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## CHAPTER 65.

## FREETOWN MUNICIPALITY.

**An Ordinance to make provision with respect to the Municipal City of Freetown.**

[11TH JUNE, 1948.]

1 of 1945.  
15 of 1945.  
4 of 1948.  
12 of 1949.  
8 of 1950.  
34 of 1954.  
11 of 1956.  
19 of 1956.  
20 of 1957.  
21 of 1957.  
7 of 1959.

## PART I.—PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Freetown Municipality Ordinance, and shall come into force on such date as the Governor shall fix by notice published in the *Gazette* and such date shall be not later than the 30th day of June in the year in which this Ordinance shall come into force.

Interpretation.  
11 of 1956.

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

“ alien ” means a person who is not a British subject nor a British protected person nor a citizen of the Republic of Ireland;

“ annual value ” means the amount at which the premises can reasonably be expected to let in the open market in average years;

“ assessed annual value ” means the annual value of any premises as entered in the Valuation Roll for the time being in force;

“ assessed premises ” means any premises which appear in the Valuation Roll for the time being in force;

“ City ” means the Town of Freetown, created a Municipal City by the Freetown Municipality Ordinance, 1893;

34 of 1954.

“ City Fund ” means the fund into which the revenue of the Corporation is paid in terms of section 84;

“ Corporation ” means the Mayor, Aldermen, Councillors and Citizens of the City of Freetown;

“ corporate land ” means land belonging to or held in trust for the Corporation;

“ Council ” means the City Council of Freetown established under this Ordinance;

7 of 1959.

“ Minister ” means the Minister charged for the time being with responsibility for the subject of internal affairs;

“ occupier ” means a tenant, sub-tenant, or any person in the actual occupancy of any premises;

“ owner ” includes joint owner, lessee, tenant for life, and any other person in the actual possession of or entitled to receive the rents of premises of any tenure or description, and the agent or attorney of such persons or any of them, and any other person who has an interest in or draws the rents;

“ premises ” means any land together with any building thereon;

“ streets ” includes any highway and any public bridge and any road, lane, footway, square, court, alley and passage to which the public have access whether a thoroughfare or not;

“ Town Clerk ” means the Town Clerk appointed to the Council under section 53, and shall include the Deputy Town Clerk;

“ Town Engineer ” means the Town Engineer appointed under section 53 and includes an Assistant Town Engineer;

“ Treasurer ” means the Treasurer appointed under section 53.

## PART II.—CONSTITUTION AND GOVERNMENT OF CITY.

3. The City of Freetown is hereby declared to be a Municipal City and the inhabitants thereof a body corporate, bearing the corporate name of the “ Mayor, Aldermen, Councillors and Citizens of Freetown,” with a perpetual succession and common seal, to be approved and, as necessary from time to time, altered by the Corporation, and with power to sue and be sued.

City of  
Freetown to  
be body  
corporate.

4. The Corporation shall be capable of acting by the Council established by section 7 of this Ordinance and called the “ City Council of Freetown,” and the Council shall exercise all powers vested in the Corporation by this Ordinance or otherwise.

Corporation  
to act by  
the City  
Council.

5. The City shall comprise the area lying within the limits of the following boundaries—

Limits of  
the City.

A line commencing at a point East of Hill Station where the right bank of the Congo River intersects the Freetown Waterworks Reservation boundary; thence along the right bank of the Congo River in a northerly direction to a point on the northern boundary of Crown land the Colony Coordinates of which are 656638 feet North and 48010 feet East; thence in a general westerly direction along the northern

boundary of Crown land through Property Beacons Nos. 1189, 1192, 1191, 1188, 1186, 1185 and 1184 to the eastern boundary of War Department land; then in a general northerly direction along the eastern boundary of War Department land through Property Beacons Nos. W.D. 4 and W.D. 16 to W.D. 15; then on a Colony Bearing of  $342^{\circ} 05'$  for a distance of 1230 feet more or less to a point where the centre line of the Old Mountain Railway passes over the south bank of a tributary of the Congo River; thence along the centre line of the Old Mountain Railway track in a general northerly direction to Beacon No. C.C.S. 428, west of Wilberforce railway station; thence on a Colony Bearing of  $5^{\circ} 30'$  for a distance of 946 feet more or less to Property Beacon No. 1233 which is situated on the western boundary of Wilkinson Road; thence along the western boundary of Wilkinson Road for a distance of 720 feet more or less to its junction with a minor stream bed; thence in a northerly direction along the right bank of the said minor stream bed to the point where it meets High Water Mark of Whiteman's Bay 100 feet more or less east of C.C.S. Beacon No. 930; thence in an easterly and northerly direction along High Water Mark around Whiteman's Bay; thence along High Water Mark in a northerly direction to the Sierra Leone River; thence along the High Water Mark of the Sierra Leone River in an easterly direction to Cline Bay; thence along High Water Mark in a south-westerly direction to a point where the tidal water of Cline Bay reaches its highest point on Granville Brook; thence along the left bank of Granville Brook in a southerly direction to its junction with the Mountain Torrent; thence along the left bank of the Mountain Torrent in a southerly direction to the boundary of the War Department property at Mount Aureol and Kortright; thence in a north-westerly and southerly direction along the said War Department boundary to its junction with the Freetown Waterworks Reservation boundary; thence anti-clockwise along the said Waterworks Reservation boundary back to the Starting Point, the same as more particularly delineated and verged PINK on Plan No. S.L.S. 219/40, which is registered in the offices of the Surveys and Lands Department.

Division of  
City into  
wards.

**6.** The City shall be divided for the purposes of this Ordinance into three wards, namely the East, Central and West—

(1) The East Ward shall comprise that portion of the City situate and being eastward of Nicol Brook.

(2) The Central Ward shall comprise that portion of the City situate and being between Nicol Brook and Sanders Brook till its junction with Highbay Brook, and thence between Nicol Brook and Highbay Brook.

(3) The West Ward shall comprise that portion of the City situate and being west of Sanders Brook till its junction with Highbay Brook, and thence west of Highbay Brook.

PART III.—ESTABLISHMENT AND CONSTITUTION  
OF THE COUNCIL.

7. From and after the 1st day of November immediately following the date on which this Ordinance shall come into force, the City Council of Freetown established under the Freetown Municipality Ordinance, 1927, shall cease to exist, and in place thereof and as successor thereto there shall be established the City Council of Freetown constituted in such manner as is hereinafter provided.

Establishment and constitution of the City Council of Freetown.

8. The Council shall consist of the Mayor, Aldermen and Councillors elected and appointed as hereinafter provided.

Constitution of Council.

9. The Governor in Council may appoint six persons, not less than two of whom shall be Africans to the Council as Councillors thereof. Such persons shall hold office during the Governor's pleasure for a period not exceeding three years as the Governor may direct but shall be eligible for reappointment on retirement.

Councillors appointed by Governor in Council.

10. Subject to the provisions of section 28 the Central Ward, East Ward and West Ward of the City shall each elect four persons to the Council as Councillors thereof. Such persons shall hold office for three years and shall then retire but shall be eligible for re-election:

Councillors to be elected for each Ward. 11 of 1956.

Provided that—

(a) those Councillors who are elected at the first general election held after the coming into operation of this section and who are not subsequently elected to be Aldermen under section 11 (1) shall retire as follows—

(i) one of such Councillors elected for each Ward shall retire after holding office for one year;

(ii) one of such Councillors elected for each Ward shall retire after holding office for two years; and

(iii) one of such Councillors elected for each Ward shall retire after holding office for three years,



but shall in each case be eligible for re-election. The order in which such Councillors shall retire shall be in accordance with the number of votes they receive at the election, the Councillor with the lowest number of votes retiring after one year and the Councillor with the next highest number of votes retiring after two years.

Order of retirement of Aldermen elected under section 11 (1).

(b) those Councillors who are elected at the first general election held after the coming into operation of this section and who are subsequently elected to be Aldermen under section 11 (1), (hereinafter in this section referred to as Aldermen) shall retire as follows—

(i) the Alderman who received the lowest number of votes at his election as Councillor shall retire after holding office for two years;

(ii) the Alderman who received the next highest number of votes at his election as Councillor shall retire after holding office for four years; and

(iii) the Alderman who received the highest number of votes at his election as Councillor shall retire after holding office for six years,

but shall be eligible for re-election.

(c) in the event of it being impracticable to determine the order of retirement of any Councillor or Alderman as provided in the preceding provisos, the order of retirement shall be determined by the casting of lots in such manner and at such time and place as the Council shall direct; and

(d) in the event of the death or retirement of any elected Councillor, other than a Councillor who has been elected to be an Alderman, before the expiration of his term of office any person elected to fill the vacancy so caused shall hold office only for the unexpired period of the deceased or retiring Councillor's term of office and shall then retire but shall be eligible for re-election:

19 of 1956.

\*

Provided further that the Councillors holding office immediately before the date of the coming into operation of this section shall continue to hold office and to be members of the Council, subject to the provisions of sub-sections (2), (3) and (5) of section 15 of this Ordinance, until the date declared by the Minister under the provisions of section 28 of this Ordinance:

\* These provisos, which were added by Ordinance 19 of 1956, are deemed to have come into operation on the 18th of August, 1956. (Section 1A (2) of No. 19 of 1956.)

Provided further that no person shall be elected to fill any vacancy occurring amongst the Councillors during the period between the coming into operation of this section and the date declared by the Minister under the provisions of section 28 of this Ordinance.

11. (1) The Councillors shall as soon as practicable after the first general election held after the coming into operation of section 28 of this Ordinance hold a meeting and shall elect three of their number to be Aldermen. One such Alderman shall be elected from the Councillors returned for each Ward and shall represent the Ward for which he has been returned.

Appointment of first Aldermen.

(2) After the election of Aldermen, the Councillors and Aldermen shall elect a fit person from among the Aldermen and Councillors or persons qualified to be elected as Councillors to be the Mayor of the City of Freetown.

Election of Mayor.

(3) Whenever thereafter the office of Mayor shall become vacant, the Council shall elect one of their number or any person qualified to be elected as a Councillor to be the Mayor.

(4) Any Alderman or Councillor elected at any time to the office of Mayor shall not thereby be deemed to have vacated his office of Alderman or Councillor as the case may be.

Election of Mayor not to create vacancy.

(5) Notwithstanding the provisions of section 15 (5) the election of three Councillors to be Aldermen as provided in sub-section (1) of this section shall not be deemed to create any vacant seat in the Council.

Election of first three Aldermen not to create vacancy.

12. Whenever a vacancy shall occur in the office of Alderman representing one of the Wards of the City either by the death or resignation of the holder thereof, or otherwise, or whenever such a vacancy shall be about to occur owing to the expiration of the term of any Alderman's appointment, the Council shall elect one of the persons holding office as Councillor to be an Alderman and represent the Ward in respect of which there is, or is about to be, a vacancy. Such person so elected shall hold office as Alderman for six years as from the date of his election or the occurrence of the vacancy whichever is the later and shall then retire but shall be eligible for re-election.

Election of Aldermen when vacancy occurs.

13. (1) The Mayor shall receive such allowance as the Council may determine.

Remuneration of Mayor. 4 of 1948. Mayor to hold office for one year.

(2) The Mayor shall hold office for one year and shall then retire, and if he held the position of Alderman or Councillor prior to his election shall revert to that position, but in any case shall be eligible for re-election.

Mayor to be a Justice.

(3) The Mayor shall, by virtue of his office, be a Justice of the Peace for the Police District of Freetown, and shall, unless disqualified to be Mayor, continue to be such a Justice during the next year after he ceases to be Mayor.

Mayor to have precedence over Justices.

(4) The Mayor shall have precedence over all other Justices acting in, and for, the Police District of Freetown, and be entitled to take the chair at all meetings of Justices held in the said Police District, at which he is present, by virtue of his office of Mayor; except that he shall not, by virtue of this section, have precedence over any Police Magistrate engaging in administering justice.

