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31, 1961

IN THE PRIVY COUNCIL

No.31 of 1959

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

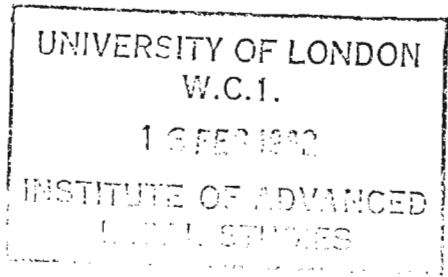
B E T W E E N :-

NII AMASAH NIKOI OLAI, Mantse of
Asere Djorshie for himself and
representing the Stool of and
subjects of Asere Djorshie
(Plaintiff) Appellant

-- and --

THE ASERE STOOL (Co-Defendant) Respondent

RECORD OF PROCEEDINGS



03566

A.L.BRYDEN & WILLIAMS,
53, Victoria Street,
London, S.W.1.

Solicitors and Agents for the
Appellant.

T.L.WILSON & CO.,
6, Westminster Palace Gardens,
Artillery Row,
London, S.W.1.

Solicitors and Agents for the
Respondent.

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

B E T W E E N

NII AMASAH NIKOI OLAI, Mantse of
Asere Djorshie for himself and
representing the Stool of and
subjects of Asere Djorshie (Plaintiff) Appellant

- and -

THE ASERE STOOL (Co-Defendant) Respondent

RECORD OF PROCEEDINGS

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1.

IN THE PRIVY COUNCIL

No.31 of 1959

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

B E T W E E N:-

10 NII AMASAH NIKOI OLAI, Mantse of
Asere Djorshie for himself and
representing the Stool of and
subjects of Asere Djorshie
(Plaintiff) Appellant

- and -

THE ASERE STOOL (Co-Defendant) Respondent

RECORD OF PROCEEDINGS

No. 1.

CIVIL SUMMONS

No.211/48.

In the
Ga Native Court
"B".

EASTERN PROVINCE GOLD COAST

IN THE GA NATIVE COURT "B" 3.

No. 1.

20 + Nii Amasah Nikoi O'lai, Mtse of Asere
Djorshi for himself and representing
the Stool of and subjects of Asere
Djorshi, Plaintiff

Civil Summons.
20th April 1948.

v.

James Adams and 5 Others Defendants

++ The Asere Stool, Co-Defendant

To James Adams, J.E. Bart-Plange and 4 Others.

30 You are hereby commanded to attend this Native
Court at Labadi on the 14th day of May, 1948 at
8.30 o'clock a.m. to answer a suit by Plaintiffs
against you.

+ Amended by Order of Court dated 12/10/51.

++ Joined by Order of Court dated 16/8/48.

In the
Ga Native Court
"B".

No. 1.
Civil Summons.
20th April 1948
- continued.

The Plaintiffs claim:

All that piece or parcel of land containing an area of 903.15 acres situate at North of Kaneshie is a portion of land known and called Muko or Mukoso near Abeka in the Accra District belonging to the Stool of Nikoi Olai of Asere, and bounded on the North by land belonging to Nikoi Olai Stool of Asere and King Tackie Tawiah family land known as Mantse-Man Mukose formerly belonging to Nikoi Olai Stool of Asere; on the South by land belonging to Nikoi Olai Stool of Asere and Nii Kotei and Nii Ashie family lands on the West by Akoloo land belonging to Nikoi Olai Stool of Asere and Nii Asere Oku and Nii Ashalley family lands; and on the East by Nikoi Olai Stool land in charge of Tetteh Amrakese family of Sarkortsosisi, Asere known as Onamroko, is the ancestral Stool property of Nikoi Olai of Asere, Accra.

10

2. Fifty pounds (£50) damages for trespass committed on the said land.

20

3. A perpetual Injunction restraining the said Defendants respectively, the members of their respective families, their respective agents, servants or workmen from entering upon the said land or dealing with or alienating the same or portions thereof.

DATED at Labadi the 20th day of April, 1948.

Claim	£ 50. - . -
Fees	2. - . -
Service	6. -
Mileage	2. -
	<hr/>
	£ 50. 8. -
	<hr/>

(Sgd.) Asafoiatse Tutuani II
PRESIDENT OF NATIVE COURT.

3.

No. 2.

ORDER OF TRANSFER

IN THE SUPREME COURT OF THE GOLD COAST
EASTERN JUDICIAL DIVISION
LAND COURT, ACCRA

In the Supreme
Court of Gold
Coast, Lands
Division.

No. 2.

Order of
Transfer.

22nd June 1948.

(L.S.)

(Sgd.) A.C. Smith,
AG. CHIEF JUSTICE.

Nii Amasah Nikoi Olai, etc. Plaintiff

v.

James Adams, J.E. Bart-Plange,
Robert Mensah, Abbeyche Shamo,
Nii Lartey Otoo, Annertey
Abbey etc. Defendants

10

WHEREAS by Order dated 16th June, 1948, the
Magistrate's Court, Accra, under the provision of
Section 54(c)(1) of the Native Courts (Colony)
Ordinance, 1944, has reported to the Land Judge,
the pendency of the above-named cause before the
Native Court "B" of the Ga State:

20

IT IS HEREBY ORDERED that the said cause be
entirely transferred from the said Native Court
"B" of the Ga State to the Land Court of the Lands
Division of the Supreme Court, Eastern Judicial
Division, to be heard and determined.

AND IT IS HEREBY ORDERED (1) that the process
and proceedings in the said cause and attested
copies of all entries in the books of the said
Native Court "B" of the Ga State relative thereto
be transmitted to the Land Court of the Lands
division of the Supreme Court at Accra and (2) that
the said cause be set down for mention on Tuesday
the 3rd day of August, 1948, at 8.30 a.m.

30

GIVEN UNDER MY HAND AND THE SEAL OF THE SAID
COURT AT VICTORIABORG, ACCRA, the 22nd day of JUNE,
1948.

(Sgd.) Dugbartey Narnor.
AG. REGISTRAR, LAND COURT.

In the Supreme Court of Gold Coast, Lands Division.

No. 3.

COURT NOTES ORDERING PLEADINGS AND JOINDER OF ASERE STOOL

No. 3.

16.8.48.

Court Notes Ordering Pleadings and Joinder of Asere Stool.

In the Land Court of the Supreme Court of the Gold Coast, Eastern Judicial Division, held at Victoriaborg, Accra, on Monday the 16th day of August, 1948 before Jackson, J.

16th August 1948.

Nii Amasah Nikoi Olai

v.

J. Adams and Others

10

Bossman and Quist Therson for Plaintiff.

Djan holding Akufo Addo's brief for Defendants.

Let Statement of Claim and a plan be filed within 2 months and Statement of Defence within 14 days of service of Statement of Claim and copy of plan upon each of the Defendants.

Let Stool of Asere be joined as a Defendant and a copy of the Writ of Summons and of this Order be served upon it.

20

The Stool is joined at the instance of the Court.

(Sgd.) J. Jackson,
J.

