

CHAPTER 37.

SUMMARY CONVICTION OFFENCES.

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CHAPTER 37.

SUMMARY CONVICTION OFFENCES.

An Ordinance to Consolidate and Amend the Law relating to Offences Punishable on Summary Conviction.

[7TH NOVEMBER, 1906.]

20 of 1906.
 36 of 1907.
 17 of 1908.
 8 of 1909.
 25 of 1910.
 8 of 1911.
 24 of 1913.
 8 of 1922.
 5 of 1924.
 45 of 1924.
 7 of 1926.
 17 of 1926.
 31 of 1926.
 10 of 1927.
 9 of 1928.
 Sec. 151 of
 38 of 1932.
 42 of 1932.
 24 of 1933.
 21 of 1938.
 32 of 1945.
 O.-in-C. No.
 23 of 1924.
 P.N.
 124 of 1943.
 5 of 1948.
 4 of 1950.
 13 of 1950.
 17 of 1954.
 22 of 1955.
 32 of 1959.

PART I.—PRELIMINARY.

1. (1) This Ordinance may be cited as the Summary Conviction Offences Ordinance.

Short title
and applica-
tion.

(2) The following sections shall apply to the Protectorate—

13 of 1950.
 17 of 1954.
 22 of 1955.

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 29, 30, 31, 32, 33, 34, 35, 37, 38, 43, 44, 45, 46, 47, 48, 49, 61, 62 and 64.

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

Interpreta-
tion.

“conviction” means conviction before a Magistrate.

3. Where an offence may be prosecuted summarily, both under a Statute and an Ordinance, the same shall be prosecuted under the Ordinance.

Case of
offences under
both Statute
and
Ordinance.

4. In cases where an Ordinance, or Statute, creates an offence, but does not fix the fine, or term of imprisonment, to be inflicted on conviction for such offence, a Magistrate shall not inflict a greater fine than ten pounds, or sentence to a longer term of imprisonment than six months.

Limit of
penalties
where none
specified.

Increased punishment in cases of two and three or more previous convictions for felony. 5 of 1948.

5. If any person shall be convicted before a Magistrate of any offence under sections 12, 13 and 14 of this Ordinance and such person shall be proved to have been convicted of an offence, either under the said sections or under the Larceny Act, 1916, upon two previous occasions, it shall be lawful for the Magistrate to sentence such person to undergo a term of imprisonment not exceeding twelve months, and if such person shall be proved to have been convicted of such an offence as aforesaid upon three or more previous occasions, it shall be lawful for the Magistrate to sentence such person to undergo a term of imprisonment not exceeding two years.

Sentences cumulative or concurrent.

6. Where a Magistrate sentences any person to a term of imprisonment, and such person is already undergoing, or has been, at the same sitting of the Court, sentenced to a term of imprisonment for another offence, the Magistrate may, in his discretion, direct that such term shall run concurrently, with, or commence at the expiration of, the term of imprisonment, which such person is then undergoing, or to which he has been previously sentenced.

Imprisonment with or without hard labour.

7. In all cases where a sentence of imprisonment may be imposed under this Ordinance, such imprisonment shall be with, or without, hard labour, at the option of the Magistrate.

Fine in lieu of imprisonment in certain cases.

8. Where a person is convicted of an offence punishable on summary conviction, and imprisonment is prescribed by law as the sole punishment for such offence, the Magistrate may, nevertheless, if he thinks fit, inflict a fine, not exceeding twenty pounds, on the person so convicted.

Saving of powers conferred by other Ordinances.

9. Nothing in this Ordinance contained shall be deemed to take away any other powers of dealing with offenders on summary conviction, conferred by any Ordinance now or hereafter in force.

Aiders and abettors.

10. Any person who shall aid, abet, counsel, or procure the commission of any offence which is, or hereafter shall be, punishable on summary conviction, shall be liable to be proceeded against, and convicted for the same, either together with the principal offender, or before, or after, his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as such principal offender is, or shall be, by law liable, and may be proceeded against, and convicted, either within the jurisdiction of the Magistrate of the district where such principal offender may be convicted, or in that in which such offence of

aiding, abetting, counselling, or procuring, may have been committed.

11. Unless this Ordinance otherwise directs, all complaints shall be made, and informations laid, with respect to acts or omissions made offences under this Ordinance, within three months from the date when the matter of such complaints, or informations, arose:

Prosecution of offences within three months.

Provided always, that this section shall not apply to offences under Part II hereof.

PART II.—LARCENY, ETC.

12. Any person who shall, in any manner, steal, embezzle, or by any false pretences obtain, from any person, with intent to cheat, or defraud any person of the same, any money, goods, chattels, or property of any kind, or shall fraudulently convert any property entrusted to him or the proceeds thereof, the amount or value whereof (to be ascertained as hereinafter mentioned) shall not exceed the sum of one hundred pounds, shall be liable, on conviction thereof, to imprisonment for any period not exceeding six months.

