

In the Privy Council.

19, 1957

ON APPEAL  
FROM THE WEST AFRICAN COURT OF APPEAL  
(GOLD COAST SESSION)

CONSOLIDATED SUITS AND APPEALS.

1. Transferred Suit No. 32/1947 (from the Ga Native Court "B").

BETWEEN

**JOSIAH KORKWEI QUARMINA ARYEH, DANIEL SACKEY QUARCOOPOME, J. AMOS LAMPTEY, CHARLES AMOO ANKRAH**, claiming as Head and Representative of Mantse Ankrah Family, **J. R. ANKRAH, A. DINNAH ANKRAH and AFLAH QUARCOOPOME** (Defendants) . . . . . *Appellants*

AND

**NAA QUARDUAH ANKRAH and ROBERT ADJABENG ANKRAH** (otherwise known and called Arday Ankrah substituted for Mark David Adjabeng Ankrah otherwise Kwaku Nyame Ankrah) claiming for and on behalf of Mantse Ankrah Family ~~and JOSEPH COMMEY ANKRAH~~ (Plaintiffs) . . . . . *Respondents.*

2. Suit 112/1947.

BETWEEN

**CHARLES AMOO ANKRAH** claiming as Head and Representative of Mantse Ankrah Family (Defendant) . . . . . *Appellant*

AND

**ROBERT ADJABENG ANKRAH** (substituted for Mark David Adjabeng Ankrah otherwise Kwaku Nyame Ankrah) claiming for and on behalf of Mantse Ankrah Family ~~and JOSEPH COMMEY ANKRAH~~ (Plaintiffs) . . . . . *Respondents.*

RECORD OF PROCEEDINGS

PART II

EXHIBITS

(Proceedings in the Suit and Appeal appear in Part I)

A. L. BRYDEN & WILLIAMS,  
53 Victoria Street,  
London, S.W.1,  
*Appellants' Solicitors.*

SYDNEY REDFERN & CO.,  
1 Gray's Inn Square,  
London, W.C.1,  
*Solicitors for Respondent R. A. Ankrah.*

ON APPEAL
FROM THE WEST AFRICAN COURT OF APPEAL (GOLD COAST SESSION).

CONSOLIDATED SUITS AND APPEALS.

1. Transferred Suit No. 32/1947 (from the Ga Native Court " B ").

BETWEEN

JOSIAH KORKWEI QUARMINA ARYEH, DANIEL SACKEY QUARCOOPOME, J. AMOS LAMPTEY, CHARLES AMOO ANKRAH, claiming as Head and Representative of MANTSE ANKRAH Family, J. R. ANKRAH, A. DINNAH ANKRAH and AFLAH QUARCOOPOME (Defendants) . . . . Appellants

AND

NAA QUARDUAH ANKRAH and ROBERT ADJABENG ANKRAH (otherwise known and called ARDAY ANKRAH substituted for MARK DAVID ADJABENG ANKRAH otherwise KWAKU NYAME ANKRAH) claiming for and on behalf of MANTSE ANKRAH Family and JOSEPH COMMEY ANKRAH (Plaintiffs) . . . . Respondents.

2. Suit 112/1947.

BETWEEN

CHARLES AMOO ANKRAH claiming as Head and Representative of MANTSE ANKRAH Family (Defendant) . . . . Appellant

AND

ROBERT ADJABENG ANKRAH (substituted for MARK DAVID ADJABENG ANKRAH otherwise KWAKU NYAME ANKRAH) claiming for and on behalf of MANTSE ANKRAH Family and JOSEPH COMMEY ANKRAH (Plaintiffs) . . . . Respondents.

RECORD OF PROCEEDINGS
PART II

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25 FEB 1958

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# In the Privy Council.

## ON APPEAL FROM THE WEST AFRICAN COURT OF APPEAL (GOLD COAST SESSION).

### CONSOLIDATED SUITS AND APPEALS.

1. Transferred Suit No. 32/1947 (from the Ga Native Court " B ").

BETWEEN

10 JOSIAH KORKWEI QUARMINA ARYEH,  
DANIEL SACKEY QUARCOOPOME, J. AMOS  
LAMPTEY, CHARLES AMOO ANKRAH,  
claiming as Head and Representative of MANTSE  
ANKRAH Family, J. R. ANKRAH, A. DINNAH  
ANKRAH and AFLAH QUARCOOPOME  
(Defendants) . . . . . *Appellants*

AND

20 NAA QUARDUAH ANKRAH and ROBERT  
ADJABENG ANKRAH (otherwise known and  
called ARDAY ANKRAH substituted for MARK  
DAVID ADJABENG ANKRAH otherwise KWAKU  
NYAME ANKRAH) claiming for and on behalf of  
MANTSE ANKRAH Family and ~~JOSEPH COMMEY  
ANKRAH~~ (Plaintiffs) . . . . . *Respondents.*

2. Suit 112/1947.

BETWEEN

CHARLES AMOO ANKRAH claiming as Head and  
Representative of MANTSE ANKRAH Family  
(Defendant) . . . . . *Appellant*

AND

30 ROBERT ADJABENG ANKRAH (substituted for  
MARK DAVID ADJABENG ANKRAH otherwise  
KWAKU NYAME ANKRAH) claiming for and on  
behalf of MANTSE ANKRAH Family and ~~JOSEPH  
COMMEY ANKRAH~~ (Plaintiffs) . . . . . *Respondents.*

# RECORD OF PROCEEDINGS

## PART II

### EXHIBITS

(Proceedings in the Suit and Appeal appear in Part I)

## DEFENDANTS' EXHIBIT.

*Defendants'*  
*Exhibit.*

Exhibit " B "—Evidence of Antonio Ankrah in re 1895 Acquisition.

" B. "  
Evidence of  
Antonio  
Ankrah in  
re 1895  
Acquisi-  
tion, 26th  
November,  
1895.  
26.11.1895  
In the  
matter of  
the Public  
Lands  
Ordinance.

ANTONIO ANKRAH sworn :

I am chief of Accra.

I am sitting on stool of my father Ancra.

I know Masileno.

I knew him when he arrived.

Some land was given to the Brazilians, when they came here by my father.

It was where we went the other day (i.e. land required by Government). 10

There was given to them land from Vanderpuye's side going up.

Where Barnes lodge is was given to the Brazilians.

Some land was given them on the quarry side.

The Brazilians all worked land there—they had farms and trees there.

Land when given to them was all bush.

The Brazilians cleared all the bush.

I knew Aruna.

I saw Aruna and Shokato work on this part of the land.

Where we went and viewed with the Chief Justice right from there to Fanofar was given to the Brazilians. 20

Where their villages were there they were told to take land—nobody was there then.

My father went to the spot.

I went with him.

My father pointed out the spot which he gave to the Brazilians.

I knew one Nasu.

I didn't know Aburamanu.

Didn't know Nasu's children.

Old King Tackie was King of Accra when land given to Brazilians.

He knew that this land was given to Brazilians. 30

I have never known anybody to have disturbed the Brazilians on this land.

Since old King Tackie died there have been 3 King Takies.

*Xad. :*

I was not big enough to paddle but I was big enough to fire gun at custom at time when land given to Brazilians.

I went on board and brought them ashore.

My father was a Chief—we called him Captain.

He sat on his own stool.

He brought his own stool—He did not succeed anybody.

He was installed in Ottoo Street Stool.

He gave them the land before he was so installed.

If he hadn't right to give the land King Tackie would have stopped him.

He had plenty of money and did anything at Accra that was wanted to be done and that made him a chief.

10 Adjaben Ancrah was my brother.

Where Adjarben Ancrah has his village is Accra land.

Do not know if the Accra chiefs gave him permission to build there.

The land given to Brazilians was my father's own land.

At the beginning each of the elders of Accra had got his own portion of land.

My father gave all the land he had in those parts except Onderim.

I have seen Mama Nasu working on this land and all people.

I have seen Masileno working on land XX always—I haven't seen him quarrying there.

20 I picked ground nuts there with Masileno—from a farm made by Masileno.

This was lately—when the Government wanted it.

*Re-Xxd.* :

I got the ground nuts behind the village of Masileno.

Masileno not where Government put up flags.

*Defendants'  
Exhibit.*

“ B.”

Evidence  
of Antonio  
Ancrah in  
*re* 1895  
Acquisi-  
tion, 26th  
November,  
1895,  
*continued.*

*Defendants' Exhibit.*

**DEFENDANTS' EXHIBIT.**

**Exhibit "A"—Power of Attorney—W. A. Solomon.**

"A."  
Power of Attorney—  
W. A. Solomon,  
24th  
November  
1922.

In consideration of the fact that it was at my suggestion that the members of the Ankrah Family have made me their Attorney in connection with their family property known as AHODOMEH I hereby confirm in writing, what I told them verbally, that I will not claim any remuneration for my services as such Attorney nor will I seek to recover from them anything that I may spend or have spent in that connection.

Dated at Accra this 24th day of November, 1922.

(Sgd.) W. A. SOLOMON. 10

Signed in the presence of :

(Sgd.) J. N. O. HANSEN.

(Sgd.) C. SACKEY QUARCOOPOME.

(Sgd.) J. R. ANKRAH.

BENJAMIN OKANTAH

TAWIAH ANKRAH

ARYEE KUMAH

COBLA KOTOULO

MARTEY

OKOE ANKRAH

OWUSU LAMPTEY

EDWARD ARYEE ANKRAH

ANTONIO ANKRAH

Their

x

x

x

x

x

x

x

x

x

marks

20

Witness to marks :

(Sgd.) J. N. O. HANSEN.



PLAINTIFFS' EXHIBIT.

Exhibit "7"—Proceedings before Native Tribunal between Darku and Others and Ankrah and Others.

*Plaintiffs' Exhibit.*  
"7."

IN THE NATIVE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Accra.

Proceedings before Native Tribunal between Darku and Others and Ankrah and Others, 3rd October 1930.

Before THE ACTING GA MANTSE AND HIS COUNCILLORS.

Present : As Representing ATIFI : ZOBON DARKU  
DARKU  
LARTEY  
10 As Representing DADEBANNA : M. D. A. ANKRAH  
OKOE ANKRAH  
A. M. ALLOTEY  
3.10.30 D. S. QUARCOOPOME.

*Re* OATH SWORN BY NEE ANKRAH AGAINST THE BURIAL OF NEE APPONSAH OF OTUBLOHUM AT AHODOME.

ZOBON DARKU on behalf of the Otublohum Atifi Section requests the Acting Ga Manche to withdraw the oath on their behalf and to make every necessary arrangements to enable them to bury the deceased (Nee Apponsah).

20 2. The Acting Ga Mantse states that by virtue of his position as Acting Ga Mantse, and in order to avoid riot, he, in consultation with his Councillors applies to NEE ANKRAH (in compliance with the request of Zobon Darku) for the grant of a piece of land at AHODOME for the purpose of interring the remains of the deceased, and for which he tenders to Nee Ankrah a bottle of Gin as required by native custom. This request is made on the authority of the judgment of the Ga State Council with respect to AHODOME LAND.

3. Nee Ankrah Family, represented by M. D. A. Ankrah, has no objection.

30 AYI BONTE, his  
Acting Ga Mantse. X  
mark

Witness to mark  
(Sgd.) PETER PROVENCAL.

*Defendants'*  
*Exhibit.*

" E. "

Letter  
(Quarcoopome to  
Executors  
and  
Trustees of  
W. A.  
Solomon's  
Estate),  
8th  
October  
1936.

**DEFENDANTS' EXHIBIT.**

**Exhibit " E "—Letter (Quarcoopome to Executors and Trustees of W. A. Solomon's Estate).**

8th October, 1936.

P.O. Box 96,  
Accra.

The Executors & Trustees,  
W. A. Solomon's Estate,  
Accra.

Dear Sirs,

10

With reference to the matter of the Estate of the late W. A. Solomon (deceased) I, on behalf of the grandchildren of late Manche Ankrah, desire to inform you that, there is an amount of £304 being proceeds realised from the acquisition by Government in respect of *Awedome* land taken for public cemetery.

[sic]

2. This amount which you are aware of, was obtained by the deceased person with the permission of the grandchildren of Manche Ankrah, to apply the same for some other purpose promising to refund it within a short time. This amount was however not refunded before the death of the late W. A. Solomon.

20

3. Under these circumstances I shall be glad if you as Executors and Trustees to the Estate of the deceased person be so good to arrange for the settlement of this amount at your *earliest* convenience.

[sic]

Yours faithfully,

(Sgd.) D. SACKEY QUARCOOPOME,  
Chairman for Grandchildren of  
late Manche Ankrah.

*Plaintiffs'*  
*Exhibit.*

" 3. "

Pro-  
ceedings of  
Ga  
Mantse's  
Native  
Court,  
21st April  
1941.

**PLAINTIFFS' EXHIBIT.**

**Exhibit " 3 "—Proceedings of Ga Mantse's Native Court.**

(*This is not printed here as it is printed as part of Ex. 6 on page 172, lines 9–30.*) 30

PLAINTIFFS' EXHIBIT.

Exhibit "6"—Native Court Proceedings in Aryeh and Others v. Dawuda and Others.

Whole record tendered. Pages 175, 176, 183 and 184 referred to.

CIVIL SUMMONS.

IN THE TRIBUNAL OF SENIOR DIVISIONAL COURT OF THE  
GA STATE, Gbese, Accra, Gold Coast.

Between J. K. Q. ARYEH, D. S. QUARCOOPOME,  
J. A. LAMPTEY, A. A. S. WILLIAMS,  
A. D. ANKRAH, F. AMARTEIFIO and  
DELPHINA OCQUAYE for and on behalf  
of themselves and as representing the direct  
descendants of MANCHE ANKRAH . . . Plaintiffs

and

MALAM DAWUDA OF FEOYEH . . . Defendant.  
M. D. A. ANKRAH for and on behalf of NEE  
ANKRAH Family . . . Co-Defendant.

To Malam Dawuda and M. D. A. Ankrah of Feoyeh.

YOU ARE HEREBY COMMANDED to attend this Tribunal at  
Gbese on Monday the 17th day of February 1941 at 8.30 o'clock a.m. to  
answer a suit by Plaintiff of Accra against you.

The Plaintiffs claim (A) as against the Defendant is for that the  
Plaintiffs are the owners of all that piece or parcel of land situate in Accra  
commonly known as Awudome land. That the Defendant has erected a  
temporary shed on the land and that the said Defendant should declare  
his title to the property and the reason of committing such trespass on  
the land. The Plaintiffs further claim mesne profits of £20 from the  
Defendant.

Issued at Accra the 8th day of February, 1941.

(Sgd.) AYIKAI TEIKOE,  
Acting Gbese Mantse.

Claim	..	J.R.	
Summons	..	1	5 0
Service	..		1 0
Permit	..	—	
Mileage	..		1 0
			<hr/>
			£1 7 0
			<hr/> <hr/>

TAKE NOTICE—If you do not attend, the Tribunal may give  
judgment in your absence.

*Plaintiffs' Exhibit.*

“ 6.”

Native Court Proceedings in Aryeh and Others v. Dawuda and Others, 8th February 1941 to 7th May 1942.

10

20

30

40

*Plaintiffs' Exhibit.* (An affidavit in this suit made by M. D. A. Ankrah in March, 1941, is printed as Exhibit D on p. 196.)

" 6."

Native Court Proceedings in Aryeh and Others v. Dawuda and Others, 8th February 1941 to 7th May 1942, continued.

Certified true Copy.

(Sgd.) T. B. TETTEY,  
Registrar, Gbese Tribunal.

Certified true Copy.

(Sgd.) ?  
Registrar, Ga Mantse's Tribunal.

21. 4. 41.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast. Held at Accra on Monday the 21st day of April, 1941 before NII TEIKO OBILE, GA MANTSE (President) Councillors, J. A. B. AMMAH, TETTEH OGBU, ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, J. AMAR BOI, ASAFOATSE AHELEH, AHELEH NUKPA, J. R. KOTey OKOE and Linguists C. D. ADDO and E. A. MENSAH. 10

Record taken by ASHALEY OKOE.  
Suit No. 68/41 of Gbese.  
Transferred by Order of Court.

J. K. Q. ARYEH, D. S. QUARCOOPOME, J. A. LAMPTEY, A. A. WILLIAMS, A. D. ANKRAH, F. W. AMARTEIFIO etc. . . . . Plaintiffs 20

v.

MALAM DAWUDA & M. D. A. ANKRAH etc. . Defendants.

The Plaintiff's claim as against the Defendant is for that the Plaintiffs are the owners of all that piece or parcel of land situate in Accra commonly known as Awudome land. That the Defendant has erected a temporary shed on the land and that the said Defendant should declare his title to the property and the reason of committing such trespass on the land.

The Plaintiffs claim mesne profits £20 from Defendant. 30  
1st Plaintiff in person.  
2nd Plaintiff in person.  
3rd Plaintiff in person.  
4th Plaintiff absent.  
5th " "  
6th " "

Tendered in evidence by Plaintiff no objection admitted and marked Ex. 1 in re M. D. A. Ankrah v. M. Captan and N. Q. Ankrah v. J. K. Q. Aryeh etc.

(Sgd.) F. N. AMARTEIFIO, 40  
for R.D.C.  
24. 8. 48.



1st Defendant pleads not liable.

2nd Defendant pleads not liable.

NOTE.—1st Plaintiff is to speak for himself and as representing the other Plaintiffs herein.

1st Plaintiff s.a.r.b.—name JOSIAH KORQUAYE QUAMLA AYEH—  
Produce Buyer residing at Accra.

I am to speak for myself and as representing the other Plaintiffs herein. The land commonly known as Awudome belonged to Mantse Ankrah. He acquired portion of this from the Gbese Stool and another  
10 portion from the Asere Stool. I tender plan of the whole land as was originally given to him. Portion had recently been acquired by Government for construction of the Railway line.

NOTE.—Plan drawn by B. A. Quartey dated 2.8.18 admitted by consent and marked Ex. "A."

*Plaintiffs cont.*: We have been authorised by the surviving descendants of Nii Ankrah to prosecute this action. An amendment for ourselves and as representing that family has been made to this effect. We tender our P/A in evidence.

NOTE.—Defendant objects—I hold a P/A from the same Family  
20 which had not been taken away from me.

Ajd. later  
(Intd.) A.O.

J. K. Q. ARYEYEH ETC. v. MALAM DAWUDA & ANOR.

Parties present.

NOTE.—Defendants continue to object—I have used mine on several cases—I have held it since about 1930.

*By Trib.*: Admitted and marked Ex. "B."

*Plaintiffs cont.*: The direct descendants of Manche Ankrah have not litigated with anybody in respect of this land save Dsasetse Bruce  
30 Vanderpuye of Atifi Otublohum. That action was commenced before the Ga State Council and was entitled "Nii Otu Ahiakwa Ankrah Quansah v. J. S. Bruce Vanderpuye, Jasetse of the Oto Brafo Stool in Atifi Otublohum, Acting as the Otublohum Mantse." Judgment in this case went in favour of the Plaintiffs and the land mentioned in the cause which went before the Court was adjudged by Mr. Justice Michelin to be the property of the Manche Ankrah Family. Since the judgment of the Court, we have been in peaceful occupation of the land in dispute. In due course, Government acquired portion of the land in dispute for the use as Public Cemetery—  
40 The then elders were Ankrah Quansah and J. Ayikumah Ankrah. A family meeting of the direct descendants of Manche Ankrah was summoned. Those present included Amanuah Ankrah, Ayikailey Ankrah, Akuorkor Ankrah, Yargo Ankrah, Otobianye Ayikailey Ankrah, Korley Ankrah, Komeorkor Ankrah, J. R. Ankrah, Aryeefio Ankrah, Janet Randolph, Marian Hyde, Afia Mansah, Quarshie Arday Ankrah, Adja-nye Korkor

*Plaintiffs' Exhibit.*

"6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

*Plaintiffs' Exhibit.*

" 6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

[sic]

mother of 1st Plaintiff, Edward A. Ankrah, Amanuah Bi Okoe Ankrah.—These persons agreed to the Govt. acquisition. J. Ayikumah Ankrah was appointed by the Family to represent in this acquisition. I tender this document in evidence.—It was signed jointly by Ankrah Quansah and Ayikumah.

NOTE.—Admission of document—Photostat of document No. 921/33/16/3/33 reserved until a certified copy is produced.

*Plaintiffs contd.* : After the acquisition by Govt. information reached us that a building was being put up on the land in dispute. We learnt that it was one Mami Somuah who was building it. With the Co-Defendant M. D. A. Ankrah as the man carrying out the work for her. We brought this to the notice of that late Quansah Solomon—Co-Defendant was then summoned to a meeting—Those present included A. M. Allotey, Aban Cofie, D. S. Quarcoopome, J. K. Q. Aryeh, J. A. Quarcoopome, Ayikuma Ankrah, Kwarkor Quartey. This was about the years 1827–28. At this meeting Co-Defendant appeared in a vexatious mood. He was therefore instructed to remove his building materials from the land by Nii Quansah and he was warned that he could not do anything on the land without the permission of the bona fide owners co-Defendant did not carry out this direction, and continued to put up the building. As co-Defendant did it without authority, he has no claim to the land and the building on it. After the earthquake, the Brazilians applied for a grant of a portion of the land in dispute they being guests of Nii Ankrah. Our representatives were on the field when one Ahia Hansen and Quansah met us as representing the Fanti Community of Accra. They also asked for a grant of a portion of the land. We granted a portion of it to Nii Gbese. The Co-Defendant informed us that the Ga Mantse and his elders also wanted a portion—We granted this also. In each of these grants, rum, sheep and money were provided. The Co-Defendant made similar demands to the Kwahu and Ayigbe communities of Accra without the knowledge of us the bona fide owners. We opposed to this. Awo—Awo Amanuah in the course of these grants heard of it and warned Co-Defendant. He did not listen to her and proceeded. Afterwards our opposition came on. We began to see trespass on the land in dispute.—We saw the Defendant herein.—When we questioned him—he told us that it was the Co-Defendant who gave the land to him.—We told him that the land did not personally belong to Co-Defendant and so he could not allot it in such a way. Earlier, Co-Defendant caused to be published in the African Morning Post a publication to the effect that he was allotting Awudome lands—we tender that paper in evidence.

NOTE.—African Morning Post Vol. VI No. 40 of 16/2/40 admitted by consent and marked Ex. " C."

*Plaintiffs contd.* : Following this publication, a counter publication was sent in to protest against Co-Defendant's dated 16/2/40.

NOTE.—Vol. VI No. 167 of African Morning Post dated 20/7/40 admitted by consent and marked Ex. " D."

*Plaintiff contd.* : Next, another publication appeared. We tender it in evidence.

NOTE.—Admitted and marked Ex. " E " and " E.1."

NOTE.—Plaintiffs continue—We rebutted Ex. “ E ” in the issue of the African Morning Post dated 28/10/40. *Plaintiffs' Exhibit.*

NOTE.—Admitted and marked Ex. “ F.”

*Plaintiffs contd.* : About the year 1930, the Ga State Council gave judgment in the suit “ *Nii Ankrah Quansah etc. v. Manche Apponsah etc.*,” in respect of Ahodome lands.

NOTE.—Admitted and marked Ex. “ G.”

*By Trib.* : *Locus in quo* to be inspected at this stage. Each party to deposit the sum of £20 towards this.

10

(Sgd.) TACKIE OBILE,  
Ga Mantse.

“ 6.”  
Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast. Held at Accra on Monday the 26th day of May 1941 before NII TACKIE OBILE GA MANTSE (President) Councillors J. A. B. AMMAH, ASAFOATSE AHELEH, AHELEH NUKPA, J. AMAR BOI, J. R. KOTÉY OKOE, V. B. ANNAN and Linguists and TETTAH OGBU.

Record taken by Ashaley Okoe.

J. K. Q. ARYEH *v.* MALLAM DAWUDA.

20 Plaintiffs in person.

Defendant absent—Co-Defendant absent.

NOTE.—Land in dispute to be inspected this afternoon.

(Sgd.) A. O.,  
Rec.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast. Held at Accra on Monday the 29th day of May, 1941, before NII TACKIE OBILE, Ga Mantse (President), Councillors J. A. B. AMMAH, ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, J. AMAR BOI, J. R. KOTÉY OKOE, V. B. ANNAN, TETTEH OGBU and Linguists C. D. ADDO and E. A. MENSAH.

30

Record taken by Ashaley Okoe.

J. K. Q. ARYEH & ORS. *v.* DAWUDA & ANOR.

Plaintiffs in person.

Defendant Dawuda in person.

Co-Defendant absent.

Recorder JOSEPH R. A. OKOE—s.a.r.b.

On the 26th day of the current month, the premises in this case were inspected by delegates of this Tribunal. I tender this Report in evidence.

*Plaintiffs' Exhibit.*

"6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

Admitted and marked Ex. "H."

*By Trib. :* In view of the absence of the Co-Defendant, Tribunal orders that his joinder be discharged—Co-Defendant M. D. A. Ankrah, accordingly discharged.

*Plaintiffs on oath contd. :* It was a portion of this our Family land which was acquired by Government for the Public Cemetery—I tender evidence document No. 92/33 between J. A. Kumah as representing the Ankrah Family and the Colonial Government.

*Plaintiffs contd. :* The land in dispute belonged to late Mantse Ankrah. All transactions in respect of this land and communications affecting it are addressed to the man Ayikumah the eldest of the surviving grand children, of Mantse Ankrah. I tender some of these letters in evidence. Admitted and Marked Ex. "J." 10

*Plaintiff still on oath contd. :* While the communications between Ata Ayikumah and Government were going on as per Ex. "J" M. D. A. Ankrah put in a claim for the sum of £900 without our knowledge and approval M. D. A. Ankrah included the names of Ayeh, Quarcoopome and some others in his claim. We applied for the plan on the site from the Cantonments. We tender it in evidence.

Admitted and marked "K." 20

NOTE.—At this stage, M. D. A. Ankrah appears in Tribunal—states that although his joinder has been struck out he re-applies that he desires to be made a party under section 66 of the N.A.O. as his interest will be affected by the result of this action.

*By Trib. :* Under section 66 of the N.A.O. M. D. A. Ankrah is hereby made a Co-Defendant—Let a copy of the writ of summons in the above case be served upon the Co-Defendant. We order further that Co-Defendant do deposit the sum of £17 to cover the fees required for the inspection of the *locus in quo*.

(Sgd.) TACKIE OBILE, 30  
Ga Mantse.

NOTE.—Co-Defendant asks for 2 weeks adjournment.  
Adj. until 16/6.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast. Held at Accra on Monday the 30th day of June, 1941, before NII TACKIE OBILE, GA MANTSE (President) Councillors J. A. B. AMMAH, ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, J. AMAR BOI, TETTEH OGBU, J. R. KOTey OKOE, V. B. ANNAN and Linguists C. D. ADDO and E. A. MENSAH.

ARYEH & ORS. v. DAWUDA & ANOR. 40

Parties in person.

*Plaintiffs still on oath.*—After the death of the late W. A. Solomon, M. D. A. Ankrah attempted to affiliate the Awudome lands with the Estate of the deceased and went on to communicate with the Official Receivers to control the said land.

NOTE.—Letter dated 11.9.36 signed by M. D. A. Ankrah identified.

*Plaintiffs' Exhibit.*

“ 6.”

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

*Plaintiffs con. :* About the year 1924, the elders of Atifi invited the Elders of Dadebang Nah to a meeting at the house of Madam Kai Nka. The elders who represented Dadebang Nah were F. A. Ankrah alias Ata Foh, Chief John Vanderpuye, Mr. S. D. Quarcoopome representing W. A. Solomon with some others. The elders who represented Atifi were M. D. A. Ankrah the Co-Defendant herein, Kwei Moni Beteo, Zobon Darky Neeffo and Nii Kpakpo Oti and their Elders. This meeting was convened by the Atifi people for a declaration that the Ahudome lands were the property of Nii Oto Brafo and not Nii Ankrah. There was no decision arrived at there. The Co-Defendant has been using the family lands of Mantse Ankrah against the wish and without the knowledge and consent of the direct descendants of Mantse Ankrah. We therefore arranged him before the late Nii Gbese. Some elders of the Family approached us and suggested that we should agree to the meeting being held before the Brazilian Headman other than the Gbese Mantse, as the Brazilian Headman was affiliated to late Mantse Ankrah. Again, at this meeting no decision was reached owing to the hostile attitude of the followers of the Co-Defendant. This was brought about by the suggestion that all documents relating to the disposition of the Awudome lands should be executed by Ayikumah and Amanuah witnessed by M. D. A. Ankrah and two other appointed members. The same elders who caused the arbitration to be transferred to Nii Azuma's summoned another arbitration to Korle Gono in the house of Ayikailey, Akuorkor and Yarkor who are grand-daughters of Mantse Ankrah. The convenors were Amu Washerman, Nii Kommey, Apponsah and Komiete. M. D. A. Ankrah attended this meeting once and refused to attend at the subsequent adjournments. Kwarleynye Amanuah summoned M. D. A. Ankrah to another meeting before Nii Ankrah all in respect of his conduct towards the Awudome lands. When the meeting day arrived, Defendant Ankrah asked for postponement owing to bereavement. On the next hearing day Ankrah sent to tell the old lady that as the Asere Mantse was hostile towards him, he would not appear before him. Later on information reached us that a zinc shed was being put up on the land—We identified the 1st Defendant to be the owner. We notified him to desist until he should obtain the consent of the bona fide owners. This time also, it came to our knowledge that Ankrah had sold a vast area of the land to several persons. Defendant Dawuda refused to obey our warning, consequently we instituted this action for trespass. The land does not belong to M. D. A. Ankrah exclusively. It is a family land of Ankrah and he cannot negotiate with it without the knowledge of the owners, who are the inheritors. We took this action further to declare that the land given to Defendant was not with our knowledge and therefore unconstitutional.

