APPLICABLE LAWS OF THE REPUBLIC OF SIERRA LEONE

The Laws applicable to land tenure compensation and resettlement are the following:-

Land in the Western Area of the Republic of Sierra Leone.

1. **STATE LAND ACT**, Act No. 19 of 1960 as amended by:
   
   (a) State Lands (Amendment) Act (Act No. 37 of 1961)
   
   (b) State Lands (amendment) Act (Act No. 18 of 1963)
   
   (c) Laws (Adaptation) Act 1972 (Act No. 29 of 1972)

2. Public Lands Act, CAP 116 of the Laws of Sierra Leone 1960


**LAND IN THE PROVINCES – SPECIFIC LAWS.**

6. Provinces Land Act Cap 122 of The Laws of Sierra Leone 1960 as amended by

(b) Provinces Land (Amendment) Act 1976, (Act NO. 18 of 1976)

The 1991 Constitution of Sierra Leone

The Constitution of Sierra Leone, 1991 Act No. 6 of 1991, protects individuals from deprivation of property and privacy of home and other property. It secures and guarantees the private (individual) ownership and enjoyment of property of any description and this includes private land and the enjoyment of it. The ownership of which may have arisen through any legal transaction either in law general or customary. In the case of land such ownership of land may either be Freehold, Leasehold, Licences, Mortgage etc. etc.

However this constitution, also provides for compulsory acquisition by Government or is authorized agencies of private properties in public interest.

The National Power Authority Act 1982 (No.3 of 1982)

The National Power Authority Act 1982 establishes body to be called the National Power Authority as a body corporate, having perpetual succession
with powers to acquire, hold and dispose of property whether movable or unmoveable to enter into contracts and to sue or be sued in its own name. The authority can enter into contract and transact business in a manner as a private individual.

Section 14 of The National Power Authority Act 1982 stipulates the functions and duties of The Authority among which the construction of generating stations including hydro-electric schemes, for generation, transmission, distribution supply, sale, purchase importation and control of electricity throughout Sierra Leone.

Section 14 (1)C gave National Power Authority the responsibility for the construction, management control and operation of the Bumbuna Hydro-Electric Project including its integration into the overall electricity system of Sierra Leone.

The National Power Authority Act provides that no person other than the National Power Authority can generate energy in excess of Five Kilowatt without obtaining a licence to do so. In the same vein no person shall supply electricity to or for the use of any other person from any installation without expressly being provided for
Power Authority on the other part. When private treaty fails the Minister of local Government and Community Development (then the Minister of The Interior) may authorise any person to execute a lease to National Power Authority (instead of the Chiefdom Council) The said Lease should be on terms and conditions that will appear to the Minister to be fair and reasonable.

ACQUISITION AND DISPOSAL OF LAND

Section 40 of the Act gives National Power Authority to acquire land in both the Western Area and the Provinces by means of either Private Treaty (Agreement) or by Compulsory Acquisition.

LAND IN THE WESTERN AREA

The National Power Authority can acquire land in the Western Area by either Private Treaty (Agreement) in which case the authority can purchase land from individual landowner(s) pay the agreed purchase price and such had conveyed to it. When this fails and the Authority wants to acquire such land, it has powers to acquire it compulsorily and in accordance with the Public Lands Act, together with the compulsory Acquisition of property (Constitutional safeguards) Act, 1961 (Act No.42 of 1961) In
in the terms and conditions of his licence granted to that person by National Power Authority.

Section 33 protects the supply line from trees, objects and structures which are to interfere with the supply line. That where any tree is standing or lying near an overhead supply line or any structure or other objects are placed near the supply line, a Magistrate can order it to be removed but such order will contain compensation to be awarded to any person with proprietary interest in the tree or structure or object. That the awarded compensation shall be paid or recovered from the Licensee.

LAND IN THE PROVINCES

National Power Authority can only acquire Leasehold Interest in Land in the provinces and not freehold, the Provinces Land Act Cap 132 of the Laws of Sierra Leone vests the title of all lands in the provinces in the Chiefdom Council of which Individual families and community occupy and use as Family or Community land. The National Power Authority can acquire to a Leasehold Interest of any land by Private Treaty (Agreement) between the Chiefdom Council, the Landowners) of the one part and the National
this latter case prompt and adequate compensation should be paid by the National Power Authority to the Landowner(s)
The Constitution of Sierra Leone

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The National Power Authority Act provides that no person other than the National Power Authority can generate energy in excess of Five Kilowatt without obtaining a Licence to do so. In the same vein no person shall supply electricity to or for the use of any other person from any installation without expressly being provided for in the terms and conditions of his licence granted to that person by National Power Authority.
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CHAPTER 116.
PUBLIC LANDS.