No. 4.

No. 4.

Statement of Claim.

STATEMENT OF CLAIM

15th June, 1949.

IN THE SUPREME COURT OF THE GOLD COAST
EASTERN JUDICIAL DIVISION
LAND COURT, ACCRA.

Nii Amasah Nikoi Olai, etc.
and Another etc.

Plaintiffs

30

v.

James Adams & 5 Others etc.

Defendants

STATEMENT OF CLAIM

In the Supreme
Court of Gold
Coast, Lands
Division.

No. 4.

Statement of
Claim.

15th June, 1949
- continued.

1. The Plaintiff is the Occupant at date hereof of the Nikoi Olai Stool of Asere Djorshie, and as such the Head of the Family of the said Nikoi Olai.
2. The said Family of which Plaintiff is the Head are the owners of All that piece or parcel of land hereinafter more accurately described the boundaries whereof are delineated and edged Red in Plan signed by F.H.S. Simpson Licensed Surveyor prepared for the purposes of this suit.
3. The said piece or parcel of Land is a portion of a large area originally settled and occupied by Nii Kotey Leh Grandson of Nikoi Olai then occupant of his Stool and Head of his Family about the time of the migration of the Ga people from Ayawaso to the Accra District.
4. Upon the settlement by the said Nii Kotey Leh and his people on the said piece or parcel of Land they founded villages thereon, principally Nii Kotei-man or Blemakpehe, Kpatakole, Wuoyeman, Naa Fofu Ashon Danso village or Serikin-kramo, Mantseman and Muko or Mukose and Abeka from which villages control and dominium was maintained over the whole area of land.
5. On the death of the said Nii Kotey Leh he was succeeded by Nii Kotei and after him other successive heads until the last Djani Kofi, whose death sometime about 1924 the Plaintiff was appointed Head having a few years previously been enstooled on the Nikoi Olai Stool.
6. From the time of Nii Kotey Leh up to date, the Heads of the Nikoi Olai Family and the members thereof have maintained their control and occupation of the Family land of which the area the subject matter of this suit forms a part, and have exercised all rights of ownership in respect thereof principally by granting permission to persons to occupy and farm on portions thereof.
7. Sometime about 1948 when a portion of the said area of Nikoi Olai Family land (situate South West of that which is the subject matter of

sic

In the Supreme Court of Gold Coast, Lands Division:

No. 4.

Statement of Claim.

15th June, 1949
- continued.

this Suit) was acquired by the Government for purposes of a Wireless Station, the Plaintiff and members of the Family and their Licencees were found in occupation wherefore compensation was awarded to the said Plaintiff for himself and the said members of his Family claiming through him for the said area or portion so acquired from them.

- 8. The original Defendants purported to sell and convey the area edged green in the Plan as their Family property and wrongfully entered upon the said land and purported to give possession thereof to their said Grantees J.A. Quaye and two (2) others. 10
- 9. The Plaintiff therefore claims as in their Writ of Summons :-
 - (1) Declaration of Title.
 - (2) £50 Damages for Trespass, and
 - (3) Perpetual Injunction.

DATED at Azinyo Chambers, Accra this 15th day of June, 1949. 20

(Sgd.) K.Adumua Bossman
SOLICITOR FOR PLAINTIFFS.

TO THE REGISTRAR,
LAND COURT, ACCRA.

and

TO THE ABOVE NAMED DEFENDANTS, JAMES ADAMS, J.E.BART-PLANGE, ROBERT MENSAH, ABBEYCHE SHAMO, NII LARTEI OTOO and ANNERTEY ABBEY, ALL OF ACCRA.

No. 5.

Statement of Defence.

11th August, 1949.

No. 5.

STATEMENT OF DEFENCE

IN THE SUPREME COURT OF THE GOLD COAST,
EASTERN JUDICIAL DIVISION
LAND COURT, ACCRA.
A.D. 1949

Nii Amasah Nikoi Olai etc.
and Another

Plaintiffs

v.

James Adams and 5 Others

Defendants

Nii Teiko Ansah, Asere Manche

Co-Defendant

STATEMENT OF DEFENCE FILED ON BEHALF OF THE
DEFENDANTS HEREIN BY AKUFO ADDO ESQUIRE

In the Supreme
Court of Gold
Coast, Lands
Division.

No. 5.

Statement of
Defence.

11th August,
1949

- continued.

1. The first Defendant is the Head of the Abbetsewe Family of the Asere Quarter of Accra which said Family is under the Asere Stool and the other Defendants are members of the said Abbetsewe Family.
2. The Defendants admit the allegation contained in paragraph 1 (one) of the Statement of Claim.
- 10 3. The Defendants do not know if the allegations contained in paragraph 5 of the Plaintiffs' Statement of Claim are true or false, but they say that the said Djanie Kofi lived at Mukoseh village by the leave and licence through the Asere Mantse of the Defendants' Family.
4. The Defendants say that the villages Nii Koteiman or Blemakpehe, Wuoyeman, Naa Fofu Ashong Danso, Mantseman are the properties of the Gbese Stool, and that the villages known as Kpatsa Korley, Muko or Mukoseh, Abeka, Akorlu-fio (Johnson Abbey Village) Old Akorlu are the properties of the Defendants' Family.
- 20 5. The Defendants deny the allegations contained in paragraphs 3, 4 and 6 of the Statement of Claim.
6. In answer to paragraph 7 of the Defendants' Statement of Claim the Defendants say that the land affected by the Acquisition referred to therein was not part of the Abbetsewe Family land.
- 30 7. Except as hereinbefore expressly admitted the Defendants deny each and every allegation of the fact contained in the Statement of Claim as if the same were set out in detail and traversed seriatim.

DATED at Kwakwaduam Chambers, Accra, this 11th day of August, 1949.

(Sgd.) Akufo Addo
DEFENDANTS SOLICITOR.

40 TO THE REGISTRAR
LAND COURT, ACCRA.
and
TO K.ADUMUA BOSSMAN, ESQUIRE,
SOLICITOR FOR THE PLAINTIFFS.
and
TO E.O.OBETSEBE LAMPTEY, ESQ.,
SOLICITOR FOR THE CO-DEFENDANT.

In the Supreme Court of Gold Coast, Lands Division.

No. 6.

STATEMENT OF DEFENCE BY CO-DEFENDANT

IN THE SUPREME COURT OF THE GOLD COAST
EASTERN JUDICIAL DIVISION
LAND COURT - ACCRA

No. 6.

Statement of Defence by Co-Defendant.

17th February, 1950.

Nii Amasah Nikoi Olai & Another Plaintiffs

v.

James Adams and 5 Others Defendants

Nii Teiko Ansah, Asere Mantse Co-Defendant

STATEMENT OF DEFENCE FILED ON BEHALF OF THE 10
sic CO-DEFENDANT HEREIN BY E.O. OBETSEBI LAND, ESQ.