Appointment of Deputy Mayor.

14. (1) The Mayor may from time to time appoint any one of the Aldermen or Councillors to act as Deputy Mayor in the event of and during the illness or absence of the Mayor.

(2) The Mayor may terminate any such appointment at any time.

(3) Any such appointment or the termination thereof shall be recorded in the minutes of the Council.

(4) A Deputy Mayor may, while acting as such, do all acts which the Mayor might do provided that he shall not by virtue of his office act as a Justice.

Qualifications of elected Councillors.

15. (1) Subject to the provisions of sub-section (2) of this section, a person shall be qualified for election as a Councillor for any one ward if he—

19 of 1956.

(a) is literate in the English language; and

(b) is entitled to be registered as a voter under this Ordinance and his name is in the register of voters for any ward in the City.

Disqualification for membership of Council.

(2) Notwithstanding the provisions of sub-section (1) of this section, a person shall be disqualified for election as a Councillor and if a Councillor his seat shall become vacant—

11 of 1956.

(a) if he is an alien; or

(b) if and while he holds any office or place of profit in the gift or disposal of the Council other than that of Mayor; or

7 of 1959.

(c) is under sentence of death or is serving, or has within the immediately preceding five years completed the serving of, a sentence of imprisonment (including a sentence of preventive detention or corrective training) without the option of a fine, of or exceeding twelve months imposed by a court in Sierra Leone for any felony or for any offence involving dishonesty and has not received a free pardon; or

(d) if he is a lunatic so found under the laws for the time being in force in Sierra Leone; or

(e) if and while he has, directly or indirectly, by himself or a partner any share or interest in any contract or employment with, by or on behalf of the Council, and has not—

(i) if he is a candidate for election, published within one month before the day of election in some newspaper circulating in the ward for which he is a candidate a notice setting out the nature of his share or interest in such contract or employment; or

(ii) if he is a Councillor, as soon as possible disclosed that interest to the Council; or

(f) if he is disqualified from membership of the Council under any law for the time being in force in Sierra Leone relating to offences connected with elections:

Provided that a person shall not be disqualified by reason of his being interested in—

(a) any sale, purchase or lease of land to or from the Council; or

(b) any newspaper in which any notice or advertisement relating to the affairs of the Council is inserted; or

(c) any agreement with the Council for the loan of money, or any security for the payment of money by the Council; or

(d) any company which contracts with the Council for lighting or supplying water, or insuring against fire any property of the Council; or

(e) any company incorporated by, or under, an Act of Parliament, Ordinance or Royal Charter.

(3) The seat of a nominated or an elected Councillor shall also become vacant—

(a) upon his death; or

(b) if by writing addressed to the Mayor, he resigns his seat in the Council; or

(c) if, without leave of the Mayor, he is absent for a period of six consecutive months from the meetings of the Council; or

(d) if being an elected Councillor he ceases to be qualified under sub-section (1) of this section.

When elected Councillor's seat to become vacant.

(4) When the seat of a Councillor becomes vacant the Mayor shall forthwith declare the seat of such member to be vacant, and the Town Clerk shall forthwith notify the Minister and such Councillor, if practicable, of such declaration of vacancy:

Provided that a Councillor whose seat shall have been declared vacant under this sub-section may, within fourteen days after the date of being notified of such declaration, apply to a Judge in Chambers to have such declaration set aside. Notice of the intention to make such application and the grounds thereof shall be given to the Town Clerk within seven days after such declaration. The order of the Judge in Chambers as to the disqualification or otherwise of the Councillor shall be final and conclusive.

(5) Except as provided in section 11 (5) the seat of a nominated or elected Councillor shall become vacant if he is elected to the office of Alderman.

Powers of  
Governor in  
Council.  
4 of 1948.

**16.** (1) If at any time the Governor in Council is of the opinion that the Council is no longer exercising any of its powers or performing any of its duties under the Ordinance in a manner conducive to the welfare of the City, he shall issue a Commission of Inquiry in accordance with the Commissions of Inquiry Ordinance, Cap. 54 (such Commission however to consist of not fewer than three Commissioners one of whom shall possess legal qualifications), to inquire into and report on such matter in accordance with the procedure laid down in the said Ordinance, and after receiving the report of the Commissioners, may appoint a Committee of management forthwith if the matter of inquiry related to public health, and in all other cases after failure of the Council to rectify within a time to be specified by the Governor in Council any default in the exercise of its powers and duties established by the Commissioners.

(2) Any such Committee of Management may be appointed for any period not exceeding six months to exercise, during the continuance of such appointment, any specified powers and duties of the Council and the Council shall forthwith cease to exercise and perform such powers and duties accordingly.

#### PART IV.—VALUATION OF PREMISES.

Existing  
Valuation  
Roll deemed  
to be  
prepared  
under this  
Ordinance.

**17.** Until such time as the first Valuation Roll is duly made and deposited under the provisions of this Ordinance, the Valuation Lists in force for the time being under the Freetown Municipality Ordinance, 1927, and in force at the commencement of this Ordinance shall be deposited at the Town Clerk's Office and be deemed for all purposes to be a Valuation Roll duly prepared and approved under the provisions of this Ordinance.

Assessment  
of premises.

**18.** There shall be liable to be assessed in accordance with the provisions of this Part all premises (including premises

owned by or in the occupation of the Corporation) within the City boundaries except—

- (a) any church, chapel, mosque, meeting-house or other premises, or any part thereof, exclusively used for public religious worship;
- (b) premises used exclusively as a hospital and not so used for purposes of gain;
- (c) premises used principally as a university, college, school or Sunday school and not so used for purposes of gain;
- (d) burial grounds, and crematoria;
- (e) premises declared by a resolution of the Council with the approval of the Governor in Council to be exempted from assessment.

19. The Council shall in the month of November in every year appoint one or more competent persons to be called valuers at such remuneration, to be paid from the revenue of the Council, as the Council may think fit.

Appointment of valuers and Assessment Committee.

(2) The Council shall before the 1st day of June in the year immediately following the year in which this Ordinance shall come into force, and thereafter from time to time as may be necessary, appoint an Assessment Committee, consisting of eight members of the Council, one of whom shall be the Mayor. The Assessment Committee shall be deemed to be properly constituted whenever five members are present at a duly convened meeting thereof.

(3) Valuation Lists showing the assessed annual value of all premises assessable under section 18 shall be prepared by the valuers and approved by the Assessment Committee in accordance with the provisions contained in Part I of the First Schedule hereto.

20. The Director of Public Works shall transmit to the Town Clerk, for the information of the Valuers, the particulars contained in any notices given to the Director of Public Works in pursuance of section 14 or section 19 of the Freetown Improvement Ordinance.

Director of Public Works to transmit particulars given under sections 14 and 19 of Cap. 66.

21. (1) The first Valuation Roll prepared under the provisions of this Ordinance shall be deposited at the Town Clerk's Office on or before a day to be appointed by the Council and thereafter a Valuation Roll shall be deposited thereat on or before the 1st day of August in every year. Any person owning or in the occupation of or interested in any assessable

Deposit of Valuation Roll.

premises shall be entitled to inspect the Valuation Roll and to take copies thereof and extracts therefrom free of charge.

(2) The Town Clerk shall forthwith publish a notice of the deposit of the Valuation Roll:

Provided that, in the year 1957, the Valuation Roll shall be deposited at the Town Clerk's Office on or before a day to be appointed by the Council.

Objections to  
Valuation  
Roll.

**22.** Objections to and amendments of any Valuation Roll shall be determined and made in accordance with the provisions of Part I of the First Schedule hereto.

Valuation  
Roll to  
subsist until  
deposit of  
new Roll.

**23.** Every Valuation Roll deposited as aforesaid shall be in force until the new Valuation Roll in substitution for the same be deposited.

#### PART V.—CITIZENS AND REGISTRATION OF VOTERS.

Qualification  
of citizens.

**24.** A person shall not be deemed a citizen (which term when used in this Ordinance shall include persons of both sexes) for any purpose of this Ordinance, unless he is registered as a voter in the register of voters.

Qualifications  
of voters.  
19 of 1956.

**25.** (1) Subject to the provisions of sub-section (3) of this section, every person whether male or female shall be entitled to be registered as a voter for any one ward and when registered to vote at the election of a Councillor for that ward, who—

(a) has attained the age of twenty-one years; and either

(b) (i) has been ordinarily resident in that ward during the whole of the six months immediately preceding the date of registration; and

(ii) is in receipt of a yearly income of at least sixty pounds; or

(c) is, and has been for the six months immediately preceding the date of registration, the owner or occupier (jointly or severally) of any house, warehouse, counting house, shop, store or other building (in this Ordinance referred to as qualifying property) in the ward of which the annual assessed value is not less than three pounds (provided that where any persons are shown to be joint occupiers, of any qualifying property, the names of such persons shall only be placed on the list of registered voters if the annual assessed value of such qualifying property, divided by the number of joint occupiers, is not less than three pounds).

(2) Both an owner and an occupier and both a husband and a wife may qualify in respect of the same property. 11 of 1956.

(3) Notwithstanding the previous provisions of this section, no person shall be registered as a voter or, having been registered shall be entitled to vote at the election of a Councillor—

(a) if he is an alien; or

(b) if he is a lunatic so found under the laws for the time being in force in Sierra Leone; or

(c) if he is disqualified from being registered as a voter or voting under any law for the time being in force in Sierra Leone relating to offences connected with elections; or

(d) if he is serving a sentence of imprisonment.

26. (1) The Minister may from time to time and as often as he may deem necessary appoint a fit and proper person to be the Registration Officer to prepare, settle and publish the registers of voters in the manner prescribed by regulations made under this Ordinance and the Registration Officer may with the approval of the Minister appoint fit and proper persons to be Assistant Registration Officers to assist him in the preparation of the register of voters in accordance with regulations made under this Ordinance.

Register of  
voters.  
7 of 1959.

(2) A list of voters shall be prepared, settled and published by the Registration Officer in the manner prescribed by regulations made under this Ordinance and when recorded in a book as therein provided, such book shall be the register of voters and shall remain in force until the next register of voters has been completed.

(3) The Minister may from time to time and as often as he may deem necessary appoint Magistrates to be Revising Officers to revise the registers of voters in accordance with the regulations made under this Ordinance.

Revising  
Officers.

(4) The Registration and Revising Officers shall comply with any general or special directions not inconsistent with this Ordinance or the regulations made thereunder which may be given by the Minister with respect to the arrangements to be made by such officers for carrying out their registration and revision duties under this Ordinance.

(5) Subject to the authority direction and control of the Registration Officer, an Assistant Registration Officer shall have all the powers and may perform any of the duties of the Registration Officer under this Ordinance.



(6) Notwithstanding the provisions of the previous subsections of this section, it shall be lawful for the Governor in Council to appoint fit and proper persons to be assistant Registration Officers to assist the Registration Officer in the preparation of the register of voters for the general elections to be held as provided in section 28 of this Ordinance in accordance with regulations made under this Ordinance.

Remuneration of Revising Officer.

27. The Revising Officer shall be paid from the revenue of the Council for each revision of the lists made under this Ordinance such sum as the Council may determine.

#### PART VI.—ELECTION PROCEDURE.

General Elections. 11 of 1956.

28. On such date after the coming into operation of this section as the Minister may by Order declare, all members of the Council shall retire and there shall be held a general election of the elected members of the Council in accordance with the provisions of this Ordinance and thereafter an election to fill vacancies caused by the retirement of those elected members whose term of office has expired shall be held annually on the first day of November.

Bye Elections.