*Xcd. by Defendant :*

Q. Do you consider me to be a member of the Ankrah Family ?

A. You are an alien—You do not belong to the Family.

Q. How many of you came to warn me ?

A. We were about 6 in number.

*Plaintiffs' Exhibit.*

"6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

*Q.* At what time had the shed been constructed to a finish? Or in course of construction?

*A.* Only one had been finished—The others were in course of construction.

Adj until Friday next.

(Intd.) A. O.,  
Rec.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast. Held at Accra on Friday the 11th day of July, 1941 before NII TACKIE OBILE, Ga Mantse 10 (President) Councillors J. A. B. AMMAH, ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, AMAR BOI, J. R. KOTÉY OKOE, TETTEH OGBU and Linguists C. D. ADDO and E. A. MENSAH.

Record taken by Ashaley Okoe.

J. K. Q. AYEYEH & ORS. *v.* DAWUDA & ANOR.

Parties present.

Plaintiffs still on oath.

*Action by 1st Defendant : (Contd.)*

*Q.* When you came to warn me, did you see some pillars affixed on the sides of the land? 20

*A.* No—We did not see any such pillars.

*Q.* On the day you met me, did you ask me anything?

*A.* Yes—We asked you that why should you make a room the land after you had been warned by Aflah Quarcoopome. We further asked you as to who gave the land to you.

*Q.* Did I show you the person who gave me the land.

*A.* Yes—You mentioned Mr. Ankrah the Co-Defendant herein.

*Q.* Did I not mention a second name?

*A.* No—You mentioned only the Co-Defendant.

*Q.* Do you remember you told me that you were going to sue Allotey 30 and that I should agree to become your witness?

*A.* No.

*Q.* Do you remember that I told you that I have bought no land and that the land was given to me by some one?

*A.* You simply told us you did not come to the land on your own initiative.

*Q.* Did you approach the man whose name I mentioned to you?

*A.* Yes—We did. We summoned him to five separate arbitrations, but he did not attend.

NOTE.—No more questions by Defendant.

*Xcd. by Co-Defendant :*

Q. When you went to inspect the land with the members of the Tribunal, did you see four pillars affixed on the land ?

A. Yes.

Q. Did you see the inscriptions on them ?

A. Yes.

I put it to you that when you saw Defendant for the first time, he told you that it was Allotei who gave the land to him ?

10 A. It is untrue.

*Interposed by Tribunal :*

Q. What were the inscriptions on the pillars ?

A. We saw the name Allotei on them—We do not know Allotei—The pillars were affixed after the institution of this action. We did not see them when we went to warn Defendant when he commenced the building.

*Xction by Co-Defendant : Contd.*

Q. Do you affirm that Defendant told you that I gave the land to him ?

20 A. Yes.

Q. If Defendant has given my name to you, it is customary that you should omit me and sue Defendant alone ?

A. Yes—it is customary.

Q. Is it customary that you should serve a copy of the notice you delivered to Dawuda upon me ?

A. It is unnecessary.

Q. Before Feb. 16, 1940, have you sued Defendant herein ?

A. No.

30 Q. Do you dispute the statement in Ex. " C " that I am authorised representative of the Ankrah Family ?

A. It was so written—But we do not admit that status you claim.

*Interposed by Trib :*

Q. Did you raise any protest in any shape or form to this publication ?

A. Yes—We did through the same channel.

*Xction by Co-Defendant : contd.*

Q. Do you remember I met you before Nii Azuma III the head of the Brazilian Community in respect of this same matter ?

A. Yes.

*Plaintiffs' Exhibit.*

" 6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

*Plaintiffs' Exhibit.*

"6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

*Q.* Do you remember that at the said meeting I attended with the important members of the family whom I represent ?

*A.* Yes—you came with followers.

*Interposed by Trib :*

*Q.* What was the decision arrived at ?

*A.* There was no decision. The meeting was disbanded owing to quarrels, etc.

Ajd. until Monday.

(Intd.) A. O.

See below.

AYE & ORS. *v.* DAWUDA & ANOR.

10

From above.

Parties in person.

Plaintiffs still on oath.

*Xction by Co-Defendant : contd.*

*Q.* I put it to you that at the arbitration before Nii Azuma III, a decision was arrived at and you were found guilty ?

*A.* Your allegation was untrue—No decision was arrived at.

*Q.* Do you remember that Amanuah Ankrah and Ayittey opposed your publication dated Feb. 29 1940, because they did not support you ? 20

*A.* There was such a publication but it was written not by Amanuah Ankrah.

*Q.* Did you protest the publication by Ayittey and Amanuah Ankrah as contained in the African Morning Post of Feb. 29, 1940 ?

*A.* Yes—We did.

Ajd. until Monday,

(Intd.) A. O.

Rec.

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IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Thursday 30 the 17th day of July, 1941 before NII TACKIE OBILE, GA MANTSE (President). Councillors J. A. B. AMMAH, ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, J. AMAR BOI, J. R. KOTey OKOE and Linguists C. D. ADDO and E. A. MENSAH.

Record taken by Ashaley Okoe.

J. K. Q. AYEh & ORS.

*v.*

MALLAM DAWUDA & ANOR.

Parties in person.

Plaintiffs still on oath.

40

*Xction by Co-Defendant contd. :*

*Q.* Could you produce any document shewing your protestation against those of Amanuah Ankrah and Ayittey ?



A. Yes.

Q. Could you give the date of your refutal and the organ which published.

A. Yes—It was in the issue of the African Morning Post of 28/10/40.

NOTE—Issue of African Morning Post of 29/7/40 and 28/10/40 read.

*By Trib.*—The question relating to these series of publications should be set aside and the case to proceed ordinarily.

Q. Do you hold a P/A from the Ankrah Family showing that you have authority from the Ankrah Family to take care of the land ?

10 A. Yes—it is in evidence before this Tribunal.

Q. Before the publication in the Press, do you hold Ex. " B " ?

A. No—Ex. " B " was executed in view of this law suit.

Q. Do you identify this to be your writ ?

NOTE—Writ 68/41 dated 1/3/41 identified.

A. Yes.

Q. I put it to you that the land in dispute, is a Stool land of the Dadebang Nah Stool otherwise known as Manche Ankrah Stool ?

20 A. No—It is not a Stool land—It is the self-acquired property of Manche Ankrah. Ex. " G " Judgment of the Ga State Council supports this.

Q. I put it to you that the said Ahodome land was given by the Ga Mantse Tackie Commey to Manche Ankrah in recognition of his services in the Bame War and the hostages he brought back were accommodated there ?

A. The land was not a War booty—he brought back many hostages and the land was given by the Gas to accommodate them.

Q. What is your surname—1st Plaintiff ?

A. I am called Josiah Korquaye Kwamla Ayeh.

Q. Who is your father—1st Plaintiff ?

30 A. My father is called Ayeh Kofi.

Q. I put it to you that your father is Mensah Alago, the brother of Ata Adjomoku.

A. No—it is untrue.

Q. What is the name of your mother ?

A. She is called Adjanye Korkor.

Q. What is the name of the woman who begat Korkor ?

A. She is called Ankrah Dede.

Q. Who begat Ankrah Dede (her mother) ?

*Plaintiffs' Exhibit.*

" 6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

Plaintiffs'  
Exhibit.

"6."

Native  
Court Pro-  
ceedings in  
Aryeh and  
Others v.  
Dawuda  
and Others,  
8th  
February  
1941 to  
7th May  
1942,  
continued.

A. She was caled Na Quaynoki.

Q. What was Quaynoki to Mantse Ankrah ?

A. She was the wife of Mantse Ankrah.

Q. I put it to you that Na Quaynoki did not begat a child by her marriage with Mantse Ankrah ?

A. It is untrue—She begat Ankrah Dede by that marriage.

*Interposed by Trib. :*

Q. Have you the name Angba in your Family ?

A. Yes—there might be one at Atukpai.

*Resumed by Co-Defendant :*

10

Q. I put it to you that Mantse Ankrah did not begat a child who bore the name Dede and that name is not the Family name of Mantse Ankrah ?

A. He did.

Q. I put it to you that Korkor was begotten by Moley a sister of Quaynoki ?

A. It is untrue.

Q. Has Quaynoki a brother called Quaynote, and a sister Moley ?

A. There was Quaynote but not Moley.

Q. I put it to you that Dede begat your mother Korkor, Afrowah and some others ?

20

A. I would not dispute you—there were others besides.

Q. I put it to you that the relatives of Quaynoki became associated with Mantse Ankrah owing to the former's marriage with the latter, but you have no blood relationship with Mantse Ankrah ?

A. It is untrue.

Q. Do you know how Mantse Ankrah came to stay at Akobre ?

A. Yes—That house was the maternal house of Mantse Ankrah. He was begotten there—The house was in being before Ankrah was born.

Ajd. until 21/7.

(Intd.) A. O.  
Rec.

30

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast. Held at Accra on Thursday the 24th day of July, 1941 before NII TACKIE OBILE, GA MANTSE (President) Councillors J. A. B. AMMAH, ASAFOATSE AHELEH, AHELEH NUKPA, TETTEH OGBU, J. AMAR BOI, J. R. KOTey OKOE, TETTEH OGBU, JOHNSON ABBEY and Linguists C. D. ADDO and E. A. MENSAH.

Record taken by Ashaley Okoe.

AYEH & ORS.

v.

DAWUDA & ANKRAH ETC.

Parties in person.  
Plaintiffs still on oath.

*Action by Ankrah contd. :*

Q. Could you give the name of the woman who begat Mantse Ankrah ?

A. She was called Amanuah.

10 Q. Could you tell the number of children Amanuah begat ?

A. Tradition has it that she begat three male children only—their names were Nii Ankrah, Nii Aryee and Nii Okantah.

Q. The whole of the three children had their maternal house at Akobre ?

A. Yes.

Q. Who gave the land on which the Brazillians emigrants settled at Otublohum ?

A. The Gas gave it through Mantse Ankrah.

20 Q. Do you know that there was a law suit in respect of the Awudome lands which commenced at the Ag. Ga Mantse's Tribunal and on to the State Council ?

A. Yes.

Q. Who prosecuted the case of the Plaintiffs ?

A. The late W. A. Solomon was the legal Attorney—He deputed M. D. A. Ankrah to represent him when he was going to Ajinase.

Q. What was the result of the hearing before the State Council ?

A. It was held that the Awudome lands was the personal or self-acquired property of Mantse Ankrah.

30 Q. Do you know that the same suit eventually went before the Divisional Court ?

A. Yes—Before Justice Hall. The representative of the family at the hearing was W. A. Solomon. Ankrah appeared as a witness—The Court gave judgment for the Plaintiffs.

Q. Do you know that Government acquired portion of the Awudome land for Pub. Cemetery ?

A. Yes.

Q. Do you know that I was the person to whom communications in respect of that acquisition were addressed ?

A. No—Acquisition money was paid to W. A. Solomon our Attorney.

*Plaintiffs' Exhibit.*

“ 6.”

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

*Plaintiffs' Exhibit.*

"6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

Q. Could you recollect that something happened when the late Nii Apponsah was about to be buried on the Awudome lands ?

A. Yes—The owners of the land demanded rum before the burial of the deceased. The Atifi people refused and so the late W. A. Solomon caused oaths to be sworn upon them.

Ajd. until 25/7.

(Intd.) A.O.

Rec.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE EASTERN PROVINCE GOLD COAST. Held at Accra 10 on Friday the 25th day of July, 1941 before Nii Tackie Obile, Ga Mantse (President), Councillors J. A. B. Ammah, Asafoatse Aheleh, Aheleh Nukpa, Johnson Abbey, J. Amar Boi, Tetteh Ogbu, J. R. Kotey Okoe and Linguists C. D. Addo and E. A. Mensah. Record taken by Ashaley Okoe.

AYEH & ORS. *v.* DAWUDA & ANOR.

Parties in person.

Plaintiffs still on oath.

*Xction by Co-Defendant contd. :*

Q. Would you dispute me if I put it to you that for the past eleven 20 or twelve years, I have been the sole caretaker of the Awudome lands and the person responsible for all matters affecting it ?

A. We would dispute you.

Q. Have you ever seen this document before ?

NOTE.—Document dated 3/10/30—identified.

NOTE.—At this stage, Tribunal suggests amicable settlement under section 120 of the N.A.O.

NOTE.—Plaintiffs refuse to accept settlement.

Defendants have no objection.

Further hearing adj. until 28/7.

(Intd.) A.O.

Rec.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Friday the 1st day of August, 1941 before NII TACKIE OBILE, GA MANTSE (President) Councillors J. A. B. AMMAH, TETTEH OGBU, ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, J. AMAR BOI, J. R. KOTÉY OKOE and Linguists C. D. ADDO and E. A. MENSAH.

Plaintiffs' Exhibit.

" 6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, continued.

Record taken by Ashaley Okoe.

AYEH & ORS. v. DAWUDA & ANOR.

Parties in person.

10 Plaintiffs still on oath.

*Action by Co-Defendant : Contd.*

Q. I put it to you that at the time the layout was to be made on the Awudome lands, I was caretaker and representative of the Ankrah Family responsible for the handling of all communication in regard to it ?

A. No—Ata Ayikumah was the caretaker—He has been so since the death of late W. A. Solomon.

*Interposed by Trib :*

Q. Does Ata Ayikumah support you in your present action ?

A. Yes—He is supporting us but he is not one of the claimants.

20 Q. Is Ayikumah not a member of the Ankrah Family ?

A. He is not a direct descendant of Nii Ankrah.

Q. If Nii Ayikumah is not a direct descendant, what was his authority in representing your Family ?

A. It was by a unanimous appointment.

*By Co-Defendant : Contd.*

Q. Has Ayikumah any interest at all in the Awudome lands ?

A. He has no interest by blood—His interests would be one to be awarded by the Family.

Q. Do you know this letter ?

30 NOTE.—Copy of letter dated 20/5/30 from M. D. A. Ankrah, etc., to A. W. Kojo Thompson identified.

A. Yes.

Q. Have you ever seen this letter before ?

NOTE.—Letter No. 2192/10565 of 28/1/38 from Commissioner of Lands to Ankrah Family identified.

A. No.

\*

Sub-Exhibit " M " to Exhibit " 4 " is the matter between the asterisks above and below.

Plaintiffs'  
Exhibit.

" 6."

Native  
Court Pro-  
ceedings in  
*Aryeh and  
Others v.  
Dawuda  
and Others*,  
8th  
February  
1941 to  
7th May  
1942,  
*continued.*

Q. If Nee Ankrah, Okantah (3) and Aryee (2) were uterine brothers, and Ankrah predeceased the two, who was entitled to succeed to the property left by the deceased in accordance with custom ?

A. The succession would be by order of seniority—If Aryee were the next immediate brother of Ankrah he would succeed—If Aryee were dead, then Okantah would succeed.

Q. Between Nii Ankrah and Nii Aryee who predeceased the other ?

A. Nii Aryee.

Q. Who succeeded Nii Ankrah after his death ?

A. He was succeeded by Nii Okantah. 10

Q. To your knowledge, did these three persons own a nephew ?

A. No such tradition has descended to us.

*Interposed by Tribunal :*

Q. Have you been told the year in which Nii Aryee died ?

A. We have been told that he died about two years after the Kantanmanso War—Nii Ankrah died between the years 1840–42. We do not admit that Nii Aryi died about the year 1836.

*By Co-Defendant : Contd.*

Q. Who succeeded Nii Aryee after his death ?

A. We were told that Nii Okantah succeeded to his estate. 20

Q. At the time, Nii Okantah succeeded to the properties, was the Awudome land a portion of those properties ?

A. Yes.

Q. After the death of Nii Okantah who succeeded to the properties ?

A. We were told that the children of each of the three succeeded to the estate of each of the fathers.

Q. Could you tell who distributed the estate to these children ?

A. Nobody allotted them. They knew the estate already.

Q. I put it to you that after the death of Okantah, Nii Ankrah Komey was unanimously appointed successor over the estate, including the Awudome lands ? 30

A. It is untrue—Nii Komey was caretaker only of the properties of Nii Ankrah.

*Interposed by Tribunal :*

Q. Who succeeded to the estate of Nii Okantah ?

A. Ni Ankrah Komey was made Head of Family. He did not succeed to the properties.

Q. What is your present claim before this Tribunal ?

A. We are claiming the property of our ancestor.

*Resumed by Co-Defendant :*

*Q.* I put it to you that it was Nii Aryee who asked for the land for the accommodation of the prisoners of war, and it was about one year after the grant that Mantse Ankrah came back from Bame ?

*A.* No—It is untrue.

Adj. until 6/8.

(Intd.) A. O.  
Rec.

*Plaintiffs' Exhibit.*

“ 6.”

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

10 IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Wednesday the 6th day of August, 1941, before NII TACKIE OBILE, GA MANTSE (President), Councillors ASAFOATSE AHELEH, AHELEH NUKPA, J. A. B. AMMAH, TETTEH OGBU, J. AMAR BOI, J. R. KOTey OKOE, JOHNSON ABBEY and Linguists C. D. ADDO and E. A. MENSAH.

Record taken by Ashaley Okoe.

AYEH & ORS.

*v.*

DAWUDA ETC.

Parties in person.

20 Plaintiffs still on Oath.

*Action by Co-Defendant contd. :*

*Q.* Who is the father of the Plaintiff Quarcoopome ?

*A.* He is called old Quarcoopome. His grandfather was called Okitih. The Plaintiff did not meet his grandfather. His paternal lineage is connected with Ankrah.

*Q.* What is the name of Plaintiff Quarcoopome's mother ?

*A.* She is called Affiah Mansah. Her father was called Kojo Ashaley. The mother of Affiah Mansah was called Kudjah Ankrah.

30 *Q.* I put it to you that the name of the woman who begat your mother was called Amu Kudjah ?

*A.* Yes—But the name Ankrah is included.

*Q.* Do you know why she was called Amu Kudjah ?

*A.* No—I was not told the meaning.

*Q.* I put it to you that her father was called Amu Kudjah of Mantse Ankrah. We ?

*A.* No—It is untrue.

*Plaintiff's Exhibit.* *Interposed by Tribunal :*

“ 6.”

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

*Q.* How did she get the name “ Amu Kudjah ” ?

*A.* That was the name we met her bearing. Her father was Mantse Ankrah.

*Xction by Co-Defendant contd. :*

*Q.* Is it customary that if one man has begotten a child, another man, not being the father should give his name to the said child ?

*A.* Yes—It is customary—I could give an instance—custom provides that if a man by the name of Kotey, possesses an ancestor called Daye —In the case of the said Kotey begotten a female child, he could give it the name “ Kotey Daye.” 10

*Interposed by Tribunal :*

*Q.* Was the name Amu which Mantse Ankrah gave to the grandmother of Quarcoopome, the paternal or maternal name of Mantse Ankrah ?

*A.* It was borrowed from his paternal side.

*Q.* So Nii Ankrah was entitled to name his child Amu ?

*A.* The name is “ Amo ” and not “ Amu ” it is a paternal name.

*Xction by Defendant contd. :*

*Q.* I put it to you that Mantse Ankrah had got a child Kudjah and so to shew difference, the paternal was attached as Ankrah Kudjah and the Otu Amu Kudjah ? 20

*A.* It is untrue—Mantse Ankrah begat only the female Kudjah, who was Amu Kudjah.

*Q.* I put it to you that Mantse Ankrah was on his stool and had given the name Kudjah to his female children, before Amu Kudjah's mother emigrated from Fanti land and came to settle in the house ?

*A.* No such tradition had descended to us—tradition has it that there were other Kudjahs in the various quarters of Ga Mahise—Such as Mantse Kudjah Okai, and Nii Ayi's child Kudjah.

*Q.* What is the name of the woman who begat Amu Kudjah ? 30

*A.* She was called Ablah Kwanduah—She was a native of Fanti land. She was married by Mantse Ankrah.

*Q.* I put it to you that she was never married, but was brought down to Accra as hostage ?

*A.* No such tradition has descended to us.

*Q.* Do you remember (Quarcoopome) that in 1930, I as representative, in company with you litigated in respect of this land before the Ag. Ga Mantse's Tribunal ?

*A.* Yes—But you were not the representative—Four persons, namely D. S. Quarcoopome, A. M. Allotey, M. D. A. Ankrah and Okoe Ankrah 40



were appointed by Nii Ankrah Quansah. We appointed M. D. A. Ankrah as our spokesman.

Q. Could you recollect (Quarcoopome) that after the earthquake, the Ankrah Family with me as representative did something in which you took part?

A. Yes—after the earthquake, the Government approached the Ankrah Family for a land on which to found a New Settlement. There was no agreement as to the nature of the grant and so this did not succeed. The communication was addressed through M. D. A. Ankrah.

10 *Interposed by Tribunal :*

Q. Since about the year 1930 when M. D. A. Ankrah represented the Ankrah Family in the Ag. Ga Mantse's Tribunal, you knew that he was not a direct descendant of Mantse Ankrah?

A. We knew before then. We agreed that he should be our spokesman.

*By Ankrah : Contd.*

Q. Do you know this circular?

NOTE.—Circular dated 5/7/30 written by J. Okoe Ankrah identified.

A. Yes—My name is in it. (D. S. Quarcoopome).

20 Q. Do you remember that about the year 1930, Government forbade that pigs should not be reared on the Awudome land and other people living on it and I were authorised by the Family to approach Government?

A. I knew you were deputed by the late Quansah Solomon to represent him.

Ajd. for ten minutes.

(Intd.) A. O.

Rec.

*Xation by 2nd Defendant : Contd.*

30 Q. I suggest it to you that ever since 1930, I have been the authorised representative of the Family in all matters of the Family affecting land and other interest of the Family?

A. I would dispute—we knew the late Quansah as the authorised representative of Mantse Ankrah during 1930. He was the occupant of our stool and our authorised representative in all matters affecting the Ankrah Family.

Q. In what year did you execute P/A for late Quansah?

A. It was about the year 1922. He was then not the occupant of the stool. He was to take care over the Awudome lands.

*Interposed by Tribunal :*

40 Q. In what year did the late Ankrah Quansah ascend the Ankrah Stool?

A. It was in 1928.

*Plaintiffs' Exhibit.*

" 6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

\*  
Sub-Exhibit " N " to Exhibit " 4 " is the matter between the asterisks above and below.

*Plaintiffs' Exhibit.*

"6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

*Q.* Who executed the P/A.

*A.* Only the direct descendants of Mantse Ankrah executed. He himself was not a direct descendant.

*Q.* If he were not a direct descendant, why did you place him on the Stool ?

*A.* We placed him on the Otu Ahiakwa Stool to which Mantse Ankrah succeed.

*Xation by Ankrah : Contd.*

*Q.* Do you affirm that Nii Ankrah succeeded to the Otu Ahiakwa Stool ?

10

*A.* Yes—Late Quansah was also entitled to succeed to the Stool.

*Interposed by Tribunal :*

*Q.* Was Nii Ankrah a Stool occupant when he went to the Bame War ?

*A.* He was not.

*Q.* In what year did Nii Ankrah ascend the Stool ?

*A.* Tradition has it that it was in 1830.

*Xation by Defendant : Contd.*

*Q.* Do you know Ankrah Komey the son of Mantse Ankrah ?

*A.* Yes.

*Q.* Is it not true if he had stated that his father was occupying his private Stool, and was thereafter placed on the Otu Ahiakwa Stool before he went to the Bame War ?

*A.* The Statement of Komey was untrue.

*Q.* Is it not true if your authorised representative Ankrah Quansah had stated on oath before Court that Mantse Ankrah occupied the Otu Ahiakwa Stool, when he went to the Bame War, after which he was granted the Awudome lands ?

*A.* It is untrue.

*Q.* Do you know that at one time Ayeley of Gbese claimed to have been the owner of the Noifah land situate at Awudome ?

30

*A.* Yes.

*Q.* Do you remember on this information coming to our notice, a meeting was held in my house, at which I as representing the Family warned Seraphim not to meddle with the land ?

*A.* No.

Ajd. until 8/8.

(Intd.) A. O.

Rec.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Thursday the 30th day of October 1941 before NII TACKIE OBILE, Ga Mantse (President), Councillors J. A. B. AMMAH, ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, TETTEH OGBU, J. R. KOTEY OKOE, and Linguists C. D. ADDO and E. A. MENSAH.

*Plaintiffs' Exhibit.*

"6."

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

Record taken by Ashaley Okoe.

J. K. Q. AYEH & ORS. *v.* DAWUDA & M. D. A. ANKRAH.

10 Motion on Notice of M. D. A. Ankrah rightfully authorised representative of the Ankrah's Family praying this Tribunal.

Parties in person. Motion read.

*By Trib.*—Motion dismissed for want of jurisdiction.

Costs assessed at 11/- for opposers.

(Sgd.) TACKIE OBILE,  
Ga Mantse.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Wednesday the 5th day of November, 1941, before NII TACKIE OBILE, Ga Mantse (President), Councillors J. A. B. AMMAH, ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, J. AMAR BOI, J. R. KOTEY OKOE, TETTEH OGBU and Linguists C. D. ADDO and E. A. MENSAH.

20

Record taken by Ashaley Okoe.

AYEH & ORS. *v.* DAWUDA & ANOR.

Parties in person.

NOTE—Submissions by Plaintiffs have not been replied.

Ajd. until 12/11.

(Intd.) A.O.  
Rec.

Wednesday 12th November, 1941.

30 IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Wednesday the 12th day of November, 1941 before NII TACKIE OBILE, Ga Mantse (President), Councillors ASAFOATSE AHELEH, AHELEH NUKPA, J. A. B. AMMAH, TETTEH OGBU, JOHNSON ABBEY, J. AMAR BOI, J. R. KOTEY OKOE and Linguists C. D. ADDO and E. A. MENSAH.

Record taken by Ashaley Okoe.

AYE ETC. *v.* DAWUDA & ANKRAH.

Parties in person.

Submissions by parties read.

Case to proceed.

40

(Sgd.) TACKIE OBILE,  
Ga Mantse.

Plaintiffs'  
Exhibit.

Aye still on oath.

" 6."

*Xation by Ankrah contd. :*

Native  
Court Pro-  
ceedings in  
*Aryeh and  
Others v.  
Dawuda  
and Others,*  
8th  
February  
1941 to  
7th May  
1942,  
*continued.*

*Q.* I suggest it to you that it was Nii Ayee who acted for Nii Ankrah when the latter went to the Bame War ?

*A.* No—It is untrue—Nii Aryee died about two years before the Bame War came on in 1829.

*Q.* I suggest it to you that Nii Aryee was alive during the Bame War and lived until 1838 ?

*A.* No—It is untrue.

*Q.* I suggest it to you that Nii Aryee died about the year 1845 a 10 year before Nii Ankrah's death ?

*A.* No.

NOTE—At this stage pages 314 and 320 of Book (History) were shown for identification by Defendants.

*Q.* Do you remember that sometime ago Government decided to extend the public cemetery and therefore advertised that owners of land to be affected should submit their claims ?

*A.* Yes—When Government decided to make the said extension they wrote to Ayikumah, the man with whom the first covenant with respect to the same land was signed.

20

*Q.* Do you remember that you the Plaintiffs—Aye, D. S. Quarcoopome, J. A. Quarcoopome, A. Dinah Ankrah and the rest of you engaged a surveyor who cut portions of the land in dispute into plots, and you as owners of these presented yourselves to Government as the persons to be affected by the extension of the cemetery and so the Family arraigned you to a meeting before Ata Ayikumah ?