1. The Co-Defendant is the occupant of the Asere Stool and the Owner as such of all the Asere Stool lands.
2. The land herein claimed by the Plaintiff is part of Asere Stool lands of which the Co-Defendant through his licencees and subjects has been in undisturbed possession and occupation from time immemorial.
3. The Co-Defendant denies the allegations in paragraphs 2, 3, 4, 5 and 6 of the Plaintiff's Statement of Claim and says that the persons mentioned by Plaintiff were subjects of Asere Stool and if they occupied the land in dispute as alleged by the Plaintiff they did so like any other subjects of the Asere Stool with leave and licence of Co-Defendant's predecessors in title. 20
4. The Co-Defendant says that on other occasions when Plaintiff had put a claim to the land part of which is in dispute, he had claimed the land as Asere Stool land and not as Nikoi Olai Family land. 30
5. The Co-Defendant further says that on those occasions Plaintiff had mentioned that Nikoi Olai's Stool is the principal Asere Stool and that as the occupant of the said Stool he was entitled to the Asere Stool lands of which the land in dispute forms part.
6. The Co-Defendant says that the Plaintiff having 40

on other occasions claimed the land to be Asere Stool land is estopped from claiming it now as his family land.

7. Except as is hereinbefore expressly admitted the Co-Defendant denies each and every allegation contained in the statement of claim as if the same were put out in detail and traverse seriatim.

10 DATED at Apiade Chambers, Accra, this 17th day of February, 1950.

(Sgd.) E.O. Obetsebi Lamptey,
SOLICITOR FOR CO-DEFENDANT.

THE REGISTRAR,
LAND COURT, ACCRA.

and

TO K.ABUMUA-BOSSMAN, ESQ.,
SOLICITOR FOR PLAINTIFFS

and

20 TO AKUFO ADDO, ESQ.,
SOLICITOR FOR DEFENDANTS.

In the Supreme Court of Gold Coast, Lands Division.

No. 6.

Statement of Defence by Co-Defendant.

17th February, 1950

- continued.

No. 7.

COURT NOTES ON AMENDMENT OF WRIT

IN THE SUPREME COURT OF THE GOLD COAST, EASTERN JUDICIAL DIVISION, (LAND DIVISION) held at Victoriaborg, Accra, on Friday the 12th day of October, 1951, before Jackson, J.

Transferred Suit No.31/1948.

Nii Amasah Nikoi O'lai, Mantse

v.

30 James Adams & Others

Bossman for Plaintiff.

Akufo Addo for James Adams, J.B. Bart-Plange, Robert Mensah, Abbeyche Shamo, Nii Iartey Otoo and Annertey Abbey defending for themselves and for the family of Abbeyche We.

Court - Writ appears defective. Counsel agree to an amendment of capacity in which Plaintiff sues and to read:

No. 7.

Court Notes on amendment of Writ.

12th October, 1951.

In the Supreme
Court of Gold
Coast, Lands
Division.

No. 7.

Court Notes on
amendment of
Writ.

12th October,
1951
- continued.

"Nii Amasah Nikoi O'lai, Mantse of Asere Djorshie for himself and representing the Stool and subjects of Asere Djorshie, claim

"All that piece or parcel of land containing an area of 903.15 acres situate at North of Kaneshie is a portion of land known and called Muko or Mukose near Abeka in the Accra District, belonging to the Stool of Nikoi Olai of Asere, and bounded on the North by land belonging to Nikoi Olai of Asere and King Tackie Tawia family land known as Mantse-Man Mukose and formerly belonging to Nikoi Olai Stool of Asere; on the South by land belonging to Nikoi Olai Stool of Asere and Nii Kotei and Nii Ashie family lands on the West by Akoloo land belonging to Nikoi Olai Stool of Asere and Nii Asere Oku and Nii Ashalley family land; and on the East by Nikoi Olai Stool land in charge of Tetteh Amrakese family of Sarkortsosisi, Asere known as Onam-roko, is the ancestral Stool property of Nikoi Olai of Asere, Accra. 10 20

2. Fifty pounds (£50) damages for trespass committed on the said land.

3. A perpetual Injunction restraining the said Defendants respectively, the members of their respective families, their respective agents, servants or workmen from entering upon the said land or dealing with or alienating the same or portions thereof.

Writ amended accordingly. 30

Bossman - I did not anticipate that the case would come on for trial today and I told my clients so.

Court: What is your position Mr. Akufo Addo.

Akufo Addo - My client is not here, but I can send for him.

Court: On the 9th when this case was mentioned I directed that it be kept on the list and it was the duty of Counsel to tell their clients that they would have to wait from day to day until this case came on for trial. 40

Bossman: I accept the blame.

Court: I will grant the indulgence to list this case until after the determination of the Tamakloe case.

(Sgd.) J. Jackson,
J.

No. 8.

OPENING OF COUNSEL FOR PLAINTIFF

IN THE SUPREME COURT OF THE GOLD COAST,
EASTERN JUDICIAL DIVISION (LAND DIVISION),
held at Victoriaborg, Accra, on Thursday the
18th day of October, 1951 before Jackson, J.

Nii Amasah Nikoi Olai

v.

James Adams & Others

In the Supreme
Court of Gold
Coast, Lands
Division.

No. 8.

Opening of
Counsel for
Plaintiff.

18th October,
1951.

10 Assessor - Mr. H.M. Grant.

Pleadings filed.

Bossman for Plaintiff.

Akyeampong for Defendants.

Bossman opens -

We say it is our family land. The area ac-
quired for the wireless Station is situate at ex-
treme South end of land and a portion of that land
is within the area in issue and in that acquisit-
ion Abbetsewe family made no claim whatsoever.

20 Both families are Asere families owning their own
land. The land of Abbetsewe family is nowhere
near ours and matter leading to this action was
that Defendants executed a conveyance to 3 persons
(not the Defendants) in respect of the whole area
edged in green and sold it to them for £200 who,
in turn sold it to Captan for £2,000.

Court - Captan I assume is standing by with know-
ledge of this action.

30 Bossman: That is so. We will abide by the result
of this action.

PLAINTIFF'S EVIDENCE

No. 9.

FRANK HERMAN S.SIMPSON

Plaintiff's
Evidence.

No. 9.

Frank Herman
S. Simpson.

18th October,
1951.

sic Frank Herman Shai Simpson (m) Sworn states in
English:

1st Witness for Plaintiff:

Licensed Surveyor living Accra. Engaged to

Examination.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No. 9.

Frank Herman S. Simpson.

18th October, 1951.

Examination - continued.

prepare plan of land in dispute. Prepared it. This is the plan dated 8.3.1949. (admitted and marked No.1). The green edged area is portion alleged to have been sold to Captan.

Examined -

Q. Who were present at the survey?

A. Nikolai Kotey for the Plaintiff, C.O. Aryee and J.A.Quaye, J.Bart Plange and Robert Mensah, Anner-
tey also was there and Re Sumo Attuquayefio for the Asere Stool. 10

Q. Did the Defendants point out any adjoining land which they claimed as theirs?

A. They did not point out the full extent of their lands to me.

Q. North of the area outlined in green you have marked ruins described as Ata Kofi? Can you describe them?

A. There were little pieces of walls about 3 feet high made of swish.

Q. You have also marked ruins as Dsani Kofi Village. What did you see there? 20

A. Ruins of swish buildings.

Cross-Examination.