29. Whenever a vacancy has occurred among the elected members of the Council, otherwise than by retirement or expiration of terms of office, the Council shall appoint and notify to the Town Clerk the day for the holding of an election to fill such vacancy:

Provided that where the vacancy is caused by the death or retirement of an elected member whose unexpired term of office is less than six months an election to fill the vacancy shall not be held unless the Council so directs.

Regulations as to elections. 11 of 1956.

30. Subject to the provisions of this Ordinance, the Governor in Council after consultation with the Council may make regulations for the election of elected members of the Council including, without prejudice to the generality of the foregoing power, the following matters, that is to say—

- (a) the registration of voters and the revision of the registers of voters;
- (b) the ascertainment of the qualifications of voters and of candidates for election;
- (c) the method of nominating candidates;
- (d) the holding of elections and the method of voting; and
- (e) election petitions.

**31.** Every election not called in question within fifteen days after the publication of the result thereof in the *Gazette* shall be deemed to have been to all intents a good and valid election.

Election valid unless questioned within fifteen days of publication of result.  
11 of 1956.

**32.** (1) Any person who attempts to prevent, obstruct or disturb any election by force, violence or threats shall be guilty of an offence and liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding two years.

Prevention of election by force.  
11 of 1956.

(2) Any person who, at a lawful public meeting held in connection with the election of any person to the Council, between the date of publication of the notice appointing a day for the holding of an election under regulations made under section 30 of this Ordinance and the date on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice and shall be liable on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months, and shall be incapable, during a period of five years from the date of his conviction, of voting at any election of an elected member of the Council.

Interference with lawful public meeting to be an illegal practice.

**33.** Any person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to any person or authority to whom nomination papers are required, under the provisions of any regulations made under section 30 of this Ordinance, to be delivered, any nomination paper knowing the same to be forged; or

Offences in respect of nomination papers, etc.  
11 of 1956.

(b) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(c) without due authority, supplies any ballot paper to any person; or

(d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(e) fraudulently takes out of any place of voting or place of election any ballot paper; or

(f) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or

without hard labour, for a period not exceeding six months or to both such fine and imprisonment. Any attempt to commit an offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

Penalty for  
false answer.  
11 of 1956.

34. Any person, who makes a false answer to any question lawfully put to him in pursuance of the provisions of any regulations made under section 30 of this Ordinance knowing it to be false or not believing it to be true, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months or to both such fine and imprisonment.

Falsification  
of return at  
election.  
11 of 1956.

35. Any person, who being an officer charged with the counting of votes or the making of a return at any election, wilfully falsifies the account of such votes or makes a false return shall be guilty of an offence and liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding five years.

Personation.  
11 of 1956.

36. Any person who at an election held under this Ordinance knowingly votes or attempts to vote in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any such election, votes or attempts to vote at the same election in his own name shall be guilty of the offence of personation, and every person so guilty or who is guilty of the offence of aiding, abetting, counselling or procuring the said offence shall be liable on summary conviction, to imprisonment, with or without hard labour, for a period not exceeding six months.

Treating.  
11 of 1956.

37. (1) Any person, who corruptly by himself or by any other person, either before, during or after an election held under this Ordinance, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting, at such election, shall be guilty of the offence of treating and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds.

(2) Every voter who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of the

offence of treating and shall be liable, on summary conviction, to the penalty specified in the preceding sub-section.

38. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election held under this Ordinance, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any voter or thereby compels, induces or prevails upon any voter, either to give or refrain from giving his vote at any such election, shall be guilty of the offence of undue influence and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds.

Undue  
influence.  
11 of 1953.

39. (1) The following persons shall be deemed guilty of the offence of bribery and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds—

Bribery.  
11 of 1953.

(a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, agrees to give or lend, offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election under this Ordinance;

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, procures, agrees to give or procure, offers, promises or promises to procure or to endeavour to procure, any office place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election under this Ordinance;

(c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as an elected

member of the Council, or the vote of any voter at any election under this Ordinance;

(d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as an elected member of the Council, or the vote of any voter at any election under this Ordinance;

(e) every person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent, that such money or any part thereof shall be expended in bribery at any election under this Ordinance, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election:

Provided always that the provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

(2) The following persons shall also be deemed guilty of the offence of bribery and shall be liable, on summary conviction, to the penalty specified in the preceding sub-section—

(a) every voter, who before or during any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan, valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;

(b) every person who, after any election under this Ordinance directly or indirectly, by himself or by any other person on his behalf, receives any money, gift, loan, valuable consideration, office, place or employment for himself or for any other person, on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election.

Disqualifica-  
tion for  
personation,  
etc.

11 of 1956.

**40.** Every person, who is convicted of personation, treating, undue influence or bribery, or of aiding, counselling or procuring the commission of the offence of personation, shall, in addition to any other punishment, be incapable during a period of seven years from the date of his conviction—

(a) of being registered as a voter or voting at any election of an elected member of the Council;

(b) of being elected a member of the Council or, if elected before his conviction, of retaining his seat as an elected member of the Council.

41. Every person who—

(a) votes, or induces or procures any person to vote at any election under this Ordinance, knowing that he or such other person is prohibited by this Ordinance or by any other law from voting at such election;

(b) before or during an election under this Ordinance knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;

shall be guilty of an illegal practice and shall be liable, on summary conviction, to a fine not exceeding fifty pounds and be incapable, during a period of five years from the date of his conviction, of being registered as a voter or voting at any election of an elected member of the Council.

Penalty for certain illegal practices.  
11 of 1956.

42. (1) Every conveyance or transfer of property whatsoever to any person in any fraudulent or collusive manner for the purpose of qualifying him to become a member of the Council or a voter under this Ordinance shall be deemed and taken as against the parties thereto to be valid and absolute, and every bond, covenant, collateral or other security, contract or agreement, between or with such parties, or any of them for a reconveyance or transfer or for the revoking, annulling, defeating or otherwise doing away with the effect of such conveyance or transfer, shall be null and void to all intents and purposes whatsoever.

Fraudulent transfers of property.  
11 of 1956.

(2) Every party to a conveyance or transfer of property of the nature described in the preceding sub-section and every person who, by colour thereof or by means thereof, shall give any vote at any election under this Ordinance or sit in the Council, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds, and, if a member of the Council, his seat shall forthwith become vacant.

43. (1) Every officer, clerk and agent in attendance at a polling place shall maintain, and aid in maintaining the secrecy of the voting in such place and shall not communicate, except for some purpose authorised by law, before the poll is closed to any person any information as to the name or number on the register of voters of any voter who has or has not voted at that place, or as to the official mark.

Infringement of secrecy.  
11 of 1956.

(2) No such officer, clerk agent or other person whosoever shall interfere with or attempt to interfere with a voter when making his vote or communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter in such place is about to vote or has voted.

(3) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to obtain at such counting any information as to the voter by whom any vote is given and shall not communicate to any other person any information obtained at such counting.

(4) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and liable, on summary conviction, to imprisonment, with or without hard labour, for a period not exceeding six months.

Property of election material vested in the Town Clerk.

44. In any prosecution for an offence in relation to the nomination papers, marking instruments and other things in use at an election, the property in such papers instruments and things, as well as the counterfoils, may be stated to be vested in the Town Clerk.

#### PART VII.—ELECTION PETITIONS.

Presentation of election petition.

45. A petition complaining of an undue return or undue election of a member of the Council (in this Ordinance called an “election petition”) may, at any time within fifteen days of the publication of the result of such election in the *Gazette* be presented to the Supreme Court by any one or more of the following persons that is to say—

(a) some person who voted or had a right to vote at the election to which the petition relates; or

(b) some person who claims to have had a right to be returned or elected at such election; or

(c) some person who alleges himself to have been a candidate at such election.

Trial of election petition.

46. (1) Every election petition shall be tried by a Judge of the Supreme Court in open Court.

(2) At the conclusion of the trial, the Judge shall determine whether the member of Council whose return or election complained of, or any other and what person was duly returned or elected, or whether the election was void, and shall certify such determination to the Minister; a copy of such certificate shall be sent by the Registrar of the Court to the Town Clerk

and upon such certificate being given, such determination shall be final; and the return shall be confirmed or altered, or a new election shall be held, as the case may require, in accordance with such certificate.

(3) The Minister shall declare, by notification in the *Gazette*, whether the candidate, whose return or election is questioned or any or what other person, is duly returned or elected, or whether the election is void.

(4) If the election is declared void, the Council shall appoint another date for the election of an elected member of the Council for the Ward concerned.

(5) The House of Representatives Election Petition Rules \* shall apply, *mutatis mutandis*, to election petitions presented to the Supreme Court under section 45 of this Ordinance:

Provided that the security for costs to be given by the petitioner shall be to such amount not exceeding seventy-five pounds as the Supreme Court on summons may direct and shall be given either by a deposit of money or by recognisance entered into by not more than four sureties or partly in one way and partly in the other.

47. (1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected. Corrupt  
practice.  
11 of 1956.

(2) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

(3) The expression "corrupt practice" means any of the following offences, namely, personation, treating, undue influence or bribery.

#### PART VIII.—MEETINGS OF THE COUNCIL.

48. (1) The Council may from time to time make, amend or revoke Standing Orders not inconsistent with the provisions of this Ordinance to regulate the proceedings of the Council: Standing  
Orders.

(2) Until varied or revoked by Standing Orders made under sub-section (1), the Standing Orders contained in Part II of the First Schedule hereto shall be in force.

(3) The Standing Orders for the time being in force shall at all times be followed and observed, and shall be binding upon the Council.

\* These rules are printed in the Volume containing the subsidiary legislation of the Courts Ordinance, Cap. 7.



Minutes of Council  
*prima facie*  
evidence.

**49.** The minutes of any meeting of the Council or of any committee of the Council purporting to have been approved by the Council or committee and signed by the presiding member shall be *prima facie* evidence of the matters referred to therein and shall be received in evidence without further proof.

Acts of Council  
valid despite  
vacancies.

**50.** No act or proceeding of the Council or of a committee shall be questioned on account of any vacancy in their body or on the ground that a Councillor or Alderman to be elected or appointed has not been elected or appointed.

Member interested  
not to take  
part in proceedings.

**51.** (1) No member of the Council shall vote or take part in the discussion of any matter before the Council or a committee in which he has directly or indirectly by himself, his wife, or partner, any pecuniary interest, or in which a company of which he is a shareholder has such any pecuniary interest; and no member of the Council shall receive any salary or shall exact or accept any fee or reward whatsoever for or on account of anything done or to be done by him by virtue of this Ordinance, or on any account whatsoever relating to this Ordinance:

Provided that nothing in this section shall be deemed to debar the Mayor from receiving any allowance for his services under section 13.

Disclosure of  
interest.

(2) Where any officer or member of the Council has directly or indirectly by himself, his wife or partner any interest in any contract or offer to contract which is under consideration by the Council such member shall disclose his interest therein to the Council.

Proceedings  
in respect of  
qualification.  
11 of 1956.

**52.** (1) Proceedings may be instituted in the Supreme Court against any person acting as a member of the Council, on the ground of his being disqualified under this Ordinance from so acting, by any person who is a registered voter within a Ward of the City:

Provided that proceedings under this section shall not be instituted after the expiration of six months from the date on which he so acted.

(2) Where in proceedings under this section it is proved that the defendant has acted as a member of the Council, while disqualified from so acting, the Court shall have all or any of the following powers—

(a) to make a declaration to that effect and to declare that the seat of the defendant in the Council is vacant;

(b) to grant an injunction restraining the defendant from so acting;

(c) to order that the defendant shall forfeit to Her Majesty such sum as the Court may think fit, not exceeding fifty pounds for each occasion on which he so acted while disqualified.

PART IX.—OFFICERS OF THE COUNCIL AND ACCOUNTS.