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3. Power to enter to survey.
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7. Land to be marked out.
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9. Registration to be conclusive.
10. Land injuriously affected.
12. Part of house etc., not to be taken.
13. Power of Governor to sell, lease, etc., land when public work abandoned, or land in superfluous to requirements.
14. Cases in which the owner, etc., refuses to give up possession, etc.

PART II.—COMPENSATION.

15. Compensation to be allowed.
17. Cases of disputed compensation, etc.
18. Matters to be considered in determining compensation.
19. Matters to be neglected in determining compensation.
20. Appeals.
   (2) Notice of Appeal.
   (3) When Court’s decision to be final.
   (4) Postponement of payment of price; parties not notified may appear and claim.
   (5) Payment after one year.
   To be complete discharge.
CHAPTER 116.
PUBLIC LANDS

An Ordinance to repeal The Public Lands Ordinance, 1896, and to make other provisions in lieu thereof.

[12th April, 1898.]

1. This Ordinance may be cited, for all purposes, as the Public Lands Ordinance.

2. In this Ordinance, unless the context otherwise requires—
   "public work" means any work not coming within the provisions of the Railway Ordinance executed, maintained or repaired, and any measure or undertaking prosecuted, whether wholly or partly, at the public expense;
   "land" includes all land, whether covered with water or otherwise, together with all buildings and erections, if any, thereon, and, where such meaning may be inferred, any right to the same;
   "Minister" means the Member of Executive Council charged for the time being with responsibility for the subject of lands;
   "Chief Justice" includes any Judge of the Supreme Court of Sierra Leone in its civil jurisdiction.

PART I.—ACQUISITION OF LANDS FOR THE SERVICE OF THE COLONY.

3. (1) Whenever the Governor in Council resolves that any land is required for any public work, the Governor may from time to time, by writing under his hand, authorise any person, together with his agents, servants or workmen, to enter as often as may be necessary upon such land, and there to survey and take levels, to make borings or trial pits, and to do such other acts as may be necessary with a view to the taking or appropriating of any such land.

(2) The report of any such person, together with a plan of such land, shall be laid before the Governor and House of Representatives.
4. Whenever the Governor, with the advice and consent of the House of Representatives, shall by resolution declare that any land shall be acquired for any public work, it shall be lawful for the Governor, by warrant under his hand and the public seal of the Colony, to direct that such lands shall be acquired for the service of the Colony.

Every such warrant may be in the Form A in the schedule hereto, and shall be published in the Gazette.

5. Whenever, by any such warrant, as in the last section mentioned, it is directed that any land shall be acquired for the service of the Colony, the Director of Surveys and Lands shall cause to be served personally on the person or persons entitled to sell or interested in any lands specified in such warrant, or if he or they cannot be found, shall cause to be left at his or their last usual place or places of abode or business with some inmate thereof, to be given to such person or persons, and in case no such person can be ascertained or found, shall cause to be left with the occupier of such lands, or if there be no such occupier, shall cause to be affixed on some conspicuous part of such lands, within eight days from the date of such warrant, a notice in the Form B in the schedule hereto, or as near thereto as possible.

6. After the lapse of twenty-one days from the publication of any such warrant in the Gazette it shall be lawful for the Director of Surveys and Lands, with all necessary workmen and other servants, to enter upon such land, and also to set out, appropriate and take so much of such land as is specified in the said warrant.

7. When the Director of Surveys and Lands shall set out, appropriate and take the land specified in any such warrant, he shall cause such land to be marked out, and a notice to be posted in some conspicuous part of such land, and such notice shall be in these words, viz.:—“Taken for the service of the Colony,” and shall be signed by the Director of Surveys and Lands. All such land, when so set out, appropriated or taken, shall be vested in Her Majesty the Queen, free from all other estates and all liens, rights, charges and encumbrances whatsoever.

8. Within eight days after any such appropriation, the Director of Surveys and Lands shall cause a plan of the land so set out, appropriated and taken as aforesaid, together with a certificate, under his hand, to the effect that the same has been taken and appropriated for the service of the Colony, to be registered in the Office of the Registrar General.
9. When any land has been taken and appropriated for the service of the Colony, whether under the provisions of this Ordinance or any other Ordinance, the registration of a plan of such land, together with the certificate in the Office of the Registrar General, as in the last section mentioned, shall be conclusive evidence that such land has been set out, appropriated and taken for the service of the Colony under the provisions of this Ordinance.