Cross-examined by Akufo Addo -

Q. You saw a very prominent footpath leading to Accra leading to Abekan? A. Yes I saw it.

Q. Where is it indicated on the plan?

A. It enters the land at South East corner and goes on up to Abeka Village.

Q. Within the area covered by the boundary shown to you by the Plaintiffs there are a number of buildings not shown by you, e.g. Saxell's Bungalow? 30

A. I saw about one or two bungalows being built but do not know for whom they were being built. No one asked me to indicate them on the plan. The Defendants did not show them to me.

In reply to Court -

They were situate at the north eastern corner of the plan - and South-east of the Stone quarry indicated there. 40

Cross-examined -

Q. You know Martha Akwei who has a building and

poultry farm there?

A. I do not know her.

I don't remember seeing any "Storey building"

Q. Did you see a village of the Tigari Priest?

A. I saw the village it was about 1,000 feet West of the red line and inside the land in dispute. It was North-East of Abeka.

No re-examination.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No. 9.

Frank Herman S. Simpson.

18th October, 1951.

Cross-Examination - continued.

No. 10.

No.10.

10

NII AMASAH NIKOI OLAI.

Nii Amasah Nikoi Olai.

Nii Amasa Nikolai (m) sworn states in Ga:-
Plaintiff:

18th October, 1951.

Examination.

20

Live Accra. Occupant of Nikolai Stool. Head of Asere Djorshie. Nikolai is the name of my family. Was elected Head in 1919. I succeeded Ashie Komowo. I know land subject matter of this suit. Family instituted this action in Native Court and it was transferred here. I sued the Defendants because they sold the land and it did not belong to them.

30

I learn the history of this land when I was put on the Stool. I was told that Nikolai Family originally lived at Ayawaso and that because of Akwamus troubling them in war they came to settle on this land and that from there they came to Accra.

When they came they were led by Leh Kotey and they made villages. Leh Kotey founded the village of Mukose, other villages founded were Patchakole and was founded by Ashie.

Koteman was founded by Nii Kotey. Adeiman was founded by Adei (a woman) of our family.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah
Nikoi Olai.
18th October,
1951.

Examination
- continued.

- Q. Of these villages are any in use now?
- A. No - they are all in ruins.
- Q. Then sites can be seen? A. Yes.
- Q. To the East of this land with whom do you form boundaries? A. Nii Ankra Family, Boi Tonno.
- Q. And what about to the West?
- A. The family owns land there - the Nikolai family.
- Q. A few years ago a portion of this land was acquired for the Wireless Station? 10
- A. Yes.
My family made a claim. Matter came for enquiry in Court. Defendants made no claims on these proceedings and did not attend the Court. Court gave judgment on 3rd August 1948. (Pages 116-123 of proceedings tendered and marked No.2). The family obtained the major portion of the compensation. There was an appeal from the judgment which was unsuccessful.
- Q. Have you ever lived yourself on or near the land in dispute? 20
- A. I made a village near the Cable and Wireless Station and during the acquisition proceedings I showed it to the Court.

In reply to Court -

I went on the land myself with the Judge.

Examined:

I pointed on the buildings in replacement of my old village and which houses had been pulled down by the Army and who left these huts for me when they left. I know the Abbetsewe Family. They are not an Asere Family. They are strangers who have settled with Asere. 30

sic This land is not theres at all.
They have no land near this land in dispute.

In reply to Court:

Their nearest land is over 8 or 9 miles away near the village of Ofako and that land is called Asofa.

Examined -

- Q. Have you anyone actually living on this land and looking after it for you? 40

A. I have no one there. I used to visit the land. My predecessor Djani Kofi had a village there and lived at Mukose and looked after the land for that village.

In the Supreme Court of Gold Coast, Lands Division.

Q. Who was in charge before Djan Kofi?

A. Djan Kofi was the first man I met there.

Plaintiff's Evidence.

Q. At one time you mentioned that your Stool was the Paramount Asere Stool? A. Yes.

No.10.

Q. State Council decided against you? A. Yes.

10 Q. You admit that now for better or worse you are subject to the Asere Manche and that this land lies within Asere Division? A. Yes.

Nii Amasah
Nikoi Olati.
18th October,
1951.

Q. Asere Manche claim this land to be the property of the Asere Stool? A. That is not true.

Examination
- continued.

In reply to Court -

Q. Was that true when your Stool was the Paramount Asere Stool? But for the decision of the State Council would it be Asere Stool land subject to the paramouncy of your Stool?

20 A. It was founded by Nikolai Family and was attached to the Nikolai Stool.

Q. Was that then the Asere Stool:

A. At that time it was.

Q. What you mean is that the State Council has changed that?

A. The Council did not go into the case and did what they liked.

Examined -

30 Q. Did the Asere Manche claim the land acquired for the Wireless Station to be Asere Stool land?

A. He did.

I can read and write a little. I can read this conveyance which Asere Manche signed.

In reply to Court -

Q. Were you present when he signed? A. No.

Adjourned to 19.10.51.

(Sgd.) J.Jackson,
J.

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.10.

Nii Amasah
Nikoi Olai.

19th October,
1951.

Cross-
Examination.

19.10.51.

Plaintiff Nii Amasah Nikoi Olai resumes evidence -

Cross-examination by Akufo Addo -

Q. I noticed yesterday that when you mentioned the various families that made up the Asere Quarters you omitted this Abbeyche - do you say that is not one of the families?

A. They are included.

Q. Are they included as a part of another family you mentioned?

A. Abbeyche Family is a part of Sarkortsotshu Family.

Q. Do you mean that the family has 2 names - sometimes it is called by one name and sometimes by another? A. They join as one family.

Q. Under what name?

A. They call it either Abbeychewe or Sarkortsotshu.

Q. You mentioned Djani Kofi. Were you related to him?

A. Yes - his grandfather who was the Manche was called Amon and my elder brother is also called Amon.

Q. What exact was your relationship with Jani Kofi?

A. He and my grandfather were cousins.

Q. Did you know Djani Kofi?

A. Yes I know him well.

Q. Where was he when you first knew him?

A. At Accra.

Q. According to you he lived on this land?

A. Yes.

Q. Where exactly did he live? A. At Mukose.

Q. Did he also live at Abeka?

A. He did not live there.

In reply to Court -

Q. How far from Mukose to Abeka?

A. From here to the Selwyn Market (indicates 200 yards).

Q. Is there a village called Mukose in existence today?

A. There is no village now called Mukose.

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Cross-examined -

All that land where Djani Kofi lived was called Mukose.