53. (1) The Council may from time to time appoint a Town Clerk, a Deputy Town Clerk, a Medical Officer of Health, a Treasurer, an Accountant, a Town Engineer, a Chief Sanitary Superintendent, a City Bailiff, Bailiffs and such other officers as it may deem necessary and may at any time in its discretion terminate such appointments:

Appointment  
of officers.  
4 of 1948.

Provided that in the case of the Medical Officer of Health the following special conditions shall apply—

- (a) The appointment shall not be for a limited time only;
- (b) He may not be dismissed without the consent of the Governor in Council; and
- (c) He must be—
  - (i) a duly qualified Medical Practitioner; and
  - (ii) the holder of a diploma in sanitary science, public health or State medicine:

Provided further that in the case of the Chief Sanitary Superintendent the following special conditions shall apply—

- (a) The appointment shall not be for a limited time only;
- (b) He may not be dismissed without the consent of the Governor in Council; and
- (c) He must possess such qualifications as the Governor in Council may by rules prescribe.

(2) Subject to the terms of any contract with the Council, the Town Clerk shall hold office during the pleasure of the Council.

54. (1) The Town Clerk shall have the charge and custody of and be responsible for all books, deeds, records and other documents and these shall be kept as the Council may direct.

Town Clerk  
responsible  
for records.

(2) The Deputy Town Clerk shall act for the Town Clerk during the illness, absence or other incapacity of the Town Clerk.

When  
Deputy Town  
Clerk to act.

Powers of  
City Bailiff  
and Bailiffs.

**55.** (1) The City Bailiff, whilst in the performance or execution of the duties of his office, shall have the like powers, privileges and immunities as the Sheriff of the Colony.

(2) Every bailiff duly appointed may serve or execute any process which by this Ordinance or any other Ordinance is directed to be served or executed by the City Bailiff.

Officers to  
give security  
if so required.

**56.** The Council may require an officer to give such security as it may think proper for the due execution of such officer's duties.

Officers to  
render  
accounts  
when  
directed.

**57.** Every officer of the Council shall at such times and in such manner as the Council may direct deliver to the Council a true account in writing of all matters committed to his charge, and of his receipts and payments, with vouchers and a list of persons from whom money is due in connection with his office, showing the amount due from each person; and every such officer shall pay all money due from him to the Treasurer.

Accounts  
and audit.

**58.** (1) The Council shall cause to be kept true accounts in accordance with such instructions as the Governor may issue from time to time. Such accounts together with all books, vouchers and papers relating thereto, and together with a balance sheet, shall be laid not later than the 31st day of January in each year before an Auditor appointed by the Governor. The Auditor shall make and sign a report on such accounts and balance sheet; and a duplicate copy of such report shall be sent to the Minister, who shall cause a copy of the balance sheet and Auditor's report to be published in the *Gazette*.

(2) The Council shall permit the Auditor to check any cash in its possession and to have access to its accounts and all books, vouchers and papers relating thereto at any time during the usual office hours.

(3) The original balance sheet and the accounts in full and the Auditor's report thereon shall be open to inspection at the office of the Town Clerk during office hours by any person whose name appears upon the register of voters on payment of a fee of one shilling.

Power of  
Auditor to  
call for  
books, etc.

**59.** For the purpose of any audit under this Ordinance, the Auditor may by summons in writing require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers,

receipts, documents, or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do or to produce any such books, deeds, contracts, accounts, vouchers, receipts or other documents or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a fine on summary conviction not exceeding two pounds.

60. (1) The Auditor acting in pursuance of section 58 shall disallow every item of account contrary to law and shall certify the amount of any deficiency or loss incurred by the negligence or misconduct of any person or of any sum which ought to have been but is not brought into account by any person. The Auditor shall surcharge the amount on the person who has made or authorised the making of the illegal payment or whose default has caused the deficiency or loss or failure to bring to account, as the case may be. On application by any party aggrieved the Auditor shall state in writing the grounds upon which his certificate is based, and also of any disallowance which he may have made.

Power of Auditor to surcharge illegal payments.

(2) (i) Any person who is aggrieved by any surcharge or disallowance as aforesaid may, where the disallowance or surcharge relates to an amount exceeding one hundred pounds, appeal to the Supreme Court, and may, in any other case appeal either to the Supreme Court or to the Governor in Council:

Appeals against decision of Auditor. 4 of 1948.

Provided that any such appeal shall be made within fourteen days of the person being notified of the surcharge or disallowance, or within such further period, as the Court or Governor in Council, as the case may be, may allow.

(ii) The Court or Governor in Council on such appeal shall have power to confirm, vary or quash the decision of the Auditor and to remit the case to the Auditor with such directions as the Court or Governor in Council thinks fit for giving effect to the decision on appeal.

(iii) Where an appeal is made to the Governor in Council under this sub-section, he may, at any stage of the proceedings, state in the form of a special case for the opinion of the Supreme Court any question of law arising in the course of the appeal.

(3) (i) In the case of a surcharge, the person surcharged may, whether or not he appeals under the immediately preceding sub-section, apply to the tribunal (whether the Supreme Court or the Governor in Council) to whom he appealed, or if he does

Applications for relief.

not appeal, the tribunal (whether Supreme Court or Governor in Council) to whom he might have appealed, for a declaration that in relation to the subject matter of the surcharge he acted reasonably, or in the belief that his action was authorised by law, and the Court or Governor in Council, if satisfied there is proper ground for so doing, may make a declaration to that effect.

(ii) Where such a declaration is made, the Court or the Governor in Council may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge, and the decision of the Court or the Governor in Council shall be final.

(iii) Any application for relief under this sub-section shall be made within fourteen days of the person being notified of the surcharge, or within such further period as the Court or the Governor in Council, as the case may be, may allow.

Power of  
Town Clerk  
to sue for  
recovery of  
payments  
surcharged.

(4) (i) When the Court, or Governor in Council acting under the powers conferred by sub-section 2 (ii) of this section, confirms or varies the decision of the Auditor, or where no appeal or application has been made in accordance with the immediately preceding sub-sections against the amount surcharged by the Auditor, and the amount surcharged or the amount surcharged as varied, or any amount of which a person surcharged is not relieved in accordance with sub-section 3 (ii) of this section, is not made good to the Council, to the satisfaction of the Auditor within fourteen days of the decision of the Court or Governor in Council as the case may be, or, where no appeal or application as aforesaid has been made, within fourteen days of the date of the surcharge by the Auditor, the amount shall, on complaint made, or action taken by the Town Clerk in the name and on behalf of the Council, be recoverable either summarily or otherwise, as a civil debt.

(ii) In any proceedings for the recovery of such an amount, a certificate signed by the Auditor shall be conclusive evidence of the facts certified, and a certificate signed by the Treasurer that the amount certified to be due has not been paid to him shall be conclusive evidence of non-payment, unless it is proved that the amount certified to be due has been paid since the date of the certificate.

Unless the contrary is proved, a certificate purporting to be signed by the Auditor or the Treasurer shall be deemed to have been signed by the Auditor or Treasurer, as the case may be.

PART X.—POWERS AND DUTIES OF THE CORPORATION.

61. Within the City the Corporation shall have and exercise all the rights, powers and duties conferred or imposed upon the Corporation by this or any other Ordinance.

Powers and duties of Corporation.

62. (1) The Governor in Council may by order direct that the Corporation shall be the authority for giving effect within the City to any specified provisions of such Ordinances as may be mentioned in the order and the Corporation shall thereupon have and exercise all the rights, powers and duties conferred or imposed upon the Governor or any officer or authority by such provisions (exclusive of the powers of the Governor in Council) subject to such limitations and restrictions as may be set out in the order.

Corporation may be given authority to exercise powers of specified Ordinances.

(2) The Corporation may exercise any powers and may perform any duties for the time being vested in or imposed upon any Government officer which the Governor may by order declare to be transferred to the Corporation.

Transfer to Corporation of powers and duties of Government officers.

63. (1) On or before the 31st day of August in each financial year, the Council shall prepare estimates of the anticipated revenue from all sources, and of the sums required to meet the expenses, during the following financial year.

Annual Estimates.

(2) In case the estimated revenue would otherwise be insufficient to meet the estimated expenditure, it shall be lawful for the Council to provide in the estimates for the imposition of a rate in accordance with the provisions in that behalf contained in Part XIV.

Provision of rate in Estimates.

(3) A certified copy of the Estimates shall forthwith be sent to the Minister for the information of the Governor.

Certified copy of Estimates to be sent to Minister for information of Governor. 4 of 1948.

(4) The approved estimates shall be open to inspection by any person whose name appears in the register of voters at the office of the Town Clerk.

Estimates to be open for inspection.

64. (1) It shall be the duty of the Corporation—

Duties of Council.

(a) to keep all roads, streets, lanes, squares and public places well and sufficiently lighted;

(b) to provide public markets, slaughter-houses and all such matters and things as may be necessary for the convenient use of such markets and slaughterhouses, and to regulate the same;

Provided always that the Corporation shall not open any such market or slaughterhouse to the public until it has been appointed by the Governor in Council to be a public market or slaughterhouse under the provisions of the Public Health Ordinance, and shall close any such market or slaughterhouse whenever it is ordered by the Governor in Council to be closed under the provisions of the aforesaid Ordinance.

(2) It shall also be the duty of the Corporation to provide for the cleansing of all roads, streets, lanes, squares and public places and for the disposal of refuse:

Provided that these duties shall not be undertaken by the Corporation until such date as may be fixed by the Governor by notice in the *Gazette* after consultation with the Council.

Acts lawful  
for Council  
to perform.

**65.** It shall be lawful for the Corporation—

(a) to impose and take stallages, rents and tolls in respect of the use by any person of any market or slaughterhouse belonging to or provided by the Corporation;

(b) to issue licences under Part XII of this Ordinance;

(c) to provide, establish, lay out, plant, improve, maintain and regulate parks, gardens and other places of resort or recreation in the City for the use of the public;

(d) to cause the names of all public roads, streets, lanes and squares to be affixed therein and to cause the houses in such public roads, streets, lanes and squares to be numbered;

(e) to plant and maintain trees along the sides of any public road, street, lane or square and to erect guards to protect such trees:

Provided that the streets, lanes or squares shall not be unduly obstructed thereby;

(f) to recover in its capacity of Water Authority for the City within the meaning of the Freetown Waterworks Ordinance, water rates imposed and assessed under the said Ordinance in the same manner as it recovers the City rate imposed by this Ordinance and the provisions of this Ordinance with regard to the recovery of the City rate shall apply to the recovery of such water rates accordingly;

(g) to provide and maintain schools and educational facilities within the City subject to the provisions of the Education Ordinance;

(h) to establish, maintain and carry on libraries and museums, grazing grounds, cattle corrals and car parks;

Cap. 69.

Cap. 105.

\* The Public Health Ordinance was Chapter 190 of the 1946 edition. It has been omitted from this edition, because it is to be repealed and replaced.

(i) to undertake, maintain and carry on public transport services within or without the City;

(j) with the consent of the Governor to engage in the purchase, distribution and sale of any commodity in the public interest;

(k) (1) subject to the consent of the Governor in Council, and to the provisions of the Town and Country Planning Ordinance, to—

12 of 1949.  
Cap. 81.

(i) lay out building plots upon or otherwise sub-divide any land the property of the Council for the purpose of housing schemes for inhabitants of the City or for the purpose of factory, industrial business or workshop sites;

(ii) to erect and maintain dwelling houses with their appurtenant outbuildings on plots or sub-divisions of land referred to in sub-paragraph (i) above;

(iii) to convert buildings into dwelling houses and to alter, enlarge, repair and improve the same; and

(2) subject to the provisions of section 69 to sell, let or otherwise dispose of any such plots or sub-divisions of land and the buildings, if any, thereon;

(l) to provide for the relief of the poor;

(m) to maintain and operate a Fire Brigade;

(n) to provide and regulate the use of public cemeteries in the City and notwithstanding anything contained in the Public Health Ordinance, to close any such public cemeteries in accordance with bye-laws made under this Ordinance. \*

(o) to undertake with the approval of the Governor all other matters and services as the Council may consider necessary for or conducive to public safety, health or convenience.