Offences to which this Ordinance applies. 32 of 1959.

13. (1) Every person who shall be brought before a Magistrate, charged with having in his possession, or with conveying in any manner, anything which may be reasonably suspected of being stolen, or unlawfully obtained, and who shall not give an account to the satisfaction of the Magistrate of how he came by the same, shall be liable, on conviction, to a fine of not more than twenty pounds, or, in the discretion of the Magistrate, to imprisonment for a period not exceeding six months.

Persons in possession of property suspected of being stolen.

(2) When any person shall be brought before a Magistrate charged with having or conveying in any manner anything stolen or unlawfully obtained, or which may be reasonably suspected of having been stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent or servant to convey the same for some other person, such Magistrate shall, if practicable, cause every such other person, and also if necessary, every former or pretended purchaser or other person through whose possession such thing as aforesaid shall have passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same; and if it shall appear to such Magistrate that any person so brought before him shall have had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained,

every such person shall be deemed to have had possession of such thing at the time and place when and where the same was found or seized, and shall be liable, on conviction, to a fine not exceeding twenty pounds, or to imprisonment for a period not exceeding six months.

(3) The possession of a carrier, agent or servant shall be deemed to be the possession of the person who employed such carrier, agent or servant to convey such thing and such person shall be liable to the punishment hereinbefore mentioned.

Receivers of
stolen
property.
4 of 1950.
32 of 1959.

14. Any person receiving money or property, knowing the same to have been stolen or fraudulently obtained, the value of which shall not exceed the sum of one hundred pounds, although the money or property so stolen, or fraudulently obtained, shall exceed in value the sum of one hundred pounds, and although the person who shall have stolen, or fraudulently obtained, such money, or property, may not have been prosecuted or convicted, shall be liable, on summary conviction, to imprisonment for any period not exceeding six months.

Destruction
or injury to
trees, etc.

32 of 1959.

15. Any person who shall steal, or shall cut, break, root up, or otherwise destroy or damage, with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood respectively, growing in any park, pleasure-ground, garden, orchard, avenue, street, road, or in any ground adjoining, or belonging to, any dwelling-house, or in any other place, and not exceeding in value one hundred pounds, shall, on conviction before a Magistrate, forfeit and pay, over and above the value of the thing stolen, or the amount of injury done, such sum of money, not exceeding one hundred pounds, as to the Magistrate shall seem meet.

Destruction
or injury to
plants.

32 of 1959.

16. Any person who shall steal, or shall destroy, or damage, with intent to steal, any plant, root, fruit, or vegetable production, growing in any garden, orchard, nursery ground, or in any ground adjoining, or belonging to, any dwelling-house, and not exceeding in value one hundred pounds, shall, on conviction thereof, be liable to imprisonment for a period not exceeding six months, or to pay, over and above the value of the thing so stolen, or amount of the injury done, such sum of money, not exceeding one hundred pounds, as to the Magistrate shall seem meet.

Decision by
Magistrate as
to value.
32 of 1959.

17. The Magistrate, before entering into such complaint, shall inquire into, and affix, the value of the property so stolen, or fraudulently obtained, or destroyed or damaged, and such

valuation shall, in all cases, be deemed conclusive, and if the said Magistrate shall ascertain by such means that such property exceeds the sum of one hundred pounds in value, no proceedings shall take place under this Ordinance:

Provided also, that if the said Magistrate shall be of opinion that the charge is, from any circumstance, a fit subject for prosecution, on information, such Magistrate shall, instead of summarily adjudicating thereupon, deal with the case as one to be prosecuted on information before the Supreme Court.

PART III.—OFFENCES AGAINST PERSONS.

18. The Magistrate shall have jurisdiction, if, having regard to the circumstances of the case, he shall consider it expedient so to do, to try summarily any person charged with unlawful and malicious wounding, or inflicting bodily harm, not amounting to felony, which may, in his opinion, be adequately punished by a sentence of imprisonment, with or without hard labour, for a period not exceeding six months, or by a fine, not exceeding twenty pounds.

Jurisdiction of Magistrate in respect of certain assaults.

19. Any person, who shall unlawfully assault or beat any other person, shall, on conviction thereof, be liable to a fine, not exceeding five pounds, or to imprisonment for any period not exceeding three months:

Common assault.

Provided always that in case the Magistrate shall find any such assault as aforesaid to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution on information, he shall abstain from any adjudication thereon, and shall deal with the case in all respects as one to be prosecuted on information; and nothing herein contained shall authorise any Magistrate to hear and determine in a summary way any case of assault in which any question shall arise as to the title of any lands, tenements, or hereditaments, or any interest therein or accruing thereupon, or any execution under the process of any superior Court of Justice.

Committal in certain cases.

Questions of title.

20. Any person who in, or in view of, any public way or public place, insults any other person in his presence, in such a manner as would be likely to provoke a person to commit a breach of the peace, shall, on conviction, be liable to a fine, not exceeding five pounds.