*A.* It is untrue.

*Q.* Do you remember that this meeting decided against you and thereupon Surveyor Golightly and Addy were deputed by the Family to plot the area to enable the Family to submit its claim to Government ?

30

*A.* No—it is untrue.

*Q.* Do you remember that after the plan had been got ready, another meeting was held and after the land required by the Government had been assessed, I addressed a letter as representative of the Family and submitted Family's claim.

*A.* We have no knowledge of this—it is untrue.

*Q.* Do you identify the land shown on this plan as the Awudome land which went before Court in the suit "*Ankrah Quansah v. Manche Apponsah*" drawn by K. A. Kwantreng dated 18/6/37 ?

A. Yes.

Q. Do you know these documents ?

NOTE—Letter dated Accra 31st Ja. 1939 and 28/2/39 addressed to Commissioner of Lands were identified.

A. No—none of us had any knowledge of this letter.

Q. Do you know this letter dated 5/7/30.

Ajd. until 19/11.

(Intd.) A. O.

Rec.

*Plaintiffs' Exhibit.*

“ 6.”

Native Court Proceedings in *Aryeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued*

10 IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Friday the 12th day of December, 1941 before NII TACKIE OBILE, Ga Mantse (President), Councillors ASAFOATSE AHELEH, AHELEH NUKPA, JOHNSON ABBEY, J. AMAR BOI, TETTEH OGBU, J. R. KOTey OKOE and Linguists C. D. ADDO and E. A. MENSAH.

Record taken by Ashaley Okoe.

AYEH & ORS. *v.* DAWUDA & ANOR.

Parties in person.

Plaintiffs still on oath.

20 *Xaction by Defendant Ankrah :*

Q. Could you tell the year in which Mantse Ankrah died ?

A. It was about the year 1844—That is what we have been told.

Q. I suggest it to you that Korkor Saki died about a year before his brother Nii Ankrah ?

Over-ruled.

Q. I suggest it to you that Nii Ayi Korkor Saki looked after the Estate of his brother and sent him materials during the Bame War ?

A. No it is untrue.

30 Q. I suggest it to you that Nii Ayi Korkor Saki was the uterine brother of Nii Ankrah and historical facts support this ?

A. Ankrah had a brother Ayi—but we are now contending that the history did not shew that the Ayi referred to was not Nii Ankrah's brother.

NOTE.—At this stage page 153 of history of the G.C. by Reindorf read.

Q. I suggest it to you that Nii Ankrah sat on Otu Ahiakwa Stool and went to Bame War after which he got the land, and so it was a Stool land ?

A. No—in your own statement before the Ga State Council Ex. “ G ” you said Awudome land is not Stool land.

Plaintiffs'  
Exhibit.

" 6."

Native  
Court Pro-  
ceedings in  
*Aryeh and  
Others v.  
Dawuda  
and Others,*  
8th  
February  
1941 to  
7th May  
1942,  
*continued.*

Q. Do you know that Awudome land went before Divisional Court ?

A. Yes—our counsel were Sawyerr and Thompson.

Q. Do you remember Nii Ankrah Quansah gave evidence before the Divisional Court ?

A. Yes.

Q. Is it not true if Ankrah Quansah stated on oath that Awudome land is Otu Ahiaakwa Stool land ?

A. It is untrue.

NOTE.—At this stage, Defendant produces Court proceedings in the case *Ankrah Quansah v. Amponsah*, dated 24/6/31—Evidence of W. A. 10 Solomon dated 7/7/31.

Q. You the Plaintiffs herein supported Quansah ?

A. Yes.

Q. As direct descendants of Nii Ankrah, what objection did you raise when Quansah stated on oath that Awudome land is attached to Otu Ahiaakwa Stool ?

A. We warned him for making that statement.

Ajd. until Tues. 16/2.

(Intd.) A. O.

Rec. 20

\*  
Exhibit to  
affidavit of  
M. D. A.  
Ankrah  
sworn 27th  
August  
1942 from  
above  
marked \*  
to where  
marked \*\*.

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Monday the 15th day of December, 1941 before NII TACKIE OBILE, Ga Mantse (President), NII AHELEH, NAM SHIEDU II, ABOLA MANTSE, Councillors TETTEH OGBU, JOHNSON ABBEY, AHELEH NUKPA, ASAFOATSE AHELEH, J. AMAR BOI, J. R. KOTey OKOE and Linguists C. D. ADDO and E. A. MENSAH.

Record taken by Ashaley Okoe.

AYEH & ORS. v. DAWUDA & ORS.

Parties in person.

Plaintiffs on oath.

30

*Xation by Ankrah contd. :*

Q. If you know that you are the direct descendants of Nii Ankrah who have interest in the land in dispute, what need you do when the land in dispute became involved in a law suit before the Div. Court ?

A. We must needs join as parties.

Q. I put it to you that the land in dispute became involved in a law suit from the State Council to the Div. Court and the representative was Nii Ankrah Quansah—He represented the whole Ankrah Family against Manche Amponsah—For the Otublohum Stool (Oto Brafo Stool) ? 40

A. Yes.—He prosecuted under a Power of Attorney, given by me.

Q. Did you take legal objection against the claim by Ankrah Quansah that the Awudome land is attached to Otu Ahiaakwa Stool ?

A. We did not—we warned him at home.

Q. Could you tell who was the caretaker of the Awudome land during 1930 ?

A. He was F. A. Ankrah alias Ata Afoe.

*By Tribunal :*

Q. Did not Afoe Ankrah die in November 1927 ?

A. I cannot be emphatic about that.

*Ankrah contd. :*

Q. I put it to you that since 1930, I have been the authorised representative of the Family ?

A. No—in the case before the Divisional Court, Ayeh gave evidence for Ankrah Quansah.

*By Trib. :*

At this stage Tribunal directs that a certified copy of the evidence of Ayeh and the Judgment of the Court in the suit *Ankrah Quansah v. Amponsah* be produced by Plaintiffs.

(Sgd.) TACKIE OBILE.

Hearing adjourned until 22/12.

*Plaintiffs' Exhibit.*  
" 6."  
Native Court Proceedings in *Ayeh and Others v. Dawuda and Others*, 8th February 1941 to 7th May 1942, *continued.*

\*\*

20 IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, held at Accra on Monday the 4th day of May, 1942 before NII TACKIE OBILE Ga Mantse (President) NII AHELEH NAM SHIEDU, AHELEH NUKPA, JOHNSON ABBEY, J. AMAR BOI, J. R. KOTey OKOE and Linguists C. D. ADDO and E. A. MENSAH.

Record taken by Ashaley Okoe.

J. K. Q. AYEh & ORS. *v.* MALLAM DAWUDA & ANOR.

30 MOTION ON NOTICE by J. K. Q. Ayeh for himself and as representing the above-named Plaintiffs for an Order to grant an Injunction for the purpose of restraining the Defendants their agents, workmen, and others from doing any act in other words interfering whatsoever with the land (Awudome) now in dispute, pending the hearing and determination of the case or for such order or orders as this Hon. Tribunal may seem meet.

Movers in person—Opposers absent.  
Motion read.

*By Tribunal*—Motion dismissed. Land in dispute does not cover the whole of Awudome land.

(Sgd.) TACKIE OBILE,  
Ga Mantse.

*Defendants'*  
*Exhibit.*

**DEFENDANTS' EXHIBIT.**

**Exhibit "D"—Affidavit of M. D. A. Ankrah.**

"D."  
Affidavit  
of M. D. A.  
Ankrah,  
—March  
1941.

IN THE SUPREME COURT OF THE GOLD COAST, Eastern Province,  
District Commissioner's Court, Accra.

J. K. Q. ARYE, D. S. QUARCOOPOME & ORS. . Plaintiffs

*versus*

MALAM DAODA . . . . . Defendant

M. D. A. ANKRAH for and on behalf of NII ANKRAH  
Family of Otublohum, Accra . . . . . Co-Defendant.

I MARK DAVID ADJABENG ANKRAH of Accra, make oath and say 10  
as follows :—

1. I have read both two affidavits filed herein by the Plaintiff Aryeh :  
the former was sworn to before Robert Bannerman a Commissioner for  
oaths and the latter sworn before His Worship the District Commissioner  
of this Court and of these two Affidavits. I am in a dilemma as to which  
to reply because the latter one sworn before His Worship does not state  
whether it is a supplementary affidavit to the previous one served upon  
me the very day i.e. the 24th March, 1941.

2. That, however, taking both affidavits as a whole, I say that  
Awudome is under the Otublohum Stool as per the Chiefs' List page 15 20  
and therefore the contention that Awudome is under the Gbese Stool is  
an afterthought because in the previous Affidavit sworn before Commissioner  
for Oaths Bannerman the said Affidavit never disputes that Awudome is  
not under the Otublohum Stool but rather seeks for the transfer of the  
case to the Divisional Court.

3. That Awudome being within the Otublohum Division of the  
Ga State cannot be gainsaid in support of this contention and to further  
prove that the Affidavit by Aryeh contending that Awudome is under the  
Gbese Stool the name Awudome is nowhere mentioned in the Chief's List  
as under Gbese if his assertions may be taken as correct, and therefore 30  
the said Affidavit is wholly untrue : Awudome is known throughout the  
length and breadth of the country and also it is in the archives of this  
Court, that Awudome is under the Otublohum Stool AND I make this  
Affidavit seriously opposing Aryeh's affidavits and I say that Your Worship  
has power to stop the Gbese Tribunal hearing and determining the case  
for want of jurisdiction, and for its transfer to the competent Tribunal  
that has the necessary jurisdiction conferred upon it by the Native  
Administration Ordinance.

[sic] Sworn at Accra this — day of March, 1941.

Before me,  
(Sgd.) E. K. ARYEE,  
Commissioner for Oaths.

(Sgd.) M. D. A. ANKRAH. 40



**PLAINTIFFS' EXHIBIT.**

**Exhibit " 1 "**—Evidence of J. K. Q. Aryeh in Suit No. 68/41 before the Tribunal of Ga Mantse.

*(Not printed here as printed as part of Exhibit 6 on pages 173 to 190 of this Record.)*

*Plaintiffs' Exhibit.*

" 1."

Evidence of J. K. Q. Aryeh in Suit No. 68/41 before the Tribunal of Ga Mantse, 21st April 1941.

**PLAINTIFFS' EXHIBIT.**

**Exhibit " 4 "**—Record in Supreme Court of Aryeh and Others v. Dawuda and Another.

*(Civil Summons in Gbese Tribunal, printed as part of Exhibit 6 on page 171 of this Record, and not printed here.)*

*Plaintiffs' Exhibit.*

" 4."

Record in Supreme Court of Aryeh and Others v. Dawuda and Another, 3rd August 1942 to 8th March 1944.

**10 IN THE PROVINCIAL COMMISSIONER'S COURT OF THE GOLD COAST, Eastern Province, Koforidua.**

**JOSIA KORKUAYE QUAMLA ARYEH,  
DANIEL SACKY QUARCOOPOME,  
JOSEPH AMOS LAMPTEY,  
ANTONIO DINNAH ANKRAH,  
FESTUS WILLIAM AMARTEIFIO,  
ALEXANDER AUGUSTUS SHORTEN WILLIAMS  
and DELPHINA OCQUAYE . . . . . Plaintiffs**

**V.**

**20 MALAM DAODA and MARK DAVIS ADJABENG ANKRAH . . . . . Defendants.**

MOTION ON NOTICE by Julius Sarkodee Adoo : of Counsel for and on behalf of the Plaintiffs herein, for an Order stopping further hearing of the above-named suit now pending before the Tribunal of the Paramount Chief of the Ga State, Accra, And for an Order transferring the same to the Divisional Court, Accra, for hearing and determination And for such other Order or Orders as to the Court may seem meet.

Plaintiffs'  
Exhibit.

To be moved on Saturday the 29th day of August, 1942, at 9 o'clock a.m. in the forenoon or so soon thereafter as Counsel can be heard.

" 4."

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Another,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

Dated at Accra, the 3rd day of August, 1942.

(Sgd.) J. SARKODEE ADOO,  
Solicitor for Plaintiffs.

The Registrar,  
Provincial Commissioner's Court,  
Koforidua  
and  
To the above-named Defendants,  
Malam Daoda and Mark David Adjabeng Ankrah,  
both of Accra.

10

(Title as last.)

AFFIDAVIT OF JOSEPH KORKUAYE QUAMLA ARYEH IN SUPPORT OF MOTION  
HEREIN.

I, JOSEPH KORKUAYE QUAMLA ARYEH of Accra, the 1st Plaintiff  
herein, make oath and say :—

1. That in the above-named suit now pending before the Tribunal of the Paramount Chief of the Ga State, Accra, I appear for myself and as representing the other Plaintiffs who have so appointed and authorised me, and I have their express authority to swear to this affidavit in support of application herein. 20

2. That the subject-matter of the suit is a piece of land situate in Accra and commonly known as Awudome in respect of which an action for trespass was instituted against the 1st Defendant and the 2nd Defendant was joined on the latter's application.

3. That the first hearing date of the suit as per Hearing Notice annexed hereto and marked " A," was the 21st day of April, 1941, and since then the suit has been listed on 60 (sixty) occasions apart from appearance before the Tribunal to prosecute an application for Interim Injunction, and the dates referred to are :— 30

21, 25, 28 and 30-4-41, 2, 9, 12, 14, 21, 22, 23, 26 and 29-5-41 ;  
12, 16 and 30-6-41 ; 4, 7, 11, 14, 17, 21, 23, 24, 25 and 28-7-41 ;  
1, 6, and 8-8-41 ; 5, 12 and 25-9-41 ; 16, 25, 27 and 31-10-42 ;  
5, 12, 19, 20, 24 and 25-11-41 ; 4, 5, 8, 11, 12, 22, 30 and 31-12-41 ;  
7, 8, 20 and 27-1-42 ; 4, 7, 14, 21 and 26-5-42 ; 1 and 11-6-42.

[sic]

4. That of these dates only the statements of the parties and partial cross-examination by the Defendants after my evidence for myself and as representing the other Plaintiffs had been taken at the Tribunal during

the first twenty-one (21) days and on the subsequent forty (40) days the Suit had stood adjourned from and to the dates specified without being called, and up to date hereof nothing has been done in the matter.

*Plaintiffs' Exhibit.*

“ 4. ”

Record in Supreme Court of *Aryeh and Others v. Dawuda and Another*, 3rd August 1942 to 8th March 1944, *continued.*

5. That the undue and needless delay in the hearing and determination of the suit is unquestionably traceable to the conduct and attitude of Nee Tackie Obile, the Ga Mantse and President of the Tribunal, who had stated openly before the Tribunal on or about the 6th day of August, 1941, that the land in dispute was acquired by Mantse Ankrah through the instrumentality of his (the president's) ancestor Nee Ayi who is also the  
10 ancestor of the 2nd Defendant Mark David Adjabeng Ankrah.

6. That the said President having thus identified himself with the Defence has naturally influenced the Tribunal who are entrusted with the trial of the case, so that they are at once Defendants and judges, an impossible position.

7. That the interest of the President in the suit is abundantly supported by the written submissions of the Plaintiffs before the Tribunal and the 2nd Defendant's reply thereto, copies of which are annexed hereto and marked “ B ” and “ C ” respectively and in which the Plaintiffs' allegations are in effect admitted by the 2nd Defendant who thereupon  
20 attempts to defend the conduct, attitude and interest of the President in respect of the acts complained of by the Plaintiffs herein.

8. That a copy of the Judgment of the Ga State Council referred to in paragraph one (1) of the Plaintiffs' written submissions Exhibit “ B ” herein is annexed hereto and marked “ D, ” and it is significant that the 2nd Defendant represented the Plaintiffs before the Ga State Council and yet the President is openly supporting, and creating a case for, the Defendants herein.

9. That to the knowledge of the Tribunal, the 2nd Defendant has up to date hereof been selling portions of the land in dispute to various  
30 people in the same way as he sold a portion to the 1st Defendant who has erected a shed thereon, hence this action—but our desirable and necessary application for Interim Injunction was refused by the Tribunal on the 4th day of May, 1942.

10. That I verily believe that what has occurred before the Tribunal in respect of this suit offends against the principles of natural justice, and is contrary to that clause of Magna Carta which states “ TO NONE WILL WE DENY, TO NONE WILL WE DELAY, TO NONE WILL WE SELL JUSTICE. ”

11. That I verily believe that in the administration of justice,  
40 properly so called, whether by a Court or a Tribunal recognised by law, public policy requires that, in order that there should be no doubt about the purity of the administration, any person who is to take part in it should not be in such a position that he might be suspected of being biassed. in that it is impossible to overrate the importance of keeping the administration of justice clear from all suspicion of unfairness.

*Plaintiffs' Exhibit.*

12. That if this suit were allowed to remain pending before the Tribunal it will result in an injustice.

" 4."

13. That in view of these grounds I make this affidavit in support of application herein.

[sic]

Record in Supreme Court of *Aryeh and Others v. Dawuda and Another*, 3rd August 1942 to 8th March 1944, *continued.*

Sworn at Accra the 15th day of August 1942 } (Sgd.) J. K. Q. ARYEH.

Before me,

(Sgd.) ROBERT A. BANNERMAN,  
Commissioner for Oaths.

Filed 6.8.42.  
(Intd) A.T.G.  
Regr.

10

" A "

No. 71/41.

HEARING NOTICE

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast.

Between J. K. Q. ARYEH & ors. . . . Plaintiffs

and

MALAM DAODA & ors. . . . Defendants. 20

To J. A. Lamptey :—

PLEASE TAKE NOTICE that this case has been set down for hearing on Monday the 21st day of April 1941 8.30 a.m. If the case is called and you do not attend the Tribunal will proceed to give judgment against you.

Dated at Accra the 3rd day of April, 1941.

By order of the Tribunal.

(Sgd.) J.S. ?  
Registrar.

This is the Exhibit marked " A " referred to in the Affidavit of J. K. Q. Aryeh sworn to before me this 5th day of August, 1942. 30

(Sgd.) ROBERT A. BANNERMAN,  
Commissioner for Oaths.

N.A. Form No. 9.

“ B ”

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province Gold Coast Accra.

J. K. Q. ARYEH & Ors. . . . . Plaintiffs

v.

MALAM DAODA & Anor. . . . . Defendants.

*Plaintiffs' Exhibit.*

“ 4. ”

Record in Supreme Court of *Aryeh and Others v. Dawuda and Another*, 3rd August 1942 to 8th March 1944, *continued.*

The Plaintiffs hereby submit that :—

1. That during the progress of this case, on Wednesday the 6th instant, the President went to the extent of expressing his views to the effect that the land in dispute is the property of the whole Otublohum quarter and such expression prejudices and endangers the Plaintiffs' claim and also contrary to the Judgment of the Ga State Council *vide* Exhibit “ G.”

2. That the present suit was originally taken at the Tribunal of the Gbese division where the cause of action arose ; the land subject matter of the suit situates within that division. The Co-defendant moved the Magistrate's Court constituted by the District Commissioner Accra, on Wednesday the 26th day of March, 1941 and asked for transfer.

3. The Plaintiffs in their affidavit made a vehement opposition to this transfer alleging that the Magistrate's Court has no jurisdiction for transfer in land cases notwithstanding the District Commissioner at his own initiation over-ruled the opposition and ordered the transfer.

4. That since the commencement of this action before this Tribunal the Plaintiffs have observed that the attitude of the President clearly demonstrated that, he has has some interest in the property in dispute.

5. Because there has been a series of inter-position by the President which to the minds of the Plaintiffs are uncalled for and apparently has the tendency of assisting the Defendants.

6. That to the best of the knowledge of the Plaintiffs NII TAKI OBLI is hailed from NII AYI WHO begat NII KPAKPO OTI and NII KPAKPO OTI begat NII KWAKU and begat NA AKU the mother of the Ga Manche NII TAKI OBLI (the President).

7. That this representation is made because a verbal or oral submission was made to this Tribunal, pointing out this irregularity but apparently the same was ignored.

8. That the property in dispute is the personal property of late Manche Ankrah of Otublohum and on whose demise this property descends to his direct descendants. And that the property is free from any tribal or family claim. In other words it is absolute property of late Manche Ankra of Otublohum.

*Plaintiffs' Exhibit.*  
 " 4. "  
 Record in Supreme Court of *Aryeh and Others v. Dawuda and Another,* 3rd August 1942 to 8th March 1944, *continued.*

9. That in the course of the proceedings the Co-Defendant M. D. A. Ankrah raised the question to the effect that the property in dispute was obtained by Nii Ayi who was his ancestor from the Ga people and which to the mind of the Plaintiffs reconciles with the President's expression.

10. Judging from the above it is hoped and believed that since the Tribunal has ample time to ask questions, the matter of interposing whilst the Co-defendant is still cross-examining the President may discontinue the practice as it may lead by way of rendering assistance to the Defendants and will give them impulse to open fresh avenues for more questions to the detriment of the Plaintiffs. 10

(Sgd.) J. K. Q. ARYEH.  
 8/8/41.

This is the Exhibit marked " B " referred to in the Affidavit of J. K. Q. Aryeh sworn to before me this 5th day of August, 1942.

(Sgd.) ROBERT A. BANNERMAN,  
 Commissioner for Oaths.

" C "

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province Gold Coast Accra. 20

J. K. Q. ARYEH & Ors. . . . . Plaintiffs

v.

MALAM DAODA & Anor. . . . . Defendants.

REPLY TO PLAINTIFFS' SUBMISSIONS.

In reply to Plaintiffs' submissions which I humbly submit are tremendous farce and most unheard of in the annals of legal jurisprudence and also not in consonance with the usual practice and procedure operating both in the Law Courts and the Tribunals I say with all the emphasis that I command, that the submissions by the Plaintiffs have no substance and to use these unnecessary aspersions and vain talks against the Paramount Chief of the Ga State, is not modest ; The Plaintiffs should not go away with the idea that they can use any words against the Ga Mantse with impunity. I now proceed to reply to the various submissions. 30

1. Reply to Paragraph 1 :—

If the Ga Mantse had ever used the words complained of by the Plaintiffs in this paragraph, what he meant the said words to convey is that the Awudome Lands belong to the members of the family of Otublohum quarter (Otu Ahiakwa Section) because the late Mantse Ankrah was on the Stool of Nii Otu Ahiakwa when the Bame War broke out in the year 1829 in the reign of Nii Tackie 40

Commey Ga Mantse. This does not in any way prejudice or endangers the Plaintiff's claim. The Ga Mantse's expressions agree with the opening statement of Akilagpa Sawyerr, Counsel for the Nii Ankrah Family in the Awudome land dispute when the same came before Mr. Justice Hall then Acting Chief Justice in or about the year 1929.

Plaintiffs'  
Exhibit.

" 4. "

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Another,  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

2. Awudome Land is not under Gbese Division : the said land was given on account of the Stool on which Mantse Ankrah sat when the Bame war broke out and therefore the Wudome lands became Stool land  
10 for Otublohum quarter (Otu Ahiakwa Section).

3. The transfer was ordered by reason of the fact that the Magistrate's Court constituted by the District Commissioner found as a fact that Awudome land is not under Gbese but under Otublohum hence the transfer.

4. It is an undisputable fact known to both sides that the President of the Ga Mantse's Tribunal is from the Ankrah family but that does not stop him from administering justice and therefore this unjust aspersion does not arise.

5. Interposition is permissible in legal matters pending before the Law Courts as well as the Tribunals and if, for the purpose of clarity or  
20 elucidation of certain points, the President interposed the President is not acting " ULTRA VIRES " but acting in accordance with the universal procedure and practice and therefore privileged.

6. Reply to paragraph 6 would appear to be unnecessary as that has been already dealt with (see paragraph 4 herein).

7. Reply to this i.e. para. 7 of Plaintiffs' submissions can be seen in the reply given to Plaintiffs' paragraph 5.

8. This paragraph is a tremendous farce or in some other words—there is no substance in it and therefore it is nonsensical. Awudome land is not the personal property of the late Mantse Ankrah of Otublohum.  
30 As already stated, Awudome land is stool property of the Otublohum Quarter (Nii Otu Ahiakwa Section) which said land was given by the Ga Priests through the then Ga Mantse Nii Tackie Commey of blessed memory as already stated in a previous paragraph 2.

9. What is stated is not correct. The correct assertion by me is as follows :—I stated during the course of the proceedings that when Mantse Ankrah was about to go to Bame War of 1829, Nii Ayi was then Mantse Ankrah's " Locum Tenens " in Otublohum and all things necessary that were required by Mantse Ankrah in the *theatre* of War, Mantse Ankrah sent to Nii Ayi for same. Mantse Ankrah having achieved a successful  
40 victory over his enemies and was about to return, sent messengers to Nii Ayi informing him to arrange to get land on which to settle the several captives he was bringing to Accra from the Ga priests through the then Ga Mantse Nii Tackie Commey and as a result Nii Ayi succeeded in getting land which was named " Awudome."

Plaintiffs'  
Exhibit.

" 4."

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Another,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

10. In reply to paragraph 10, I say that the Plaintiffs are not respectful to the Tribunal particularly to the President of the Tribunal namely—the Ga Mantse—having the impudence and effrontery to dictate to the Tribunal what should be done and what should not be done. The President has the legal right to interpose at any stage of the proceedings if he found that any point or points is or are not quite clear and which need elucidation. In this connection, I beg to refer to paragraph 5 herein already stated.

In conclusion, I reiterate my submission that Awudome land and all other lands, is and are not the personal property or properties of the late 10 Mantse Ankrah but the family properties of the members of the Otublohum Quarter (Otu Ahiakwa Section) because, Mantse Ankrah and his predecessors all inherited the properties of their deceased ancestors including Stool and its paraphernalia etc. etc. etc. they being of a common stock.

From the foregoing, the Tribunal should take no notice of the submission by the Plaintiffs there being no substance therein and not only that but they are bogus, frivolous and vexatious.

He who goes to Equity must have clean hands and it is equity that the Defendants desire and they respectfully ask the Tribunal to continue the hearing of the case. 20

Dated at Accra, this 6th day of November, 1941.

(Sgd.) M. D. ADJABENG ANKRAH,  
Co-Defendant on behalf of himself and as  
representing the members of the Ankrah  
family.

The Registrar,  
Ga Mantse's Tribunal, Accra,

and

To the above-named Plaintiffs,  
through their representative,  
J. K. Q. Aryeh, Accra.

30

This is the Exhibit marked " C " referred to in the affidavit of J. K. Q. Aryeh sworn to before me this 5th day of August, 1942.

(Sgd.) ROBERT A. BANNERMAN,  
Commissioner for Oaths.

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(Exhibit " D " to Affidavit of J. K. Q. Aryeh sworn the 5th August 1942 omitted here. It appears as part of Sub-Exhibit " B " on p. 234.)

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IN THE SUPREME COURT OF THE GOLD COAST PROVINCIAL COMMISSIONER'S COURT, Eastern Province—Koforidua.

Plaintiffs' Exhibit.

JOSIAH QUAMLA KORKUAYE ARYEH,  
DANIEL SACEY QUARCOOPOME,  
JOSEPH AMOS LAMPTEY,  
ANTONIO DINAH ANKRAH,  
FESTUS WILLIAM AMARTEIFIO,  
ALEXANDER AUGUSTUS SHORTEN WILLIAMS  
and DELPHINA OCQUAYE . . . . . Plaintiffs

" 4. "  
Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Another,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

10

V.

MALAM DAODA and  
MARK DAVID ADJABENG ANKRAH . . . . . Defendants.

I, MARK DAVID ADJABENG ANKRAH of Accra make oath on my own behalf and on behalf of the 1st Defendant herein and say as follows :—

1. That the action was originally instituted at the Tribunal of the Senior Divisional Chief of the Ga State when upon my application, the same was transferred by the District Commissioner, Accra to the Tribunal of the Paramount Chief of the Ga State for hearing and determination.

20 2. That in reply to paragraph 3 of the applicant's affidavit I say that the allegations contained therein are not only untrue but are calculated to deceive the Court because the hearing of the case had already begun and evidence of the Plaintiffs taken and they are now being cross-examined.

3. That in reply to paragraph 4 of Plaintiff's Affidavit, I say that he was requested by the Tribunal to produce a certified copy of the evidence of Aryeh and the judgment of the Court in the suit "*Ankrah Quansah vs. Nii Amponsah*" which copies he has not been able to produce, consequently the Tribunal has not given either side notices for the resumption of the hearing.

30 4. That it is needless for me to comment on the allegations contained in paragraphs 5, 6, 7 because they are untrue and for the Plaintiff to cast such aspersions on the President of the Tribunal is unfair as they are altogether untrue. The President has never identified himself with the Defence.