66. (1) The Corporation may from time to time make under the corporate seal such bye-laws as to them seem meet for the proper carrying out and enforcing of the provisions of this Ordinance, including provision for the issue of licences and permits and the payment of fees therefor.

Corporation  
to make  
bye-laws.

Such bye-laws may impose a fine not exceeding ten pounds or in default of payment imprisonment not exceeding two months for the breach of any such bye-laws, and in the case of a continuing offence, a further penalty not exceeding one pound for each day after written notice of the offence has been served on the offender.

\* See footnote to section 64.



(2) With regard to such bye-laws the following provisions shall apply—

(a) The Corporation shall not make a bye-law until the expiration of thirty days after a notice of the Corporation's intention to make the same shall have been published in the *Gazette*; and

Governor's approval of bye-laws.

(b) A bye-law made by the Corporation shall not come into force unless and until it is approved by the Governor in Council and subsequently published in the *Gazette*.

(3) Any offence against such a bye-law may be prosecuted summarily.

Powers of Police not to be affected.

67. Nothing hereinabove in this part contained shall operate to affect, alter, or derogate from, the ordinary or special statutory or other lawful powers and functions of the police, whether exercisable under the provisions of any Ordinance to which the Corporation is authorised under section 62 to give effect, or otherwise.

#### PART XI.—CORPORATE PROPERTY AND CONTRACTS.

Property vested in Corporation.

68. The property mentioned in the Second Schedule hereto with the appurtenances thereto is hereby declared to be vested in the Corporation.

Corporation may acquire property.

69. The Corporation may acquire such movable and immovable property as may be necessary or expedient for carrying into effect the provisions of this or any other Ordinance applicable to the town; but the Corporation shall not sell, mortgage, lease or otherwise alienate or dispose of any immovable property so acquired without the previous written consent of the Governor in Council.

Compulsory acquisition of land.

70. When there is any hindrance to the acquisition by purchase of any land or building required for carrying into effect the provisions of this or any other Ordinance applicable to the City, the Governor in Council upon the application of the Corporation and after such enquiry as he may think proper may declare that the land or building is required for a public purpose; and he may direct that proceedings be taken under the provisions of the Public Lands Ordinance, for acquiring the same for the Government, and for determining the compensation to be paid to the parties interested. The Governor may then vest such land or building in the Council by means of a certificate under his hand and the Public Seal of the Colony to the effect that the same has been made over to the Corporation. The

Cap. 116.



compensation for such acquisition, if any, shall in the first instance be paid by the Government; but the Corporation shall refund to the Government any compensation so paid and all expenses incidental to such acquisition incurred by the Government.

71. (1) The Corporation may, with the previous written consent of the Governor in Council, borrow at interest on the security of any corporate land or any funds of the Corporation or the City rate or of all or any such securities, such moneys as the Corporation may from time to time think necessary or expedient for carrying into effect the provisions of this or any other Ordinance applicable to the town.

Borrowing at interest.

(2) The Corporation may invest funds of the Corporation in such stocks as may be approved by the Secretary of State for the investment of Colonial Funds and in such other manner and to such extent as the Governor in Council may from time to time approve.

Investment of funds.

72. (1) Where the Governor in Council approves a mortgage or charge he may, as a condition of his approval, require that the money borrowed on the security of the mortgage or charge be repaid, with all interest thereon, in thirty years, or any less period, and either by instalments or by means of a sinking fund, or both.

Powers of Governor in Council to impose conditions as to repayment of money borrowed.

(2) In that case the sums required for providing for the repayment of the principal and interest of the money borrowed shall be, by virtue of this Ordinance, a charge on all or any of the following securities, namely, the land comprised in the mortgage (without prejudice to the security thereby created), or any such other corporate land or moneys or the City rate, or of any part thereof respectively, as the Governor in Council may direct.

73. Where money borrowed is directed to be repaid by means of a sinking fund, the Corporation shall, out of the rents and profits of the land on which, or out of the revenue of Corporation or the City rate on which the sums required for the sinking fund are charged under this Ordinance, invest such sums at such times and in such manner as the Governor in Council may direct, and may from time to time, with the like direction, alter or change any such investment.

Provisions as to sinking fund.

74. Where purchase money or compensation has been paid in respect of land or any interest therein purchased or taken from the Corporation, or in respect of permanent damage to land of

Provisions for replacing purchase or compensation money.

the Corporation, and the Governor shall approve of the payment of the money or compensation to the Corporation, the Governor may, as a condition of his approval, require provision to be made for investing a sum equivalent to the amount of money so paid.

Investment of proceeds of sale or exchange.

**75.** Where the Governor in Council approves of the sale or exchange of any corporate land, or of any interest therein, such approval may be subject to such conditions as he thinks fit in relation to the investment for the benefit of the Corporation of the money arising from the sale or exchange.

Corporation may enter into contracts.

**76.** The Corporation may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this or any other Ordinance applicable to the City.

Provisions as to contracts by Corporation.

**77.** With respect to contracts made by the Corporation under this Ordinance, the following provisions shall be observed, namely—

(1) Every contract made by the Corporation, whereof the value or amount exceeds one hundred pounds, shall be in writing and sealed with the corporate seal.

(2) Every such contract shall specify the work, materials, matters or things to be furnished, had or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed.

(3) Before contracting for the execution of any works under the provisions of this Ordinance, the Council shall obtain an estimate in writing of the probable expense of executing the work in a substantial manner.

(4) Before any contract of which the value or amount exceeds twenty-five pounds is entered into by the Corporation, public notice shall be given describing the nature and purpose thereof and inviting tenders for the execution of the works so described and the Corporation shall require and take sufficient security for the due performance of the contract.

Such public notice shall, where the contract exceeds one hundred pounds in value or amount, specify a period of not less than two weeks during which tenders may be made.

Use of corporate seal.

**78.** The corporate seal shall not be used or affixed to any document except in pursuance of a resolution in that behalf

passed at a duly constituted meeting of the Council and recorded in the minutes.

## PART XII.—MUNICIPAL LICENCES.

79. (1) It shall be unlawful for any person to exercise, carry on or practise in the City any of the trades, businesses or professions set forth in the first part of the Third Schedule without having first taken out a licence for that purpose.

(2) Every owner of any vehicle mentioned in the second part of the Third Schedule, who shall either reside in the City or therein exercise, carry on or practise any trade, business or profession or shall use any such vehicle in any public place in the City, shall take out a licence for such vehicle, and pay for such licence the fee set forth in the second part of the said schedule:

Licences for vehicles.

Provided that it shall not be necessary for licences to be taken out for any vehicle belonging to the Imperial or Colonial Government or to a foreign state for the use of a consular establishment where the Governor certifies that reciprocal privileges are enjoyed by British consular establishments in the territories of such foreign state.

(3) All vehicles mentioned in the second part of the Third Schedule, shall be numbered; excepting, subject to any bye-law, vehicles used primarily in the course of trade or husbandry. Such number shall be attached to, or marked on, a vehicle in such manner as to be readily visible.

Marking of vehicles.

(4) It shall be unlawful for any person to do in the City any of the acts or things mentioned in the third part of the Third Schedule without having first taken out a licence for that purpose and paid for such licence the fees set forth in the third part of the Third Schedule.

Licences for entertainments.

(5) Every licence taken out under this section shall be subject to the conditions and restrictions imposed by any bye-laws made in respect thereof, and also to any conditions or restrictions which are authorised by any such bye-laws and are specified on the licence. Any person failing to comply with any condition or restriction so imposed or specified shall be guilty of an offence against this Ordinance.

Licences subject to bye-laws and conditions.

80. (1) Such licences may be obtained on application to the Treasurer at the Municipal offices, and he is hereby authorised and empowered to grant the same upon payment of the fee mentioned in this part and in the Third Schedule.

Licences obtainable from Treasurer.

Duration of  
licences.

(2) Licences granted under this part shall be yearly, half-yearly and quarterly, and every such licence shall bear the date of, and commence on, the day of its being granted, and shall expire in the case of—

(a) a yearly licence, on the thirty-first of December in each year;

(b) a half-yearly licence, on the thirtieth of June or the thirty-first of December in each year;

(c) a quarterly licence, on the thirty-first of March, thirtieth of June, thirtieth of September or thirty-first of December in each year:

Provided that a licence for a bicycle or tricycle shall be a yearly licence.

Hawkers and  
pedlars.

(3) Every hawker or pedlar of manufactured goods shall, in addition to his licence, be supplied with a parchment which shall bear the name of the licensee, the number of his licence and the dates of issue and expiration of the same, and he shall be required to carry about such parchment with him and to produce the same when demanded by an Inspector of Licences or any member of the Police Force; and if he shall fail to produce such parchment the wares of such licensee shall be detained until he shall either give his full name and address or produce his licence or parchment. Any person giving a false name or address shall, in addition to any penalty which he may incur under this part, be liable on summary conviction to a fine not exceeding one pound; and it shall be lawful for the Council to cause any wares so detained to be sold unless they are claimed and taken away by the owner thereof within seven days after such detention; and all expenses of the Council, for or incident to, the detention or selling of any such wares shall be repaid to it by the owner and be recoverable as damages or be deducted from the proceeds of the sale of any such wares.

Application  
of licence  
fees.

**81.** The fees paid for such licences shall be received and held for the use of the Corporation.

Penalties.

**82.** (1) Any person exercising, carrying on, or practising any trade, business or profession mentioned in the first part of the Third Schedule, or being the owner or person making use in any public place in the City of any vehicle mentioned in the second part of the said schedule or doing any of the acts or things mentioned in the third part of the said schedule, who shall upon demand being made by any member of the Police Force or any Inspector of Licences of the Council, refuse or fail without

reasonable cause to produce and show his licence for exercising, carrying on or practising any such trade, business or profession, or for such vehicle, or for doing any such acts or things, shall be liable on summary conviction to a fine not exceeding five pounds.

(2) Every person committing any breach of the provisions contained in this part shall for every such offence be liable, on summary conviction thereof, to a fine not exceeding fifty pounds, and in default of payment to imprisonment, without hard labour, for any period not exceeding six months.

(3) Any person who shall let out, hire or lend his licence, or who not having taken out a licence under this part shall produce, exhibit or use any paper with intent to cause it to be believed that he has duly taken out a licence as aforesaid, shall for every such offence be liable on summary conviction thereof to a fine not exceeding twenty pounds, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding three months:

Provided that it shall be lawful for the Council to grant to any person such number of pedlars' licences and parchments as it may think fit, and such person may, while such licences are in force, transfer the same from and to any other person in his employ.

Any person to whom such licence is transferred shall be deemed to be a licensee during such time as he holds such licence, and shall be subject to all the provisions of section 80 (3).

### PART XIII.—REVENUE OF THE CORPORATION.

**83.** The revenue of the Corporation shall be paid to the Treasurer and shall consist of the following moneys—

Revenue of  
the Council.

(1) all fees received for the inspection, and all moneys received for the sale, of any lists, books, accounts or documents in the custody of the Town Clerk;

(2) all fees for licences issued in the City under Part XII of this Ordinance;

(3) all fines, penalties, costs and amounts recovered in respect of any prosecution or action under this Ordinance or under any of the bye-laws thereunder, unless by law directed to be otherwise disposed of;

(4) the rents and profits of all corporate lands, and the interest, dividends and annual proceeds of all money dues, chattels and valuable securities belonging to the Corporation or to any member or officer thereof in his corporate capacity;

(5) all rates, if any, levied under the provisions of this Ordinance;

(6) all amounts paid to the Corporation by the Government whether as a grant-in-aid or endowment or otherwise;

(7) any rents, forfeitures, receipts or proceeds lawfully derived by the Corporation from any other source whatever not in this section specifically mentioned.