Public insult and provocation.

21. Any person who—

Insulting conduct.

(1) makes use of any threatening, abusive, insulting or obscene language, gesture, or behaviour, or says or sings any

insulting or offensive song or ballad, or makes any noise with intent to provoke any other person to commit a breach of the peace, or whereby a breach of the peace is occasioned; or

(2) makes use of any threatening, abusive, insulting, obscene or profane language, or says or sings any insulting or offensive song or ballad, or makes a noise to the annoyance of any person in any place; or

(3) sends or delivers to any person any threatening, scurrilous, offensive, or obscene writing, print, engraving, picture or other representation; or

(4) calls any person by a name or description other than his own, with intent to insult or annoy such person; or

(5) with intent to insult or annoy any person knowingly publishes, or causes to be published, in any newspaper, any false notice or advertisement of any birth, marriage or death;

shall, on conviction, be liable to a penalty, not exceeding five pounds.

PART IV.—OFFENCES AGAINST PUBLIC ORDER AND MORALITY.

22. (1) Any person who—

(a) keeps, or manages, or acts or assists in the management, of a brothel; or

(b) being the tenant, lessee, or occupier of any premises, knowingly permits such premises, or any part thereof, to be used as a brothel, for the purposes of habitual prostitution; or

(c) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that such premises, or some part thereof, are, or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel,

shall, on conviction, be liable—

(i) to a penalty, not exceeding twenty pounds, or, in the discretion of the Magistrate, to be imprisoned for any term not exceeding three months; and

(ii) on a second or subsequent conviction, to a penalty, not exceeding forty pounds, or, in the discretion of the Magistrate, to imprisonment for any term not exceeding four months; and

(iii) in case of a third or subsequent conviction, such person may, in addition to such penalty or imprisonment, as last aforesaid, be required by the Magistrate to enter into a

Summary
proceedings
against
brothel
keeper.

recognisance, with or without sureties, as to the Magistrate seems meet, to be of good behaviour for any period, not exceeding twelve months, and in default of entering into such recognisance, with or without sureties (as the case may be), such person may be imprisoned for any period not exceeding three months, in addition to any such term of imprisonment as aforesaid.

(2) This section shall not exempt any person from any proceedings by information for an offence which is punishable at common law or under any Statute or Ordinance in force in the Colony, so that a person be not punished twice for the same offence.

23. It shall not be lawful for any person or persons to appear publicly, otherwise than in sufficient and decent clothing, under a penalty not exceeding five shillings, for each and every neglect of this section; and every individual who shall indecently expose his or her person in the streets or any other place of public resort, shall, on conviction thereof before the Magistrate, be liable to a fine not exceeding twenty shillings.

Indecent exposure of person.

24. Any native who remains in any part of the Colony, without regular employment for more than twenty-one days, or fails to give a satisfactory account of his means of subsistence, shall be deemed an idle and disorderly person within the meaning of section 31 of this Ordinance:

Unemployed natives.

Provided that, in addition to, or in lieu of, the punishment in the said section provided, it shall be lawful for the Magistrate to order such native to return to his chiefdom, and if he fail, within a reasonable time, to comply with such order, he shall be liable, on summary conviction, either in the Colony or Protectorate, to imprisonment, with or without hard labour, for a period not exceeding three months. For the purpose of proving that such order has been made, it shall be sufficient to produce a copy thereof, authenticated by the signature of the Magistrate making the same.

25. It shall be lawful for any tribal headman recognised under the provisions of the Tribal Administration (Colony) Ordinance, and of any Ordinance amending the same, and for any member of the police force to interrogate any native whom they may find in any part of the Colony outside the whole of the Bonthe district except that part thereof which is included within the Sherbro Judicial District, as to his means of subsistence, his present place of abode and the chiefdom to which he belongs,

Power of tribal headman and police to interrogate native in the Colony.
Cap. 78.

and, on his failing to answer, or if his answers be unsatisfactory, to take him to the nearest police station, there to be detained, with a view to his being charged under the last preceding section:

Provided always that the powers hereby conferred shall only be exercised by a tribal headman in the case of natives who are members of his tribe.

Gaming
houses.

26. Every person who—

(1) keeps, or manages, or acts, or assists in the management of any common gaming-house; or

(2) being the tenant, lessee or occupier of any premises, knowingly permits such premises, or any part thereof, to be used as a common gaming-house; or

(3) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that such premises, or some part thereof, are, or is, to be used as a common gaming-house, or is wilfully a party to the continued use of such premises, or any part thereof, as a common gaming-house;

shall be liable, on summary conviction, to a fine, not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a term not exceeding six months.

Warrant to
enter alleged
gaming
house.