5. It is quite clear that Plaintiffs having failed to establish a case before the Tribunal are attempting to get this case removed from the Tribunal forgetting that this case was transferred to the Ga Mantse's Tribunal.

40 6. The delay in hearing this case is attributable to the Plaintiffs in that they have not been able to comply with the Order of the Tribunal to produce certain documents mentioned in paragraph 3 *supra*.

*Plaintiffs' Exhibit.*  
" 4."  
Record in Supreme Court of *Aryeh and Others v. Dawuda and Another,* 3rd August 1942 to 8th March 1944, *continued.*

7. That in view of these premises, I make this affidavit strenuously objecting to the transfer sought and in this connection, I attach an extract from the proceedings of the Tribunal from which the Court will see that the delay in hearing or in continuing that case is not the fault of the Tribunal.

Sworn at Accra this 27th day of } (Sgd.) M. D. A. ANKRAH.  
August, 1942

Before me,

(Sgd.) V. L. BUCKLE,  
Commissioner for Oaths.

Filed 28.8.42. 10  
(Intd.) A.T.G.  
Regr.

29.8.42.

IN THE PROVINCIAL COMMISSIONER'S COURT, Eastern Province, held at Koforidua on Saturday the 29th day of August, 1942, before His Worship ERIC ANDERSON BURNER, Esquire, Acting Deputy Provincial Commissioner.

J. K. Q. ARYEH,  
D. S. QUARCOOPOME,  
JOSEPH AMOS LAMPTEY,  
A. DINAH ANKRAH,  
FESTUS W. AMARTEIFIO,  
A. A. SHORTEN WILLIAMS and  
DELPHINA OCQUAYE . . . . Plaintiffs-Movers

20

V.

MALAM DAODA and  
M. D. A. ANKRAH . . . . Defendants-Opposers.

MOTION ON NOTICE by Julius Sarkodee Adoo of Counsel for and on behalf of the Plaintiffs herein for an order stopping further hearing of the above-named suit now pending before the Tribunal of the Paramount Chief of the Ga State, Accra, and for an Order transferring the same to the Divisional Court, Accra, for hearing and determination and for such other Order or Orders as to the Court may seem meet. 30

Affidavit in support filed 6.8.42.

Affidavit in opposition filed 28.8.42.

Mr. Sarkodee-Adoo for Pl. Movers.

Ankrah in person.

Affidavit read.

Sarkodee-Adoo heard. Relies on his affidavit.

Ankrah heard.

40

I find it hard to believe the contention of the Mover as set out in his affidavit. I think that they have in reality made this application as they find that the hearing in the Ga Mantse's Tribunal has been somewhat delayed. The Ga Tribunal has jurisdiction.

I dismiss this application with costs assessed at 10/-.

(Sgd.) E. A. BURNER,  
Ag. D.P.C.

IN THE SUPREME COURT OF THE GOLD COAST, Eastern Province,  
Divisional Court, Accra.

10

Civil Appeal.  
No. 31/1942.

(L.S.)

(Sgd.) C. A. G. LANE,  
Judge.

JOSIAH KORQUAYE QUAMLA ARYEH  
and Others . . . . . Plaintiffs-Appellants

V.

MALAM DAODA and MARK DAVID  
ADJABENG ANKRAH . . . . . Defendants-Respondents.

20 APPEAL FROM ORDER OF THE PROVINCIAL COMMISSIONER'S COURT,  
KOFORIDUA (E. A. BURNER, ESQUIRE, ACTING DEPUTY PROVINCIAL  
COMMISSIONER), DATED THE 29TH DAY OF AUGUST, 1942.

I HEREBY CERTIFY that the decision of the Divisional Court  
of the Eastern Province of the Gold Coast, sitting in Accra in the above-  
named Appeal, was as follows:—

“The appeal is allowed, and it is directed that the case be  
transferred to the Divisional Court. Costs of the appeal to the  
Appellants assessed at £8.2.0.

The Court below to carry out.”

30 Dated at Victoriaborg, Accra, this 25th day of November, 1942.

(Sgd.) ROBERT A. BANNERMAN,  
Registrar, Divisional Court.

*Plaintiffs'*  
*Exhibit.*

“ 4.”

Record in  
Supreme  
Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Another,*  
3rd August  
1942 to  
8th March  
1944,  
*continued.*

*Plaintiffs' Exhibit.*

" 4."

Record in Supreme Court of *Aryeh and Others v. Dawuda and Another*, 3rd August 1942 to 8th March 1944, *continued.*

IN THE SUPREME COURT OF THE GOLD COAST, Eastern Province,  
Divisional Court, Accra.

Transferred Suit  
No. 3/1943.

J. K. Q. ARYEH,  
D. S. QUARCOOPOME,  
J. A. LAMPTEY,  
A. A. S. WILLIAMS,  
A. D. ANKRAH,  
F. W. AMARTEIFIO, and  
DELPHINA OCQUAYE for themselves and on behalf  
of the other direct descendants of MANCHE ANKRAH Plaintiffs

10

V.

MALAM DAODA and M. D. A. ANKRAH . . . Defendants.

TAKE NOTICE that at the trial of this Suit the Plaintiffs will apply to amend the Writ of Summons to read as follows :—

The Plaintiffs claim (1) a declaration that they are in possession as owners of all that piece or parcel of land commonly called and known as Ahodome or Awudome situate lying and being at Accra ; (2) £20 Damages for trespass ; and (3) An Injunction restraining the Defendants, their Agents, Servants or representatives from entering upon, or in any way interfering with, the said land.

Dated at Accra, the 30th day of March, 1943.

(Sgd.) J. SARKODEE ADOO,  
Solicitor for Plaintiffs.

The Registrar,  
Divisional Court, Accra,  
and  
To the above-named Defendants,  
Malam Daoda and M. D. A. Ankrah, Accra.

30

22nd April, 1943.

IN THE SUPREME COURT OF THE GOLD COAST, Eastern Province,  
held at Victoriaborg, Accra, on Thursday the 22nd day of April,  
1943, before His Honour Mr. Justice C. A. G. LANE.

J. K. Q. ARYEH & Ors.

V.

MALLAM DAWUDA and ANKRAH.

Sarkodee Adoo for Plaintiffs.  
Defendants in person.  
Sarkodee Adoo has filed notice of amendment of writ.  
Defendants 1 and 2 are duly served.

40

*Order—*

Leave to amend as prayed.  
Statement of claim in 21 days. Defence 14 days thereafter and if necessary reply within 7 days. To be placed on general list.

(Sgd.) C. A. G. LANE.

(Title as on p. 208.)

STATEMENT OF CLAIM DELIVERED THIS 10TH DAY OF MAY, 1943, BY  
(SGD.) J. SARKODEE ADOO, SOLICITOR FOR THE PLAINTIFFS.

Plaintiffs'  
Exhibit.

" 4."

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Another,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

1. The Plaintiffs, namely, James Robert Ankrah Head of Nii Ankrah's Family, Amanuah Ankrah, Ayikaley Ankrah, Akuorkor Ankrah, Prampram Komiley Ankrah, Korley Ankrah, Prampram Komiorok Ankrah, Komiorok Ankrah, Prampram Ayi Ankrah, Ayifio Ankrah, Janes Randolph, Marian Hyde Gerhardt Tetteh, Affiah Mansah, Adoley Ankrah, Adorkor Ankrah, Afodede Ankrah, August Alexander Shorten  
10 Williams, Joseph Amos Lamptey, Daniel Sackey Quarcoopome, Josia Korquaye Quamla Aryeh, Antonio Kionnah Ankrah, Delphina Ocquaye and Fortunatus William Amarteifio are the grandchildren and direct descendants of the late Nii Manche Ankrah of Otublohum, Accra all of Accra within the jurisdiction of this Honourable Court.

2. The first Defendant resides at Accra aforesaid.

3. The second Defendant is the son of the late Adjabeng Ankrah's domestic Okra Famanyame by a woman called Dedy and was named "Ankrah" by Dedy a sister of the said Adjabeng Ankrah, and resides at Accra aforesaid.

20 4. James Robert Ankrah Head of Nii Ankrah's Family and the other interested parties named in paragraph 1 hereof authorised the above-named Plaintiffs *inter alia* to sue for themselves and on behalf of the others so interested and a Power of Attorney has since been drawn up in support thereof.

5. The Plaintiffs are in possession as owners of the land commonly called and known as Ahodome or Awudome.

30 6. The said land descended to the Plaintiffs from their ancestor Manche Ankrah who had it as a gift from the Ga Manchemei and the Wulomei (Priests) in appreciation of his successful expedition in the Bame War.

7. The Plaintiffs' said ancestor had the said land as a personal gift and after his death it has continued to be in the possession of his family up to date hereof as owners thereof.

8. During the life time of the said Plaintiffs' said ancestor the said land was recognised as his self-acquired property and his title to the said land was not challenged by any person or body of persons.

9. On the 17th January, 1941, certain information reached the Plaintiffs as a result of which they discovered that the first Defendant was erecting a building on the land.

40 10. The Plaintiffs' repeated warnings to the first Defendant to stop his trespass and their letter of the 27th January, 1941, in that behalf were ignored by him and he continued the erection of the building and has continued the trespass complained of up to date hereof.

Plaintiffs'  
Exhibit.  
" 4."  
Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Another,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

11. On the 8th February, 1941, the Plaintiffs instituted an action for trespass against the first Defendant and the second Defendant was joined on his application alleging that he has an interest in the said land and that he had sold the portion which is the subject-matter of the suit to the first Defendant.

12. Since this action was commenced it has come to the knowledge of the Plaintiffs that the second Defendant has sold and is still selling portion of the said land to certain individuals.

13. The Plaintiffs say that the second Defendant ought not to be admitted to say that he has an interest in the said land or that he had been authorised to sell portions of the said land to individuals, because only is he not a member of Manche Ankrah's Family, but also he has not the authority of the Family to deal with the said land in the manner aforementioned. 10

The Plaintiffs claim :—

(1) A declaration that they are in possession as owners of all that piece or parcel of land commonly called and known as Awudome or Ahodome situate lying and being at Accra.

(2) Twenty pounds (£20) damages for trespass.

(3) An Injunction restraining the Defendant, their Agents, 20 servants or representatives from entering upon, or in any way interfering with, the said land.

(Sgd.) J. SARKODEE ADOO,  
Counsel for Plaintiffs.

The Registrar,  
Divisional Court, Accra,  
and  
To the above-named Defendants,  
Malam Daoda and M. D. A. Ankrah,  
their Solicitor or Agent, Accra.

30

(Title as last.)

#### REPLY TO PLAINTIFFS' STATEMENT OF CLAIM.

The property in dispute is a stool property belonging to Mantse Ankrah's family comprising of the following families :—

- (1) Otu-Ahiakwa's descendants who are as follows :
- (2) Amuakawa
- (3) Darku Panyin
- (4) Amponsah
- (5) Mantse Ankrah
- (6) Okanta Ankrah
- (7) Antonio Ankrah
- (8) Kpakpo Odehe Ankrah
- (9) Ankrah Quansah alias W. A. Solomon including the captives captured from Bame War.

40

The foregoing form the several stool families on behalf of whom the Writ was issued in the Awudome land case heard before Mr. Justice Hall in the transferred suit No. 22/30 in the year 1930. Since the death of the last occupant of the Otu-Ahiakwa Stool in Otublohum namely Nii Ankrah Quansah alias W. A. Solomon in February, 1936, no Head of the Ankrah Family has been appointed and that being so, the second Defendant represents the Ankrah family all matters affecting the Stool and in all matters affecting lands attached to the Stool.

Plaintiffs'  
Exhibit.

" 4."

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Another,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

2. The Plaintiffs are estopped from coming to this Court because, if, as they contend, they are the direct descendants of Mantse Ankrah and therefore the owners of Awudome lands their remedy was to have joined as Co-plaintiffs when the Awudome land case of 1930 was proceeding before the Ga State Council and the Divisional Court presided over by Mr. Justice Hall, Acting Chief Justice in accordance with section 66 of the Native Administration Ordinance. It was a case of 2 stools in Otublohum between Nii Otu Ankrah Quansah of DedeBanna-Otublohum, Accra *versus* Mantse Amponsah of Otublohum Atifi, substituted subsequently by J. S. Bruce-Vanderpuye.

3. In reply to paragraph 3 of Plaintiffs' Statement of Claim I say that I am the son of late Adjabeng Ankrah and a member of Mantse Ankrah's family and that the stool together with its paraphernalia are all in my possession ; that as already stated in paragraph 1 herein, I am the family's representative and a custodian of the stool with its paraphernalia and that the lands attached to the Stool are all looked after by me and that I have held such position as far back as 1926 not yet removed from office. Nii Ankrah Quansah alias W. A. Solomon was installed later as Chief on the Stool of our ancestor Nii Otu-Ahiakwa the founder of the Otublohum dynasty on which Stool Mantse Ankrah sat when the Bame War broke out in 1828 and during his installation, the Awudome land case arose. Nii Ankrah Quansah alias W. A. Solomon gave me a Power of Attorney to represent him in the said case between himself *v.* Mantse Aponsah, substituted by J. S. Bruce-Vanderpuye then pending before the Divisional Court, Accra. The case was finally determined in our favour and since then, I have been in possession of Awudome lands for and on behalf of all the families enumerated *supra*. It is untrue therefore that the Plaintiffs *allege* being in possession of Awudome land as stated in paragraph 5 of their Statement of Claim. [sic]

4. For the information of the Court, I say that Mantse Ankrah had two uterine brothers namely Nii Ayi Ankrah and Nii Okanta Ankrah by his mother Amasuah Kwarfoe. Mantse Ankrah sat on the Otu-Ahiakwa Stool his ancestor when the Bame war of 1829 broke out in the reign of Tackie Commey, Ga Mantse. Mantse Ankrah was unanimously appointed Commander-in-Chief to organise an Army in defence of Akoto, the Akwamu Chief, who had enlisted the assistance of the Gas. Mantse Ankrah gained a decisive victory, capturing many prisoners and to accommodate these, he sent to his brother Nii Ayi Ankrah to obtain land from the Korle Priest through the Ga Mantse Nii Tackie Commey. Mantse Ankrah named the land Awudome to commemorate the great event. This land was not given to Mantse Ankrah as a gift to him personally. In accordance with Native

*Plaintiffs' Exhibit.*  
 " 4. "  
 Record in Supreme Court of *Aryeh and Others v. Dawuda and Another*, 3rd August 1942 to 8th March 1944, *continued.*

Customary Law any property acquired by Chief during his reign, becomes the property of the Stool and the stool family on his death. It was on the strength of these incontrovertible facts that emboldened Nii Ankrah Quansah alias W. A. Solomon to institute the proceedings against Mantse Aponsah, substituted by J. S. Bruce-Vanderpuye for the recovery of Awudome land. Paragraph 6 of the Plaintiffs' statement of claim, therefore, is erroneous and misleading.

5. Paragraphs 7 & 8 of Plaintiffs' claim are untrue.

6. Paragraphs 11 & 12 of Plaintiffs's statement of claim are totally untrue because I have not sold any land to anybody. The only portion 10 of Awudome land given away by the family that is to say—sold—is to the Government of the Gold Coast and that portion was acquired by the Government for cemetery purposes. I became a Co-defendant herein by reason and virtue of my reply in paragraph 2 herein.

7. Paragraph 3 of my reply herein answers the allegations in paragraph 13 of the Plaintiffs' claim.

8. Paragraph 3 of my reply explains the point raised in Plaintiffs' claim in paragraph 13. Nii Ankrah Quansah alias W. A. Solomon contested Awudome land case because he was a grand-nephew of Nii Ayi Ankrah the brother of Mantse Ankrah and I being a son of Nii Adjabeng Ankrah 20 son of Nii Ayi Ankrah brother of Mantse Ankrah I have an interest hence my appointment as the family's representative.

The 1st Defendant identifies himself with the foregoing replies.

Dated at Accra this 21st day of May, 1943.

(Sgd.) M. D. ADJABENG ANKRAH  
 alias KWAKU NYAME ANKRAH,  
 2nd Defendant on his own behalf  
 and on behalf of the 1st Defendant.

The Registrar,  
 Divisional Court, Accra,  
 and to the abovenamed J. K. Q. Aryeh and Others.

30

17th June, 1943.

IN THE SUPREME COURT OF THE GOLD COAST, Eastern Province,  
 held at Victoriaborg, Accra, on Thursday the 17th day of June, 1943,  
 before His Honour Mr. Justice C. A. G. LANE.

J. K. Q. ARYEH & Ors.

V.

MALAM DAWUDA & M. D. A. ANKRAH.

Sarkodee Adoo for Plaintiffs.  
 The 2 Defendants in person.

40

*Sarkodee Adoo :*

Case refers land Awudome or Ahodome bounded on North by Asere and Gbese Stool lands South by Gold Coast Railway East by Gbese Stool land and Police Depot West by Asere Stool lands.



Reply on Statement of Claim and reply.

*Plaintiffs'*  
*Exhibit.*

Defence by 2nd Defendant for himself and 1st Defendant.

“ 4.”

1st Defendant was found erecting a building on the land. When Plaintiffs brought action against him in Tribunal 2nd Defendant applied to be joined as Co-Defendant before Tribunal. Transferred to this Court. 2nd Defendant had sold the portion of land to 1st Defendant. Since action brought Plaintiffs have found out that 2nd Defendant has been selling portions to various people.

Record in  
Supreme  
Court of  
*Aryeh and  
Others v.  
Dawuda  
and  
Another,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

10 Plaintiffs have at all material times been and are in possession of land in dispute as descendants of late Manche Ankrah who owned it ; he had it as personal gift and after his death it came to be in possession of his family up to date hereof.

On pleadings issues are—Order 24, rule 4.

1. Whether Defendant 2 is a member of Manche Ankrah's family : cf. para. 3 of Statement of Claim : disputed by para. 3 of defence.

2. Whether Defendant 2 has any interest in land in dispute.

3. Whether land in dispute is attached to Otublohum Stool or is the self-acquired land of late Manche Ankrah.

20 4. Whether Defendant 2 has any authority to sell or deal with land in dispute.

5. Whether in fact he has sold any portions of land in dispute.

6. Whether trespass has been committed on the land.

1st Defendant says he is bound by defence which Defendant 2 has put in. (He speaks Twi.)

*Examined by Court he states :*

I was building on a piece of land called Feyor in Awudome land. I admit this. I did not buy it from anyone : it was given to me by Allotey. I bought no land from 2nd Defendant. I don't know the Plaintiffs.  
30 Allotey gave it to me. I can't give a description of the land I'm a stranger. My piece is on the left side of Railway line going from Accra to Nsawam : one side is 60 ft. approximately on the other side. Allotey placed pillars which are there. I don't know the distance. I don't know who the adjoining owners are.

The plot is about 60 ft. long and 150 ft. wide. I am not claiming any interest in any land apart from my plot. I am not interested in the Awudome land as a whole. I say I have not trespassed because I have been given the plot by Allotey, Allotey is in the Court building and I can produce him. This is he (identified), viz. : Gilbert Emmanuel Allotey  
40 alias *Allotey* Allotey. [sic]

NOTE.—This is a separate defence on behalf of Defendant 1.

Plaintiffs'  
Exhibit.

" 4."

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Another,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

Sarkodee Adoo refers to order 3, rule 5 and suggests that Allotey be joined as Co-Defendant.

*Order* : Accordingly.

Hearing adjourned for Allotey to be served with copies of Statement of Claim and Defence including a copy of the above note of 1st Defendant's defence, and of Plaintiffs' reply.

Allotey to file his defence within 7 days of service.

Hearing on 2nd July.

*2nd Defendant examined by Court* :

Refers paragraphs 9 and 10 of Statement of Claim.

10

I admit that 1st Defendant has been building on the plot referred to by arrangement with Allotey. Allotey is a member of Ankrah family, the plot belonged to Allotey : he allowed 1st Defendant to build there to look after the land for him : the plot is part of the Awudome land.

(Intd.) C.A.G.L.  
17.6.43.

Upon the 26th day of June, 1943, copy of these Court Notes together with copies of Statement of Claim dated 10.5.43, Amended Writ of Summons, Reply to Plaintiff's Statement of Claim dated 21st May 1943 and Reply dated 26th May 1943 were served by me on Gilbert Emmanuel Allotey personally at Accra. 20

(Sgd.) EDWARD O. AMOO,  
Bailiff.  
26.6.43.

(*Title as in Statement of Claim.*)

DEFENCE OF GILBERT EMMANUEL ALLOTEY ALIAS ALOTEI ALOTEY ORDERED BY THE COURT TO BE JOINED AS CO-DEFENDANT HEREIN.

1. I am a member of Mantse Ankrah Family of Otublohum—Accra.

2. I am the Land Overseer for the Ankrah Family in respect of the Awudome lands and that by reason and virtue of my connection with the said family I became the Overseer. The Plan of the various plots is in my possession and all the members connected with the family who apply for plots are sent to me by the Family's representative M. D. A. Ankrah (2nd Defendant) when I gave the plots showing them their respective numbers and when the numbers have been shown the applicants the numbers together with the names of the applicants are duly entered into a Book kept for the purpose. 30

3. The Plaintiffs were with the family at the time I was appointed as Overseer in respect of the Awudome lands in 1939 and since my appointment there has been no opposition by any member of the family nor by the Plaintiffs. 40

4. That, if, at all, there has been trespass committed, the duty of the Plaintiffs, was to have seen me to verify the situation and for me to clarify the position that is to say—to explain how the 1st Defendant came to be at the place. That in accordance with Native custom the family is to meet, discuss the matter and if it be possible to take action against the Trespasser, the action would be taken. This refers to where trespass, has actually been committed. In this case there has been no trespass committed.

*Plaintiffs' Exhibit.*  
 " 4. "  
 Record in Supreme Court of *Aryeh and Others v. Dawuda and Others,*  
 3rd August 1942 to 8th March 1944,  
*continued.*

10 5. I am the owner of plot No. 2 in Block " B " situate lying and being at Fer-Oyor in Awudome, bounded on the North by Stool land measuring Seventy (70'—0") feet more or less on the South by Public Street measuring Seventy (70'—0") more or less, on the East by Stool land measuring one hundred and thirty (130'—0") feet more or less and on the West by E. B. Otoo's property measuring one hundred and thirty (130'—0") feet more or less.

6. As a member of the Ankrah family, Plot No. 2 in Block " B " is my property the same having been given to me by the family's Representative M. D. A. Ankrah (2nd Defendant).

Dated at Accra this 30th day of June, 1943.

20

(Sgd.) G. E. ALLOTEY alias  
 ALLOTEI ALLOTEY.

Co-Defendant by Order of the Court.

The Registrar,  
 Divisional Court  
 and  
 To J. Sarkodee Adoo, Esq.,  
 Solicitor for Plaintiffs,  
 Accra.

30 and  
 To M. D. A. Ankrah of Accra.

*(Title as Statement of Claim.)*

REPLY.

1. The Plaintiffs join issue with the third Defendant upon the Defence.
2. The Plaintiffs deny each and every allegation contained in paragraphs 1, 2, 3, 4 and 5 of the Defence.
3. In further reply to paragraph 1 of the Defence the Plaintiffs say that the third Defendant is not a member of the family of Manche Ankrah.
4. The third Defendant's father was Kofi Allotey of Sempey Quarter, James Town, Accra, and his mother known as Botchway.
- 40 5. In further reply to paragraphs 2 and 3 of the Defence the Plaintiffs say that the third Defendant has not at any time been appointed Overseer

*Plaintiffs  
Exhibit.*

" 4."

Record in  
Supreme  
Court of  
*Aryeh and  
Others v.  
Dawuda  
and  
Others.*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

of the Awudome land that the plan of the said land was entrusted to Nee Ankrah Quansah alias W. A. Solomon the Attorney of Manche Ankrah's Family.

6. In further reply to paragraphs 3 and 5 of the Defence the Plaintiffs say that the third defendant not being a member of the family of Manche Ankrah is not entitled to, and has not been granted, any portion of the land in trespass.

7. In reply to paragraph 6 of the Defence the Plaintiffs say that the second Defendant is not the representative of the family of Manche Ankrah and he had not the authority of the said family to "give" or 10 grant any portion of the said land to the third Defendant or to any other person.

Dated at Accra, the 3rd day of July, 1943.

(Sgd.) J. SARKODEE ADOO,  
Solicitor for Plaintiffs.

The Registrar,  
Divisional Court, Accra.  
And to the above-named third Defendant  
G. E. Allotey alias Allotei Allotey, Accra.

14th September, 1943.

20

IN THE SUPREME COURT OF THE GOLD COAST, Eastern Province,  
held at Victoriaborg, Accra, on Tuesday the 14th day of September,  
1943, before His Honour Mr. Justice C. A. G. LANE.

J. K. Q. ARYEH & Ors.

V.

- (1) MALLAM DAWUDA.
- (2) ANKRAH.
- (3) G. E. ALLOTEY.

Sarkodee Adoo for Plaintiffs.  
Defendant 1 in person.  
Defendant 2 in person.  
Defendant 3 in person.

30

Issues suggested by Sarkodee Adoo Order 24 rule 1. See page 591 of volume 169 with addition of :—

(7) Whether 3rd Defendant is a member of Manche Ankrah's family.

*Order*—These 7 issues are noted.

Adjourned till 5th October for mention. 3 Defendants notified.

(Intd.) C. A. G. L.

1st November, 1943.

IN THE SUPREME COURT OF THE GOLD COAST, Eastern Province,  
held at Victoriaborg, Accra, on Monday the 1st day of November,  
1943, before His Honour Mr. Justice QUASHIE-IDUN, Ag. J.

Transferred :

J. K. Q. ARYEH & Ors.

V.

MALLAM DAWUDA of Feoyah

10 M. D. A. ANKRAH for and on behalf of NEE ANKRAH Family  
and GILBERT EMMANUEL ALLOTEY.

Claim for trespass to land and damages.

Mr. Sarkodee Adoo for Plaintiffs.

Defendants in person.

*Mr. Sarkodee Adoo opens :*

20 Land in dispute known as Awudome situate at Accra. The land originally belonged to Plaintiffs' ancestor known as Manche Ankrah, as a self-acquired property. It descended to the Plaintiffs on the death of the ancestor and have been in possession as owners thereof. The land was acquired by way of gift from the Ga Manchemei and the Fetish Priest in appreciation of his successful expedition in Bame War. On the 17th January 1941 Plaintiffs discovered that 1st Defendant was erecting a building on a portion of the land. He was warned but ignored the warning. Action was brought against him at the Gbese Tribunal where the 2nd Defendant was joined as Co-Defendant on his own application. Case was transferred to the Ga Mantse's Tribunal. Case was transferred to this Court for hearing and determination. Plaintiffs say that (A) 2nd Defendant is not a member of the Manche Ankrah Family (B) he has no power to represent the family.

*Defendant Ankrah opens :*

30 I am a member of the Ankrah Family.

*Defendant Allotey :*

I was appointed by 2nd Defendant Ankrah as caretaker of the land and I gave a portion to the 1st Defendant.

*Note by Court :*

Counsel and parties agree that the issues to be tried by the Court are (1) whether or not the Defendant Ankrah is a member of the Ankrah Family and whether he has any right to represent the Ankrah Family in this action.

*By the Court :*

40 I call up the Defendant Ankrah to prove that (A) He is a member of the Ankrah Family the undoubted owners of the property. (B) Whether he has a right to represent the Ankrah Family in this suit.

*Plaintiffs' Exhibit.*

“ 4.”

Record in Supreme Court of Aryeh and Others v. Dawuda and Others, 3rd August 1942 to 8th March 1944, continued.

Plaintiffs'  
Exhibit.

MARK DAVID ADJABENG ANKRAH : s.a.r.b. 2nd Defendant :

" 4." Record in Supreme Court of Aryeh and Others v. Dawuda and Others, 3rd August 1942 to 8th March 1944, continued.

I live at Accra and I am a representative of Manche Ankrah Family ; I am one of the members of that family. I have always represented the family in all cases connected with the family lands. I represented the family in the action between the family and one Amponsah Manche of Otublohum which was decided by the Ga Mantse's Tribunal to the Divisional Court. I have the authority of the family to represent the members in this action. I produce three Powers of Attorney given to me dated 24.3.30, 30.4.19 ? (No. 1465/32) and 16.3.42.

Tendered in evidence. 10

Mr. Sarkodee objects to 1st document being accepted in evidence as it was given by the Ankrah Family direct by directions of Adjabeng Ankrah son of Nii Ayi. As to 2nd document it purports to have been given to him by William Adjabeng Solomon and not by members of the Ankrah Family. As to 3rd document it purports to have been given by the directions of Adjabeng Ankrah son of Nii Ayi a brother of Manche Ankrah.