Application  
of revenue.

**84.** The revenue of the Corporation shall be paid into a fund known as the City Fund and shall be applicable to and charged with the following payments—

(1) the remuneration of officers and employees of the Corporation and the expenses incurred in respect of procuring, furnishing, equipping and maintaining of suitable offices for officers of the Corporation;

34 of 1954.

(2) (a) the amounts from time to time due to be paid to the Superannuation Fund in terms of the provisions of the Freetown Municipality Officers' Superannuation Ordinance;

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(b) the gratuities which have been awarded under the provisions of the Freetown Municipality Officers' Superannuation Ordinance;

(3) expenses incurred in providing such entertainment as the Council may consider incumbent on the Corporation;

(4) contributions by way of endowment or otherwise to charitable or philanthropic institutions which are established in the City and provide for the welfare of the people thereof;

(5) expenses incurred in connection with the travelling of any Alderman or Councillor when acting as representative of the Council;

(6) all expenses properly incurred by the Corporation in carrying this Ordinance into effect;

(7) all other payments legally due and owing by the Corporation.

Appointment  
of Govern-  
ment officer  
to an office  
under the  
Corporation.

**85.** The Governor may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government of Sierra Leone to any office under the Corporation:

Provided that, as respects pension and other rights as an officer of the Government, such officer shall be deemed to be in the service of the Government whilst so employed:

Provided further that, whenever any pension, gratuity, or retiring allowance, is granted to any such officer, the Corporation shall, if so required, pay to the Government an annual or lump sum, as the case may be, which shall bear the same proportion to such pension, gratuity, or retiring allowance, as the period during which such officer has been in the employment of the Corporation bears to his total pensionable service under the Government.

**86.** No payment shall be made out of the funds of the Corporation except under the authority of the Council, and every payment exceeding ten pounds shall be made by cheque signed by the Treasurer and countersigned by the Town Clerk.

Order for payment of money.

**87.** All moneys belonging to the Corporation shall be paid into such Bank as the Council may from time to time appoint, and no money shall be withdrawn from such Bank except by cheque signed by the Treasurer and countersigned by the Town Clerk.

Moneys to be paid into a Bank.

**88.** (1) It shall be lawful for the Governor in Council from time to time on the application of the Council, supported by a majority of not less than six of its members of whom the Mayor shall be one, to make an order authorising all arrears of rates and other moneys due to the City Fund under and by virtue of this Ordinance and the Freetown Waterworks Ordinance, or any part of such arrears, to be written off as irrecoverable debts in regard to which no further proceedings need be taken.

Governor in Council empowered to authorise the writing off of irrecoverable arrears of revenue.  
Cap. 69.

(2) The Governor in Council may make an order in respect of the whole or any part of the arrears specified in the application of the Council.

(3) This section shall apply to all arrears of rates and other moneys due to the City Fund under and by virtue of the Freetown Municipality Ordinance, 1927, in the same manner and to the same extent as it applies to the arrears mentioned in sub-section (1).

PART XIV.—THE CITY RATE.

**89.** (1) The rate provided for in the Estimates shall be a rate or rates at a uniform amount per pound on the assessed annual value of assessed premises and may be—

The City rate.

(a) a single rate in respect of all assessed premises, or

(b) different rates in respect of assessed premises which are of different classes or are situated in different localities in the City.



Payment of  
City rate.

(2) The rate or rates provided for in the approved estimates (to be called the City Rate) shall be imposed and levied by the Corporation and shall be payable to the Treasurer on or before the 31st day of January following the date on which the estimates providing for the rate are approved, or such later date as the Council may by notice declare.

Notice of  
intention to  
impose and  
imposition of  
City rate.  
4 of 1948.  
12 of 1949.

**90.** The Council shall give at least one week's public notice of its intention to insert provision for a City rate in the Estimates, and shall within fourteen days after the insertion in such Estimates of a City rate give further public notice thereof:

Provided that in any proceedings to levy or recover any rate, it shall not be necessary to prove that any such notice was given, and failure to give any such notice shall not affect the right to levy or recover any rate.

Rate Book.

**91.** The Town Clerk shall keep a Rate Book in the form prescribed in the Fourth Schedule hereto. Such Rate Book shall be kept at the office of the Town Clerk and shall be open to public inspection.

City rate to  
be a charge  
on premises.

**92.** The amount of the City rate due in respect of any premises together with poundage and levy expenses (if any) shall until paid be a charge on such premises, and such charge shall have priority over all other claims against such premises except claims of the Crown.

Levy on  
owner's goods  
on non-pay-  
ment of City  
rate.

**93.** If any owner liable to the City rate under this Ordinance, or his agent appointed under the provisions of section 100 shall refuse or neglect to pay the same at the time and in the manner hereinbefore appointed for the payment thereof, the Mayor is hereby empowered to issue a warrant under his hand and the seal of the Corporation directed to the City Bailiff requiring and commanding him to levy the rate on the goods and chattels of such defaulting owner, and the City Bailiff to whom such warrant shall be directed is hereby empowered and required to execute the said warrant and to make a return thereto within thirty days after the date thereof.

Poundage.

**94.** (1) The City Bailiff shall be entitled to a poundage of two shillings for every twenty shillings or any part thereof levied by virtue of any warrant directed to him by the Mayor, and the same is hereby made chargeable upon the personal and real estate so levied upon. All such poundage fees shall be paid to the Treasurer and form part of the City rate.

(2) All goods and chattels, which shall be levied upon by the City Bailiff as aforesaid by virtue of any warrant from the Mayor, shall be sold by him by public auction to the highest bidder within ten days after the time of levying the same, and the City Bailiff shall cause such intended sale to be advertised at least five days before the sale, and the sum or sums of money arising from such sale the City Bailiff shall apply to the payment of the rate and poundage imposed by this Ordinance, and all charges attending such levy and sale, and shall return the surplus (if any) to the person or persons entitled thereto.

95. (1) If the City Bailiff acting as aforesaid finds no goods, or if the amount realised by any sale as aforesaid is insufficient, the Mayor is hereby empowered to authorise the City Bailiff in writing to demand from the occupier payment within fourteen days of any amount owing, less any poundage or other costs of levy upon the goods of the owner, and if at the end of such period of fourteen days as aforesaid, the occupier has not paid such amount, the City Bailiff is hereby authorised to direct payment to the said City Bailiff by the said occupier of any rent due or accruing due to the owner, to the extent of the amount due to the Corporation in respect of the City rate, and every such payment shall be a valid discharge to the occupier of the rent to the extent of the amount so paid.

Payment of  
rates by  
occupier.  
4 of 1948.

(2) If an occupier shall refuse or neglect to pay the rent to the City Bailiff when so required, it shall be lawful for the City Bailiff to sue the occupier for the amount of the City rate, or so much thereof as remains unpaid, in any court of competent jurisdiction, and if judgment is obtained and such judgment is not satisfied within a time to be specified by the court, the amount shall be recoverable by distress levied on the goods and chattels of the occupier.

(3) Any occupier may deduct any amount paid by him under any judgment as aforesaid before payment of rent to the owner and should a levy have been made on the goods and chattels of the occupier he may also deduct from such rent the costs of such levy.

(4) Where there is an existing contract, verbal or written, between the owner and the occupier that the occupier shall pay the rate, and the owner becomes liable for payment thereof under the provisions of this Ordinance, it shall be lawful for the owner to increase the rent by the amount for which he has so become liable, or, if he thinks fit, to sue the occupier or his executors, administrators or assigns for the same.

Levy on lands and premises on non-payment after two years.

96. If the remedies hereinbefore provided against owners and occupiers have failed to realise the amounts due after also taking into account the net amounts, if any, which have been realised by proceedings, if any, against the occupier as aforesaid, and the amounts due shall still remain unpaid two years after the date on which they became payable under section 89, it shall be lawful for the Mayor to issue a warrant under his hand and the seal of the Corporation in the manner hereinbefore directed, requiring and commanding the City Bailiff to levy the said rates upon the lands, tenements, rents and annuities of such persons, and the lands, tenements, rents and annuities to sell by public auction as hereinbefore directed in the case of goods and chattels, giving thirty days' notice of every such intended sale; and a deed of conveyance executed by the City Bailiff in pursuance of any such sale shall, upon being duly registered under the provisions of the Registration of Instruments Ordinance, confer upon the purchaser as good a title to the lands and tenements sold as the owner could lawfully convey:

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Provided that the Mayor may, at any time before the sale of any lands, tenements, rents and annuities so advertised for sale as aforesaid, postpone the sale thereof either generally or to some specified day.

Mayor may issue one warrant for each ward.

97. It shall be lawful for the Mayor, whenever he shall deem it expedient, in lieu of issuing separate warrants in respect of each defaulter, to issue under his hand and the seal of the Corporation one warrant for each ward of the City respectively, and to annex or subjoin to each such warrant a schedule of the names of the defaulters in the ward for which it is issued, and such warrant shall be taken to apply in respect of each of the defaulters named in the schedule annexed or subjoined thereto.

Warrant to be signed and sealed.

98. Warrants by the Mayor in respect of any rate shall be signed by him and sealed with the corporate seal.

Absentee owner to appoint agent for payment of rate.

99. Any owner of premises in respect of which the City rate is payable by him shall, if he intends to be absent from Freetown, appoint some person to be his agent for the payment of the City rate, and shall notify the Town Clerk in writing of such appointment.

Unoccupied premises.

100. Where it is shown to the satisfaction of the Assessment Committee that any building or any part thereof which has been included in any assessed premises has been unoccupied for

a period of not less than six months in any financial year and that notice thereof has been given as required by section 101, the Assessment Committee shall, on the application of the person who has paid the amount of the City rate payable in respect of such premises, order to be refunded to that person such proportion of the amount paid as the Assessment Committee may deem fit having regard to all the circumstances.

**101.** (1) It shall be the duty of the owner of any assessed premises to notify in writing the Town Clerk within twenty-one days that any building thereon, if previously unoccupied, is occupied or if any such building was previously occupied, that it is unoccupied.

Notice of non-occupation and re-occupation.

(2) Any owner of assessed premises who, having given notice of non-occupation of any building thereon, fails to give notice of re-occupation as required by sub-section (1) shall be guilty of an offence.

**102.** Where it is shown to the satisfaction of the Assessment Committee that any building or any part thereof on any assessed premises has been demolished or removed during any financial year, the Assessment Committee shall, on the application of the person who has paid the amount of the City rate payable in respect of such premises, order to be refunded to that person such proportion of the amount paid as the Assessment Committee may deem fit having regard to all the circumstances:

Premises demolished or removed.

Provided that, in the case of a demolition or removal otherwise than by order of the Council or under section 28 of the Freetown Improvement Ordinance, the owner of such premises has within fourteen days of such demolition or removal given notice in writing thereof to the Assessment Committee.

Cap. 66.

**103.** (1) No rates shall be payable in respect of premises which belong to or are held in trust for—

Premises exempt from rates.

(a) the Corporation, or

(b) the Imperial or Colonial Government and are either unoccupied or are occupied by the Imperial or Colonial Government or by some person in the employ of either of such Governments.

(2) Rates shall be payable on all premises which belong to or are held in trust for the Imperial or Colonial Governments and are occupied by some person not in the employ of either of such Governments:

Provided that when such premises are so occupied for only part of a year, the amount payable in respect of rates shall be proportionately reduced.

8 of 1950.

(3) No rates shall be payable in respect of premises which belong to or are occupied by a foreign state for any of the following purposes, that is to say,

(a) a consular office, or

(b) a residence for a consular officer or employee, or

(c) any other purpose, to which the Governor does not object, arising out of the operation of the consular establishment of such foreign state:

Provided that this sub-section shall only apply where the Governor certifies that reciprocal privileges are enjoyed by British consular establishments in the territories of such foreign state.