Q. Was Djani Kofi the first member of your family to live at Mukose? A. No.

Q. Who lived there before?

A. I was told that Ley Kotey founded Mukose. Ley Kotey belonged to some family as Djani Kofi. After Ley Kotey many people lived there - but Djani Kofi was the first one I knew there. Djani Kofi was looking after the whole land there for our family. Yes he would be regarded as the Head of Mukose.

Q. Was he one of the Elders of the Djorshie Stool?

A. Yes - he was the Elder who placed me on the Stool.

Q. Djani Kofi would know the history of all lands attached to your Stool?

A. Yes he would know.

Yes - he should know better than I do.

Q. Do you remember about 30 years ago there was a case between Asere Manche Hammond v. Amoo Wellington, Vanderpuye & Others of Otublohum regarding a portion of this land?

A. I heard of it from Djani Kofi - but I was not in Accra then. He did not tell me if he had given evidence in that case.

Q. If Djani Kofi said he had been placed at Mukose by the Asere Manche would you say that was correct or not?

A. I don't think Djani Kofi would say that. If he had said so it would be true. He had never tell me so.

Court - What a witness has swear to another action could be used as evidence of the truth of those facts. The words may be evidence of a declaration against interest of a deceased person or evidence of reputed if a Court has accepted that evidence and the issue then was precisely the issue it is today, it then may be evidence of what is called reputation.

Cross-examined -

Q. I suggest it was the Asere Manche who placed Djani Kofi at Mukose?

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.

19th October, 1951.

Cross-Examination - continued.

By Court.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.

19th October, 1951.

Cross-Examination - continued.

A. I don't accept that because Djani Kofi never told me so. I have heard of Abeka Kwami.

Q. He was Headman of Abeka Kwami?

A. I don't know that.

Q. It is a fact that Abeka Kwami and Djani Kofi collected tolls in that area for the Asere Stool?

A. I have never heard of Abeka Kwami collecting tolls there - Djani Kofi collected tolls.

Q. And paid them to whom?

A. He used them in the worship of the Nikolai Stool.

10

In reply to Court -

Q. For what the tolls paid?

A. For farming on the land.

Cross-examined -

Q. I suggest that Djani Kofi was working under Abeka Kwami who was the Headman?

A. It is not so.

Q. And the 2 of them were collecting tolls for the Asere Stool?

A. They collected for Nikoi Olai Stool.

20

In reply to Court -

Q. To which Quarter of Accra does your Stool live?

A. Djorshie Asere.

Q. Do you agree that the limits of Asere Stool land are those agreed with the Ga Manche?

A. They were not given the land by the Ga Manche. The Ga Manche came from Anyawase.

sic

We came with him.

30

Q. At Anyawase there were no Stools in existence?

A. There were 2 Stools there the Okaikwe Stool and the Nikolai Stool.

Q. Did not your Stool once put up a claim that all Ga lands were under your Stool? A. Yes.

In reply to Court -

Q. How long ago was that? A. Long ago.

Q. And the State Council decided against you?

A. They gave against us.

Q. Your claim now is that because subjects of your

40

Stool settled on this land - the land belonged to your Stool? A. Yes.

In the Supreme Court of Gold Coast, Lands Division.

Cross-examined -

Sometime ago there was trouble between Abbeychewe Family and some of your people at Asafo?

Plaintiff's Evidence.

A. I remember - that was only what I was told (not evidence)

No.10.

I know Annan Kojo who is dead. He was an elder of our Stool and he lived at Ofarkor.

Nii Amasah Nikoi Ola'.

10 Q. Another Elder of your Stool called Kotey also lives there?

19th October, 1951.

A. Many Koteys lived at Ofarkor. The name Kotey is a Stool family name.

Cross- Examination - continued.

Q. Do you remember 17 years ago there was trouble about the Asafo land between Annan Kojo and some other members of your Stool family?

A. I do not.

Q. Do you remember an arbitration held before Asere Manche in 1934 between Abbeychewe and some of your people about Asafo land?

20

A. I don't know that.

Q. When did you come on the Stool? A. 1919.

Q. Asafoatse Ashie is your right hand man and he is the next man to you in Asere-Djorshie?

A. No - Asafoatse Kotey is senior to him.

Q. And then came Ashie? A. Yes.

In reply to Court -

Q. Did anyone join with you in issuing this Writ out of the Native Court?

30

A. Yes - Kotey, Annan, Djani.

Q. Did Ashie join you. A. Yes.

Q. Did you know of a case between Tettey and Akrama in respect of a part of this land?

A. I don't know.

Q. And Nii Tettey Kwaku v. Tettey Kwadjo - about 27 years ago?

A. Yes - I knew there was such a case but I don't know how it ended. I don't know whether it related to a portion of this land.

40

Q. Were you subpoenaed to give evidence?

A. Yes I was subpoenaed but when I went to the Court I was not called.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.
19th October, 1951.

Cross-Examination
- continued.

Q. You remember case between Nii Akrama Nukpa v. Jacobson?

A. I heard of it but did not know what case was about. Don't know if it referred to this land. Yes there is now a case pending in the Native Court between Nii Akrama Nukpa relating to a portion of this land towards Nsawam Road.

Q. You remember the acquisition for the Police Depot and Post Office Engineering School?

A. I don't.

Q. Your land was not affected by it?

A. It was not.

Q. Did you know the case of Bawuley v. Amu Wellington & Others. in 1919?

A. I do not.
I've never heard of that case.

Q. On the land you now claim is the Saxel Concession? A. Yes.

Q. You did not grant that concession to Saxel?

A. I sold the land to Albert Mills and he gave it to Saxel.

10

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In reply to Court -

Q. When did you sell the land to Albert Mills?

A. Not quite 2 years ago.

Q. That is, after the writ was issued in this action? A. Yes.

Cross-examined -

Q. That piece of land of Saxel was sold sometime ago by Public Auction at instance of a white trader called Slater? A. I don't remember.

Q. About 27 years ago?

A. I don't know of that.

Q. You know Mrs. Martha Akwei the wife of Richard Akwei?

A. Yes - I wrote her a letter about the land over a year ago.

30

In reply to Court -

Q. How long had she been occupying that land?

A. When I discovered it - I wrote her.

Q. What was she doing on the land?

A. I don't know myself - it was reported to me that she had a building on that land.

40

I was not told how long that building had been there.

In the Supreme Court of Gold Coast, Lands Division.

Q. How long ago is it since you have visited the land yourself?

A. When Tackie Tawia was buried in 1947. I used to go and inspect the land and if I saw anyone there I asked him how he got there.

Plaintiff's Evidence.

Q. During any of these 10 visits of yours was there any occasion when you had to ask any person such a question?

No.10.

10

A. I met some Hausa people there many times.

Nii Amasah
Nikoi Olati.

Q. Are you calling one or more of these Hausas whom you have quarried in this way?

19th October,
1951.

sic

A. They have left the place and I've not seen them again.

Cross-
Examination.

Cross-examined -

Q. When was the last time you visited the land before Manche Tackie Tawia was buried?

A. Not quite a year before.

20

Q. Would you be surprised to hear that Mrs. Akwei built the house in 1945?

A. I should be surprised.

In reply to Court --

There is no caretaker. I go there and look after the land myself.

