

(2.) A permit for a procession shall prescribe the routes by which and the times at which such procession may pass, and the conditions subject to which such procession may take place.

(3.) A permit for a procession shall be issued to one or more persons by name, the words "and others" being added after such person or persons' name or names.

(4.) The person or persons so named shall be responsible for the due observance of all the conditions of the permit, and shall, if so required, furnish such security for the observance of such conditions as the Commissioner may require.

(5.) The Commissioner may cancel or withdraw any such permit.

4. Any person committing a breach of this Law or of the conditions of any permit for a procession shall be liable to imprisonment with or without hard labour for a period not exceeding three months or to a fine not exceeding fifty pounds or to both such fine and imprisonment, without prejudice to any sum payable by virtue of any security given by or on behalf of such person in pursuance of section 3. Penalty.

5. Nothing in this Law contained shall prevent a prosecution for an offence under any other law, but so that a person shall not be punished twice for the same offence. Saving.

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### RATS.

*See* DESTRUCTION OF RATS.

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## RECOVERY OF POSSESSION OF SMALL HOLDINGS.

15 OF 1895.

TO FACILITATE THE RECOVERY OF POSSESSION OF TENEMENTS AFTER  
DUE DETERMINATION OF THE TENANCY.

WALTER J. SENDALL.]

[June 1, 1895.]

1. In this Law, "Premises" means any house, shop, khan, store, warehouse, bath, mill, stable or shed, with the appurtenances thereto. Definition.

2. Whenever the term or interest of the tenant of any premises held by him at will, or for any term not exceeding two years, either Notice to quit  
to be served  
on tenant.

without being liable to the payment of any rent, or at a rent not exceeding twenty pounds a year, shall have ended, or shall have been duly determined by a legal notice to quit or otherwise, and the tenant, or any person by whom the premises or any part thereof are then actually occupied, shall neglect or refuse to quit and deliver up possession of the same, the landlord or his agent may cause the person so neglecting or refusing to quit and deliver up possession to be served with a written notice in the form in the Schedule, signed by the landlord or his agent, of his intention to proceed to recover possession.

Posting up  
notice in  
certain cases.

3. The notice may be served either personally upon the tenant or occupier, as the case may be, or by leaving it with some person being in and apparently residing at the abode of the person so holding over; and the person serving it shall read it over to the person served and explain its purport and intent: provided that if the person so holding over cannot be found, and his place of abode is not known, the posting up of the notice on some conspicuous part of the premises so held over shall be deemed to be a good service upon him.

Magisterial  
Court may  
order tenant  
to deliver up  
premises.

4. If the tenant or occupier does not appear at the time and place appointed, and show to the satisfaction of the Magisterial Court reasonable cause why possession should not be given, and still neglects or refuses to deliver up possession of the premises, or of the part thereof of which he is in possession, to the landlord or his agent, then, upon proof by the landlord or agent of the holding and of the end or other determination of the tenancy, with the time and manner thereof (and, when the title of the landlord has accrued since the letting of the premises, of the right by which he claims possession), and upon proof of the service of the notice and of the neglect or refusal of the tenant or occupier, as the case may be, the Magisterial Court of the District within which the premises are situate may by its order direct, that within a period to be therein named, not exceeding thirty clear days from the date of the order, the tenant or occupier, as the case may be, do deliver up the premises and give them to the landlord or agent. Provided always, that if it appears that the holding over of the tenant or occupier involves a question of *bonâ fide* claim of right or title upon his part to the premises, then the Magisterial Court shall have no jurisdiction to determine the question or to make any order under this Law.

5. In pursuance of any order made by a Magisterial Court under the powers contained in section 4 a Magisterial Court may issue all necessary warrants, directed to Peace Officers, to carry out the order by entering premises, breaking open doors if necessary, ejecting tenants or occupiers and giving up possession of the premises to the landlord or agent. Power to carry out order.

6. No order made by a Magisterial Court under the provisions of section 4 shall debar any tenant or occupier who has delivered up possession of or been ejected from any premises in pursuance of the order from maintaining an action to recover from the person by whom the order was obtained any damages sustained by him in consequence of the making of the order.

7. The High Commissioner may, with the advice and assistance of the Chief Justice, make rules and prescribe the fees to be taken in respect of the provisions of this Law. Power to make rules.

8. The Law may be cited as the Recovery of Possession of Small Holdings Law, 1895. Short title.

#### SCHEDULE. (S.2.)

##### NOTICE OF OWNER'S INTENTION TO APPLY TO A MAGISTERIAL COURT TO RECOVER POSSESSION.

I, [owner, or agent of  
owner, *as the case may be*], do hereby give you notice, that unless peaceable possession of the premises *[shortly describing them]* situate  
, which were held of me, or of the said  
*[as the case may be]*, under a tenancy from year  
to year *[as the case may be]*, which expired *[or was determined]* by  
notice to quit from the said or otherwise  
*[as the case may be]*, on the day of  
and which premises are now held over and detained from the said  
be given to  
agent] on or before the expiration of [the owner or  
service of the notice, clear days from the

I, shall on the day of  
at o'clock apply to the Magisterial Court of the District of  
*[being the District in which the premises*  
*are situate]* to issue an order directing you, within days to  
deliver up the said to me [or to ]

Dated this day of

(Signed.)

*(Owner or Agent.)*