Agreement between landlord and tenant.

**104.** Nothing in this part contained shall be deemed to affect any agreement between landlord and tenant with respect to the payment of the City rate, and no such agreement between landlord and tenant shall derogate from the provisions of this part with respect to the enforcement of the City rate.

Exemption from payment of City rate owing to poverty.

**105.** Notwithstanding anything in this Ordinance contained, the Council may, if satisfied by any applicant by evidence on oath that on the ground of poverty it is desirable so to do, exempt from payment of the City rate any premises liable for payment of the same, or reduce the amount for which the premises are liable for such rates.

#### PART XV.—MISCELLANEOUS.

Appearance of Corporation in legal proceedings.

**106.** (1) The Corporation may appear in any legal proceedings by the Town Clerk or by an officer of the Council authorised generally or in respect of any particular proceeding by resolution of the Council; and the Town Clerk, or any officer so authorised as aforesaid, shall be at liberty to institute and carry on any proceeding which the Corporation is authorised to institute and carry on under this or any other Ordinance, subject always to any directions which may be given him by the Council.

(2) Service on the Corporation of all legal processes and notices shall be effected by service on the Town Clerk.

Form of title deeds.

**107.** The title to all lands acquired or leased by the Corporation shall be taken in the corporate name of the Corporation; and all deeds and contracts requiring to be executed by the

Corporation, shall be executed in the corporate name of the Corporation and shall be signed and sealed with the corporate seal by the Mayor and shall also be signed by the Town Clerk.

**108.** In any prosecution or other legal proceeding under the provisions of this or any Ordinance instituted by or under the direction of the Council, no proof shall be required—

Proof in legal proceedings.

(a) of the persons constituting the Council; or

(b) of any order to prosecute or of any particular or general authorisation under section 106 of the Town Clerk or other officer of the Council; or

(c) of the appointment or authority of the Town Clerk or other officer of the Council to prosecute; or

(d) of the presence of a quorum of the Council at the making of any order or the doing of any act,

until evidence is given to the contrary.

**109.** All documents executed in accordance with the provisions of section 107 and all other documents purporting to be issued or written by or under the directions of the Council and purporting to be signed by the Mayor, Town Clerk, or other officer of the Council, shall be received as *prima facie* evidence in all Courts and shall be deemed to be executed, issued or written by or under the direction of the Council without proof, unless the contrary is alleged.

Documents to be *prima facie* evidence.

**110.** Whenever in any criminal process or proceeding it may be necessary to refer to the ownership or description of property belonging to or under the management or superintendence of the Corporation, such property may be described as the property of the Corporation.

Description of property of Corporation.

**111.** Save as in this Ordinance otherwise expressly provided, the publication of any notice or other document required by this Ordinance to be published shall be deemed to be duly made if it is fixed in some conspicuous place on or near the outer door of the office of the Town Clerk during office hours, and also in some other conspicuous place or situation in the town.

Publication of notices.

**112.** Notices, orders, and any other documents required or authorised to be served under this Ordinance may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or, where addressed to the owner or occupier of any premises, by delivering the same, or a certified true copy thereof, to some person on the premises, or,

Service of notices.

if there is no person on the premises who can be served, by fixing the same on some conspicuous part of the premises. The same may also be served by post by a prepaid registered letter; and if so served, they shall be deemed to have been served at the time of posting. In proving service by post, it shall be sufficient to prove that the notice, order or other document was properly addressed and posted.

Hindering  
publication  
of notices,  
etc.

**113.** Every person who wilfully destroys, mutilates, effaces or removes any notice, list, register or other document, affixed to any premises under the provisions of this Ordinance, during the period during which the same ought to or is hereinbefore required to remain so affixed shall be guilty of an offence.

Inspection of  
documents.

**114.** A document directed by this Ordinance to be open to inspection shall be so open during the ordinary office hours, and without payment, unless otherwise provided.

Obstruction,  
etc., of  
inspection.

**115.** If a person having the custody of any register or document in this Ordinance mentioned—

(1) obstructs any person authorised to inspect the same in making such inspection thereof; or

(2) refuses to give copies or extracts to any person entitled to obtain the same,

he shall be guilty of an offence.

Obstruction  
of execution  
of Ordinance.

**116.** (1) Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provision of this Ordinance, and is required by notice in writing to permit the execution of any works required to be executed for the purpose of obeying or carrying into effect the provisions of this Ordinance, then, if, within twenty-four hours after service of the written notice, such occupier fails to comply therewith, he shall be liable on summary conviction to a fine of five pounds for every day during the continuance of such non-compliance.

(2) If the occupier of any premises, when requested by or on behalf of the Council to state the name and address of the owner of the premises occupied by him, refuses or wilfully omits to disclose, or wilfully misstates the same, he shall be guilty of an offence.

Entry on  
premises for  
purpose of  
Ordinance.

**117.** The officers of the Council and such other persons, as shall be duly authorised by the Council, shall have power to enter, examine, or lay open any lands or premises for any of

the purposes of this Ordinance or of any Ordinance to which the Corporation is authorised to give effect under section 62; and the owner or the occupier of such lands or premises who refuses after written notice to permit the same to be entered upon, examined or laid open for the purposes aforesaid shall be guilty of an offence.

118. Where, under this Ordinance, a declaration or oath is required to be made or taken by the holder of any office or other person before the Council, or any committee or any person such Council, committee or person, shall have authority to receive and administer the same without any commission or authority other than this Ordinance.

Power to administer oaths, etc.

119. No matter or thing done and no contract entered into by the Council, and no matter or thing done by any member or officer of the Council or other person whomsoever acting under the direction of the Council, shall, if the matter or thing were done or contract were entered into *bona fide* for the purpose of executing this Ordinance, subject any member or officer of the Council or any person acting under the direction of the Council personally to any action, liability, claim or demand whatsoever.

Protection of Council and their officers from personal liability.

120. (1) Where the Council intend to apply to the Governor in Council for the approval of, or consent to, any sale, loan or other financial arrangement under this Ordinance, notice of the intention to make the application shall be published one month at least before the application, and a copy of the intended application shall, during that month, be kept in the Town Clerk's office and be open to public inspection.

Notice of application to Governor in Council.

(2) If the Governor in Council either refuses the approval or consent or grants it conditionally or under qualifications, notice of the correspondence between the Governor and the Council shall forthwith and during one month be published, and a copy of the correspondence shall, during that month, be kept in the Town Clerk's office, and be open to public inspection.

121. In addition to all other powers conferred by this Ordinance, it shall be lawful for the Governor in Council after consultation with the Council to revoke, amend, vary, or add to any of the provisions or forms in the schedules and to substitute other provisions and forms therefor:

Power to the Governor in Council to vary provisions of Schedules.

Provided that no such revocation, amendment, variation or addition shall have effect, until approved by resolution of the House of Representatives.

4 of 1948.



General  
penalty.

**122.** (1) Any person guilty of an offence against this Ordinance for which no special penalty is provided shall be liable on summary conviction to a fine of ten pounds or in default of payment, to imprisonment for two months.

(2) Where any holder of a licence issued under the provisions of this Ordinance is convicted of an offence involving a breach of the terms or conditions of his licence, the Court convicting him may order that the licence be revoked, or suspended and thereafter the Council may refuse the re-issue or renewal of the licence.

Further  
general  
election to  
existing City  
Council of  
Freetown  
prohibited.

**123.** Notwithstanding the provisions of any law to the contrary, no further general election of members of the City Council of Freetown established under the Freetown Municipality Ordinance, 1927, shall take place after the date on which this Ordinance shall come into force, and the persons who are members of the Council on the coming into force of this Ordinance shall hold their seats until the 1st day of November immediately following.

Cessation of  
application  
of Ordinance  
38 of 1927  
and savings.

**124.** From and after the 1st day of November immediately following the date on which this Ordinance shall come into force, the provisions of the Freetown Municipality Ordinance, 1927, as amended and modified from time to time, shall cease to apply to the City:

Provided that—

(1) this declaration shall be without prejudice to anything done or suffered or any right, privilege, obligation or liability acquired, accrued or incurred under the said Ordinance and any such right, privilege, obligation or liability acquired, accrued or incurred by the City Council of Freetown established under the Freetown Municipality Ordinance, 1927, may be enforced or discharged by the Council established by this Ordinance;

(2) any person holding any office or appointment under or with the City Council of Freetown (as established by the Freetown Municipality Ordinance, 1927) on the 1st day of November immediately following the date on which this Ordinance shall come into force, shall continue in such office or appointment as if he had been appointed by the Council under this Ordinance; and

(3) all bye-laws and orders made by the City Council of Freetown under the Freetown Municipality Ordinance, 1927, with respect to the City and in force at the commencement

of this Ordinance shall be deemed to have been made by the Council under the provisions of this Ordinance and shall remain in force until revoked, amended or replaced under the provisions of this Ordinance.

125. Save as is expressly provided in this Ordinance, the provisions hereof shall not in any manner whatsoever affect the rights of the Crown.

Savings of Crown rights.

FIRST SCHEDULE.

PART I.

Section 19 (3).

VALUATION OF PREMISES.

1. (1) For the purpose of compiling the first Valuation List, the valuers shall, before a day to be appointed by the Council, assess the annual value of all premises assessable within the meaning of section 18 and shall prepare and sign the first Valuation List in the form prescribed in the Fourth Schedule. Thereafter they shall on or before the 1st day of June in every year assess the annual value of such assessable premises, and prepare and sign a Valuation List in the prescribed form.

Assessment of annual value.

Form 1.

Form 1.

(2) If the valuers are of opinion that the value of any premises shown in the Valuation Roll in force at the time of assessment correctly shows the annual value of such premises, they shall accept such valuation for the purposes of the Valuation List then in course of preparation, but otherwise shall revise such valuation and enter the revised valuation in such Valuation List.

2. (1) The valuers may require any owner, occupier or mortgagee of any premises to give his full name and address and to produce any rent book, receipts for rents, lease, agreement or other document, and may require such owner or the person in receipt of any rent thereof, or the person renting such premises or part thereof, or the agent of such person to make a declaration in writing in the form prescribed in the Fourth Schedule as to the amount of yearly rent paid or payable for such premises, or to give any other information which may be required for the purpose of duly making any Valuation List.

Valuers may require owner, occupier or mortgagee to give information.

Form 2.

(2) Any person refusing or failing to produce any such book or document or sign such declaration or to give such information or signing any such declaration knowing the same to be false shall be liable to a fine of twenty-five pounds or in default of payment to imprisonment for three months.

3. Whenever the valuers have assessed the annual value of any premises which have not previously been assessed or which during the immediately preceding period of twelve months have been altered or rebuilt, they shall cause a notice signed by them and specifying the annual value assessed by them to be served on the owner, occupier or mortgagee of such premises.

Notice of assessment to be given in certain cases.

4. The valuers may in the discharge of their duty enter upon any premises between the hours of six o'clock in the forenoon and six o'clock in the afternoon on any week day not being a public holiday, and any person

Valuers may enter any premises.

refusing admission to or obstructing the valuers in the discharge of their duty shall be liable to a fine of twenty-five pounds or in default of payment to imprisonment for three months.

Notice of new buildings, etc.

5. When any new building is erected or whenever any building is rebuilt or enlarged, the owner of such building shall within fifteen days of the completion of work thereon or occupation thereof, whichever is the sooner give notice thereof in writing to the Town Clerk. In case of failure to give such notice the owner shall be guilty of an offence.

Valuation List to be deposited and open for inspection.

