committed for trial or sentenced to imprisonment as aforesaid shall be detained or serve their period of imprisonment in the Protectorate.

Power of Governor to vary the above maximum period.

(3) It shall be lawful for the Director of Prisons to remove any prisoner serving a term of imprisonment in any prison in the Colony under a sentence imposed by a Magistrate's Court, before the expiration thereof, from such prison to the prison of the district where the chiefdom to which such prisoner belongs is situate, there to serve the residue of such term.

(4) No action shall be maintainable against any person in respect of any act *bona fide* done in carrying out the provisions of this section.

PART X.—MISCELLANEOUS.

37. All taxes and fines, and the results of the sale of all forfeitures under the provisions of this Ordinance or under any rules made thereunder, shall be paid into, and form part of, the general revenue of Sierra Leone:

Taxes and fines to form part of the general revenue.

Provided that it shall be lawful for the District Commissioner, out of any fine recovered for an offence against any of the provisions of sections 15, 16, 17 and 22, to award to the person prosecuting to conviction, or to any person by whose means or aid such fine has been recovered, or to any or all of them, any sum or sums not exceeding in the aggregate one moiety of any such fine.

Exception.

38. No action, suit, or other proceeding shall be brought against—

Protectorate officials indemnity.

(i) any District Commissioner in respect of any act or order *bona fide* performed or made by him in the execution or supposed execution of the powers or jurisdiction vested in him;

(ii) any person employed or engaged in the public service, acting under the orders of a District Commissioner, in respect

of any act *bona fide* performed by him in the execution of any order given as aforesaid to any such person:

Provided that every act or order by a District Commissioner, if in excess of his powers or jurisdiction, may be revised, altered, amended, or set aside by the Provincial Commissioner or the Governor.

No action
against chief
for debt
incurred in
his public
capacity
without
authority.

39. No action shall lie, or be taken, in any Court in the Colony, or in the Protectorate, against any chief in respect of any debt which he has incurred in his public capacity so as to bind the public revenue of the chiefdom coming into his hands as fees or fines of court, or otherwise, or into the hands of the District Commissioner as settlers' fees or rents on his behalf or into the hands of the trustees of the Protectorate Mining Benefits Trust Fund for his benefit, without the written certificate of the District Commissioner that such debt was incurred with the consent of the chief men or councillors of such chief.

Prosecution
of offences.

40. All offences against this Ordinance except the offences created by sections 7, 30 and 31 may be heard, tried and determined by a Magistrate; provided he is satisfied that such offence can be adequately punished by a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months.

Section 2 (2).

FIRST SCHEDULE.

The Peninsula of Sierra Leone consists of that portion of the Colony which is bounded as follows—

From the junction of the Bunce River with the Rokell or Sierra Leone River, thence up the left bank of the Bunce River to its junction with the Ro-Bunce River; thence up the left bank of the Ro-Bunce River to its junction with the Madonkia Creek; thence up the left bank of the Madonkia Creek to the point on it known as Captains' Wharf; thence in a straight line to boundary cairn No. 1, which is 50 feet east of Captains' Wharf; thence for 1,430 feet in a straight line at a magnetic bearing of $113^{\circ}0'$ to cairn No. 2; thence in a straight line for 2,585 feet at a magnetic bearing of $115^{\circ}30'$ to clump of bamboos No. 1; thence for 2,100 feet in a straight line at magnetic bearing of $109^{\circ}30'$ to cairn No. 3; thence for 1,120 feet in a straight line at a magnetic bearing of $109^{\circ}0'$ to bamboo clump No. 2; thence in a straight line for 210 feet at a magnetic bearing of $109^{\circ}0'$ to bamboo clump No. 3; thence in a straight line for 3,250 feet at a magnetic bearing of $107^{\circ}30'$ to cairn No. 4, which is on the path from Maiemi Banna to Kwama; thence in a straight line for 5,270 feet at a magnetic bearing of $103^{\circ}0'$ to cairn No. 5; thence in a straight line, crossing the Sierra Leone Railway at a point 506 feet east of cairn No. 5 and 96 feet south-west of mile post $30\frac{1}{4}$ for 4,200 feet, at a magnetic bearing of $116^{\circ}30'$ to cairn No. 6; thence in a straight line

for 5,400 feet at a magnetic bearing of 116°-30' to cairn No. 7, which is near Songo Town railway station and bears the date 1870; thence in a straight line, crossing the road leading from Songo Town station to Port Loko 215 feet east of cairn No. 7 for 2,910 feet at a magnetic bearing of 116°-45' to bamboo clump No. 4; thence in a straight line for 1,920 feet at a magnetic bearing of 110°-0' to cairn No. 8, which is close to the Kagballa Creek (otherwise known as Songo Town Creek); thence in the same straight line to the right bank of the Kagballa Creek; thence down the Kagballa Creek to its junction with the Ribbi River; thence down the right bank of the Ribbi River to the coast; thence along the coast line to Cape Shilling; thence along the coast line to the mouth of the Rokell or Sierra Leone River; thence up the left bank of the Sierra Leone River to its junction with the Bunce River:

Provided that between the mouth of the Rokell River and the junction of the Rokell with the Bunce River, so much of the river as lies between its left bank and a line parallel to and at a distance of half-a-mile from its left bank shall be deemed to be within the Peninsula:

Provided also that the junction of the Rokell River with the Bunce River shall be deemed to be along a straight line running due east from the village of Wellington in the Peninsula.

SECOND SCHEDULE.

Section 12.

GOVERNMENT OF SIERRA LEONE.

House Tax Receipt.

Town	Chiefdom	District.19.....
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Received from.....the sum of.....pounds.....shillings
and.....pence, being the amount due for House Tax for the year
19..... in respect of.....houses.

£ s. d.

Payer.
Witness.

.....
District Commissioner.

THIRD SCHEDULE.

Section 20
(1).

FORM A.

Store Licence.

Licence is hereby granted to.....to keep a store at.....in
the.....District from the.....day of.....to the.....
day of.....19.....

Fee paid.....

Dated this.....day of.....19.....

.....
District Commissioner.

NOTE.—This licence expires on the.....day of.....19.....

Section 21.

FORM B.

Hawker's Licence.

Licence is hereby granted to.....to.....hawk in the
District from the.....day of.....to the.....
day of.....19.....

Fee paid.....

Dated this.....day of.....19.....

.....
District Commissioner.

NOTE.—This licence expires on the.....day of.....19.....

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FEES FOR LICENCES.

The fees payable for Store and Hawkers' Licences throughout the whole Protectorate shall be as follows—

- A. Store Licence, where the business in respect of which the store used is owned by any person other than a non-native as defined by section 3 of the Interpretation Ordinance—

	£	s.	d.
For a year	2	0	0
For a half year	1	5	0

- B. Store Licence, where the business in respect of which the store used is owned by any non-native as defined by section 3 of the Interpretation Ordinance or partly owned by such non-native—

	£	s.	d.
For a year	10	0	0
For a half year	6	0	0

- C. Hawker's Licence—

	£	s.	d.
For a year	2	0	0
For a half year	1	5	0