27. (1) (a) It shall be lawful for any Justice of the Peace, on the information, upon oath, of any credible person, to authorise, by warrant under his hand, any police constable to enter, by force if necessary, any house, room, place, or premises suspected to be used as a common gaming-house, and to take into custody all persons, and to seize all tables or instruments of gaming, and all moneys and valuable securities found therein; and on proof that such house, room, place, or premises has or have been used as a common gaming-house, every person found therein without lawful excuse shall, on being convicted thereof, be liable, on summary conviction, to a fine of five pounds.

(b) All such tables and instruments shall be destroyed, and all such moneys and valuable securities shall be delivered to the Accountant General and paid to the general revenue of the Colony.

Proof.

(2) (a) In default of other evidence to prove any house, room, place, or premises to be a common gaming-house, it shall be sufficient to prove that it, or they, is, or are, kept or used for playing therein at any game of chance, and that a bank is kept there by any one or more of the players exclusive of the others,

or that the chances of the game played therein are not alike favourable to all the players, including, among the players, the banker or other person by whom the same is managed, or against whom the other players stake, play or bet.

(b) Where any cards, dice, balls, counters, tables, or other instruments of gaming used in playing any game of chance are found in any house, room, place or premises suspected to be used as a gaming-house, or about the person of anyone who is found therein, it shall be evidence, unless and until the contrary is proved, that such house, room, place or premises is, or are, used, as a common gaming-house.

(c) Where any constable who is duly authorised to enter any house, room, place or premises suspected of being used as a common gaming-house, is wilfully prevented from, or obstructed or delayed in, entering the same, or where such house, room, place or premises is or are found fitted or provided with any means or contrivance for concealing, removing, or destroying any instruments of gaming, it shall be evidence, unless and until the contrary is proved, that such house, room, place or premises is or are used as a common gaming-house.

28. Every person who—

(1) wilfully prevents, obstructs, or hinders any constable, duly authorised in that behalf, from, or in, entering any house, room, place or premises suspected of being used as a common gaming-house; or

Obstruction
of police
entering
gaming
house.

(2) uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any such constable into such house, room, place or premises;

shall, on being convicted thereof, be liable to a fine, not exceeding ten pounds, or to imprisonment, with or without hard labour, for a term not exceeding three months.

29. (1) Any person, except acting in obedience to proper authority, who shall fire any cannon, gun or other firearm, or throw any squib, rocket, or firework, or throw any stone or other missile to the injury, danger or annoyance of any person, or to the danger of his property, shall be liable, on conviction thereof, to a fine, not exceeding forty shillings.

Throwing of
missiles.

(2) Any person who shall be convicted of—

(a) throwing any stone or other missile to the injury, danger or annoyance of any person, or to the danger of his property, and who shall have previously been convicted of a similar offence; or

(b) throwing any stone at any vehicle in motion; or

(c) throwing any stone or other missile at occupied premises;
or

(d) throwing any stone or other missile at any police officer or constable, or other public servant of any department whatsoever while engaged in the execution of his duty, or at any person assisting a police officer or constable in the execution of his duty; or

(e) throwing any stone or other missile at any person who shall, in consequence, receive any wound or injury;

shall be liable to a fine, not exceeding sixty shillings, or to imprisonment for any period not exceeding one month.

Prostitution.

30. Every common prostitute or nightwalker loitering or being in any thoroughfare, or public place, for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passengers, shall be liable, on conviction, to a fine, not exceeding forty shillings, for every such offence.

Idle and
disorderly
persons.

31. Any person loitering in or about any stable or out-house or deserted or unoccupied house or building, or under any piazza, or in the open air, and not having any visible means of subsistence, and not giving a good account of himself, shall be deemed an idle and disorderly person, and shall, on conviction thereof, be liable to imprisonment for any period, not exceeding one month.

Rogues and
vagabonds.

32. Any person found in or upon any dwelling-house, store, warehouse, kitchen, stable or out-house, or in any enclosed yard or garden, for any unlawful purpose, and every suspected person or reputed thief frequenting any quay, wharf or landing place, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street or highway or place adjacent, with intent to commit felony, and every person having in his possession any pick-lock key, key, crow, jack or other implement with intent feloniously to break into any dwelling-house, warehouse, store, kitchen, stable or out-house, or having upon his person any instrument with intent to commit any felonious act, and every person who, having been convicted as an idle or disorderly person, shall again be convicted of the same offence, shall be deemed a rogue and a vagabond, and shall, on conviction thereof, be liable to imprisonment for any period not exceeding three months; and every such pick-lock key, key, crow, jack, or other implement, and every such instrument as aforesaid, shall, on the conviction of the offender, become forfeited and be destroyed.

33. Any person playing or betting in any street, road, highway, or other open and public place, at any game or pretended game of chance, shall, on conviction thereof, be liable to a fine not exceeding twenty shillings:

Betting in public place.

Provided that if a person shall be convicted before a Magistrate of an offence under this section, and such person shall be proved to have been convicted upon a charge under the same section upon two previous occasions, it shall be lawful for the Magistrate to sentence such person to undergo a term of imprisonment not exceeding three months.

