

CHAPTER 60.

PROTECTORATE.

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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