By Court :

1st and 2nd Powers of Attorney rejected. 3rd document dated 16.2.42 accepted in evidence and marked " A ". Ex. " A."

Cross-examined by Sarkodee Adoo : 20

I am a son of Adjabeng Ankrah who was a son of Nii Ayi Ankrah who was a brother of Manche Ankrah the ancestors of Plaintiffs and myself. Nii Ayi was maternal brother of Manche Ankrah. Manche Ankrah's father was not called Twamasi. He was called Agbogboli.

[sic]

In Otublohum section succession to Stool is traced on the female line. That is when a chief dies he is succeeded by his nephew or his maternal brother. Manche Ankrah's mother was called Amanuah. She came from Denkyera. She had three sons. Manche Ankrah, Nii Ayi and Okantah. He also had a daughter called Bakai. Manche Ankrah had a different father from the other brothers. I am a descendant of Nii Ayi. He died before Manche Ankrah. Nii Ayi was called Ayi Ankrah. They were all called Adjabeng Ankrah. The name family Ankrah was given by Manche to the other brothers although they did not come from the same family. Okantah succeeded Manche Ankrah. At Otublohum. Okaidja of Gbese was the father of Nii Ayi and Okantah. Their mother was not married to Okaidja according to native custom. Because they were illegitimate Ankrah gave his own name to his brothers. My mother was called Dedey from Gbese Quarter. I am over 50 years old. I don't know the actual year in which I was born. I cannot tell the year in which Adjabeng Ankrah died. It is not true that my father was Okra Famanyami a domestic of Adjabeng Ankrah. I have not been told this before and I am surprised to hear this. In the Ga Mantse's Tribunal the Plaintiffs suggested this to me. I remember W. A. Solomon. He was known as Nii Ankrah Quansah. He was managing the affairs of the Ankrah family. I remember the case of *Nii Ankrah Quansah v. Manche Amponsah of Otublohum*. It came on before the State Council in 1930. He sued on behalf of Manche Ankrah Family. It was in respect of the Awudome 30 40

land. Amponsah was the occupant of the Otublohum Atifi Stool and claimed the land for his stool. I represented Nii Ankrah Quansah in the case. Ankrah Quansah claimed the property as the Stool property. I stated that the land in dispute was the individual property of Manche Ankrah and not the Stool property of Otublohum. This was before the State Council. The State Council found this as a fact. Manche Ankrah acquired the property after he had occupied the Stool. I say that although the property was granted to Manche Ankrah as his individual property as he was on the Stool it became stool property. There are two stools at  
 10 Otublohum. One is Otu Ahiakwa Stool and the other Otublafo Stool. Quansah occupied Otu Ahiakwa Stool and Amponsah occupied Otublafo Stool. It is true that I stated the following in my evidence before the State Council, "That the land in question descended to me from Nii Ankrah our ancestor who had it as a gift from the Ga Manchemei and Wulomei to keep his slaves thereon—slaves he brought from the Bame War. We claim that the land was Nii Ankrah's property and it does not belong to the Otublohum Manche as Otublohum Stool property." I have never disputed the fact that the property was the stool property of Otu Ahiakwa's Stool since the death of Manche Ankrah.

Plaintiffs'  
Exhibit.

" 4. "

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Others,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

20 By consent the proceedings and the decision of State Council in case of *Nii Ankrah Quansah etc. acting for himself and on behalf of the members of the family of late Manche Ankrah* versus *Manche Amponsah of Otublohum* tendered in evidence and marked " B. "

Ex. " B. "

I have no personal interest in the property claimed. I granted part of the property to Allotey who in turn granted a piece to 1st Defendant. I agree that the Plaintiffs are members of the family and have interest in the property. The Plaintiffs did not sign the Power of Attorney. The action had been instituted before the Gbese Tribunal in 1941. I applied to be joined as Co-Defendant. The case was transferred to Ga Mantse's  
 30 Tribunal in April 1941. I had not obtained the Power of Attorney Exhibit " A. " The Defendant Allotey is a son of Botchey Ankrah who was a daughter of Amponsah who was a son of Nii Ayi my grand-father. I obtained the Power of Attorney for the purpose of the present case. The signatories of the Power of Attorney are descendants of Nii Ayi and Okantah the slaves and descendants of slaves. I know the different Stools at Otublohum. They are Nii Asuma Stool, Nii Obeng Ankrah Stool, Nii Obeng is my stool. Nii Oti Stool and Nii Ankrah Stool. The Otublohum Stool is the principal Stool at Otublohum. I have never sold any portions of the lands to any person without the consent of the principal  
 40 members of the family. The receipts now shown to me were issued by me.

The receipts tendered in evidence and marked " C1, " " C2 " and " C3. "

Exs. " C1 " " C2 " and " C3. "

I have sold some of the plots to a lot of people. A meeting was held with the Plaintiffs and I was empowered to sell some of the lands.

Witness is referred to paragraph 6 of his Statement of Defence in which he stated that he had not sold any land to anybody except to the Government.

*Witness continues :*

I did not sell the land to the Government. It was sold by late Nii Ankrah who acted for the family. I know the handwriting of Nii Ankrah  
 50 and his signature.

*Plaintiffs' Exhibit.* *Cross-examined by 3rd Defendant :*

None.

" 4."

Record in  
Supreme  
Court of  
*Aryeh and  
Others v.  
Dawuda  
and  
Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

*Defendant Ankrah calls :*

CHARLES AMOO ANKRAH : s.a.r.b. 1st Witness for 2nd Defendant :

*Examination-in-Chief :*

I live at Accra and I am a washerman. The land in question belonged to my grandfather Manche Ankrah. It is a fact that the members of the family including some of the Plaintiffs met and appointed the Defendant Ankrah as caretaker of the land. It was during the earthquake. After this some of the Plaintiffs joined in granting portion to other persons. 10  
Mr. Quarcoopome one of the Plaintiffs joined in the several grants. The customary drinks given in many were kept by Mr. D. S. Quarcoopome to keep for the family. When we met at the meeting we consulted Mr. Bossman. It was agreed at the meeting all the members of the family should contribute £2.5/- in order to obtain a plot of land to build thereon. The meeting was held at P & B Hall. Every member should also contribute 2/6 per month—that is any member who built a house on the property. Any one who paid £2.5/- would be given a document. Manche Ankrah had 2 brothers, Nii Ayi and Okantah. I have forgotten the name of their mother. When the Defendant Allotey gave some of the land to 20  
1st Defendant the Plaintiffs sued him. I am not educated.

*Cross-examined :*

I am one of the people who signed the Power of Attorney Exhibit " A."

*Cross-examined by 3rd Defendant :*

The 3rd Defendant is a grandson of the late Manche Ankrah. He is a son of Botchey Ankrah a daughter of Manche Ankrah. All the occupants of the land are not members of the Ankrah Family. I know one Gariba Fulani. He is occupying a piece of the land but he is not a member of the family. He was put on the land by the late Nii Ankrah Quansah. I know a man called Amoaben. He is not a member of the family. He was put 30  
on the land by the same Nii Ankrah Quansah. All the members of the family supported the 3rd Defendant as the person who should point out the particular plots allocated to a member of the family. He could not give any plot to an outsider. The 1st Defendant is not a member of the family.

*Cross-examined by Sarkodee Adoo :*

3rd Defendant's father is Kofi Allotey. I don't know if he was a Sempe man. I live at Tema. My mother comes from Tema. I also live at Accra. I know Mr. Aryeetey now in Court. He is the son of Amanuah. There is no member of the family called Mahama Ghedo Bergiga. Ankrah 40  
has no right to sell any plot to that man without the consent of the family. James Robert Ankrah is my brother. I don't know that he is the head of the family our head is the 2nd Defendant. I don't owe the Defendant Ankrah. Ankrah did not bury my mother or my brother for me. I know



that Samba is married to a female member of the family and that was why he was given a portion of the land. Allotey has right to give the plot of land to Dawuda. Allotey was given the plot at the time of the earthquake. He took the land and made a report to the members.

*2nd Defendant calls :*

DANIEL SACKEY QUARCOOPOME : 2nd witness for 2nd Defendant :

*Examination-in-Chief :*

I am a licensed Auctioneer. I live at Accra. I am one of the Plaintiffs in this action. It is true that the Plaintiffs and the 2nd Defendant have met several times in connection with the family lands at Awudome. I don't remember that the Defendant represented the family in a case against Mrs. Bruce in connection with a portion of the land. The Defendant and I were deputed by the late Nii Ankrah Quansah to swear oath against the Tribunal of Nii Amponsah on the family land. Nii Okantah and Ayi Ankrah had no sister who succeeded to their property. Ankrah Commey was the son of Manche Ankrah and he succeeded to his father's property. All the Plaintiffs are grandchildren and great grandchildren of Manche Ankrah. It is not true that any of the sons of Manche Ankrah's sisters had looked after Manche Ankrah's property After Commey's death one Kpakpo Mingle looked after the property.

Adjourned 2.11.43.

(Sgd.) S. O. QUASHIE-IDUN,  
Ag. J.

2nd November, 1943.

Kpakpo Mingle was a son of the daughter of Manche Ankrah. He was a member of the Family. After him W. A. Solomon became the head of the family and looked after the property. He was known as Nii Ankrah Quansah. I say that Defendant Ankrah is not a member of Nii Ankrah's family. He is a member of Nii Ayi's family. James Robert Ankrah is the present head of Nii Ankrah's family. He is in Court. He was the man who authorised us to bring the action. He has a younger brother called Ayerfio. When the case was settled before the State Council, it again went before the Divisional Court.

Defendant tenders proceedings of the Divisional Court, in case *Nii Ankrah Quansah v. Manche Amponsah, J. S. Bruce Vanderpuye substituted*—not objected to marked "D."

Ex. "D."

There is no occupant of the Otu Ahiakwa Stool at Otublohum. There is no such Stool as Otu Ahiakwa Stool at Otublohum. Otu Ahiakwa was a founder of a quarter in Otublohum. It is not true that Manche Ankrah sat on the Otu Ahiakwa Stool. Nii Ankrah Quansah was empowered to bring the action on our behalf. I deny that the Defendant Ankrah has been appointed to look after the property and the Stool of Manche Ankrah. I know that he had been sitting in the State Council as head of the Stool and we had objected to it. I know that the Defendant Ankrah has been dealing with the Government in connection with this property. We have also instructed Mr. Kojo Thompson to deal with the Government.

*Plaintiffs' Exhibit.*

"4."

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

Plaintiffs'  
Exhibit.

" 4. "

Ex. " E. "

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Others,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

I agree that some of the correspondence from Government have been addressed to the Defendant Ankrah. Defendant produces a letter signed by the District Commissioner and dated on 10th July, 1939, addressed to Nii Ankrah family. Tendered in evidence, not objected to and marked " E. "

*Cross-examined by Defendant Allotey :*

I know J. K. Q. Aryeh one of the Plaintiffs. I don't know who gave authority to J. K. Q. Aryeh to bury his mother in the Awudome cemetery, after her death. I am not in a position to deny that Defendant Ankrah gave the permission and also provided the coffin for the burial of Aryeh's mother. I know Defendant's father Kofi Allotey. He is the brother of 10 Alexander Mensah Allotey. He is not supporting us in this case.

*Cross-examined by Mr. Sarkodee Adoo :*

I agreed that we had several meetings with Defendant Ankrah. The object of those meetings was not to empower Defendant Ankrah to look after Awudome lands. The 2nd Defendant is a descendant of Nii Ayi. I deny that we have met at P & B and appointed Ankrah as a caretaker of the Stool lands. The educated members of the family have a committee and I am the chairman. The object of the meetings we have had with Ankrah to discuss matters when Defendant Ankrah was interfering with the land. We have a meeting with Ankrah at a house of one Lamptey at 20 Korle Gonno. In my capacity as the Chairman of the Committee I wrote to the Commissioner of Lands. I produce a copy of the letter and its replies thereto. Copy of letter dated on 30.4.41 and letter dated 28.5.41 and 27.7.42 tendered in evidence and marked " F1, " " F2 " and " F3 " respectively.

Exs. " F1 " "  
" F2 " and  
" F3. "

Evidence continues—Since the receipt of these letters nothing has been heard about the matter. I produce other letters written by me and received by me in connection with the land. Copy of letter dated 5th April, 1941, original letters dated 6th March 1941 and 15th May 1941 tendered not objected to and marked " G1, " " G2 " and " G3. " I remember that the 30 late Ankrah Quansah known in private life as W. A. Solomon. After the death of Nii Ankrah the members of the family appointed him to look after the property of Manche Ankrah. The suggestion came from him and we agreed. In his lifetime he gave me document now shown to me. It was kept in the possession of the late Mark Hansen. Document tendered in evidence and marked " H. " I know that W. E. Solomon took action against one John Vanderpuye in respect of this land, at the Gbese Tribunal. I produce Judgment of the Tribunal.

Exs. " G1 " "  
" G2 " and  
" G3. "

Ex. " H. "

Note by the Court : Document accepted in evidence although does not show nature of action before the Tribunal—marked " J. " Nii Ankrah 40 Quansah occupied Arday's Stool, and not Manche Ankrah's Stool. The Stool of Arday is also known as Obeng Ankrah's Stool. Solomon succeeded Obeng and after Solomon's death Emmanuel Obeng Ankrah succeeded Solomon. Solomon was Nii Ankrah Quansah. He was also known as Nii Adjabeng Quansah. When Nii Ankrah our ancestor's house was demolished the compensation was paid to the family per late F. A. Ankrah. This was in 1911. When Nii Ayi's property was demolished in 1911 the compensation was paid to the family of Nii Ayi. Nii Ankrah Quansah

Ex. " J. "

was the son of Dedey, a sister of Adjabeng Ankrah who was the son of Nii Ayi. Nii Ankrah Quansah died and left a Will 2nd Defendant was one of the 4 executors. The Defendant is claiming the property of the late Ankrah Quansah our family property. The Honourable Kojo Thompson has been acting as Solicitor for the Ankrah family. I produce copies of letters, written by the 2nd Defendant to the Manager of the Estate of William Adjabeng Solomon dated 18.9.36, copy of letter from Capt. Price Jones dated 22.9.36 copy of letter from Mr. Kojo Thompson dated 23.3.1936 tendered in evidence—not objected to and marked “ K1,” “ K2 ” and “ K3 ” respectively. The Stool of the late Manche Ankrah has been removed without our knowledge. He also removed all the paraphernalia of the Stool. We swore an oath and the case is now pending before the Ga Mantse’s Tribunal. The oath was sworn by J. K. Q. Aryeh. In January 1941 I received a report of somebody living on the land. A letter was sent to the man.

*Plaintiffs’ Exhibit.*

“ 4.”

Record in Supreme Court of Aryeh and Others v. Davuda and Others, 3rd August 1942 to 8th March 1944, continued.

Exs.  
“ K1 ”  
“ K2 ”  
and  
“ K3.”

*Re-examination by 2nd Defendant :*

The Stool of Manche Ankrah was in charge of Nii Ankrah Quansah before his death. It was in his house at the time of the earthquake. There were several other stools in his charge.

*20 By the Court :*

W. E. Solomon occupied the Ardey Stool but I cannot say what year it was.

*2nd Defendant calls :*

LUCY USSHER : s.o.b. 3rd witness for 2nd Defendant :

*Examination-in-Chief :*

I am also called Ama Owusuwa and I live at Accra. I am a Petty Trader. I am a grand-daughter of the late Manche Ankrah and I belong to that family. My mother was called Okaley Ankrah and was the daughter of Manche Ankrah. The 2nd Defendant is the son of the late Adjabeng Solomon. During the lifetime of the late Ankrah Quansah 2nd Defendant was appointed by the Family to assist Nii Ankrah Quansah. After his death 2nd Defendant was appointed to look after the affairs of the family and all its property. Nobody has been placed on the Stool which was occupied by Ankrah Quansah. Ankrah Quansah occupied the Stool of Otu Ahiakwa which was occupied by Manche Ankrah. Arday Stool was the same as Otu Ahiakwa Stool. The Stool of Otu Ahiakwa and all the properties are in the hands of the 2nd Defendant. There is only one member of the family who is older than I am in the family. She is called Amanuah. She is the daughter of Ankrah’s son. We know of all grants of the Awudome lands to the members of the family. I know that the Government asked for lands for some Fanti people and we granted them. I know Allotei. He is the grandson of Manche Ankrah’s brother Ayi. He is a member of the Ankrah family. Ever since I grew up I have known of no difference between the descendants of Manche Ankrah and the late Nii Ayi. They all constitute one family. The children of all our ancestors and his children have always land in the Awudome property. The children and grandchildren of Ankrah, Ayi and Okantah allowed 2nd Defendant

*Plaintiffs' Exhibit.*

" 4."

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

to look after the property. I know the 2nd Plaintiff Mr. Quarcoopome. He is a son of the grandson of Manche Ankrah. I know the Plaintiff Aryeh. He is also a grandson of the daughter of Manche Ankrah. I know the Plaintiff A. D. Ankrah. His father was a son of Commey who was a son of Manche Ankrah. Sometime ago the members of the family allowed the 2nd Defendant to oppose a grant of a portion of the land by the Plaintiffs.

*Cross-examined by Defendant Allotey :*

I know that Defendant Ankrah has granted a piece of that land to Allotey. The Plaintiffs including Mr. Quarcoopome have come to me twice and asked me to sign a paper in their favour in connection with that case. I told them I have already signed one for Defendant Ankrah in respect of the property and I would not sign another paper. 10

*Cross-examined by Mr. Sarkodee Adoo :*

I signed on behalf of the family including the mother of the Plaintiffs. Their mothers are alive only Aryeh's mother is dead. It is a long time since we signed the paper. I don't remember signing a paper for the last 3 years. The last one I signed was about 7 years ago. For the last six years I have not attended a family meeting. I am older than Mr. Quarcoopome's mother. She is Afua Mansah. I have no child. Defendant Ankrah has not promised to bury me when I die. I have somebody to bury me. I don't know that the late Adjabeng Ankrah had a piece of land which was acquired by the Government for £3,000. My mother would receive her share if it was paid. I know Nii Obeng Ankrah. He is occupying a Stool of Quansah Solomon. He is the brother of Akuafio a niece of Quansah Solomon. I know that he was nominated by Quansah as his successor Manche Ankrah sat on the Otu Ahiakwa Stool and not a Stool created by himself. I gave the Stool of Otu Ahiakwa and other Stools to the 2nd Defendant. Although Obeng Ankrah was nominated by Ankrah Quansah as his successor we have not given him the Stool of Otu Ahiakwa on which Quansah sat. Obeng Ankrah is not sitting on a Stool at present. We cannot place anybody on the Stool until the funeral of the late Ankrah Quansah has been performed. I know the Plaintiff Lamptey. He is a son of Nii Commey's daughter. The mothers are entitled to the property. As they are alive the children cannot claim a division with us. Quarcoopome's mother was with me when we signed the paper. Defendant Ankrah has not reported to me that an oath has been sworn against him for stealing the Stool paraphernalia. 30

*Re-examined :*

None.

40

Defendant Ankrah states he does not propose to call any more witnesses.

Adjourned 3.11.43.

(Sgd.) S. O. QUASHIE-IDUN,  
Ag. J.

3rd November, 1943.

*Plaintiffs called up to lead evidence.*

JOSIAH KORQUAYE QUAMLA ARYEH : s.o.b. 1st Plaintiff :

*Examination-in-Chief :*

I live at Accra and I am one of the Plaintiffs in this action. I have the authority to represent the other Plaintiffs. I produce an authority from the family. Tendered in evidence, not objected to and marked "L." The Plaintiffs and I belong to Nii Ankrah Family. The property is not a Stool property. It was a self-acquired property of Nii Ankrah. There is  
 10 no Stool known as Otu Ahiakwa Stool throughout the history of the Ga State. I was a witness in the case at the Divisional Court in connection with this land.

Q. Did you agree with the opening of your Counsel when he said that the property belonged to Otu Ahiakwa Stool ?

*By Court :*

Question not allowed as Plaintiffs were bound by opening of Counsel.

Q. To your knowledge did the family so instruct your Counsel ?

*By Court :*

Question not allowed on the same ground.

20 Q. Did the family raise any objection to the opening of your Counsel at a family meeting ?

*By Court :*

Question not allowed on the same ground.

Q. Was W. A. Solomon acting as Attorney for the family ?

A. Yes. He was not in court when the statements were made. He was subsequently sent for by the family. He gave evidence in the case. A meeting was held with him and we protested against the opening. He said that he could not instruct our Counsel to withdraw the opening he had made on our behalf. The 2nd Defendant is not a member of Manche  
 30 Ankrah's family. The members have not authorised Defendant Ankrah to look after Awudome lands. Looking at Exhibit " A " I see the evidence of Lucy Ussher who gave evidence and who is a member of the family. I see names which appear to be some of the members of the family. I did not sign neither did the other Plaintiff nor their mothers. The Signatories are descendants of Nii Ayi and their domestics. We have not authorised the Defendant Ankrah to take possession of our ancestor's Stool and its paraphernalia. When it came to our knowledge that Ankrah was posing as a Caretaker of the family we took action and wrote to the Lands Department and the Government. 3rd Defendant is not a member of Nii Ankrah  
 40 family. He belongs to Nii Ayi's family. I heard him lately. Our family has never granted a portion of the land to Defendant Allotey at any time. We got to know that 2nd Defendant had been selling portions of the lands. We got to know the 1st Defendant was erecting a shed or the building. We

*Plaintiffs' Exhibit.*

" 4. "

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others,* 3rd August 1942 to 8th March 1944, *continued.*

Ex. " L. "

*Plaintiffs' Exhibit.*

" 4."

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

went to see him on the land. We asked him who had authorised him to erect the shed and he said it was the 2nd Defendant. We told him that 2nd Defendant was not the Caretaker and that he should see us. We gave him our address. He did not come to see us and we wrote a letter to him. He did not quit and we brought the action against him. When we heard that the 2nd Defendant had been selling portions of the land we sent Mrs. Ocquaye a direct descendant of Nii Ankrah one of the Plaintiffs to see if she could buy a portion. She bought a portion and brought a receipt. We had previously taken possession of some of the receipts issued by the Defendant Ankrah to other purchasers. Apart from Mrs. Ocquaye 10 he had sold to other persons who were not members of the family. One of the purchasers gave us his receipt. It is Exhibit "G2." She is not a member of the family. We have not authorised the Defendant to dispose of the land to any member of the family. I don't know a Stool called Nii Ayi's Stool. I know the Stool of Adjabeng Ankrah. I did not know him. He died before I was born. The present occupant of Adjabeng Ankrah's Stool is Emmanuel Obeng Ankrah. His installation has been recognised by the State. The Stool is not the same as Nii Ankrah's Stool. Manche Ankrah's Stool was a private family Stool. When Nii Ankrah died he was succeeded by Nii Commey his eldest son. He was Anthonio Ankrah. 20 Kpakpoe Mingle succeeded Commey. He was a grandson of Nii Ankrah being the son of Nii Ankrah's daughter Amanoa. After his death it was offered to Okoe Ankrah who was grandson of Amanoa. After him it has been vacant. No descendant of Nii Ayi has ever occupied the Manche Ankrah's Stool. There was no daughter known as Amanoa. No descendant of Okantah has occupied the Ankrah Stool. Nii Ankrah Quansah occupied Adjabeng Ankrah's Stool and not Manche Ankrah's Stool. I know some of the grand-children of Nii Ayi. Madam Ofoley Solomon, Nii Amoo Narkwa son of Adjabeng Ankrah. 2nd Defendant is a son of Okra Famanyame—a domestic. Sometime ago Nii Adjabeng's 30 property was demolished and the descendants took the compensation. Nii Ayi's property was demolished and the descendants had the compensation from Government. Certain lands were given in exchange by the Government to the descendants. F. A. Ankrah did not accept the Stool but gave it to Okoe Ankrah. F. A. Ankrah summoned the head of the family. When Nii Ankrah's property was demolished compensation was paid to the descendants. Witness tenders copies of Writ of Summons instituted by some of the members of the Ankrah Family against F. A. Ankrah of Accra. Defendant Ankrah objects as they are irrelevant.

*By the Court :*

40

Objection upheld. Document rejected.

I produce a letter received by F. A. Ankrah in respect of the demolition of the property by Nii Ankrah.

Tendered in evidence dated 22.2.12. Letter addressed to F. A. Ankrah of Otublohum. Defendant objects its acceptance as it was not addressed to the head of the family.

*By Court :*

Document rejected.

W. A. Solomon succeeded Adjabeng Ankrah on the Stool of Adjabeng Ankrah. J. R. Ankrah is the present head of Nii Ankrah Family. He signed Exhibit "L." I have not sold any of the lands at Awudome.

*Plaintiffs' Exhibit.*

" 4."

Record in Supreme Court of Aryeh and Others v.

Dawuda and Others, 3rd

August 1942 to 8th March 1944, continued.

Ex. " M. "

*Cross-examined by 2nd Defendant :*

About 5 years ago J. R. Ankrah was elected as head of the family. Mr. Lamptey, Mr. Quarcoopome and others and I went and approached the Government to lay out the property. I don't remember saying before  
10 the Tribunal that Nii Okantah succeeded the Nii Ankrah. Defendant tenders in evidence the certified true copy of the witness's evidence before the Tribunal. Appears at page 22 of Tribunal record. Not objected to and marked "M." I did not say at the Tribunal that Manche Ankrah Quansah was placed on the Otu Ahiakwa Stool. Defendant tenders evidence of witness before the Tribunal appearing at page 26 in answer to question by the Tribunal in evidence. Not objected to and marked "N."

Ex. " N. "

*Witness continues :*

We asked for a transfer of the case because the recorder was recording  
20 things in favour of the Defendant as he is married to 2nd Defendant's step-daughter.

*Cross-examined by Defendant Allotey :*

I don't know if the Defendant Allotey is a son of Botchey a descendant of Nii Ayi. It is true that I have been convicted by the District Magistrate's Court and fined £40 or to 3 months for telling lies in Court.

*Re-examined :*

I produce a copy of my affidavit supporting my application for a transfer of the case from the Tribunal. I also produce the exhibits referred to at paragraph 7 of the affidavit—Exhibits "B" and "C"—Tendered  
30 and marked "O."

Ex. " O. "

*Plaintiff calls :*

NII AMOO NARKWA : s.a.r.b. Witness for Plaintiffs :

*Examination-in-Chief :*

I am the Manche of Otublohum and I know the land in dispute. It is situated at Awudome. I am a descendant of Nii Ayi who was a brother of Nii Ankrah. I am the son of Nii Adjabeng Ankrah the son of Nii Ayi. Nii Ayi had a brother called Nii Okantah. I regard myself as a member of Nii Ankrah Family. I am not a member of Nii Ankrah Family. I belong to the family of Nii Ayi. I don't know the 2nd Defendant.  
40 He is not the son of my father. 2nd Defendant has never told me he is a son of my father. I remember when my father died. He died in 1887. I was 17 years old. I am 73 years old. I know Nii Obeng Ankrah. He is occupying the Stool of Adjabeng Quansah. I know the Stool of Manche Ankrah. It is under my Stool as Otublohum Manche. It is not the same

Plaintiffs' Exhibit.

" 4 "

Record in Supreme Court of Aryeh and Others v. Dawuda and Others, 3rd August 1942 to 8th March 1944, continued.

stool as that occupied by Nii Obeng Ankrah. I know that Nii Commey succeeded Manche Ankrah. He was Ankrah's son. No descendant of Nii Ayi has ever sat on Manche Ankrah's Stool.

*Cross-examined by 2nd Defendant :*

I used to see 2nd Defendant but I don't know him. At the time of my father's death I did not know the Defendant. I have seen the Defendant at the State Council before. I don't know his name.

*Cross-examined by Defendant Commey :*

I don't know the Defendant Allotey. I don't know him as a member of Nii Ayi's family. 10

Case for Plaintiffs closed.

Mr. Sarkodee Adoo states that he does not intend to address Court. Adjourned for Judgment. Notices to be duly given.

(Sgd.) S. O. QUASHIE-IDUN,  
Ag. J.

13th November, 1943.

IN THE SUPREME COURT OF THE GOLD COST, Eastern Province, held at Victoriaborg, Accra, on Saturday the 13th day of November, 1943, before His Honour Mr. Justice QUASHIE-IDUN, Acting Judge.

Transferred Suit 20  
No. 3/1943.

J. K. Q. ARYEH & Ors.

V.

MALLAM DAWUDA & Ors.