34. Any person who shall be found drunk, or boxing or fighting in any public place, street, highway, or court, or yard, or on any quay or wharf, shall, on conviction thereof, be liable to a fine, not exceeding twenty shillings, or to imprisonment for any period not exceeding one month.

Drunkenness.

35. Any person who shall—

(a) ride or drive any animal or drive any vehicle of any description in any highway in a manner dangerous to the public; or

Dangerous riding or driving.
4 of 1950.

(b) ride any bicycle in a manner which constitutes a breach of any rules which the Governor in Council is hereby empowered to make for the control of the riding of bicycles,

shall on the first conviction thereof, be liable to a fine not exceeding twenty shillings, and on every subsequent conviction, to a fine not exceeding forty shillings.

36. (1) It shall not be lawful for persons to assemble and remain in any street or public place or in any house, outhouse, building, shed, yard or other place, beating any native drum, gong, tom-tom or other such instrument, or dancing thereto, before the hour of four in the afternoon, or after the hour of nine in the evening; and it shall be lawful for any constable or other peace officer to warn persons assembling or remaining in any street or public place as aforesaid forthwith to depart, and by himself, or with such assistance as he may take to his aid, to enter such house, outhouse, building, shed, yard, or other place in which persons are unlawfully assembled as aforesaid, and to warn all persons therein forthwith to depart.

Beating tom-toms.

(2) If any person, after being so warned, except the persons actually dwelling in any such house, outhouse, building, shed, yard, or other place, shall refuse or neglect forthwith to depart, it shall be lawful for such constable or other peace officer, or any

other person or persons he may have called to his aid, to apprehend any person so refusing or neglecting to depart, and every person, on conviction of such refusal or neglect to depart, shall be liable to a fine not exceeding ten shillings; and every such drum, gong, tom-tom, or other such instrument, shall be destroyed and broken up, and the owner or occupier of such house, outhouse, building, shed, yard, or other place, who shall have permitted such persons unlawfully to assemble or remain as aforesaid, shall, on conviction thereof, be liable to a fine, not exceeding twenty shillings.

(3) It shall not be lawful for any person in the City of Freetown or the Police District of Freetown (if applied to the Police District of Freetown) except with the permission in writing of the Commissioner of Police, or, in any other district of the Colony to which this section may be applied, except with the permission in writing of the District Commissioner of such district, first had and obtained, to play, or cause to be played, in or upon any house, outhouse, building, shed, yard, or other place, after the hour of midnight, or before the hour of six in the morning, any gramophone or similar instrument, and the owner or occupier of any house, outhouse, building, shed, or other place in or upon which any such instrument shall have been played between the said hours, without such permission, shall be guilty of an offence, and shall, on conviction thereof, be liable to a fine, not exceeding twenty shillings.

(4) This section shall only apply to the City of Freetown, but may hereafter, from time to time, be applied, by Order of the Governor in Council, to any other place or places in the Colony.

*
Affray.

37. Every person, whether a member of Her Majesty's armed forces or not, who shall take part in any affray or who shall incite any other person to take part in or commence any affray shall be guilty of an offence and shall be liable, on summary conviction, to a term of imprisonment not exceeding twelve months, with or without hard labour.

For the purposes of this section the expression "affray" means the fighting of two or more persons in circumstances wherein any member of Her Majesty's Forces is involved or in circumstances wherein the Court shall be of the opinion that any member of Her Majesty's Forces might have become involved.

38. Every person who—

(1) in any public way or place, or in any house, yard, or

Riotous
conduct.
17 of 1954.

* No order has been made yet.

garden or other place open to public view, or within public hearing; or

(2) in any Court or police station, or in any lock-up near a Court room; or

(3) in any theatre, concert hall, lecture room or other place of public entertainment or instruction of whatever kind,

is guilty of any riotous, indecent, disorderly, or insulting behaviour, shall, on summary conviction thereof, be liable to a fine, not exceeding five pounds.

39. (1) No person shall sound or play upon any musical or noisy instrument, or sing in any street, before the hour of six in the morning or after the hour of ten in the evening. Any person contravening this section shall, on conviction thereof, be liable to a fine, not exceeding twenty shillings. Street noises.

(2) Any person who, in any street or public place, shall wilfully, or wantonly, and after being warned to desist, ring any bell, or blow any horn or shell, or sound or play any musical or noisy instrument, or shout or sing, or make any other loud or unseemly noise, to the annoyance or disturbance of any person, shall, on conviction thereof, be liable to a fine, not exceeding twenty shillings:

Provided that this section shall not apply to the ringing of the bell of any church or chapel either for divine service or for the purpose of making an alarm in case of an outbreak of fire.

(3) Any person found committing an offence against this and the preceding section may be taken into custody, without warrant, by any constable or other peace officer.