10. If any land be so cut through and divided by the taking and appropriation of part of such land for any public works as to leave a portion thereof practically useless to the owner for the purposes for which he had been accustomed to use the land, it shall be lawful for the owner of such land, by notice in writing to be served on the Director of Surveys and Lands, at any time, before an agreement is come to, for the purchase of the land taken as aforesaid, or before the assessment of the price to be paid for such land under the provisions of this Ordinance, to require the Governor, on behalf of Her Majesty the Queen, to purchase not only the land actually taken as aforesaid, but also the land rendered useless by aforesaid by reason of the severance aforesaid, and thereupon it shall be lawful for the Governor to purchase the land rendered useless as aforesaid, or, if he refuse to do so, it shall be lawful for the Chief Justice, if he shall find as a fact that any portion of the said land has been, by the severance, rendered useless as aforesaid, to adjudge that the Governor shall purchase the same and determine the price to be paid for the same in the same way as if such land was actually taken for any public work.

11. It shall be lawful for the Minister to resell any land purchased under the provisions of the last preceding section, and any moneys arising from any such sale shall be carried to, and form part of, the general revenue of the Colony.

12. Nothing in this Ordinance shall be deemed to authorize the Director of Surveys and Lands to take a part only of any house, building or manufactury, but where a part of the land on which any house, building or manufactury stands is required for any public work it shall be lawful for the owner of such house, building or manufactury to require the Director of Surveys and Lands to take the whole house, building or manufactury;

Provided that it shall be lawful for the Minister to resell any portion of any such house, building or manufactury that may...
not be required for any such public work, and any moneys arising from any such sale shall be carried to, and form part of, the general revenue of the Colony.

13. Whenever any land which has been acquired under the provisions of this Ordinance for a public work is not required for the purposes thereof, or the said public work has been abandoned, it shall be lawful for the Minister to sell, exchange, lease or in any other manner dispose of such land, and any moneys arising from the said sale, exchange, lease or other disposal thereof shall be carried to, and form part of, the general revenue.

14. If in any case in which, according to the provisions of this Ordinance, the Director of Surveys and Lands is authorised to enter upon and take any land, and the owner or occupier of any such land, or any other person, refuse to give up possession thereof, or hinder the Director of Surveys and Lands, his workmen or servants from entering upon or taking possession of the same, it shall be lawful for the Governor to issue his warrant in the Form C in the schedule hereto, or as near thereto as possible, directed to the Sheriff, ordering him to deliver possession of the same to the Director of Surveys and Lands, and upon receipt of such warrant the Sheriff shall deliver possession of any such land accordingly; and the costs accruing by reason of the execution of such warrant, to be taxed by the Master of the Supreme Court, subject to review by the Chief Justice, shall be paid by the person refusing to give possession or hindering the Director of Surveys and Lands, his workmen or servants as aforesaid, and the amount of such costs shall be deducted and retained by the Governor from the compensation, if any, then payable by him to such person, and if no compensation be payable to such person, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to the Magistrate for that purpose, he shall issue his warrant accordingly.

PART II.—COMPENSATION.

15. The owners and occupiers of, and all other persons interested in, any land which may be appropriated, and taken or entered upon as aforesaid, shall be entitled to, and shall receive, compensation for the value of the land so taken and appropriated, and for all damages sustained by such owners, occupiers and other persons, by reason of the exercise, as regards such
Public Lands

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land, of the powers granted by this Ordinance, the amount of such compensation to be ascertained and determined as.hereinafter provided.

16. It shall be lawful for the Governor, for and on behalf of Her Majesty, to contract and agree with the owner or occupier or any other person interested in any land which may be appropriated and taken for the service of the Colony, or be injuriously affected by the exercise of any of the powers as regards such land granted by this Ordinance, for the compensation to be allowed, either in respect of the actual value of the land, or in respect of damages incurred by reason of the exercise of any of the said powers, and any sum or sums so agreed on as last aforesaid, or which shall be awarded under the provisions of this Ordinance, shall be paid by the Accountant General.

17. In all cases in which any land has been appropriated, taken or entered upon under the provisions of this Ordinance, or has been injuriously affected by the exercise of any of the powers granted by this Ordinance, if within twenty-one days after the publication of the warrant in the Gazette that such land shall be acquired for the service of the Colony as hereinafore provided, no claim shall have been lodged with the Director of Surveys and Lands in respect of such lands, or if the person who may have lodged any claim and the Governor shall not have agreed as to the amount of compensation to be paid for the interest of any such person, or if any such person shall not have given satisfactory evidence of his alleged interest, or if separate and conflicting claims are made in respect of the same land, the amount of compensation due, if any, and every such disputed interest or title shall be settled in accordance with the following provisions:

(a) Application may be made by motion ex parte:

(1) by or on behalf of the Attorney General, or

(2) in the event of the Attorney General making no such application within eight days after the registration of the plan of any land, and of the certificate of the Director of Surveys and Lands that such land has been set out, appropriated and taken for the service of the Colony in the Office of the Registrar General, either by, or on behalf of, the Attorney General, or of any person or persons claiming to be the owner, occupier, or to be otherwise interested in any such land,

to the Chief Justice, who shall have jurisdiction to hear and determine in all such cases as aforesaid.
Public Lands

18. (1) In determining the amount of compensation to be awarded for land acquired under this Ordinance, the Court shall take into consideration the following matters and no others, namely—

(a) the market value at the date of the publication of the warrant under section 4 of this Ordinance;

(b) any increase in the value of other land of the person interested likely to accrue from the use to which the land acquired will be put;

(c) the damage, if any, sustained by the person interested at the time of the taking possession of land by reason of severing such land from his other land;

(d) the damage, if any, sustained by the person interested at the time of the taking and appropriation of the land by reason of the acquisition injuriously affecting his other property whether movable or immovable in any other manner or his actual earnings;
(e) if, in consequence of the acquisition, he is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change;

(f) the damage, if any, sustained by persons interested by reason of the imposition of any easement or exercise of any other rights of user on the basis of amount by which the value of the land shall have been diminished thereby; and

(g) where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the Court is satisfied that reinstatement in some other place is bona fide intended, be assessed on the basis of the reasonable cost of equivalent reinstatement.

(2) For the purpose of paragraph (a) of sub-section (1) of this section—

(a) if the market value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the publication of the warrant under section 4, such increase shall be disregarded if the improvement was made in contemplation of proceedings for the acquisition of the land being taken under this Ordinance;

(b) where the value of the land is increased by reason of the use thereof or any premises thereon in a manner which could be restrained by any Court or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health the amount of that increase shall not be taken into account;

(c) the effect of any expressed or implied condition of title restricting the use to which the land may be put shall be taken into account.

19. In determining the amount of compensation to be awarded for land acquired under this Ordinance the Court shall not take into consideration—

(a) the degree of urgency which has led to the acquisition;

(b) any disinclination of the person interested to part with the land acquired;

(c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;

(d) any damage which is likely to be caused to the land or buildings acquired after the date of the publication of the
Public Lands [Cap. 116] 1200

warrant under section 4 by or in consequence of the use to which it will be put;

(e) any increase to the value of the land or building acquired likely to accrue from the use to which it will be put when acquired;

(f) any outlay on additions or improvements to the land acquired, which was made after the date of the publication of the warrant under section 4, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair;

(g) any increase to the value of the land by reason of any work done thereon by or at the expense of the Governor in Council prior to the acquisition;

(h) the special suitability or adaptability of the land for any purpose if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from the special needs of a particular purchaser or the requirements of the Governor in Council.

20. (1) Any final judgment of the Court respecting compensation in the case of disputed interest or title shall be subject to the like appeal to which other final judgments of any Court are subject, including appeal to the West African Court of Appeal and to Her Majesty’s Privy Council where such appeal is allowed by law.

(2) The party who may desire to appeal against such judgment shall proceed according to any Rules of Court or Order in Council for the time being regulating appeals, and if an appeal is not perfected within the period prescribed, the judgment of the Court or Court of Appeal, as the case may be, shall be final.

(3) The decision of any Court having competent jurisdiction, whether original or appellate, where appeal has been taken in manner above mentioned, respecting compensation, or on any question of disputed interest or title, shall be final and conclusive in regard to all persons upon whom notices have been served or who have appeared and claimed or on whose behalf any person having authority to that effect has claimed any lands or any interest therein.

Provided that persons upon whom notices have not been served, and who have not appeared or claimed or on whose behalf claims have been made, may do so at any time within one year after the date of the final decision.
(4) In all cases where any compensation has been awarded, except where a valid written title to the land shall be delivered, payment thereof shall be postponed until the period of one year shall have elapsed from the date of the judgment, or judgment on appeal, whereupon it may be paid over to the person who shall then appear by the judgment of the Court to have the best right thereto, and such payment shall, as concerns the Colonial Government, operate as a complete discharge and acquittance of such compensation and of all claims in respect of such lands or any interest therein:

Provided that such payment shall not hinder any subsequent proceedings at the instance of any person having or alleging better right thereto as against the person to whom such payment may have been made.

SCHEDULE
FORM A

WARRANT THAT LAND SHALL BE ACQUIRED FOR THE SERVICE OF THE COLONY.
Sierra Leone.
(L.C.)

By His Excellency.

Governor.