Q. Who brought the report to you about Mrs. Akwei's house?

A. One of my children, Kwame.

Kwame said he had gone on inspection.

30

Q. How frequently do you inspect your land?

A. I go there sometime 4 times in a year and I send other people.

Cross-examined -

I know the Tigari village. It is on this land.

Q. You did not found this village? A. No.

Q. And it was not founded by you? A. That is so.

Q. And this village has been in existence since 1936?

A. I only saw it quite recently.

I heard that one Jacobson had given the land to the Tigari.

40

In reply to Court -

I am calling the Tigari people.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.

19th October, 1951.

Cross-Examination - continued.

Cross-examined -

Yes they are still there.
I have asked Jacobson to find another place for them to remove there.

Q. When did you ask him to do that?

A. About 8 months ago.

Q. Did you ever write to Jacobson at all?

A. I did not - I called him and spoke to him face to face.

In reply to Court -

10

Q. What was Jacobson's explanation to you for letting the Tigari people establish a village there?

A. He said that if a rat was pushing kernel and there came lighting it would run away. Jacobson was the rat - I was the lighting.

Cross-examined -

Q. You remember some time ago Jacobson was actually ^{sic} quarring in the north-eastern corner?

A. I heard so. I heard that over a year ago.

20

Q. Was not this quarry the one in respect of which Nii Akrama Nukpa brought an action against Jacobson in 1942? A. I don't know that.

Q. You know Samuel Moses Nikwei?

A. I don't know him. If I saw him I might do so. The Klanwulomo is dead - Nikwei is acting in that position now.

Q. I am referring now to his brother named Sam Moses one of the Elders of Djorshie?

A. Yes - I know him.

30

Q. You know R.E.Kotey?

A. Yes - he is one of the Elders of Djorshie.

Q. R.E.Kotey has a piece of land within the area you are claiming?

A. I have not seen him there.

Q. You spoke of Mukose - You don't claim Abeka to be your village? A. It is on Djorshie land.

Q. It was not founded by Djorshie?

A. I was not told that - but it was considered to be a Djorshie village.

40

Examination.

Examined -

Q. What village have Djorshie on the land?

A. Kpatsakorley (near land acquired for Wireless Station) The village is no longer in existence. It was near a hillock.

In the Supreme Court of Gold Coast, Lands Division.

Q. When did the last inhabitant leave there?

A. I don't know.

Q. What villages are on the land now?

A. Abeka, Wuoryeman.

Plaintiff's Evidence.

No.10.

In reply to Court -

Nii Amasah
Nikoi Olai.

10 Q. Is there one house then?
A. No - more than one. I was not among the people who went to survey. It is long since I went to that village.

19th October,
1951

Q. So you don't know what number of houses there are? A. That is so.

Examination
- continued.

Cross-examined -

Q. It is sometimes called Sibila village?

A. I don't know Sibila.

Cross-
Examination.

Q. Sibila was Grunshie man who founded the village?

20 A. A certain Grunshie man lived there but I don't know his name. I saw him once long ago.

In reply to Court -

Q. Did you ask him how he got there?

A. Yes - he said that Djani Kofi said he could live there.

Q. Is he being called to give evidence?

A. I have not seen him for a long time.

Examined -

Q. Your brother Amon married his daughter?

30 A. He married a certain woman. I don't know if she was her daughter. I've heard she was a Grunshie woman. She came from one of the Mukose villages. Yes - she gave evidence in the Bubiashie Acquisition case.

Examination.

Cross-examined -

Q. You did not know the Grunshie man was called Sibila? A. No - it is was Sibila.

Cross-
Examination.
sic.

Q. Did he found the village? A. Yes.

Q. And do you say that village is on your land?

A. Yes.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah
Nikoi Olai.
19th October,
1951.

Cross-Examination
- continued.

- Q. You know that King Tackie Tawia had some land there? A. Yes.
- Q. And that Sibila was on his land?
A. I know it is my land.
If you take the road to Ofarko - then Tackie Tawia land is on the right.
- Q. Where Tackie Tawia was buried is within the land you say belonged to King Tackie Tawia?
A. Yes.
- Q. And that is not in your land? 10
A. It abuts on my land (North East corner of land on plan).
- Q. On a portion of that land Nii Akrama has had a village for very many years?
A. I was not told that.
- Q. But do you know of that village?
A. I have not been there before.
- Q. But do you know where it is?
A. I do not. (refer to area just north of Kpehe-
mano) (South East corner of land). 20
- Q. What other villages do you claim to have on this land today?
A. There is none on the land now.

In reply to Court -

- sic Q. Did lightning drove you old villages off the land? A. Lightning and death.

Cross-examined -

- Q. You don't farm on this land at all? You farm on the Oblogo Road?
A. I farm at Omarku and on this land as well. 30

In reply to Court -

Yes the farm is near the land acquired for the Wireless Station around the soldiers old huts.

- Q. You do not claim the land at Omarku to be your Stool land?
A. No - that is not ours - it belongs to Akumaji.

In reply to Court -

- Q. Why do you have to farm on Akumaji land if you have so much land of your own?
A. My father farmed there. 40
He was related to Akumaji.

Cross-examined -

- Q. Do you know the land called Akoru? A. Yes.
- Q. Where is it? A. It belongs to my family.
- Q. Why was it called Akoru land?
- A. I was told that one of our ancestors called Botwe Kremewu founded a village there and he put an Ewe domestic there whose name was Akoru.
- Q. I take it that Akoru land has a boundary with King Tackie's land?
- 10 A. Akoru's land is on the left and King Tackie's on the right.
- Q. What do you claim are the boundaries of your land you call your Stool property?
- A. To the East we have a boundary with Boiman people and Ankra Family. To the West we have a boundary at the Sakumo River. To the North the whole land belongs to us.
- Q. Up to Akwapim?
- 20 A. It stretches up as far as the Okai Okai Hill where the Gas migrated to from Ayawasu. And to the South as far as Accra Town.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olat.

19th October, 1951.

Cross-Examination - continued.

sic

In reply to Court -

- Q. Up to what point in Accra Town?
- A. Up to the place called Djorshie in Asere.
- Q. Have you any other land in Accra? A. No.
- Q. At what point was your boundary with the Asere Quarters?
- A. We have no boundary with any Asere man. All Asere is our land.
- 30 Q. Where your land stops at Asere whose land abuts on yours to the South? A. The Sea.

Examined -

- Q. Did you give Otublohum the land? A. Yes.
- Q. To which other people in Accra have Djorshie given land. When did you give the land to Otublohums.?
- A. I was told of that - That was in the olden days.
- Q. And in those days to whom also did your family give land?
- 40 A. I have not been told that.
- Q. Whose land lies to the immediate North of Okai Okai Hill? A. I don't know.

Examination.

sic.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.

19th October, 1951.

Examination - continued.

In reply to Court -

I have heard of the Onamniko Family. They have no land near ours. The Head of that family is known as the Korle Wulomo. I hear that they have land where the Korle Lagoon is.