40. It shall be unlawful for any band of music to parade any street without the written permission of the Commissioner of Police or any officer acting for him, first had and obtained, and any person having the charge or control of any such band which shall parade any street, without such permission, and shall wilfully refuse to desist, when called upon to do so by any police constable or other person duly authorised, shall be guilty of an offence, and on conviction thereof, shall be liable to a penalty, not exceeding twenty shillings: Permission for bands.

Provided that nothing in this section shall be deemed to apply to any military band, bugle, fife or drum.

41. The last three preceding sections shall only apply to the City of Freetown, but may hereafter, from time to time, be Application to Freetown.
*

* Sections 38 and 39 have been applied to the Sherbro Judicial District, and 38, 39 and 40 to the town of Waterloo and to the Police District of Freetown. See the subsidiary legislation under Cap. 37.

applied, by Order of the Governor in Council, to any other place, or places, in the Colony.

Discovery of
stolen goods
by fetish.

42. Any person who shall pretend or profess to discover, by means of any subtle art, craft, fetish, or greegree, or country custom or device, lost or stolen goods, or the person or persons by whom such lost or stolen goods have been taken, or who shall profess, by any tricks, device, or preparations, to exercise any undue influence over the mind of any other person, or persons, shall, on conviction thereof, be liable to a fine, not exceeding forty shillings, or to imprisonment for any period not exceeding two months.

Drinking
Sasswood
5 of 1948.

43. Any person who knowingly drinks sasswood or causes or induces or attempts to cause or induce any other person to drink sasswood shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Defacing or
destroying
notices.

44. Any person who shall deface, or remove, any public notice, or any posting bill, or other paper whatever, from any public building, or place, where such notice or bill may be affixed by law, shall be liable, on conviction, to a fine, not exceeding twenty shillings.

PART V.—CRUELTY TO ANIMALS.

Definition of
cruelty.

45. Any person who shall—

(1) cruelly and unnecessarily beat, ill-treat, over-drive, over-ride, abuse, torture, or maim, or cause or procure to be cruelly and unnecessarily beaten, ill-treated, over-driven, over-ridden, abused, tortured or maimed, any animal; or

(2) starve, or by other neglect, cause unnecessary pain or suffering to any animal; or

(3) convey or carry, or cause to be conveyed or carried, in any ship, boat, or canoe, or in any vehicle, basket, box, cage, or otherwise, any animal in such manner or position as to subject such animal to unnecessary pain or suffering;

shall be liable, upon conviction, to a fine, not exceeding five pounds, or to imprisonment, for a period not exceeding three months.

Payment of
compensation
by person
convicted of
cruelty.

46. If any person shall, by any of the acts or means mentioned in the last preceding section of this Ordinance, do any injury to such animal, or shall thereby cause any damage or injury to

be done to any person or to any property, every such offender shall, on conviction, pay to the owner of such animal, or to the person who shall sustain damage or injury as aforesaid, such sum of money by way of compensation, not exceeding ten pounds, as shall be ascertained by the Magistrate by whom such person shall be convicted:

Provided always, that the payment of such compensation shall not prevent, or in any manner affect, the punishment to which such person or the owner of the animal may be liable for, or in respect of, any offence under the last preceding section of this Ordinance:

Provided also that nothing herein contained shall prevent any proceeding by action against such offender, or the employer of such offender, where such compensation is not sought to be recovered under this Ordinance.

47. It shall be lawful for any constable to detain any animal in respect of which any charge is, or is to be, made under section 45 of this Ordinance, until such charge shall be disposed of, and to produce the same for the inspection of the Magistrate, and upon the hearing of the charge, the said Magistrate may order the person charged, if convicted thereon, to pay, in addition to any other penalty, or imprisonment, the cost of keeping and attending to the said animal during such detention, and, in default of payment thereof, may order such person to be further imprisoned for a period not exceeding seven days.

Detention of animal subjected to cruelty.

48. All offences against this part may, and shall, be prosecuted at any time within one month after the offence shall have been committed, and not afterwards.

Limitation of time for prosecution.

49. For the purposes of this part, the word "animal" shall be taken to mean any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, dog, cat, or any other domestic animal (whether of the kind or species enumerated in this section, or of any other kind or species, whether a quadruped or not), and any animal kept in confinement.

Definition of animal.

PART VI.—MISCELLANEOUS.

50. If any person shall place, or leave, or cause to be placed or left, any lumber, bricks, or stones, without the consent of the Director of Public Works, or any bale, package, puncheon, barrel or cask, or any box, basket, tray, or other impediment whatsoever, in any public place, square, street, highway or avenue, or

Obstruction of streets.

upon any quay or wharf, except within the space of twenty feet from the outside edge of such wharf or quay, or within such space, for any time exceeding three days from the time of the same being first placed there, or if any person shall expose or leave, or shall wash or clean any carriage, cart, or gig, in any public place, square, street, highway, or avenue, or on any quay or wharf, or shall wilfully ride, place, or leave any animal in any public place or square or on the footway of any public street, place, or highway, so as to cause any impediment or obstruction, or do any other thing whatsoever, whereby the free passage of any public place, square, highway, avenue, quay, or wharf shall or may be impeded or obstructed, every such person, on conviction thereof, shall be liable to a fine, not exceeding ten shillings.