6. The Valuation List made and signed by the valuers shall forthwith be deposited in the Town Clerk's Office; and the Council shall forthwith cause to be published a notice of the deposit of such list. Any person owning or in the occupation of or interested in any assessable premises shall be entitled to inspect the Valuation List and to take copies thereof and extracts therefrom free of charge.

Objections to Valuation Lists.

7. Any person aggrieved by any Valuation List on the ground of unfairness or incorrectness in the valuation of any premises included therein, or on the ground of the inclusion of any premises in or the omission of any premises from such Valuation List, may at any time after the deposit as aforesaid of such list, and before the expiration of twenty-eight days after the publication of the notice of the deposit, give to the Assessment Committee a notice in writing of his objection specifying the grounds thereof. When the ground of any objection is unfairness or incorrectness in the valuation of any premises in respect of which any person other than the person objecting is liable to be assessed or the omission of any assessable premises, the person objecting shall also give notice in writing of such objection and of the ground thereof to such other person.

Procedure for dealing with objections.

8. (1) The Assessment Committee shall hold meetings to hear objections to Valuation Lists, and shall fourteen days at least before holding any meeting, except a meeting by adjournment, cause to be published notice of such meeting; and the Assessment Committee may at any such meeting hear and determine such objections or may from time to time adjourn any such meeting and adjourn or postpone the hearing or further hearing and determination of any such objections, and may direct notice in writing of any such objection to be given by the Town Clerk or by the persons objecting to third parties before the further hearing thereof. When the ground of such objection is unfairness or incorrectness in the valuation of any premises in respect of which any person other than the person objecting is liable to be assessed, or the omission, of any assessable premises from the Valuation List, the Assessment Committee shall not hear any objection to such Valuation List, unless such notice as aforesaid of such objection has been given to them and to such other person by the person objecting, except when such other person by himself or some other person on his behalf consents to the hearing of such objection.

(2) The Assessment Committee may, upon the hearing of objections to Valuation Lists, examine witnesses on oath and take evidence in writing.

(3) Such witnesses shall be summoned under the hand of the Mayor in the same manner as nearly as circumstances permit as witnesses at a trial in the Supreme Court.

(4) Upon the hearing of objections to the Valuation List, the Town Clerk or such other person as the Mayor may direct shall take down in writing a full record of the proceedings including the evidence of all witnesses examined on oath.

9. Any person who wilfully refuses to attend in obedience to a lawful summons of the Assessment Committee, or to give evidence or to produce any rent book, receipts for rent, lease, agreement, or other document which may be required to be produced before the Assessment Committee for the purpose of ascertaining the annual value of any assessable premises in the town shall be guilty of an offence. The Assessment Committee, after hearing the parties interested, shall have power to order the withdrawal of all persons from such meetings during their deliberations. Penalty, etc.

10. (1) The Assessment Committee may, whether any objection be or be not made to any Valuation List and after giving any known owner, occupier or mortgagee of the premises concerned opportunity to be heard, make such alterations in the valuation of any premises included in the Valuation List, and may insert therein any assessable premises omitted therefrom, and may delete therefrom any premises which are not assessable, and make such corrections in names, descriptions, and particulars in any Valuation List, upon such information as to them may seem sufficient, and may employ a person to survey and value any assessable premises comprised in or omitted from the Valuation List, or may take such other means for ascertaining the correctness of the Valuation List as the Assessment Committee may think fit. Assessment Committee may direct further valuation and may correct Valuation Lists.

(2) The decisions of the Assessment Committee shall not require the approval of the Council.

(3) When the Assessment Committee has heard and determined all such objections as aforesaid and has made all alterations, insertions and corrections in the Valuation List, it shall approve the same and thereupon such Valuation List shall become a Valuation Roll.

11. (1) Any person who—

(a) has appealed to the Assessment Committee and is aggrieved on account of its decision, or

(b) is aggrieved by any alteration to the Valuation List made by the Assessment Committee of its own motion.

Appeals against decision of Assessment Committee.

may at any time within fourteen days after the publication of the notice of the deposit of the Valuation Roll appeal to the Police Magistrate.

(2) The appellant shall give to the Assessment Committee seven clear days' notice in writing of his intention to appeal and the grounds thereof.

(3) The Police Magistrate shall hear and determine the appeal, and either allow or disallow the same, or make such order as shall be just.

(4) The Police Magistrate shall, subject to this Ordinance, have the same powers, jurisdiction and authority with respect to such appeals and the proceedings therein and to the costs as if the appeal were an ordinary suit.

(5) Any person who has appealed to the Police Magistrate's Court and is aggrieved on account of the decision on his appeal may within fourteen days appeal to the Supreme Court whose decision shall be final.

(6) Where the Police Magistrate orders the Valuation Roll to be amended, and no appeal has been lodged in the prescribed period, or if an appeal has been lodged and the Supreme Court orders the Valuation Roll to be amended, the Assessment Committee shall cause the Valuation Roll to be amended in conformity with the decision so made, and shall add to such amendments the words "by order of the Court".

## PART II.

## Section 48 (2).

## STANDING ORDERS OF THE COUNCIL.

Meetings of  
the Council.

1. A meeting of the Council shall be convened by the Mayor at least once in every month, and at such other times as the Mayor may appoint:

Provided that it shall be incumbent on the Mayor to convene a meeting whenever so requested in writing by any three or more members of the Council.

Presiding  
members.

2. At every meeting of the Council, the Mayor, or in his absence, the Deputy Mayor shall preside:

Provided that in the absence of both the Mayor and the Deputy Mayor the Council shall appoint one of its members to preside.

Quorum.

3. All acts whatsoever hereby authorised or required to be done by the Council and all questions that may come before the Council shall be done and decided by the majority of votes:

Provided that the Council shall not be disqualified from the transaction of business by reason of any vacancy or vacancies among members:

Provided further that no business, except that of adjournment, shall be transacted unless there be present at least ten members.

Casting vote.

4. The Mayor or member presiding shall have an original vote in common with the other members, and also a casting vote if upon any question the votes be equal.

Committees.

5. The Council may from time to time appoint out of their number such and so many committees, either of a general or special nature, and consisting of such number of persons as it shall think fit, for any purpose which the Council may think would be better regulated or managed by means of such committees:

Provided that the proceedings of every such committee shall, except as herein otherwise provided, be submitted to the Council for approval, and shall be subject to such approval.

Minutes.

6. (1) Minutes of all the proceedings of the Council shall be regularly kept by the Town Clerk in a Minute Book kept for that purpose; and, at each meeting of the Council, the minutes of the last preceding meeting shall be read over and confirmed or amended, as the case may require, and shall be signed by the Mayor or member presiding.

(2) The Minute Book shall be open to inspection during office hours by any person whose name appears on the Register of Voters on payment of a fee of one shilling.

(3) The Town Clerk shall furnish the Governor with a certified copy of the minutes after confirmation by the Council.

SECOND SCHEDULE.

(Section 68).

CORPORATION PROPERTY.

- (1) The public market situate in Kroo Town Road
- (2) the public market situate near King Jimmy wharf
- (3) the public market situate in Bombay Street
- (4) the public market situate in Regent Road
- (5) the public market situate near Peters Brook
- (6) the public meat market situate in Garrison Street
- (7) the public fish market situate in Fisher Street
- (8) the public vegetable market situate in Water Street
- (9) the public slaughterhouse situate in Guard Street
- (10) the King Tom cemetery
- (11) the Circular Road cemetery
- (12) the Howe Street cemetery
- (13) the Kissy Road cemetery
- (14) the Ascension Town cemetery
- (15) the Race Course cemetery
- (16) the Rokupa cemetery
- (17) the Victoria Park
- (18) the Wilberforce Memorial Hall
- (19) the Freetown Waterworks
- (20) the Recreation Ground at Brookfields
- (21) the cattle compound in Guard Street
- (22) the Fire Brigade compound in Gloucester Street
- (23) a plot of land at the corner of Adelaide and Priscilla Streets.

THIRD SCHEDULE.

(Section 79)

P.N. 101 of  
1955.

PART I.

For every licence to any—		£	s.	d.
1. Hawker or pedlar of manufactured goods not being articles of food	Yearly	1	10	0
	Half-yearly	0	16	0
	Quarterly	0	9	0
2. Hawkers of articles of food and drink for human consumption	Yearly	Free		
	Quarterly	Free		
3. Hotel, Inn or Common Lodging House Keeper	Yearly	30	0	0
	Half-yearly	16	0	0
	Quarterly	9	0	0
4. Restaurant Keeper	Yearly	15	0	0
	Half-yearly	8	0	0
	Quarterly	5	0	0
5. Vendors of Patent Medicines (a separate licence shall be required in respect of each shop, store, or other place of business)	Yearly	5	0	0
	Half-yearly	2	15	0
	Quarterly	1	10	0
6. Herbalist	Yearly	5	0	0
	Half-yearly	2	15	0
	Quarterly	1	10	0
7. Registered Money-lender	Yearly	15	0	0
	Half-yearly	8	0	0
	Quarterly	5	0	0
8. Cook-shop, Cook-room, Cook-house or Milk Bar Keeper	Yearly	3	0	0
	Half-yearly	1	15	0
	Quarterly	1	0	0

P.N. 111 of  
1958.

## PART II.

For every licence—

		£	s.	d.
1. For a cart, truck, wagon or other such vehicle, not being a motor vehicle, as is constructed or adapted for use and is used primarily for the conveyance of any goods in the course of trade or husbandry or for profit or reward, if the same shall have four or more wheels.	Yearly ...	1	10	0
	Half-yearly ...	0	16	0
	Quarterly ...	0	8	6
2. For any vehicle listed in the foregoing item, not being an omolanke nor a vehicle used exclusively on Government Wharf or the Queen Elizabeth II Quay, if the same shall have less than four wheels.	Yearly ...	1	0	0
	Half-yearly ...	0	11	0
	Quarterly ...	0	6	6
3. For every two-wheeled cart commonly known as an omolanke used primarily for the conveyance of any goods in the course of trade or husbandry or for profit or reward.	Yearly ...	1	10	0
	Half-yearly ...	0	16	0
	Quarterly ...	0	8	6
4. For a bicycle or tricycle not drawn or propelled by mechanical power.	Yearly ...	0	15	0

## PART III.

For every licence—

		£	s.	d.
To hold any concert, dancing, musical, theatrical or other entertainment to which admission is to be obtained on payment of any money or reward	Yearly ...	25	0	0
	Half-yearly ...	13	0	0
	Quarterly ...	7	0	0
	Single entertainment ...	1	0	0

FOURTH SCHEDULE.

Form 1. (First Schedule, Part I, paragraph 1.)

VALUATION LIST.

Name of Street	No. of house or plot of land in street	Description of premises	Name of owner	Name of occupier	Annual rateable value	Remarks

Form 2. (First Schedule, Part I, paragraph 2.)

DECLARATION AS TO YEARLY RENT OF PREMISES.

Name ..... I, ..... of ..... do  
 Premises ..... hereby declare that the rent  
 Rented from ..... premises No. .... in .....  
 or let to ..... Street, Freetown .....  
 ..... rented/let by me ..... from .....  
 ..... me/to ..... is at the rate of  
 ..... per annum.  
 Rent per annum ..... Declared ..... 19 .....  
 Date ..... 19 ..... Before me.  
 Valuer.

Signature or mark of Declarant.



Form 3.

[SECTION 91]

RATE.

An Assessment for the City Rate of the City of Freetown, made by the City Council of Freetown this..... day of....., 19....., at the rate of.....pence in the Pound.

	Arrears Due or if Excused	Name of Occupier	Name of Owner	Description of Property Rated	Name or Situation of Property	Estimated Extent	Annual Value	Rate at <i>d.</i> in the Pound
	£ <i>s.</i> <i>d.</i>						£ <i>s.</i> <i>d.</i>	£ <i>s.</i> <i>d.</i>
1	...							
2	...							
3	...							
4	...							