JUDGMENT

In their Writ of Summons the Plaintiffs claimed on behalf of themselves and as representing the direct descendants of the late Mantse Ankrah that they are the owners of a piece of land situate in Accra and commonly known as Awudome land ; that the Defendant Mallam Dawuda has erected a temporary shed on the said land ; that the said Defendant should declare his title to the property, and the reason for committing such trespass to the land. The Plaintiffs further claim mesne profit of £20 from the Defendant. The action was instituted at the Tribunal of the Ga Mantse. The Defendant M. D. A. Ankrah, was joined as Co-Defendant in the Tribunal. The suit was subsequently transferred to this Court by order of the Provincial Commissioner and the Plaintiffs' claim was amended as follows :— 30

“ The Plaintiffs claim (1) a declaration that they are in possession as owners of all that piece or parcel of land commonly called and known as Ahodome or Awudome situate lying and being at Accra ; (2) £20 damages for trespass ; and (3) an Injunction restraining the Defendants, their Agents, Servants, and representatives from entering upon, or in any way interfering with, the said land.” 40



When the case came before this Court the 3rd Defendant, Allotey, was joined as one of the Defendants. Pleadings were ordered in the case, and the parties filed their statements of claim and defence. The case for the Plaintiffs is that the property known as Awudome was the individual and self-acquired property of the late Mantse Ankrah, and that the Plaintiffs, being the direct descendants of the late Mantse are the owners of the said property. The 1st Defendant's case is that he requested the 3rd Defendant to allow him to occupy a small piece of the said land and was granted licence to do so. The 2nd Defendant M. D. A. Ankrah, states  
 10 in his defence that the property known as Awudome is the Stool property belonging to Mantse Ankrah's family, that he is the family representative and the custodian of the Stool with its paraphernalia, and that he has been appointed as the caretaker of the said Stool land, and that he had granted a piece of this land to the third Defendant, Allotey, who in turn allowed the 1st Defendant to occupy a little of the piece allocated to him. The 2nd and 3rd Defendants also stated that they are members of the family of the late Mantse Ankrah.

Plaintiffs'  
Exhibit.

" 4."

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Others,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

It was never denied that the Plaintiffs in this present case are members of the family of the late Mantse Ankrah. The contention of the Plaintiffs  
 20 was that the 2nd and 3rd Defendants are not members of the late Mantse Ankrah's family, and therefore, the 2nd Defendant had no right to grant a piece of the land to the 3rd Defendant. The Plaintiffs also denied that the property is a stool property of the late Mantse Ankrah's Stool. The parties agreed that the issues to be tried by the Court were whether or not the Defendant, Ankrah, is a member of the Ankrah family and whether or not he has any right to represent the Ankrah family in this action.

The Court called upon the Defendant, Ankrah, to begin. In the course of his evidence the Defendant, Ankrah, produced documents to show that to the knowledge of the present Plaintiffs he had, for a long time, been  
 30 exercising rights of a caretaker over this property, and that he was appointed by the members of the family of late Mantse Ankrah to represent the Stool in all its dealings with the property. He also produced a certified true copy of proceedings in the case entitled—

*Nee Ankrah Quansah v. Mantse Amponsah, J. S. Bruce Vanderpuye  
(substituted).*

That case came before the Divisional Court on the 24th June, 1931, and it is clear from the proceedings that the Plaintiff in that action claimed the property on behalf of himself and members of the family of the late Nee Mantse Ankrah.

40 On the 17th of August, 1931, by a consent judgment, the property was declared to be the property of the Plaintiff in his representative capacity. The Plaintiff in that action gave evidence in support of his claim and the following is a portion of his evidence :

" I am now Nee Ankrah Quansah. Before that I was called William Adjabeng Solomon. When this action started in Court I was sick at Pakro. I know land in dispute. Mantse Ankrah is my successor (predecessor). He had a stool—Otu Ahiakwa Stool. Stool had lands attached to it. Awudome land and others. Awudome in dispute in this case. I am sitting on the stool now."

*Plaintiffs' Exhibit.*

" 4. "

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others,* 3rd August 1942 to 8th March 1944, *continued.*

[sic]

It appears that this case had originally been taken before the State Council of the Ga State, and that it was subsequently transferred to the Divisional Court which delivered the consent judgment mentioned above. It is apparent on the proceedings that the property in question has been adjudged to be the Stool property of the late Mantse Ankrah Stool. It is significant to note that in all proceedings taken in connection with this property the Defendant, Ankrah, had figured prominently in them and had in some cases represented the Stool. There is evidence before me that when Nee Ankrah Quansah died the Defendant, Ankrah, was appointed by some members of the Stool family to represent the Stool and                      10 charge of all the Stool properties, although, a man called Emmanuel Obeng Ankrah had been elected as the successor of the late Mantse Ankrah Quansah. It was explained to the Court that Emmanuel Obeng Ankrah could not represent the Stool as the late Ankrah Quansah's funeral custom has not been performed and that he cannot therefore be placed on the Stool. Several acts on the part of the Defendant, Ankrah, calculated to amount to certain right over the property were brought to the knowledge of the Plaintiffs. There is evidence that Ankrah either leased or sold some pieces of the property to other persons and that one of the Plaintiffs, Delphina Ocuquaye, went to the Defendant Ankrah and paid the amount of £2.5/- for a plot of land in Awudome. The receipt was signed by Ankrah for Nee Ankrah's family. It is explained by the Plaintiffs that when they heard that Ankrah was disposing of some of the property they sent the Plaintiff, Delphina Ocuquaye to obtain portion in order that the receipt might be used in evidence. I cannot accept that explanation because the Plaintiffs had obtained other receipts from other persons issued by Defendant, Ankrah, before Delphina Ocuquaye obtained her receipt. It is not for this Court to declare whether this property is or is not Stool property. That issue has been decided since 1931. The question is whether Defendant Ankrah, had any right to allocate a portion of this land to 3rd Defendant. 30 In my opinion there is ample evidence on record proving (A) that Defendant Ankrah has been appointed to represent the Stool of the late Mantse Ankrah in all matters connected with the Stool and the Stool lands (B) that the Stool is in fact in his possession as caretaker and (C) that he has the right to represent that family Stool in these proceedings. Whether or not the members of the Stool family still wish to allow him to continue to represent the Stool is a matter for them to decide later.

Being of the opinion that Ankrah is a representative of the Stool I hold that Defendant, Dawuda, and his licensor have committed no trespass on the land. I want it to be understood by the parties that this Court does not adjudge the Defendants as owners of the property. The judgment of the Court is that the Plaintiffs have failed to prove their case in this action and that the Defendant Dawuda is not liable in damages to the Plaintiffs. 40

I order the Plaintiffs to pay the costs of the 1st Defendant, 2nd and 3rd Defendants to pay their own costs.

(Sgd.) S. O. QUASHIE-IDUN,  
Acting Judge.

## IN THE WEST AFRICAN COURT OF APPEAL.

Between J. K. Q. ARYEH and Others . . . Appellants  
 and  
 MALAM DAWUDA and Others . . . Respondents.

*Plaintiffs'*  
*Exhibit.*

" 4. "

Record in  
 Supreme  
 Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
 3rd August  
 1942 to  
 8th March  
 1944,  
*continued.*

The Appellants being dissatisfied with the judgment of the Divisional Court, Accra, delivered on the 13th November, 1943, and having obtained final leave to appeal therefrom dated the 7th day of March, 1944, hereby appeals to the West African Court of Appeal upon the grounds hereinafter set forth.

10

## GROUNDS OF APPEAL.

1. Because the Court below was wrong in law and on the facts proved or admitted that Exhibit " A " the Power of Attorney alleged to have been given by the members of the Family of late Mantse Ankrah to the Second Defendant-Respondent herein, Mark David Adjabeng Ankrah was genuine and valid.

2. Because the Court below was wrong in law and on the facts proved or admitted that :—

20

(A) The Second Defendant-Respondent has been appointed to represent the Stool of the late Mantse Ankrah in all matters connected with the Stool and the Stool lands.

(B) The Stool is in fact in the possession of the Second Defendant-Respondent as Caretaker.

(C) The Second Defendant-Respondent has the right to represent the members of the Family of the late Mantse Ankrah.

3. Because the Court below misdirected itself as to the issues in the case by ignoring the evidence adduced before it and taking a wrong and unwarranted view as to the circumstances, or claim before it.

4. Because the Judgment of the Court was wholly and entirely against the weight of evidence in that there was not evidence upon which  
 30 Jury could reasonably and properly find a verdict for the Defendants-Respondents, and that the Plaintiffs-Appellants were entitled to Judgment.

5. Because the Court below wrongly rejected admissible evidence, namely,

(A) Writ of summons in suit No. 126/1911.

(B) Letter dated 22nd February, 1912, addressed to Mr. F. A. Ankrah by the Sanitary Engineer, Accra.

Dated this 8th day of March, 1944.

(Sgd.) J. SARKODEE ADOO,  
 Solicitor for Plaintiffs-Appellants.

PLAINTIFFS' EXHIBIT "J."

Plaintiffs' Exhibit.

16.8.22.

"4."

Record in Supreme Court of Aryeh and Others v. Dawuda and Others, 3rd August 1942 to 8th March 1944, continued.

IN THE TRIBUNAL OF THE SENIOR DIVISIONAL CHIEF OF THE GA STATE, Gbese, Accra, Gold Coast.

W. A. SOLOMON on behalf of MANTSE ANKRAH grandchildren . . . . . Plaintiff

V.

JOHN VANDERPUYE . . . . . Defendant.

JUDGMENT.

The Councillors went to consider the depositions and evidence given 10 in the cause before the Tribunal this day and found Defendant J. Vanderpuye guilty of the charge heretofore brought against him re Ahodome lands. Expenses in respect of the case to be made and forwarded to Defendant in due course.

(Sgd.) AYI BONTE, his X mark  
Gbese Mantse.

Witness :

(Sgd.) GEO. G. NARTEY,



Sub-Exhibit "J."

PLAINTIFFS' EXHIBIT "H."

In consideration of the fact that it was at my suggestion that the members of the Ankrah Family have made me their Attorney in connection with their family property known as Ahodome I hereby confirm in writing, what I told them verbally, that I will not claim any remuneration for my services as such Attorney nor will I seek to recover them anything that I may spend or have spent in that connection.

Dated at Accra this 24th day of November, 1922.

(Sgd.) W. A. SOLOMON.

*Plaintiffs' Exhibit.*

—  
" 4."  
Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

Sub-Exhibit "H."

10 Signed in the presence of :—

(Sgd.) J. N. O. HANSEN.

(Sgd.) D. SACEY QUARCOOPOME.

(Sgd.) J. R. ANKRAH.

BENJAMIN OKANTAH.

TAWIA ANKRAH.

ARYEE KUMAH.

COBLA KOTONTO.

MARTEY.

OKOE ANKRAH.

20 OWUSU LAMPTEY.

EDWARD ARYEE ANKRAH.

(Sgd.) ANTONIO ANKRAH.

their

X

X

X

X

X

X

X

X

marks

Witness to marks

(Sgd.) J. N. O. HANSEN.

*Plaintiffs' Exhibit.*

" 4."

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

Sub-Exhibit " B."

PLAINTIFFS' EXHIBIT " B."

IN THE STATE COUNCIL OF THE GA STATE, Eastern Province, Gold Coast Colony, held at Adjabeng Lodge, Accra, on Saturday the 12th day of July, 1930.

Present—NII AYI BONTE, Acting Ga Mantse, President.  
 „ KOJO ABABIO IV, James Town Mantse.  
 „ HENRY NUNOO, Acting Abola Mantse.  
 „ DOWUONA III, Osu Mantse.  
 „ HAALA DADA IV, La Mantse.  
 „ A. AMONFRAH II, Teshie Mantse. 10  
 Linguist Ayi Ankrah, representing Temma Mantse with their headmen elders and councillors and State-Linguist J. W. Blankson-Mills ;  
 Ahinmama K. Awur Ghartey, Registrar.

Between NEE ANKRAH QUANSAH (alias W. A. SOLOMON) acting for himself and on behalf of the other members of the family of late MANTSE ANKRAH . . . . . Plaintiff  
 and  
 MANCHE AMPONSAH II of Otublohum . . . . . Defendant. 20

The Plaintiff's claim as against the Defendant is for (A) a declaration of their title to all that piece or parcel of land commonly called and known as Ahodome situate and being at about 1½ (one and half) miles from the township of Accra ; in failure £100 damages. (B) An Injunction restraining the said Defendant, his agents, servants or other people acting under him or at his direction from dealing with the said Ahodome land or any part thereof or entering upon same pending the hearing and determination of the said suit.

Parties absent personally.

The Plaintiff is represented by M. D. A. Ankrah a member of late 30 Mantse Ankrah's family and the Defendant is represented by Albert Dodoo a younger brother of Defendant's.

*Council to Parties' Representatives :*

This is an oath case transferred to this Council by the Paramount Chief's Tribunal in July, 1929, and listed for hearing today to determine the ownership of the land known as Ahodome but the President of the Council has received an Order from the Provincial Commissioner, Eastern Province, transferring the case to the High Court.

NOTE.—Order of the C.E.P.'s Court dated the 7th July, 1930, produced, read and interpreted by State Linguist Blankson-Mills. Can any of you 40 inform the Council the circumstances of the application for the transfer ?

*Defendant's Representative :*

It was Lawyer Bruce-Vanderpuye the Dsasetse of Otublohum who made the Motion for the transfer at the request of the Defendant and Otublohum people.

*Council :*

Do you say that the Government has interest in Ahodome land hence you applied on that ground for the transfer ?

*Lawyer Vanderpuye :*

Government has no interest in the land at Ahodome but Government officials will give evidence hence I deposed that Government has interest in the land.

*Council :*

10 You mean that you misled the Provincial Commissioner's Court to transfer the case although you are perfectly aware that it is an oath case ? When did the Supreme Court engage in hearing actions commenced by oath swearing to your knowledge ?

*Defendant's Representative :*

That is not so. It was only because of the Government officials that we asked for the transfer.

*Council :*

20 Well the case is transferred and no more need be said about it. You must realise that after all, peace in a community is in itself a blessing. When there is a dispute or misunderstanding between people and particularly people of the same community as you two are we are of the opinion that the very best thing to do is to patch up peace by arriving at an amicable settlement without loss of time as in the instance you have participated in just now. For all we know, this dispute we have settled between you, that is, between Nii Ankrah Family and Manche Amponsah without respect to the status of Nii Ankrah's family and the relations between you, would have taken a very long time to settle and entailed a great deal of expense. But beyond the preliminary statement made by Nii Ankrah's family with reference to the founding of Otublohum settlement by Otu Ahiakwa's people from Denkera, neither of you actually made a statement. You relied on our knowledge of the history of Otublohum and both of you consented to our settling the dispute in accordance with facts known to us. We have done so and happily both of you are apparently satisfied with the decision we have given. As you sit, we see on Nii Amponsah's side a good number of Nii Ankrah's people. You are all people of the one community and interrelated. Our advice to you is bury the hatchet and live peacefully among yourselves.

30

*Plaintiff's Representative*

40 We have no objection to the Council settling amicably the dispute about Ahodome land. We claim that the land is ours it having descended to us from Nii Ankrah our ancestor who had it as a gift from the Ga Mantsemei and Wulomei to keep his slaves thereon ; slaves he brought from the Bame War. We claim that the Land was Nii Ankrah's self-acquired property and it does not belong to the Otublohum Mantse as Otublohum Stool property

*Plaintiffs' Exhibit.*

“ 4. ”

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others,* 3rd August 1942 to 8th March 1944, *continued.*

Sub-Exhibit “ B. ”

*Plaintiffs' Exhibit.* *Defendant's Representative :*

“ 4.”

Record in  
Supreme  
Court of  
*Aryeh and  
Others v.  
Dawuda  
and  
Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

As we have said, it was only because of the Government officials who were to give evidence that we applied for the transfer of the case not that we do not regard you our Mantsemei, so if Nii Ankrah's people are agreeable we consent that the State Council may settle amicably the dispute between us about the Ahodome land according to your knowledge of the history of the acquisition of Ahodome land as you settled the stool dispute. We say that the land belongs to and is under the Otublohum Stool.

*Council :*

Do you then agree and consent to abide by our decision of this dispute 10 according to our knowledge of facts in connection therewith ?

*Plaintiff's Representative :*

Yes we agree to abide by the decision of the Council.

Sub-  
Exhibit  
“ B.”

*Defendant's Representative :*

We also agree to abide by the decision of the Council.

*Council :*

In that case either party should pay £2.10/- fee to the Council to signify your consent that the Council may retire to discuss its decision by way of compromise.

NOTE.—£2.10/- by either party paid.

20

*Decision :*

In the olden days, the parcel of land now known and called Ahodome, the subject matter of this action, was an unoccupied land owned by the Korle priests under the Ga Mantse.

Prior to and about a hundred years ago and until quite recently, tribal wars greatly disturbed the peace of the peoples of the Gold Coast. The Gas i.e. our ancestors, also engaged in these wars against various tribes and gained victories over the Ashantis and other tribes.

About that period, war broke out between the Krepes and the Akwamus. The Akwamus besought the assistance of the Gas who were their allies in the Ashanti wars. According to tradition, the Ga Mantse convened a meeting of the Mantsemei of the Ga State and the Wulomei (Priests) of Sakumo, Korle and Nai to discuss the possibility of seceding to the request of the Akwamus. Mantse Ankrah of Otublohum who was renowned for his prowess and was unanimously appointed to organise an army to the assistance of the Akwamus. The Gas under the leadership of Mantse Ankrah went to the Bame war and joining the Akwamus inflicted great defeat on the Krepes. He returned to Accra bringing with him several prisoners of war, a good number of whom he presented to the Mantsemei, Wulomei and Elders who gave men to go to the war. Now in order to get a place to keep his prisoners or slaves Mantse Ankrah approached the Ga Mantsemei for that purpose. The land of his choice was owned by the

30

40



Korle Priest. In view of his successful expedition, the Korle priest with the knowledge of the Mantsemei made him a gift of that parcel of land which he named Ahodome after one of the places he conquered in the Bame War.

Plaintiffs' Exhibit.

" 4. "

The foregoing are the bare facts in connection with the land known and called Ahodome the subject matter of this dispute. Mantse Ankrah had it as a personal gift from the Korle Priest who originally owned it and after his death it has continued to be his property in the possession of his family.

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, continued.

10 During Mantse Ankrah's lifetime, Ahodome was recognised as his personal property and never at any time was an opposition raised by any person or persons as to his title. He did not acquire Ahodome for the Otublohum Stool. Ahodome was his self-acquired property.

With the march of time, the Otublohum people took to celebrating their Odwira festival by commencing their procession from Ahodome to the town owing, probably, to their being justly proud of Ahodome because of late Mantse Ankrah and this has been the practice ever since.

Sub-Exhibit " B. "

20 The people of Otublohum usually went to Ahodome after duly notifying Nii Ankrah's family by giving the head thereof one bottle rum. Our unanimous compromise decision therefore is, that the land at Ahodome was a self-acquired property of late Mantse Ankrah and it belongs to and is in possession of his family. Mantse Ankrah's family, however should not unreasonably withhold their consent should the people of Otublohum desire to go on the land with a view to celebrate their customary Odwira festival.

Judgment therefore is for the Plaintiff.

In view of this amicable settlement, costs are not awarded. Either party to pay its own costs.

30	(Sgd.) AYI BONTE Acting Ga Mantse & President Ga State Council	his X mark
	(Sgd.) KOJO ABABIO IV James Town Mantse	
	( " ) DOWUONA Osu Mantse	his X mark
	( " ) MAALE DADA IV La Mantse	
40	( " ) A. AKONFRAH II Teshie Manche	
	( " ) ODAI TAWIA Nunga Manche	
	( " ) TETTEH KRAKU Temma Manche	

Witness to marks :

(Sgd.) K. EWUR GHARTEY,  
Registrar.

## 2nd DEFENDANT'S EXHIBIT "D."

Plaintiffs'  
Exhibit.

24th June, 1931.

"4."  
Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Others,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

IN THE SUPREME COURT OF THE GOLD COAST COLONY, Eastern  
Province, held at Victoriaborg, Accra, on Wednesday the 24th day of  
June, 1931, before His Honour ROGER EVANS HALL, Ag. Chief Justice.

Transferred Case 22/30.

NEE ANKRAH QUANSAH

V.

MANCHE AMPONSAH  
J. S. BRUCE-VANDERPUYE (Substd.).

10

Sawyerr and Kojo Thompson for Plaintiff.

Quist and Awere for Defendant.

Court point out summons to accused from record of Native Tribunal.

Counsel waive this.

Sawyerr amends writ of summons by deleting words "in failure £100  
damages."

*Sawyerr opens :*

This is a case in which the Plaintiff on behalf of himself and the  
members of his family claims a piece of land called Awudome against  
Manche Amponsah of Otublohum. Mr. Bruce Vanderpuye substituted. 20  
I do not propose to go into any ancient history in regard to this land  
except to say that it was given to the ancestors of the Plaintiff by the  
Korle Priest with the consent of the Chiefs of Accra about 100 years ago.  
The ancestor to whom land was given was called Manche Ankrah. There  
was a war between two tribes of the Gold Coast with whose names I need  
not trouble the Court and the assistance of the Gas was requisitioned.  
Ankrah went to this war, led his own troops or his people and after the  
war brought home many captives, as was the custom in those days. He  
found it difficult to find a place to put those captives in and therefore asked  
for this land and it was given to him. He took possession of the land, 30  
placed his people there, and it has been always, from time to time up to  
the present moment, in the possession of Manche Ankrah's people, including  
his children and children of those he brought to Accra as captives. I shall  
be able to prove to the Court that the captives built dwelling houses.  
Now apart from these people other people also asked for portion of this  
land from Manche Ankrah and built. The Defendant for whom we substitute  
now Mr. Vanderpuye sits on the stool which is now known as Atifi Stool.  
They were originally Akwamus and when they came to Accra they were  
placed also in quarter of Accra known as Otublohum. The Stool of the  
Plaintiff was and is known as Otu Ahiakwa Stool. The two stools are 40  
entirely distinct and according to my instructions there has been controversy  
as to whether the stool of Plaintiff should be the recognised Otublohum  
Stool. We shall endeavour to prove to you that this land marked green  
on the plan has always been recognised by all the Manchemei in Accra  
as belonging to the Ahiakwa Stool. It is necessary at this stage to refer  
to the fact that the case originally taken to the Ga Manche's Tribunal and

Sub-  
Exhibit  
"D."

Plaintiffs' Exhibit.

" 4."

Record in Supreme Court of Aryeh and Others v. Dawuda and Others, 3rd August 1942 to 8th March 1944, continued.

[sic]

Sub-Exhibit " D."

transferred to the State Council and from the State Council to this Court. After the transfer of the case to this Court, Defendant and representative agreed that the matter be decided by the State Council. It would appear that in the affidavit on an *ex parte* motion before Provincial Commissioner, Bruce Vanderpuye alleged that the Government either were parties or interested in the land. He alleged that the Government has interest in the cause or matter, as they the Defendants had assigned or alienated some portion of the land, subject-matter of the suit, to the Government under a deed. Thus my instructions are found to be correct and thereupon he paid certain fees to the State Council and State Council went into matter and decided after the transfer. This land was recognised by all the Gas as Manche *Amponsah's* land and we shall be able to show them in one or two instances where Defendant or his people have utilised the land e.g. burial ground of Manche Ankrah's successors. We claim Your Honour, to show Defendant's claim not correct either they do not know what the boundary is, we shall contend to the Court or if they really claim this boundary it will appear to Court, claim preposterous. They claim land belonging to late Edward Bannerman lodge Hammond's grass and village of Armah Kwantreng and many other places which admittedly belong to the Asere Stool and have never at any time been claimed by the Defendant or any of his predecessors. We claim that we were the original owners of the land as given to us by the Korle people and the Ga Chief. We claim we are in actual occupation either by ourselves or by persons who pay tolls to us or got there by our permission as we say further that the Defendants have reconciled our claim previous to this action.

Mr. Quist opens :

\* \* \* \* \*

7th July, 1931.

IN THE SUPREME COURT OF THE GOLD COAST COLONY, Eastern Province, held at Victoriaborg, Accra, on Tuesday the 7th day of July, 1931, before His Honour ROGER EVANS HALL, Acting Chief Justice.

NEE ANKRAH QUANSAH

V.

MANCHE AMPONSAH  
BRUCE VANDERPUYE, substituted.

From yesterday.

Kojo Thompson calls :

\* \* \* \* \*

WILLIAM ADJABENG SOLOMON Sworn on the Bible in Ga :

My name is William Adjabeng Solomon. I live at Pakro—I am a farmer and trader. I am Plaintiff in this case. I am now Nee Ankrah Quansah. Before that I was called William Adjabeng Solomon. When

*Plaintiffs' Exhibit.*

" 4."

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

Sub-Exhibit " D."

this action started in Court I was sick at Pakro. I know land in dispute. Manche Ankrah is my successor. He had a stool—Otu Ahiakwa Stool—Stool had lands attached to it—Awudome land and others—Awudome in dispute in this case—I am sitting on the stool now—Before me Adjabeng on the stool—Adjabeng died in 1887.

Since he died only lately I was put on the Stool. Otu Ahiakwa Stool is in Otublohum. There is another stool in Otublohum called Otu Brafo Stool—Amponsah was sitting on that stool lately. Between Otu Ahiakwa Stool and Otu Brafo Stool no relation. Otublohum people are Denkeras from Ashanti. There was a war between Kumasi people and Denkeras. 10 Government captured my grandmother to Elmina to stop the war. Her name was Kwamah. Her son called Otu. Whilst at Elmina war did not stop so brought to Accra. Then no Ga Manche in Accra—He was then living at Okaikoi—We were given to Nai Priest. After this Government bought a land for us and we lived on the land Otublohum i.e. Otoo Quarter—This is origin of my people. My ancestor was a noble so they made a stool for him—Otu Ahiakwa Stool—After Otu's death, Anum Nakawa looked after the Stool—During days of Nakawa there was war between Gas and Akwamus—Akwamus drove Gas across Volta and were driven back again. Executioner Otoo of the Akwamus came into ranks of Gas—Brafo— 20 executioner and name was Otoo. Otoo Brafo surrendered to the Gas. He was given fetish to swear he will not betray them. They (Gas) took away his fetish " Brafo "—They gave fetish Brafo to Asere quarter.

Asere gave Otoo Brafo and his people a place to live near our place and we called it " Atifi " because they are " Upper part "—Atifi is Twi—it means " Upper part "—They had stool there. This was Stool Defendant Amponsah occupied. My Stool was originally occupied by Manche Ankrah—After this another war called Gbele war between Ayigbe and Akwamus—Akoto Chief of Akwamu, asked help from Gas and Ga Manche ordered my grandfather Ankrah to go to the war. He returned. He asked 30 Gas to give him Awudome land for his captives. Reason why they called it Awudome was captain of Ayigbe army was called Awudome—He was beheaded by my grandfather and he gave his head to Akwamu Manche and he brought Awudome people as captives; therefore he asked for land and called it Awudome. Not true land belongs to Defendant therefore Otublohum Manche.

Three quarters in Otublohum—Brazilians, Atifis and Dadebana. These whole Otublohum Quarter. Otu Ahiakwa first settled there before Otoo Brafo came—After him came the Brazilians. All = Otublohum—Otublohum people = Otublohum. Otoo Brafo Stool has land " Anuamchi " 40 between Ofarkor and Kwabenyan. Different altogether from the land in question. Nobody from Otoo Brafo Stool can sit on Otoo Ahiakwa Stool and vice versa—Stools are succeeded to by those who are nobles. That's why two stools distinct. Different customs and different names. Customs different. When we came to Accra we were not asked to go to Nai house because we were not circumcised so in order to go there were circumcised. Otoo Brafo are not circumcised so they never succeed to our stool or we to theirs. Since then my people circumcised up till now. Defendants do not do it up till now—we do not use Defendants' tribal names.

We have a fetish for which we kill a dog meat of which we chop and Defendants don't chop it.

People with no blood relations can't sit on our stool that I have seen or heard.

Our stool no blood relations with Defendant's.

I have village on the land—village there is Musuli. Musuli himself was a Brazilian and friend of my uncle Adjabeng Ankrah. Musuli asked my uncle for place to live. Originally Musuli stayed at Achimota. When uncle built Adjabeng Lodge Musuli said he wanted to come near my uncle so he came and asked for land and uncle ordered Akotey and Akuerter to give a land to Musuli. Place where Musuli village now is given to him.

Musuli land never claimed to be land of Defendant's people before. Since my ancestor acquired land his people have been exercising rights over land in question.