Whereas on the day of 19 , the Governor, with the advice and consent of the House of Representatives, by Resolution, declared that the land hereinafter described, that is to say [insert description of land], should be acquired for a Public Work:

Now, therefore, I do hereby, under the provisions of the Public Lands Ordinance, by this my warrant under my hand and the Public Seal of the Colony, direct that the said land shall be acquired for the service of the Colony.

Dated this day of 19 .
In Her Majesty’s name I assent to this Act this 25th day of August, 1961.

S. A. BENKA-COKER,
Acting Governor-General.

An Act to make Provision in Accordance with Section 17 of the Constitution of Sierra Leone for access to the Courts for the Purpose of Deciding the Legality of the Compulsory Acquisition of any Property, Right or Interest and the Prompt Payment of Adequate Compensation.

[31st August, 1961] Date of commencement.

Be it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Compulsory Acquisition Short title. of Property (Constitutional Safeguards) Act, 1961.
A 366  No. 42  Compulsory Acquisition of Property
(Constitutional Safeguards)

2. Where under any law now in operation or hereafter to
be made property of any description or any interest in or right
over property may be compulsorily taken possession of or
acquired otherwise than under the operation of a law to which
subsection (2) of section 17 of the Constitution refers and no
other effective provision is made—

(a) for the prompt payment of adequate compensation,
and

(b) securing to any person having an interest in or right
over the property a right of access to a Court or other
authority for the determination of his interest or
right, the legality of the taking of possession or
acquisition of the property interest or right and the
amount of any compensation to which he is entitled
and for the purpose of obtaining the prompt payment
of that compensation.

any person aggrieved may apply to a Magistrate or where the
alleged value of his interest exceeds two hundred pounds to the
Supreme Court for the determination of any of the matters
mentioned in paragraph (b):

3. (1) Application shall be made by notice of motion or
notice of claim in the case of an application to the Magistrate
served in the Court and copies shall be served upon
the person (if any) for whose benefit the property, right or
interest is being compulsorily acquired or taken possession of
and on the Attorney-General at least twenty-one days before
the day fixed for the hearing of the motion or claim.

(2) The Attorney-General shall have the right to appear
at the hearing and be heard in any matter relating the public
interest.

(3) No such application may be made to the Court
later than three months after the applicant being not first
has received notice in writing that the property, right or interest
in question has been compulsorily acquired or taken possession of
or where he has received no such notice after the expiration of
eight years from the date upon which the property, right or
interest was so acquired or taken possession of.

Provided that—

(a) except as provided in paragraph (b) of this
provision this subsection shall not apply in the case
of an infant or a person of unsound mind until
his disability has ceased;

(b) in any case where a person entitled to apply to
the Court under section 2 is under a disability
ordinarily resident abroad, or cannot be traced,
the Court may upon the ex parte application of
the Attorney-General appoint a curator to make
any such application on behalf of the person.
No. 42

Compulsory Acquisition of Property

(Constitutional Safeguards)

4. (1) Where no application is made to the Court under section 3 within one year of the date of the compulsory acquisition or taking possession of any property, right or interest as aforesaid the person in whose favour the property, right or interest is being taken possession of or acquired shall (or where the property, right or interest is being taken possession of or acquired for the Crown the Attorney-General may) apply ex norte in the manner aforesaid to the Court for compensation to be assessed in respect of the property so acquired or taken possession of.

(2) On any such application the Court may and shall of its own motion call for and hear all the evidence it shall require for the purpose of assessing adequate compensation.

(3) The sum so assessed shall be paid into Court or deposited at interest in the Post Office as the Court shall direct and the person entitled may at any time within twenty-five years apply to the Court by summons for an Order that the compensation to which he is entitled shall be paid out to him, and if the Court is satisfied that any such claim is justified an Order shall be made accordingly but any balance remaining after all Orders made upon applications filed within the said period of twenty-five years have been satisfied shall be paid into the Consolidated Revenue Fund of Sierra Leone and all further claims thereon shall be barred absolutely.

5. Subject to the provisions of this Act the provisions of Part II of the Public Lands Ordinance shall apply mutatis mutandis to all applications made under this Act.

6. The amount of any compensation determined by the Court under this Act shall be recoverable in the same manner as a judgment of the Court for a like sum.
A 368 No. 42

Compulsory Acquisition of Property
(Constitutional Safeguards)

1961

Passed in the House of Representatives this 27th day of July in the year of our Lord one thousand nine hundred and sixty-one.

S. V. WRIGHT,
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correct copy of the said Bill.

S. V. WRIGHT,
Clerk of the House of Representatives.

M.P. OPM 6/10.