This section shall not apply to the City of Freetown or to the Sherbro Judicial District.

Roofing of
houses.

51. Any person who shall cover, or shall hereafter continue to keep covered, any house or other building with any material except bamboo or thatch, shingle or some incombustible substance, shall be liable, on conviction thereof, to a fine not exceeding forty shillings.

This section shall not apply to the City of Freetown.

Removal of
soil without
leave.

52. Any person who shall remove any soil, earth, or other material from any street, road or highway, for any purpose whatever, or shall change, or attempt to change, or obstruct any watercourse, without the consent of the Director of Public Works, shall be liable, on conviction thereof, to a fine not exceeding forty shillings.

This section shall not apply to the City of Freetown.

Removal of
sea-sand in
Freetown.

53. Any person, who shall remove or carry away any stone or sand from any part of the foreshore between Sanders Brook and the north bank of the Whale River without the consent of the Director of Public Works, shall be liable on conviction thereof to a fine not exceeding forty shillings:

Provided that no such consent shall be necessary for the removal and carrying away by any person, on any one day, of sand of a total weight of 28 pounds for domestic use.

Bush burning
without
notice.

54. Any person who shall set fire to any grass or bush, in or upon any wood, plantation, common, lot or lots, or other ground whatsoever, enclosed or not, unless he shall have first obtained the consent, in writing, of a Justice of the Peace within whose

jurisdiction the same shall be situated, and shall have given not less than forty-eight hours' notice in writing to the owner or occupier of the lot or lots or other ground next adjoining of his intention to make such fire, and shall adopt such precautions as the owner or occupier of such lot or lots or other ground, or in the absence of such owner or occupier, as the Justice of the Peace within whose jurisdiction the same shall be situated shall require and direct, then and in every such case, every such person shall, on conviction thereof, be liable to a fine not exceeding forty shillings:

Provided always that no Justice of the Peace shall give the consent herein provided for setting fire to grass or bush within a protective belt, as prescribed by the Bush Fire Prevention Ordinance:

Cap. 190.

Provided also, that nothing herein contained shall prevent any such owner or occupier from maintaining a civil action at law for any damage he may thereby have sustained.

55. No person shall keep a public billiard table without a licence under the hand of the Accountant General, which shall be obtained upon the payment of the sum of two pounds and two shillings, and shall remain in force for one year only; and every person violating this provision shall incur a penalty of five pounds.

Public
billiard
tables.

56. Any dealer exposing merchandise or wares of any sort for sale in a stall, hut, or shed, shall cause his name to be distinctly painted on a sign-board, in white letters on a black ground, each of which letters shall be of a size not less than three inches long and one inch in breadth, and the same shall be affixed in a conspicuous place in front of the said stall, hut, or shed; and any such dealer neglecting this provision, or exhibiting a false name, shall, upon conviction thereof, be liable to a fine, not exceeding ten shillings.

Dealer's
name on
sign-board.

57. No person shall establish and carry on any foundry, forge, farrier's shop, or cooperage, without the written consent of the Police Magistrate or District Commissioner, under a penalty of five pounds; and any person who shall be desirous of obtaining such consent, shall, fourteen days before making application for the same, put in front of the office of the Police Magistrate or District Commissioner, and of the premises on which the foundry, forge, farrier's shop or cooperage is to be established, and at the police station nearest to such premises, a notice of his intention to make such application. At any time within the

Licence for
foundry,
farrier's shop
or cooperage.

said period of fourteen days it shall be lawful for any person, who shall deem that he would suffer annoyance or injury by the granting of such licence, to state in writing, to the said Magistrate or District Commissioner, his objection to the granting thereof; and at the expiration of the said period, the Magistrate or District Commissioner, after hearing the opposing parties, shall, in his discretion, either grant or refuse his licence, but, if at the expiration of the said period, no such objection shall have been made, the said Magistrate or District Commissioner shall grant such licence.

This section shall not apply to the City of Freetown, and shall only apply to such other places in the Colony as may be prescribed by Order in Council.

Penalty for
dealing in old
metals
purchasing
quantities
less than
56 lbs.

58. Any dealer in old metals who, either personally or by any servant or agent, purchases, receives or bargains for any metal in the schedule to this Ordinance mentioned, whether new or old, in any quantity at one time of less weight than fifty-six pounds, shall be guilty of an offence, and be liable to a penalty, not exceeding five pounds.

For the purposes of this section, the term "dealer in old metals" shall mean any person dealing in, buying and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, as set forth in the schedule to this Ordinance, and whether such person deals in such articles only or together with second-hand goods or marine stores.

Assisting
persons to
desert from
Her Majesty's
ships.