I was put on stool about two years ago. There was trouble when I was to be put on the Stool. Otoo Brafo stool opposed me—matter was taken before State Council and they gave a decision in the matter—This was in 1930. I have in my hand a decision in M. D. A. Ankrah for and on behalf of Nii Ankrah Family against Manche Amponsah of Otublohum dated 12th July, 1930, before the State Council of the Ga State, Eastern Province. In that case M. D. A. Ankrah appeared for me and my family. Defendant then is Defendant in this action. Case was "The Plaintiff's claim is for the Defendant to show cause why he refused to successor to be appointed in place of Nii Ankrah late of Otublohum"—This is certified true copy of decision—Certified by Ghartey the Registrar. I know his signature. After the decision I was put on stool as Manche. I had been appointed Head of family before that—Tendered—

Quist objects—Decision purports to be a decision given by a Tribunal which had no jurisdiction to give the decision and as such not judgment or decision which can bind Defendants in any way and not admissible—null and void. Case appears to have been heard by State Council of Accra—No State Council has any original jurisdiction to determine any case. No suit can be brought in a State Council—To give State Council jurisdiction suit *vide* section 91 Native Administration Ordinance c.f. sections 58 and 71 Native Administration Ordinance. On face of writ of summons tendered nothing to show parties referred by Court to State Council nor that case transferred from Defendant or Plaintiff's State Tribunal as such State Council had no jurisdiction.

*Sawyers :*

Understand case was transferred from Accra Tribunal on motion of Defendants.

*By Court :*

This is then a premature tender—Transfer to be proved first—"Tendered and rejected" (This no bar to later tender).

About that time there was a land case before Gbese Tribunal by swearing of oaths.

*Plaintiffs' Exhibit.*

"4."

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

Sub-Exhibit "D."

*Plaintiffs' Exhibit.*

"4."

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

Sub-Exhibit "D."

Case was transferred to State Council. I left place and M. D. A. Ankrah went on with case ; whether decision given I don't know.

I know Nsule Tohey—Defendant's people went to do something there—They went to perform Odwira custom there. They began about 6 years ago—presently customs are performed by them in Asere—"Kokotako" near Lagoon Market—They were driven by Aseres from the place—They came and asked permission from Afo Ankrah to perform customs on Awudome land and he gave leave—Afo Ankrah was son of Antonio Ankrah and grandson of Manche Ankrah—Afo Ankrah gave leave about 6 years ago. Afo Ankrah and Chief John Vanderpuye and I then 10 heads of our family. Afo dead now. During my lifetime I have never heard anybody claim this land for Defendant's Stool.

*Cross-examined by Awere :*

I instructed M. D. A. Ankrah to represent me in this case and give evidence for me. I was called to give evidence. I was in bush—Pakro. I know he had gone and given evidence for me. He told me what he said. I have got to give evidence. I was satisfied with what Ankrah said. M. D. A. Ankrah was not asked re circumcision story. If he were asked re circumcision he would have spoken about it. His evidence not read to me but he told me. I don't know law. If he has given evidence twice 20 in law I don't know. I have not given evidence before because business of lawyer. I was made head of family about two years ago. About six weeks ago I was put on the Stool.

*By Court :*

Land belongs to my ancestor and me. Afo Ankrah, Chief John Vanderpuye and self are heads of the family and I should oppose anybody who lays claim to it. Chief John Vanderpuye and Afo were brothers died. I am the only head of family now.

*Cross-examination continued :*

Afo Ankrah died a long time ago before the case started. Chief John 30 Vanderpuye died before this case started. He died before Afo Ankrah died. Afo Ankrah died about 3 years ago. After Afo died I was appointed head to look over the family. Three years ago Afo was alive. Afo belonged to Nee Ankrah's family—ditto Chief John Vanderpuye. Afo and Chief John Vanderpuye's grandmothers came from Defendant's Stool family. Before death I don't know they were councillors or elders of Defendant. I know they were elders on Defendant's side but I don't know if under his Stool. I don't know if they sat in his Tribunal. Except Manche Ankrah's grandchildren in Atifi quarter no Atifi man under Ankrah Stool—but whole Otublohum under Defendant's Stool. Whole 40 Dadebanna not under Defendant's Stool and that is Otublohum proper. Defendant had Tribunal at Otublohum. No other Tribunal at Otublohum. I don't know Dadebana people subject to Defendant's Tribunal. They would appear before any Court before which summoned. Under Native Jurisdiction Ordinance no tribunal at Dadebanna. During lifetime of Manche Ankrah a Tribunal at Dadebana because he was Otublohum Manche. That Tribunal was for whole Otublohum. Defendant was

- asked by Government to have a Tribunal. Manche Ankraha arbitrated in Otublohum because Manche of Otublohum. Defendant came and arbitrated amongst Atifi quarter. I could refuse to attend before him. I have never been summoned before Defendant's Tribunal because nobody would dare to summon me there. My stool and Defendant's nothing in common. I remember last time when I had to parade through Otublohum. When I got to Defendant's quarters I greeted Defendant. When I got to Defendant's quarters I got down from Palanquin. This done in all quarters. Defendant and his people seated there waiting for me. I gave
- 10 notice to all Manchemei. When I got there I greeted Defendant and his people according to custom. I went by High Street. After I left Defendant's quarter I went to Ababio quarter. At Ababio quarter I did not come down from Palanquin because Ababio was not well but there were representatives and so my captain before me saluted them and they gave me rum. For purposes of procession I had to get permit. I don't know Defendant got me the permit. I don't know. Dispute between self and Defendant was he wants to claim Awudome land, land at Pakro and other land. Defendant represented to Government land is his and therefore he got gunpowder. So I abused him as a thief and a liar. This
- 20 was about 3 years ago. We were 3 heads then as I have said—What I did for the others. Traditional history I gave this morning I was told long ago and I have read it also in Reindorf's history. When I was told does not all agree with Reindorf. Reindorf never wrote re Awudome land being granted to my ancestor. I know boundaries of land well. As to tradition—land starts from Avenor through valley to Okushibli tree. Then to Okaikoi Range thence to Appofionor. Okaikoi is a hill occupied by Gas. Road passed Ofakor, Kokomlemle, Kpehe, Mukpono and Abekan. Boundary ends at Okushibli tree. From Okushibli tree you then look Accra and you come on footpath. You walk on the footpath to Mukpono.
- 30 There is footpath from Appofionor to Okushibli tree. There was West boundary of land originally given. Footpath is between us and Asere. Ancient footpath was boundary. Not true Appofionor footpath changes when rain falls so chief John Vanderpuye and Afo—Ayer Amah, Ayie Ansah, Acting Manche of Asere and I met to fix the boundary because various women change footpath and we put pillars up to Wejian Railway. From pillars you meet original footpath. Chief John Vanderpuye and Afo were alive then when pillars fixed. Pillars duly fixed once. Chief John Vanderpuye died over 3 years ago. When we went to fix boundary Chief John Vanderpuye was amongst us. Pillars not fixed with respect
- 40 to this dispute but with respect to another case. We big people planted sisals. It is recently I heard pillars fixed. When pillars fixed I and Afo and Chief John Vanderpuye not present—we were there when sisal planted. I don't know when pillars fixed. I am living at Pakro. When I returned from Pakro people in house told me pillars fixed. Quarcoopome told me about one year ago. This case had started then. I last visited the land time I have forgotten. I went last with District Commissioner, Accra. Last occasion I went with surveyor Akiwumi before surveyor went in this case. I went there to point out the land to be acquired by Government—our portion. When Defendant's people started living Narley
- 50 Tobey, Afo was alive. Not true Defendant's people have been N. Tohey from time immemorial. I saw Okeley yesterday. I know him. I heard his evidence re this place. Previously we called Nsoley Tobey—Ngoifa.

*Plaintiffs' Exhibit.*

“ 4.”

Record in Supreme Court of *Aryeh and Others v. Dawuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

Sub-Exhibit “ D.”

Plaintiffs'  
Exhibit.

" 4."

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Others,  
3rd  
August  
1942 to  
8th March  
1944,  
continued.

Sub-  
Exhibit  
" D."

It was in Afo's lifetime when Defendant's people got leave for custom there. Place called Nsoley Tohay only 6 years ago, not so before. Afo Ankrah said Defendant's people brought rum before have given—place only lent them not dashed to them. We all live in one quarter. If in need they can ask us. I know M. D. A. Ankrah took action for and on behalf of the family of Manche Ankrah v. Djasetse Bruce Vanderpuye of Otublohum Atifi in Ga Manche's Tribunal. That case not heard yet. M. D. A. Ankrah has been authorised to fight all cases. He gave evidence in present case because I was not in Accra. I see signature on paper M. D. A. Ankrah. I know it well. I was not in town when M. D. Ankrah authorised to bring 10 action in Ga Manche's Tribunal but I like it. I do not disapprove of it. I do not disapprove of it. Before action taken I don't know. I don't know what he was claiming.

Adjourned to tomorrow morning at 9 a.m.

(Sgd.) R. E. HALL,  
Ag. C.J.

8th July, 1931.

IN THE SUPREME COURT OF THE GOLD COAST COLONY,  
Eastern Province, held at Victoriaborg, Accra, on Wednesday the  
8th day of July, 1931, before His Honour ROGER EVANS HALL, Acting 20  
Chief Justice.

NEE ANKRAH QUANSAH

V.

MANCHE AMPONSAH.

From yesterday.

W. A. Solomon (continued).

By consent in unavoidable absence of Awere, Quist continues cross-examination—

Quist reads first claim in last mentioned case—

When action taken I did not know claim. I knew afterwards. When 30 case first called I was not present at Ga Manche's Tribunal. I did not cause amendment in writ of summons to be made. I never asked. When case called, M. D. A. Ankrah not there so I asked for an adjournment until his return. It was oath case. Oath sworn was Ga Awuma So and Nomotse Tom Oaths. Claim read by Quist *supra* was as follows :—

" (1) To show cause why the complainant's family was left in the funeral arrangements of Nee Amponsah when according to Defendant's family the late Nee Ankrah had sat on their Stool as Otublohum Mantse thereby making the complainant's family and Defendant's family one." 40



I heard Ankrah took oath case and he was out of town so I went to adjourn case when called. When Ankrah return from bush he informed me.

Plaintiffs'  
Exhibit.

Quist reads second and third claims in writ of summons :—

“ 4.”

“(2) An injunction restraining the Djasetse Bruce Vanderpuye and all other people connected with the election and installation of a Mantse from electing and installing in place of Nee Amponsah II descended a Mantse as Mantse of Otublohum.

Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Others,  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

10 “(3) The complainant further claims that Nee Adjabeng Ankrah is by right and custom the Mantse of Otublohum and further that the ancestral stool of Otu Ahiakwa (founder of Otublohum) which is the Otublohum Stool is in possession of the said family of Mantse Ankrah.”

Sub-  
Exhibit  
“ D.”

Ankrah told me about these claims, I still say my stool nothing to do with Defendant's stool. Adjabeng Ankrah sat on a stool. We are Ashanti Denkeras. They are Akwamus. Akwamus also are Akan. Akwamus of Ashanti I don't know. In Accra we retained our Akan custom. I know that according to Akan custom a Chief occupying a Stool if he acquires anything it is for the stool and is not personal property. When Ankrah went to war he was sitting on Otu Ahiakwa's Stool. He was Chief. In those days they were known as Chiefs. He is known as Manche Ankrah by Gas. Time Ankrah went to war he was on stool. He stayed on stool till he died. In September 1928 I had trouble with the police. Ga Mantse Tackie Yaboi went to Police Magistrate's Court and gave evidence on my behalf. I was present in Court during whole proceedings.

Q. Did you hear the Ga Manche Tackie Yaboi as witness on your behalf in *I.G.P. v. W. A. Solomon* saying in answer to Court as follows : “ The village of Awudome was under the Otublohum Manche ” ?

30 Sawyerr objects—Unless answer backs witness, Counsel not entitled to quote it in way Counsel has done. Submits issue in case should be submitted to Court and if that point was in issue it might be legitimate to quote that statement alleged to have been made by Ga Manche to Counsel. Secondly submits Counsel can't cross-examine witness on statment of witness in another case.

Taylor 11th Edition, Volume II, page 522.

When Tackie Yaboi still alive.

Quist withdraws question for present.

40 I often go to this land—occupied by our people—Only one farm for Defendant's family on land—Anuma—I know Annan Sebrebe occupied this land. He belongs to Defendant's party. Thomas Doodoo never occupied any portion of the land. I know Garshong, Chief John Quartey, Antonio and Evans, occupied land—They live in Atifi quarter. They are not Defendant's people. All along, I say Dadebana = my section. Atifi = Defendant's section. Their people live in Atifi but not Defendant's people. Chief John Quartey came from Asere quarter. Chief John Quartey was one of most reputed people of Otublohum quarter. Emblem of Otublohum quarter is native lamp. We don't use same emblem—we use native lamp and man's hand. Defendant's people use lamp only. No other quarter in Accra which use lamp or something and lamp as emblem.

*Plaintiffs' Exhibit.* *By Court :*

[sic]

“ 4.”  
Record in  
Supreme  
Court of  
Aryeh and  
Others v.  
Dawuda  
and  
Others,  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

Sub-  
Exhibit  
“ D.”

Dadebana emblem *in* native oil lamp and man's hand.

Q. If Ankrah said you used sword and man's hand will that be correct ?

A. Not correct.

*Cross-examination continued :*

Different emblems in our flag—and different emblem in their flag. No other quarter in Accra is a native oil lamp as emblem—nor native oil lamp and something else. Djan Anum was not an Otublohum Manche. He was only a big man. Defendant Amponsah was buried on the land. 10  
Defendant's predecessors however were not buried on the land. Only Manche Ankrah's brother buried there and those of his mother, his brother and his grand-mother. I don't know that Otublohum Manche's house was ever demolished. Only Manche Ankrah's house was ever demolished. Only Manche Ankrah's house was pulled down. I know house in which Defendant Amponsah lived. It was originally built in its present condition. There was a ground floor building which was pulled down and present erection put up. This was known as Atifian. Part of Atifian compound was pulled down together with part of Asere Quarter. Bodies of Manchemei 20  
previously buried in houses. When street took portion of Otublohum Manche's house, Manche Ankrah exhumed bodies and buried before he died. I say he did so—it was a long before street made. It was Oto Brafo's house. Where were Manchemei between Oto Brafo and Nee Amponsah—i.e., Nee Dodoo Nyan, Amoo Dodoo. I met the latter. These two were there. I don't know what happened to their house. I have heard of Nee Otoo Din. He was not a Manche. He was principal man of stool family of Otublohum. He did not occupy portion of the land. Akua Badu was daughter of Otu Bin. She occupied portion of the land with leave of Antonio Ankrah.

*Re-examined :*

30

[sic]

Question between Atifi and Dadebana people about the Kofi Apetherefad. Immediately after this Manche Ankrah fell ill, and the family went to enquire from fetish. *Orade* said it was because they had flogged Oto Brafo and his family therefore Manche Ankrah was ill. Ankrah said if because of this I am ill I will exhume bodies and burn them before I die there. I will not live in house until that time.

I know Dodoo Nyan. He succeeded Oto Brafo. Time Manche Ankrah had the land given to him Dodoo Nyan sitting on Otoo Brafo Stool. Originally Otu Ahiakwa was Manche of Otublohum—but all the others were Chiefs. Ankrah was known by Gas as Manche Ankrah—but 40  
Government called Chief Ankrah. After Manche Ankrah's death there was nobody known as Otublohum Manche until recently when they began to make tribunals. I believe in Maxwell's Governorship. It was not long ago. I claim that I ought to be Manche of Otublohum. Defendants say their man should be Manche of Otublohum. Case in Ga Manche's Tribunal by Ankrah has never been heard. I don't know why. Anuma got leave to go on land from Commey. Annan Sebrobo followed as woman to the

land—by name Ayeley from Gbese. Ayeley's husband died on the land and he went and took her as wife. I have forgotten name of first husband of Ayeley. Manche Ankrah's mother was called Anuma—her bones were removed—his brother was called Ayi and grandmother called Kwarma. Afo and Chief John Vanderpuye got leave from Government before bodies removed. Defendant Amponsah was alive then—he had nothing to do with removal. Defendant said to Government villages on land were his and therefore he got gunpowder. I went to ask gunpowder and they said gunpowder always given to villages so I must go and find it. I found  
 10 Defendant used to go for it. Adjiman is situate in Atifi. It is my own private property. Defendant got gunpowder for that town. He had nothing to do with it. Some of Ankrah family live on Adjiman's land with me. I bought it.

*By Court :*

Amponsah was enstooled about 1907. At that time Manche of Otublohum was sitting on Oto Brafo Stool. According to me Otublohum Manche is still sitting on Otu Brafo Stool up to his death. I claim to be Dadebana Otublohum Manche.

20 *Q.* Have you or your predecessors ever made complaint to Government that you are not recognised as Otublohum Dadebana Manche on Otu Ahiakwa Stool ?

*A.* We have written to Government to know. When I was appointed caretaker of stool I told Government it was about two years ago. Since installation. Six months ago Government was informed. I have heard of Chiefs List.

*By Court :*

Look at p. 60 of Chiefs List 1924—I see there Amponsah described as Otublohum Manche 1901 enstooled.

30 We have not complained to Government about the entry re Otublohum Manche.

*By Court :*

Look at page 14 of Chiefs List 1929.

I see some entry there.

We have not complained to Government about the entry re Otublohum Manche. Under Native Jurisdiction Ordinance, Amponsah held tribunal known as " Otublohum Tribunal."

We never complained to Government Amponsah purporting to hold a tribunal for Otublohum.

My predecessor was on Stool (Otu Ankrah) in 1887.

40 In Reindorf's history after Otu Ankrah died, Anum Nakwas sat on the Stool. Since Government properly constituted here never any attempt to get Government to recognise the Otu Ahiakwa Stool.

*Plaintiffs' Exhibit.*

" 4."

Record in Supreme Court of *Aryeh and Others v. Darwuda and Others*, 3rd August 1942 to 8th March 1944, *continued.*

Sub-Exhibit " D."

Plaintiffs' Exhibit.

“ 4.”

Record in Supreme Court of *Aryeh and Others v. Dawruda and Others*, 3rd August 1942 to 8th March 1944, continued.

Sub-Exhibit “ D.”

*By Court :*

When Defendant enstooled he was enstooled as Atifi Manche.

*By Court :*

I am literate—and a large number of my family and adherents are literate.

Court at this stage informed Counsel it has been told by the Registrar a motion paper in this matter filed by Acting Korle Priest asking for joinder. The motion has been filed *ex parte* and has been made returnable for tomorrow morning.

Counsel for Plaintiffs and Defendant agree that they will take notice 10 of the motion on the spot tomorrow morning without service of papers and state that they intend to oppose the joinder.

Case adjourned to tomorrow accordingly.

(Sgd.) R. E. HALL,  
Ag. C. J.

17th August, 1931.

IN THE SUPREME COURT OF THE GOLD COAST COLONY,  
Eastern Province, held at Victoriaborg, Accra on Monday the 17th day  
of August, 1931, before His Honour ROGER EVANS HALL ; Ag. Chief  
Justice.

NEE QUANSAH ANKRAH

20

V.

MANCHE AMPONSAH  
J. S. BRUCE VANDERPUYE, Substituted.

*By Court :*

This case is settled on the following terms :—

1. The Plaintiff in his representative capacity obtains a declaration of title against Defendant in his representative capacity to all that piece or parcel of land edged green on Exhibit “ A ” signed by K. Armah Kwantreng on 18th June, 1931, save and except :—

30

(A) the area acquired by Government edged violet inside the aforesaid green area—*vide* Certificate of Title dated 17th July, 1930 signed by G. C. Deane, Chief Justice

(B) the area edged in red ink by me and initialled by “ R.E.H.” at various points, which is hereby declared, as far as the parties to this suit are concerned, to be the property of the whole Otublohum quarter ;

(C) the area south of the pink line not claimed by the Defendant in this action.

2. All graves of Manchemei and others on the whole area of the aforesaid land are to remain undisturbed for all time.

*Plaintiffs' Exhibit.*

3. This settlement clearly confers the right of celebration of custom on the land surrounded in red ink and initialled " R.E.H." without any obtaining of permission from any person or body of persons (except so far as Government regulations may require leave to be contained) or giving of drink to any person or body of persons.

" 4." Record in Supreme Court of *Aryeh and Others v. Dawuda and Others,* 3rd August 1942 to 8th March 1944, *continued.*

10 4. Any compensation payable in respect of the aforesaid violet area, the property of Government, will be payable to the Plaintiff's party in the event of their success as against other possible claimants.

5. Plaintiff to receive 50% of the costs of this suit in this Court to be taxed.

6. Case to be mentioned on Wednesday next with respect to the erection of pillars and survey of the " red ink area."

Sub-Exhibit " D."

(Sgd.) R. E. HALL,  
Acting Chief Justice.

Akilagpa Sawyerr }  
A. W. Kojo-Thompson } Plaintiff's Solicitors.

Eml. C. Quist, Solicitor for Defendants.

20

Certified true copy.

(Sgd.) SAMUEL BANNERMAN,  
Registrar, Divisional Court.

*Plaintiffs'*  
*Exhibit.*

" 4."

Record in  
Supreme  
Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

Sub-  
Exhibit  
" K.1."

PLAINTIFFS' EXHIBIT " K.1."

Selwyn Market Street,  
Accra.

18th September, 1936.

Sir,

In the Matter of the Estate of  
William Adjabeng Solomon (Deceased)

I have to write requesting you to inspect the property known as  
" Ahodome lands " and known as the property of late Mantse Ankrah  
and which was in charge of the late William Adjabeng Solomon. It is the 10  
wish of the members of the family that this should be done.

I have the honour to be,

Sir,  
Yours respectfully,

(Sgd.) M. D. A. ANKRAH,  
For and on behalf of Deceased's Family.

The Manager,

Estate of William Adjabeng Solomon,  
(Deceased), Accra.

P.S.—I beg also to remind you to take with you four Police Constables 20  
to keep the peace at Kwanyaku on your visit.

(Sgd.) M. D. A. ANKRAH.

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## PLAINTIFFS' EXHIBIT "K.2."

Ref No. Sol.250/1936.

From : Capt. W. Price-Jones,  
 Manager, Estate of  
 W. A. Solomon, Decd.,  
 P.O. Box 119,  
 Accra.

22nd September, 1936.

Sir,

10

Estate of W. A. Solomon, Deceased.

I am directed by the Manager of the Estate to say that he will inspect the property known as "Ahodome lands" known as the property of late Mantse Ankrah, and which was in charge of the late William Adjabeng Solomon, on Thursday the 24th September, 1936, at 4.30 p.m.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.) J. E. OKAI,

Clerk of the Manager of the Estate.

20 Hon. A. W. Kojo Thompson,  
 Solicitor for the Executors of the  
 Estate of W. A. Solomon, Deceased,  
 Accra.

*Plaintiffs'*  
*Exhibit.*  
 "4."

Record in  
 Supreme  
 Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
 3rd  
 August  
 1942 to  
 8th March  
 1944,  
*continued.*

Sub-  
 Exhibit  
 "K.2."

## PLAINTIFFS' EXHIBIT "K.3."

*Plaintiffs'  
Exhibit.*

"4."

Record in  
Supreme  
Court of  
*Aryeh and  
Others v.  
Dawuda  
and  
Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

Sub-  
Exhibit  
"K.3."

Copy

23rd September, 1936.

Ref. TAQA/ONO 221/936.

The Clerk to the Manager of the Estate  
of the late W. A. Solomon (deceased),  
Accra.

Sir,

Estate of W. A. Solomon (deceased).

I am directed by the Honourable A. W. Kojo Thompson Solicitor 10  
for the Executors herein to acknowledge the receipt of your letter of the  
22nd instant informing them that you will be inspecting the property  
known as "Ahodome lands."

He wishes me to state that his clients instruct him that the land in  
question is not the property of the late W. A. Solomon, deceased, and there  
is no necessity for the inspection.

Yours truly,

(Sgd.) T. A. QUAOFIO,

Clerk to Hon. A. W. Kojo Thompson.

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## 2nd DEFENDANTS' EXHIBIT "E."

No. 1141/182/1938.  
 District Commissioner's Office,  
 Victoriaborg, Accra.

10th July, 1939.

Eastern Province.

My Good Friend,

A deputation of the Fantee Community, comprised of Mr. William Quansah M.B.E. (Government Pensioner), Mr. A. W. Hansen, Mr. W. A. Simons (Government Pensioner) and Mr. Kwesi Whyte, has interviewed me with the request that I should assist the Fantees living in Accra to find an area where they would be able to reside in future.

2. I have suggested that a suitable site for them would be the area which lies along-side the site for your new building to the south of the ring-road. You will remember that you agreed with me that this area should be reserved for "strangers" in Accra.

3. I have told them that you would be willing to permit them to occupy without any charge the two roomed block *work* houses which the Government will erect for them, but I suggested that they should interview you now to ascertain upon what terms you would, when the time comes, permit them to acquire the plots of land upon which their buildings have been erected. [sic]

I am,

Your Good Friend,

(Sgd.) V. H. LITTLEWOOD,  
 for District Commissioner.

Nii Ankrah Family,  
 Accra.

## PLAINTIFFS' EXHIBIT "C.3."

30 Block B8.

5th October, 1939.

Received from Delphina Ocquaye the sum of Two Pounds five shillings and — pence for a plot of land at Awudome.

£2.5.0.

(Sgd.) M. D. A. ANKRAH,  
 for NII ANKRAH Family.

*Plaintiffs'*  
*Exhibit.*

"4."

Record in  
 Supreme  
 Court of  
*Arveh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
 3rd  
 August  
 1942 to  
 8th March  
 1944,  
*continued.*

Sub-  
 Exhibit  
 "E."

Sub-  
 Exhibit  
 "C.3."

*Plaintiffs'*  
*Exhibit.*

**PLAINTIFFS' EXHIBIT "C.1."**

" 4."  
Record in  
Supreme  
Court of  
*Aryeh and  
Others v.  
Dawuda  
and  
Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

Block F, Plot 11.

No. 38.

6th March, 1940.

Received from Mercy Ankrah the sum of Two pounds five shillings and — pence being payment for a plot of land at Ahodome.

£2.5.0.

(Sgd.) M. D. A. ANKRAH,  
for NII ANKRAH Family, Accra.

Sub-  
Exhibit  
"C.1."

**PLAINTIFFS' EXHIBIT "C.2."**

Sub-  
Exhibit  
"C.2."

Block C. Plot No. 1.

No. 61.

16th March, 1940. 10

Received from Mahama Chedo Bergiga the sum of Two pounds five shillings and — pence and 15/6 for fielding and document for a plot of land at Ahodome Accra under terms and conditions total amount £3.0.6.

£2.5.0

for the plot of land.

(Sgd.) M. D. A. ANKRAH,  
for NII ANKRAH Family,  
Otublohum, Accra.

**PLAINTIFFS' EXHIBIT "G.2."**

Sub-  
Exhibit  
"G.2."

Colonial Secretary's Office,  
Accra. 20  
6th March, 1941.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter dated the 13th February 1941 relating to the conduct of correspondence with the descendants of the late Mantse Ankrah of Otublohum, in connection with Awudome (Kaneshi) lands.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.) E. W. ADJAYE, 30  
for Colonial Secretary.

Mr. D. Sackey Quarcoopome,  
P.O. Box 96,  
Accra.

## PLAINTIFFS' EXHIBIT "G.1."

P.O. Box 96,  
5th April, 1941.  
Accra.

*Plaintiffs'*  
*Exhibit.*

—  
"4."  
Record in  
Supreme  
Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

Sir,

In re Ahodome Lands (Kaneshi Layout)

10 With reference to my letter dated 13.2.41 and with further reference to the interview with you, yesterday, including the accredited members of the family of late Nii Ankrah, I have the honour most respectfully as Chairman for the Committee appointed, to apply for two certified true copies of claim No. X.1572 with full particulars put up by Mr. M. D. A. Ankrah on or about the 2nd February, 1939.

I have the honour to be,

Sir,

Yours faithfully,

(Sgd.) D. SACEY QUARCOOPOME,  
Chairman,

Ahodome Trust Estate Emt.

Sub-  
Exhibit  
"G.1."

20 To Commissioner of Lands,  
Lands Department,  
Cantonments.

---

*Plaintiffs'*  
*Exhibit.*

“ 4. ”

Record in  
Supreme  
Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

Sub-  
Exhibit  
“F.I.”

PLAINTIFFS' EXHIBIT “ F.I.”