Cross-examined -

Q. Did you depute someone to go with the surveyor?

A. Yes.

Q. Were you satisfied that they knew all about this land?

10

A. Yes - I believe that they know.

In reply to Court -

Q. Why should they know?

A. Because they had been instructed by their fathers.

Cross-examined -

Cross-Examination.

Q. You know Akolu Hill? (refer to N.W. corner of plan). A. I could not locate it now.

Q. That hill is not in the land you allege has been sold to Captan? A. I cannot tell.

20

Q. The land you allege has been sold to Captan - is it on the eastern or the Western side of your land? A. It is on the East.

Q. Have you any features on the land you allege to have been sold which evidence that you are the owners of that land?

A. They have been pointed out.

Q. Yes - but what are they?

A. Trees are used in making the boundaries. The ruins I have mentioned.

30

Q. What ruins are to be seen on this land sold to Captan? A. Koteyman (not located on plan).

Q. What others?

A. Mukose (not located on plan)

All I can say is that I was told that all that part was our land.

Cross-examined by Lamptey -

Q. Until the State Council case in which you claimed to be entitled to sit on the Asere

40

Stool you have never laid claim to any Asere Stool lands?

A. (Avoids answering).

Q. You were the first member of your family ever to lay claim to the Asere Stool?

A. I was not the first.

In reply to Court -

Q. Name the person of your family who claimed the Stool before you did? A. Djani Kofi.

10 Q. Was Djani Kofi ever enstooled?

A. He was not.

sic Q. And when the claim to the office of Stoolholder failed to sought to become the landowner?

A. The land was always attached to the Stool. The land was very big. I don't know how big.

Q. Does the Asere Stool own any land in Accra?

A. They have no other land than the Nikoi Olai Stool land.

In reply to Court -

20 Q. Would you admit that subject of the Asere Stool, but not members of your family may farm within the boundaries of the land which you have described as being your Stool land?

A. They first ask permission of those looking after the land.

Q. And who looks after this land?

A. I do. They got permission from me. I remember the Cemetery Acquisition. That land is within my land.

30 Q. Did you make any claim for compensation?

A. I did not because I was then being troubled by the Asere people and one of them told me to hold on and that when they got the money they would give it to me but they failed.

Q. And that was about 20 years ago?

A. It may be more. Kaneshie is in our lands. My elders have written to the Government who have asked them to hold on before we claim compensation.

40 Q. Does Ring Road pass through your land? A. Yes.

Q. Did you claim any compensation for it?

A. I did not because I saw it was for the benefit of the town. The land on which I was farming

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.

19th October, 1951.

Cross-Examination
- continued.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.

19th October, 1951.

Cross-Examination - continued.

they put some signs there - prohibiting any walk - they ate all my cassava.

Q. You know the road from Accra to Weiija - that passes through your land? A. Yes.

(Tendered - admitted and marked "A").

Q. The "Klan" fetish is the fetish of the Djorshie Stool? A. Yes.

Q. What is the fetish for? What power has it? A. It protects us.

Q. Who do you mean by "us"?

A. The Nikolai Family. It would affect any family that come to trouble us.

10

Q. Are the Abletsewe family feeling the effects? A. They will soon.

Cross-examined -

Q. And Wulumo Priest is the Priest of the Djorshie people alone? A. Yes.

Cross-examined -

Q. And in your family the Priest occupies a very high position?

A. Yes - he is the next after me. The Klan Wulumo is quite different to the Asafoatse.

20

Q. He is the depository of the family tradition?

A. He knows some of what I know.

Q. At present the Wulumo is an old invalid named Nikolai?

A. He is not much older than I am. I am over 60.

Adjourned to 22.10.51.

(Sgd.) J.Jackson,
J.

22nd October, 1951.

22.10.51.

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Nii Amasah Nikoi O'lai resumes evidence:

Cross-examination by Lamptey continued -

Q. You said last Friday that Klan Wulomo is next man in status to you? A. Yes.

Q. How many years has he been acting?

A. About 8 years.

Q. It is accepted that everyone in Djorshie who

- wishes to know tradition goes to the Klan Wulomo?
- A. Since I was installed people have been coming to me for such information. The elders who installed us know the tradition better than we do.
- Q. As result of this publication (A) members of Djorshie Family published this? (another newspaper admitted and marked "B"). A. Yes.
- 10 Q. You know late Nii Asere Ayitey?
A. Yes he was Asere Manche.
- Q. In 1934 did he publish this?
A. Yes (admitted and marked "C")
- Q. You did not object to that publication?
A. I did not see it.
- Q. The village of Odorkpor - there is a Headman there? A. Yes.
- Q. His name is Kumi?
A. No - Tawia is the Headman (Odokpor is situate at mile 3 on Accra Weiija Road and South of land in issue).
- 20 Q. You know village of Tsuim?
A. That is the same as Odorkpor.
- Q. You know a man called Bawale at Bubiashie (Wireless Station)? A. Yes.
- Q. He is the Headman of Bubiashie? A. Yes.
- Q. You made him the Headman there?
A. My elders did.
- 30 Q. Do you mean the late Asere Manche D.B.Hammond?
A. No. I know village called Ofakor (said to be north of land)
- Q. Headman there is called Tawia?
A. No - Abam was the Headman. He died long ago.
- Q. Who is Headman now?
A. Abam, younger brother whose name I've forgotten. Yes - his name is Tawia. I did not make Tawia Headman - He looked after the village. Abam died 5 years ago.
- 40 Q. Headman of Abeka is called Adjette?
A. I didn't know him. Lamptey is the Headman at present. I put him there about 2 - 3 years ago.
- Q. Who was Headman before you put Lamptey there?
A. An old man whose name I've forgotten.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.

22nd October, 1951.

"C"

Cross-Examination - continued.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.10.

Nii Amasah Nikoi Olai.

22nd October, 1951.

Cross-Examination - continued.

Q. You know Nicholas Amo Nikwei - one of your elders?

A. Yes I know him (man brought into Court) He is not one of my elders. He is not one of my elders. He has never been our elder.

Q. He is first cousin of Klan Wulomo? A. Yes.

Q. You know Samuel Moses Nikwei?

A. I know him - I call him Nikwei, Moses Nikwei. He is not an elder. He comes from Djorshie.

In reply to Court -

10

Q. Please name to me the Elders of your Stool now living?

A. Kotey Scholar, Kotey Kofi, I buried him yesterday, Ofako Kotey, Amon, Djani, Kotei, Afutu and many others - if I called them all I'd call them until next day. There are more than 100.

Cross-examined -

Q. You are saying that every elderly man in Djorshie is an Elder.

A. Yes he will take part in any ceremonies about the Stool.

20

In reply to Court -

Each one tells one what he knows about the tradition.

Q. And you say that these 2 Nikweis who came into Court are not your Elders?

A. They are rascals - they will tell different stories to different people.

Q. Is it not a fact that those who were your Elders when you were enstooled have all quarrelled with you because you are claiming this land as family land?