59. Any person who shall aid, or assist, any officer, seaman or marine in Her Majesty's service, to desert or unlawfully absent himself from his ship or vessel, or shall approach or hover about any of Her Majesty's ships or vessels for the purpose of rendering such aid or assistance as aforesaid, shall be liable to a fine, not exceeding ten pounds.

Apprehension
of deserting
seamen.

60. In case any seaman shall refuse to join the ship on board of which he shall have engaged to serve, or shall absent himself therefrom without leave, or shall desert, it shall be lawful for any Justice of the Peace, and such Justice is hereby required, upon complaint made upon oath by the master, mate, or owner, or his agent, to issue his warrant, and cause such seaman to be apprehended and brought before a Magistrate, to be dealt with according to law; and in case such seaman belongs to, or has been serving on board, any foreign vessel, having engaged to

* See also sections 39-43 of Cap. 145.

serve in such vessel out of the jurisdiction of the Colony, and has absented himself, or deserted therefrom, he shall be sent on board the said vessel.

61. Any person who exercises, or assumes, or attempts to exercise, any of the powers or functions of the office of a Judge or Magistrate or Justice of the Peace, without having been duly appointed to such office, or authorised to exercise the functions thereof, shall be guilty of an offence, and shall, on summary conviction thereof before a Magistrate, be liable to be imprisoned for any term, not exceeding six months, or to a fine, not exceeding twenty-five pounds.

Unauthorised person exercising judicial or magisterial functions.

62. (a) Every person who—

Trespass.

(1) unlawfully enters, in an insulting, annoying, or threatening manner, upon any land, yard, garden, house, or premises belonging to any other person; or

(2) unlawfully enters upon, or in, any such land, or other place as aforesaid, after having been forbidden by the owner thereof, or his servant, to do so; or

(3) unlawfully enters and remains upon, or in, any such land or other place as aforesaid, after having been required by the owner thereof, or his servant, to depart therefrom; or

(4) having lawfully entered upon, or in, any such land or other place as aforesaid, misconducts himself by behaving thereon in an insulting, annoying, or threatening manner; or

(5) having lawfully entered upon, or in, any such land, or other place as aforesaid, remains thereon, after having been lawfully required by the owner thereof or his servant to depart therefrom;

shall be deemed a wilful trespasser.

(b) Every person who is convicted of a wilful trespass under this section shall be liable to a fine, not exceeding twenty shillings.

(c) Every constable shall assist in the apprehension and detention of any wilful trespasser, whenever called upon to do so by the owner, or by the servant of the owner of the property on which the trespass takes place.

(d) Every complaint for an offence under this section shall be made by the owner of the property on, or with respect to, which the trespass or injury is committed, or the use or occupation takes place.

(e) In this section the term "owner" includes any tenant or occupier, and the attorney or agent of any owner.

(f) Nothing in this section contained shall extend to any case in which the party trespassing acted under a fair and reasonable supposition that he had a right to go into, or upon, such land or other place as aforesaid.

(g) Nothing in this section contained shall prevent any person from maintaining any civil action for any such trespass instead of proceeding under this Ordinance.

Kite flying
in Freetown
prohibited.

63. No person shall fly a kite in the City of Freetown, and any person who is convicted of a contravention of this provision shall be liable to a fine not exceeding five pounds.

Boats
approaching
ships and
aircraft.

17 of 1954.

64. (1) No person in any boat shall go alongside or approach within fifty yards of any aircraft or ship at anchor or moored unless he is in possession of a written permit, which may be either general or specific, in a form prescribed by the Commissioner of Police and issued by the Commissioner of Police or any Police Officer authorised by him in that behalf:

Provided that—

(a) the provisions of this subsection shall not apply to any boat which is the property of the Imperial Government or of the Government of Sierra Leone; and

(b) the Commissioner of Police may by notice in the *Gazette* exempt any person or class of persons or any boat or class of boats from the provisions of this subsection.

(2) In this section—

"boat" means any floating craft of an overall length not exceeding thirty feet;

"ship" means a vessel of more than fifteen tons burden and includes any lighter.

(3) Any person found committing an offence against this section may be arrested without warrant by any member of the Police Force and shall be liable on summary conviction to a fine not exceeding ten pounds; and the Court so convicting him may, with or without imposing any other penalty, order the forfeiture of the boat.

(4) This section shall apply to Freetown Harbour as delimited in the Ports and Inland Waters Ordinance, and to such other ports and inland waters (as therein respectively defined) to which it may from time to time be applied by Order of the Governor in Council.

Cap. 138.

SCHEDULE.

LIST OF ARTICLES TO WHICH SECTION 58 APPLIES.

Lead, or any composite, the principal ingredient of which is lead.
Copper, or any composite, the principal ingredient of which is copper.
Brass, or any composite, the principal ingredient of which is brass.
Tin, or any composite, the principal ingredient of which is tin.
Pewter, or any composite, the principal ingredient of which is pewter.
German silver, or any composite, the principal ingredient of which is German silver.
Spelter, or any composite, the principal ingredient of which is spelter.