30 April 1941.

D. Sackey Quarcoopome,  
P.O. Box 96,  
Accra.

Re Ahodome Lands  
(extension of cemetery)

Sir,

With reference to claim for compensation made by one M. D. A. Ankrah on behalf of Nii Ankrah's family in respect of acquisition by 10 Government of Ahodome lands, I have the honour to inform you that on no account should any money be paid to M. D. A. Ankrah without my knowledge and consent as chairman of a committee of trustees appointed by Ni Ankrah's Family to look after the interest of the said family.

I shall be glad if you will be so good to let me know when an enquiry will be made by Government into the matter of claim submitted by M. D. A. Ankrah.

I have the honour to be,

Sir,

Yours faithfully,

20

(Sgd.) D. S. QUARCOOPOME,  
Chairman.

The Commissioner of Lands,  
Lands Department,  
Cantonment.

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## PLAINTIFFS' EXHIBIT "G.3."

Lands Department,  
Cantonments,  
P.O. Box 523,  
Accra, Gold Coast.

15th May, 1941.

No. 9063/1021

Sir,

Accra—Acquisition of Land adjoining the  
Kaneshi Cemetery

- 10 With reference to your letter of the 5th April 1941 and your interview with me on the 26th April last, I have the honour to forward, herewith as requested, two copies of Kaneshi layout plan No. X1572 the cost of which is 9/-.

I shall be glad if you will remit this amount to me as early as possible.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.) J. A. RICE,

Ag : Commissioner of Lands.

- 20 Mr. D. S. Quarcoopome,  
P.O. Box 96,  
Accra.

*Plaintiffs'*  
*Exhibit.*

" 4."

Record in  
Supreme  
Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

Sub-  
Exhibit  
" G.3."

## PLAINTIFFS' EXHIBIT "F.2."

No. 9063/262.

Lands Department,  
Cantonments,  
P.O. Box 532,  
Accra, Gold Coast.

28th May, 1941.

- 30 Sir,

Accra—Acquisition of Land adjoining the  
Kaneshi Cemetery.

I have the honour to acknowledge the receipt of your letter dated 30th April 1941 the contents of which I note.

With reference to paragraph 2 of your letter, I have to inform you that the matter is still receiving attention and that a further communication will be addressed to you in due course.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.) J. A. RICE,

Ag : Commissioner of Lands.

- 40

Mr. D. S. Quarcoopome,  
P.O. Box 96,  
Accra.

Sub-  
Exhibit  
" F.2."

*Plaintiffs'*  
*Exhibit.*

—  
" 4. "

Record in  
Supreme  
Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

—  
Sub-  
Exhibit  
" F.3. "

**PLAINTIFFS' EXHIBIT " F.3. "**

No. 0486/12/2350.

Lands Department,  
Cantonments,  
P.O. Box 523,  
Accra, Gold Coast,  
27th July, 1942.

Sir,

Defence Regulations 1939. Taking possession of land under  
claim by Nii Ankrah's Family.

10

I have the honour to refer to your letter dated the 18th September, 1941, addressed to the District Commissioner, Accra, on the subject of the above claim, and to inform you that the same has been referred to me.

In reply thereto, I have to inform you that the matter is still under consideration and that a further communication will be addressed to you in due course.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) R. A. H. TOUGHER,  
for Ag : Commissioner of Lands.

20

Mr. D. Sackey Quarcoopome,  
P.O. Box 96,  
Accra.

---

## PLAINTIFFS' EXHIBIT "L."

## THIS INDENTURE

Gold Coast  
Ten shillings  
Stamp Duties.

1409/43.

*Plaintiffs'*  
*Exhibit.*

—  
" 4. "

Record in  
Supreme  
Court of  
*Aryeh and*  
*Others v.*  
*Dawuda*  
*and*  
*Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

—  
Sub-  
Exhibit  
" L. "

KNOW ALL MEN BY THESE PRESENTS that we JAMES ROBERT ANKRAH Head of Nii Ankrah's Family, MANUAH ANKRAH, AYIKALLEY ANKRAH, AKUORKOR ANKRAH, PRAMPAM KOMILEY ANKRAH, KORLEY ANKRAH, PREMPREM KOMIORKOR ANKRAH, KOMIOKOR ANKRAH, PREMPRAM  
10 AYI ANKRAH, AYIFIO ANKRAH, JANET RANDOLPH, MARIAN HYDE, GERHARDT TETTEH, AFFIAH MANSAH, ADOLEY ANKRAH, ADORKOR ANKRAH and AFODEDE ANKRAH all of Accra in the Eastern Province of the Gold Coast British West Africa, Grand Children of late Nii Manche Ankrah of Otublohum Accra in the Gold Coast aforesaid do this 2nd day of April 1943 hereby appoint AUGUSTUS ALEXANDER SHOTAN WILLIAMS, JOSEPH AMOS LAMPTEY, DANIEL DACKEY QUARCOOPOME, JOSIA KORQUAYE QUAMLA ARYEH, ANTONIO DINNA ANKRAH, DELPHINA OCQUAYE and  
20 FORTUNATUS WILLIAM AMARTEIFIO all of Accra in the Gold Coast aforesaid to be our Attorneys for the purposes thereafter mentioned, that is to say :—

1. To sell at such time or times as our Attorneys shall think fit, all or any of the lands situate North of Agblogbloshie Railway Station Accra generally known and called Ahodome Lands and also any other hereditaments which many belong to us during the continuance of this power either together or in lots and by Public Auction or private contract and either with or without special considerations as to title or otherwise, with the liberty to buy in at any sale by Auction, to rescind or vary contracts for sale, and to resell without being answerable for any loss arise thereby.

2. To receive the rents and profits of and manage all the lands and  
30 hereditaments of whatever tenure and of any share or interests therein of or to which we now are or at any time or times hereafter shall or may become seised, possessed or entitled for any estate or interest whatsoever with the liberty in the cause of such management to let or demise the said lands, or any part thereof, either from year to year or for any term or number of years or for any less period than a year at such rents and either with or without fine or premium and subject to such covenants and conditions as our said Attorney shall think fit ; and with liberty also to accept surrenders or effectual receipts and discharges for the rents and  
40 profits of the lands and on non-payment of any rent or the breach of any covenant, agreement or condition which ought to be observed or performed by any leasee or tenants, to take such proceedings by distress action or otherwise for recovering such, to do all such acts or things in or about the management of the lands as our said Attorneys might do if they were the absolute owners thereof : also to use and take all lawful ways and means for recovering any lands or hereditaments belonging or supposed to belong to us.

*Plaintiffs'*  
*Exhibit.*

" 4."

Record in  
Supreme  
Court of  
*Aryeh and  
Others v.  
Dawuda  
and  
Others,*  
3rd  
August  
1942 to  
8th March  
1944,  
*continued.*

Sub-  
Exhibit  
" L."

3. To ask, demand, sue for, recover and receive all sums of money, goods, effects and things (whether real or personal) now or hereafter owing or payable or belonging to us, by virtue of any security or upon any balance of accounts or otherwise, howsoever and to give, sign and execute receipt leases and other discharges for any property or thing in action whatsoever.

4. To settle, adjust, compound, submit to arbitration and compromise all proceedings, accounts, claims, and demands whatsoever which now are or hereafter shall be depending between us and any person or persons whomsoever, in such manner as our said Attorneys shall think fit.

5. To appear for us in any Court of Justice in any action or other 10  
proceedings which may be instituted against us, and to defend the same or suffer judgment to go against us, and to commence and prosecute any action or proceedings, or act otherwise in any matter as our said Attorneys shall be advised or think proper.

6. To apply money which may come to the hands of our said Attorneys under these presents in payment of all costs and expenses incurred by them or us in or about the execution of the powers herein contained.

7. To deposit any money not required for costs or expenses as aforesaid at any Bank in our names and to withdraw the same from time 20  
to time and to open or close any current account and to draw and sign cheques, such cheques to be duly signed by Augustus Alexander Shoten Williams, Joseph Amos Lamptey and Daniel Sackey Quarcoopome.

8. To execute and do in our names all such deeds covenants, agreements and things as our said Attorneys may think proper for the purpose of giving effect to the powers hereby conferred.

9. Generally to manage all our concerns and affairs in connection with the said lands at their absolute discretion and as fully and effectually as we could do if we were present and acting in our proper persons and without liable to account for any act or default done or committed in 30  
good faith.

10. All and whatsoever our said Attorneys shall do or cause to be done in or about the premises We hereby covenant with our said Attorneys to allow, ratify and confirm.

11. We declare that this power shall be irrevocable for one year from the date hereof.

In witness whereof we have hereunto set our hands and seals the day and year first above written.

Signed Sealed and Delivered by the said James Robert Ankrah, Amanuah Ankrah, Ayikailey Ankrah, Akuorkor Ankrah, Prampram Komiley 40  
Ankrah, Korley Ankrah, Prampram Komiorokor Ankrah, Komiorokor Ankrah, Prampram Ayi Ankrah, Ayifio Ankrah, Janet Randolph,



Marian Hyde, GerhadT Tetteh, Affiah Mansah, Adoley Ankrah, Adorkor, Ankrah and Afodede Ankrah the foregoing having been first read over and interpreted in the Ga language by John Joseph Ocquaye to the said Amanuah Ankrah, Ayikailey Ankrah, Akuorkor Ankrah, Prampram Komiley Ankrah, Korley Ankrah, Premprem KomiorKor Ankrah, KomiorKor Ankrah, Premprem Ayi Ankrah, Ayifio Ankrah, Affiah Mansah, Adoley Ankrah, Adorkor Ankrah and Afodede Ankrah when they seemed perfectly to understand the same before making their marks hereto in the presence of :—

*Plaintiffs' Exhibit.*

“ 4.”

Record in Supreme Court of *Aryeh and Others v. Dawuda and*

*Others,*  
3rd

August 1942 to 8th March 1944,  
*continued.*

Sub-Exhibit “ L.”

10 (Sgd.) JOHN JOE OCQUAYE.

(Sgd.) G. SAM ADDO.

their

(L.S.)

- |                              |   |   |
|------------------------------|---|---|
| 1. (Sgd.) J. E. ANKRAH       |   |   |
| 2. AMANUAH ANKRAH            | X | ” |
| 3. AYIKAILEY ANKRAH          | X | ” |
| 4. AKUORKOR ANKRAH           | X | ” |
| 5. PREMPREM KOMILEY ANKRAH   | X | ” |
| 6. KORLEY ANKRAH             | X | ” |
| 7. PREMPREM KOMIORKOR ANKRAH | X | ” |
| 8. KOMIORKOR ANKRAH          | X | ” |
| 9. PRAMPARAM AYI ANKRAH      | X | ” |
| 10. AYIFIO ANKRAH            | X | ” |
| 11. JANET RANDOLPH           | X | ” |
| 12. MARIAN HYDE              | X | ” |
| 13. (Sgd.) GERHADT TETTEY    |   | ” |
| 14. AFFIAH MANSAH            | X | ” |
| 15. ADOLEY ANKRAH            | X | ” |
| 16. ADORNOR ANKRAH           | X | ” |
| 17. AFODEDE ANKRAH           | X | ” |

marks

30 DEFENDANTS' EXHIBIT.

Exhibit “ C ”—Reply (to Submissions) by M. D. A. Ankrah in M. D. A. Ankrah, etc. v. D. S. Quarcoopome & Others.

*Defendants' Exhibit.*

“ C.”

IN THE TRIBUNAL OF THE PARAMOUNT CHIEF OF THE GA STATE, Eastern Province, Gold Coast, Accra.

Reply (to Submissions) by M. D. A. Ankrah in M. D. A. Ankrah, etc. v. D. S.

M. D. A. ANKRAH etc. etc. . . . Plaintiff

V.

D. S. QUARCOOPOME & ors. . . . Defendants.

*Quarcoopome & Others,*  
2nd February 1944.

REPLY TO SUBMISSION OF DEFENDANTS.

40 1. That there is no substance in the whole of the submission by the Defendants.

2. That the land known as “ Awudome ” that the Defendants dug the grave for the burial of the late Madam Amanuah Ankrah is known by the Ga State as Mantse Ankrah Stool Family property that is—the said

*Defendants' Exhibit.*

"C."

Reply (to Submissions) by M. D. A. Ankrah in *M. D. A. Ankrah, etc. v. D. S. Quarcoopome & Others*, 2nd February 1944, *continued.*

Stool sprung from the Nii Otu Akiakwa Stool of Dadebanna (Otublohum) from the year 1830 which fact has been confirmed by the Judgment of Hall, J. in a case between the latter stool and the Oto Blafo Stool represented by Nii Aponsah of Atifi, Otublohum, substituted by J. S. Bruce-Vanderpuye, Dsasetse.

3. This point has also recently been confirmed by the judgment of Quashie-Idun, Ag. J. in the Divisional Court, Accra, in the case of the same Defendants as Plaintiffs *versus* Mallam Daoda, M. D. A. Ankrah for and on behalf of Mantse-Ankrah family as Co-Defendants. In the said judgment it is stated that the M. D. A. Ankrah is the accredited representative of the Ankrah family which fact is known by the Ga State and who invariably represents the said family at the Ga State Council deliberations. In support of this fact I would point out that all the Stool lands both in Accra and outside Accra are under the care and control of the said M. D. A. Ankrah who acts for the said Ankrah family since 1927 to date. 10

4. That the Tribunal will find put the veracity of this contention from the judgment dated 13th November, 1943 by Quashie-Idun Ag. J. in the case of *J. K. Q. Aryeh & Others v. Mallam Daoda & Ors.* and to support the oath which has brought about this case or which is the outcome of this case now pending before this Tribunal, I exhibited the said judgment clothing the Ankrah family with authority to bring this present action against the above-named Defendants. 20

5. Perusal of the said judgment will show that "Awudome" is not a self-acquired property belonging to Mantse Ankrah (deceased) but a family property of the Ankrah Stool which sprang up from the Nii Otu Ahiakwa Stool.

6. The above incontrovertible facts cannot be disapproved by the above-named Defendants and the submissions therefore cannot be tenable inasmuch as it has been proved beyond any reasonable doubt that the land "Awudome" is not a self-acquired property but the Ankrah family Stool property and for the above-named Defendants to claim "Awudome" as the property of Mantse Ankrah (Deceased) by reason of the allegation that they are direct descendants of the late Mantse Ankrah is somewhat preposterous. 30

Dated at Accra this 2nd day of February, 1944.

(Sgd.) M. D. ADJABENG ANKRAH,  
For and on behalf of the ANKRAH Family, Accra.

The Registrar,  
Ga Mantse's Tribunal,  
Accra.

40

And to the above-named Defendants  
through D. S. Quarcoopome,  
Accra.

## PLAINTIFFS' EXHIBIT.

Exhibit "2"—Power of Attorney in favour of M. D. A. Ankrah.

Plaintiffs'  
Exhibit.

559/42.

"2."

## RENEWAL OF POWER OF ATTORNEY.

Power of  
Attorney  
in favour  
of M. D. A.  
Ankrah,  
16th  
February  
1942.

KNOW ALL MEN BY THESE PRESENTS that we the undersigned signatories constituting the principal and accredited members of the family of the late Mantse Ankrah of Dadebana Otublohum Accra in the Eastern Province of the Gold Coast do hereby constitutionally and legally appoint MARK DAVID ADJABENG ANKRAH alias KWAKU NYAME ANKRAH of Station  
10 Road, Accra, in the Province aforesaid son of the late Nii Adjabeng Ankrah a member of the said family of the late Mantse Ankrah as our true and lawful Attorney and Representative in all matters affecting the said family of late Mantse Ankrah and particularly for the following purposes :—

1. To retake the charge and possession of our ancestral stools commonly known and called Mantse Ankrah family Stools now being kept at the premises known and called " P & B " the property of late Nii Arday Ankrah a member of Mantse Ankrah family.
- 20 2. To appoint the services of the members of the said Mantse Ankrah family either male or females for the purpose of pouring out libations for the said stools and washing the same in accordance with custom and usage with liberty to dismiss or dispense with the services of any of the said members of the said family so appointed as he shall think fit, proper, and expedient without the interference of any of the members of the said family.
- 30 3. To retake charge and possession of as caretaker for the said family the lands commonly known and called by the name of " Awudome " otherwise known as Stool lands for the said Mantse Ankrah family which said lands are situate lying and being at the Government cemetery, Awudome in the Eastern Province aforesaid and all other lands belonging to the Ankrah family situate lying and being at Mayera-Akoto and Afiamah  
30 in the Accra District of the province aforesaid.
4. The said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah is empowered and authorised by the said Mantse Ankrah family to sue and to litigate with any person or persons firm or corporation who may unlawfully and unreasonably trespass on any of the family's lands either at Awudome or at Mayera-Akoto or Amman.
- 40 5. The said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah is also empowered and authorised by the family to sue and to litigate with any person or persons whether *by* are members of the family and who because of his or their selfish gains or interests styling themselves  
40 as direct descendants of the late Mantse Ankrah and therefore exclusive owners of the said family lands : To deal with such people arrogating unto themselves such privilege in any Court of justice or any competent Native Tribunal with a view to maintaining the family's power and authority over the lands in question as common property of the said Mantse Ankrah

[sic]

Plaintiffs' Exhibit.  
" 2."

family. In the like manner the said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah shall litigate with all such persons in respect of our ancestral Stools.

Power of Attorney in favour of M. D. A. Ankrah, 16th February 1942, continued.

6. For the purpose of defraying all lawful expenses that may be incurred by the said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah in respect of such litigations as stated in paragraph 5 herein the said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah shall have the right with the knowledge and consent of members of the family to dispose of or lease portion or portions of the said family's land herein described for the payment of all expenses so incurred.

10

7. The said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah is hereby empowered by these presents to sign all documents and papers appertaining to all Court or Tribunal matters particularly all documents relating to the said sale or lease of the portion or portions of any of the lands described herein which said sale or lease shall be witnessed by the authorised members of the family appointed so to do for and on behalf of the family until these presents shall be revoked by the family.

[sic]

8. Whatever acts, things, deeds previously done on behalf of the family by the said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah *be* done with our consent and approval and particularly the Power of Attorney dated the 24th day of March, 1930 which said Power of Attorney was duly stamped and numbered as 1215/30 by the Stamp Commissioner and also the Article by Madam Amanuah Ankrah dated the 29th day of February, 1940 and the Articles dated the 11th and 12th day of September, 1940 respectively all of which said Articles show in authentic terms that the said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah was acting on our instructions and with our consent and which said Articles, for the public information, were all published in the African Morning Post. We do hereby by these presents agree to ratify and confirm whatever the said Mark David Adjabeng Ankrah alias Kwaku Nyame Ankrah shall lawfully do or cause to be done in the premises.

20

30

[sic]

In witness whereof we have hereunto set *out* hands and seals the Sixteenth day of February, 1942.

Marked sealed and delivered by the signatories hereunder after the foregoing had been read over interpreted and explained to those who cannot read and write in the Ga language by Adu Quarminah when they seemed perfectly to understand the same before making their marks thereto :—

*Female Members :*

LUCY USSHER alias OWUSUWAH	X	(L.S.)	40
ONIMAWO ANKRAH	X	"	
BOTCHWAY ANKRAH	X	"	
AKU ANKRAH	X	"	
ADOMPIA alias ODARCHOE	X	"	
TUTU ANKRAH alias ANAMAH	X	"	
MANSAH ANKRAH	X	"	
	marks		

		Their	(L.S.)	Plaintiffs'
		X	"	Exhibit.
	TAWAI ANKRAH	X	"	
	ADYAE ANKRAH	X	"	" 2."
	KARLEY ANKRAH	X	"	Power of
	OTUMKARAMBAH ANKRAH	X	"	Attorney
	JANE ADUKOI ANKRAH	X	"	in favour
	ARДУА ANKRAH I	X	"	of M. D. A.
	ARДУА ANKRAH II	X	"	Ankrah,
	ARДУА ANKRAH III	X	"	16th
10	ADJUAH OWOO	X	"	February
	OKAILEY OKAI	X	"	1942,
	AMMANAH ANKRAH I	X	"	<i>continued.</i>
	NA KWADUAH	X	"	
	KARLEY alias AGBONYAH	X	"	
	TAWIAH	X	"	
	AFIA	X	"	
	OBARMLA ANKRAH	X	"	
	ARMAR	X	"	
	ADOLEY ANKRAH	X	"	
20	LAMILEY THOMPSON	X	"	
	AKUA TARBON	X	"	
	ANAMAH ANKRAH	X	"	
	ADOLEYFIO	X	"	
	AYORKOR	X	"	
	AYIKARLEY ANKRAH	X	"	
	TARMUAH ANKRAH	X	"	
	AGO ANKRAH	X	"	
	MERCY SOLOMON	X	"	
	YACOBA ANKRAH	X	"	
30	AKOLEY ANKRAH I	X	"	
	AKOLEY ANKRAH II	X	"	
	DADAY ANKRAH alias ADAY ARMAR	X	"	
	KURAMBA ANKRAH	X	"	
	AKU ANKRAH	X	"	
	ADUKOI ANKRAH	X	"	
	AMMAR AYI	X	"	
	KOMLEY ANKRAH	X	"	
	OTINKURAMBA ANKRAH	X	"	
	ODEY ARYEE	X	"	
40	AMANUAH ANKRAH II	X	"	
	LAMILEY ANKRAH	X	"	
	KOMLEY ANKRAH II	X	"	
	LAMILEY LAWSON	X	"	
	BANUAH	X	"	
	KWAMLA ANKRAH	X	"	
	AYIKAIKOR ANKRAH	X	"	
	NAKAI ANKRAH	X	"	
	AMANAY ANKRAH	X	"	
	NA AYELEY TIAH	X	"	
50	KOSHIE BARKETT	X	"	
	ODARKOR BARTLETT	X	"	
		marks		

*Plaintiffs' Exhibit.*  
 " 2."  
 Power of Attorney in favour of M. D. A. Ankrāh, 16th February 1942, continued.

	Their	(L.S.)
ABLAH ANSAH	X	"
COMFORT YACOBA ANKRAH	X	"
BOTCHEY ANKRAH	X	"
<i>Male Members :</i>		
TEMA AYI ANKRAH	X	"
(Sgd.) R. J. ANKRAH		"
C. AMU ANKRAH	X	"
APONSAH ANKRAH	X	"
AYITE OKAI alias KORTOR	X	" 10
ASHONG LAMPTEY (Linguist)	X	"
TAWIAH ANKRAH	X	"
(Sgd.) G. E. ALLOTEY		"
( " ) R. M. OTI ANKRAH		"
KWANCHI ANKRAH	X	"
(Sgd.) ? . ? . ANKRAH		"
( " ) R. J. ARYEETAY		"
JAMES ANNAN ANKRAH	X	"
ADU TAGOE	X	"
J. O. ANKRAH	X	" 20
PERCY O. ANKRAH	X	"
R. D. ANKRAH	X	"
D. C. BORTEY	X	"
KOJO OKANTAH	X	"
JOSEPH ANKRAH	X	"
NII KARANCHI	X	"
(Sgd.) C. B. ALLOTEY		"
( " ) EML. ANKRAH		"
( " ) R. M. ANKRAH		"
( " ) J. E. ANKRAH		" 30
( " ) R. O. ANKRAH (Captain)		"
( " ) M. J. BARTLETTE		"
OKO ANKRAH	X	"
TAWIAH ANKRAH	X	"
(Sgd.) ISAAC OKOE ANKRAH		"
( " ) JOHN COFIE ANKRAH		"
( " ) DANIEL T. ANKRAH		"
( " ) E. A. ANKRAH		"
( " ) EML. OBENG ANKRAH		"
( " ) JOHN N. O. ANKRAH		" 40
( " ) J. COMMEY ANKRAH		"
	marks	

(Sgd.) ADU QUARMINAH,  
 Witness to marks,  
 Interpreter,  
 House S.191/7 Zongo Lane, Accra.

## PLAINTIFFS' EXHIBIT.

Exhibit "5"—Judgment in re Aryeh and Others v. Dawuda and Others.

23rd May, 1944.

IN THE WEST AFRICAN COURT OF APPEAL, Gold Coast Session, held at Victoriaborg, Accra, on Tuesday the 23rd day of May, 1944 : before Their Honours Sir DONALD KINGDON, C.J. Nigeria (President), ALFRED NOEL DOORLY, Ag. C.J., Gold Coast and LESLIE ERNEST VIVIAN M'CARTHY, J., Gold Coast.

Plaintiffs'  
Exhibit.

"5."

Judgment  
of West  
African  
Court of  
Appeal in  
*Aryeh and  
Others v.  
Dawuda  
and  
Others,*  
23rd May  
1944.

10 J. K. Q. ARYEH, D. S. QUARCOOPOME,  
J. A. LAMPTEY, A. A. S. WILLIAMS,  
A. D. ANKRAH, F. W. AMARTEIFIO  
and DELPHINA OCQUAYE for and  
on behalf of themselves and as repre-  
senting the direct descendants of  
MANTSE ANKRAH . . . . Plaintiffs-Appellants

V.

MALAM DAWUDA of Feoyeh . . . Defendant-Respondent  
M. D. A. ANKRAH for and on behalf of NEE  
ANKRAH Family and GILBERT  
20 EMMANUEL ALLOTEY . . . Co-Defendants-Respondents.

## JUDGMENT—

Read by the President.

The Plaintiffs' amended claim in this case reads as follows :—

“The Plaintiffs claim (A) a declaration that they are in possession as owners of all that piece or parcel of land commonly called and known as Ahodome or Awudome situate lying and being at Accra ; (2) £20 Damages for trespass ; and (3) An Injunction restraining the Defendants, their Agents, Servants or representatives from entering upon, or in any way interfering with, the said land.”

30 The main claim is that the direct descendants of Manche Ankrah are entitled to exclusive ownership of the land in question, the descendants of Manche Ankrah's uterine brothers having no rights in the land.

The learned trial Judge held that the Plaintiffs had failed to prove the case, thus, in effect, non-suiting them. It is sufficient for the purpose of deciding this appeal to say that we entirely agree with this finding, and that we find no substance in any of the grounds of appeal.

40 It is true that the actual *ratio decidendi* in the Court below is not very clear, but the ordinary rule of native customary law as to descent of property through the female line *prima facie* applies in this case, and in our opinion no sufficient evidence has been adduced to show that any other

*Plaintiffs' Exhibit.*

" 5. "

Judgment  
of West  
African  
Court of  
Appeal in  
*Aryeh and  
Others v.  
Dawuda  
and  
Others,*  
23rd May  
1944,  
*continued.*

method of descent applied in this particular case. Hence we are satisfied that the learned trial Judge had no alternative but to non-suit the Plaintiffs. The claims for damages and an injunction were dismissed and we concur with the Judge's decision in this respect.

The appeal is dismissed with costs assessed at £43.7.6.

23rd May, 1944.

(Sgd.) DONALD KINGDON  
A. N. DOORLY

L. M'CARTHY

President.  
Ag. Chief Justice  
Gold Coast  
Judge.

10

Counsel :

Mr. J. Sarkodee Adoo for Appellants.

Mr. K. A. Bossman for Respondents.

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# In the Privy Council.

## ON APPEAL FROM THE WEST AFRICAN COURT OF APPEAL (GOLD COAST SESSION)

### CONSOLIDATED SUITS AND APPEALS.

1. Transferred Suit No. 32/1947 (from the Ga Native Court "B").

BETWEEN

**JOSIAH KORKWEI QUARMINA ARYEH, DANIEL SACKEY QUARCOOPOME, J. AMOS LAMPTEY, CHARLES AMOO ANKRAH,** claiming as Head and Representative of Mantse Ankrah Family, **J. R. ANKRAH, A. DINNAH ANKRAH and AFLAH QUARCOOPOME** (Defendants) . . . . . *Appellants*

AND

**NAA QUARDUAH ANKRAH and ROBERT ADJABENG ANKRAH** (otherwise known and called Arday Ankrah substituted for Mark David Adjabeng Ankrah otherwise Kwaku Nyame Ankrah) claiming for and on behalf of Mantse Ankrah Family and ~~**JOSEPH COMMEY ANKRAH**~~ (Plaintiffs) . . . . . *Respondents.*

2. Suit 112/1947.

BETWEEN

**CHARLES AMOO ANKRAH** claiming as Head and Representative of Mantse Ankrah Family (Defendant) . . . . . *Appellant*

AND

**ROBERT ADJABENG ANKRAH** (substituted for Mark David Adjabeng Ankrah otherwise Kwaku Nyame Ankrah) claiming for and on behalf of Mantse Ankrah Family and ~~**JOSEPH COMMEY ANKRAH**~~ (Plaintiffs) . . . . . *Respondents.*

# RECORD OF PROCEEDINGS

## PART II EXHIBITS

(Proceedings in the Suit and Appeal appear in Part I)

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