30

A. It is not so.

Q. And not one who you call your Elders even took part in your installation?

A. They took part.

Q. You remember the case between Manche Hammond and F. Bannerman? A. No - I don't know.

Q. Leh Djani. Kofi has a nephew called Class Peter?

A. Yes.

40

Q. Class Peter was with Djani Kofi when latter died?

A. No - he was not with him.
I was with Djani Kofi when he died.

In the Supreme
Court of Gold
Coast, Lands
Division.

Q. Are you saying you were at Mukose when he died?
A. I visited him in the morning. Returned Accra
1 p.m. At 4 p.m. news arrived of his death.
Class Peter was then also in Accra.

Plaintiff's
Evidence.

Q. Class Peter's family supplied the coffin not
you?

No.10.

10 A. I bought the coffin but later the family refused
it and said they were responsible. After beg-
ging I had to give them the funeral permit.
This was in 1924.
The Gbawe land is Djorshie land - it belongs to
Nikoi O'lai Stool and not to Akotia Owosika.

Nii Amasah
Nikoi Olai.

22nd October,
1951.

Cross-
Examination
- continued.

Re-examined -

Q. You mentioned Akotia Owosika Stool - that is
the Stool upon which present Asere Manche sits?

Re-Examination.

A. Yes.

20 Q. You say that the original occupant of that Stool
and his descendants had nothing to do with the
land? A. That is so.

Q. Did Military give you compensation when they
left?

A. Yes. This is the receipt I gave (admitted and
marked 3).

No. 11.

No.11.

EDMUND NIKOI OLAI KOTHEY.

Edmund Nikoi
Olai Kotey.

Edmund Nikoi Olai Kotey (m) Sworn states in Ga:

22nd October,
1951.

2nd Witness for Plaintiff:

30 Live Accra. Member of Nikoi Olai family of
Djorshie. One of the Elders. Last witness is
Head of the Family and occupant of the Family
Stool. I went and showed the surveyor the boundar-
ies. The Plaintiff gave me the instructions. He
said that I should go and point out to Mr. Simpson
the boundaries of the land which the Abletseye
Family had sold.

Examination.

sic

In reply to Court -

Q. How did you know what they had sold?

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.11.

Edmund Nikoi
Olai Kotey.

22nd October,
1951.

Examination
- continued.

A. I went to see one C.O.Aryee who had surveyed the land for the Abletsewe Family.

Q. How did you know what land Aryee had surveyed?

A. I met him on the land and I went round the boundaries with him. I told him that by the survey he was studying the land.

Examined -

The Writ was then issued out of the Native Court and when plan was ordered I was deputed to go with the Surveyor.

I lived on the land at old Mukose in 1908.

I lived there for 2 years. I used to come and work on the land. Djani Kofi was in charge of the land.

10

In reply to Court -

Q. About how many people lived there at that time?

A. There were 6 houses.

Examined -

People farmed around the village.

People from different villages farmed on the land - even from Avenor (near Railway Line) with permission of Djani Kofi.

20

Q. Were there then any other village on the land?

A. Yes. Abega, Woryema, Chantan, Akramaman, Nikoteinan near old Kpehe. Adjeiman also known as Akolu. They were in existence when I lived there. Other villages had then ceased to exist. I know some. Patchakole was one and near Wireless Station. Afutusotuem on the West side of Akole village. Koteyman.

30

Near the Wireless Station my Family has a cemetery. We negotiated with Commissioner of Lands and got that land released from the Acquisition. It is our private family cemetery. That is just South of the area they have sold to Captan.

Q. The Asere Manche made a claim in that Enquiry (Wireless)? A. Yes.

Q. Who was Ata Kofi? (North of green line)

A. He was in charge of Manche Tackie's land there.

In reply to Court -

40

Q. How did Manche Tackie Tawia get land there?

A. It belonged to his mother and was given to her by the Djorshie Elders over a hundred years ago.

Examined -

The Manche Tackie Tawia II was buried on this land. His mother was Na Fofoe Ashong Danso. She came from the Kikoi Olai Family - the same branch as the Plaintiff.

Q. Explain what is meant by Mantseman?

A. It means the Mantse village, e.g. Manche Tackie Tawia I. It was Manche Tackie Tawia I who got the land in succession to his mother and he had that village there now. There are still signs of swish walls broken down. Akweteman was founded by Akwete from Christiansborg - a brother in law of Tackie Tawia.

At the survey his son accompanied us but died a short while ago. That village was made by permission of Tackie Tawia.

Lamptey is Headman at Abeka now.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.11.

Edmund Nikoi Olai Kotey.

22nd October, 1951.

Examination - continued.

In reply to Court -

He has been Headman two years after Djani Kofi died.

Examined -

He took part in the survey.

Father in law of Djani Kofi was called Sibila and he lived there. Djani daughter was called Denye Amafi. All the houses are broken down with the exception of one house in which lived Denye at the time of the survey. She is still alive and not very old. Old Mukose is completely in ruins.

That was Djani Kofi's village.

The cement pillars shown on the plan are those placed there by the Defendants when they "stole" the land.

Q. The first sale was for £200.

A. Yes - Adams sold it to C.O.Aryee for £200. None of the Defendants had even farmed there in the past, nor did they make a claim in the Wireless Station acquisition. Abletsewe Family have no boundaries with us at all. They have nothing at all there.

Q. To the East your boundary is with whom?

A. Manche Ankra Family. From Blemakpehe northwards boundary with Gbese Boi Manche - the first settlers of Gbese and to the North of them boundary with the Omamako (Korle) people. We have a case pending in Native Court with Korle people in respect of the eastern boundary.

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.11.

Edmund Nikoi
Olai Kotey.

22nd October,
1951.

Cross-
Examination
- continued.

Cross-examined by Akufo Addo -

Q. How old are you?

A. I am 51 years old. I was born in 1900.

Q. Did you say you first went to live in Mukose in 1908? A. Yes.

Q. And for how long did you live there?

A. About 2½ - 3 years. Djani Kofi was there then.

Q. When you left Mukose where did you go to?

A. I went to live at Musole on the Western side of the Railway Line near the cemetery. 10

Q. Is that also your family property?

A. No - it belongs to Nii Frembo.

Q. You are a member of that family too?

A. Yes. I am not one of their elders.

Q. How long did you live there?

A. I attended school at Musole and left Musole in 1910 and came then to live at Djorshie.

Q. Where did you go next?

A. I live in Djorshie for a long time but my grandmother fell ill so I took her to Tesano to treat her. That was in 1912. 20

Q. Is Tessa your family property?

A. No. The family claims that land is my grandmother's family of Addai - not the original Onmoruko - They were strangers from Elmina.

Q. They are now regarded as part of Onmoruko family.

A. They are called Korle-Webi - which is bigger community than the Onmoruko family.

Q. So you belong to the Korle-We as well?

A. Yes I am part of them. 30

Q. When did you leave Tessa?

A. About a year later.

Q. Where did you go next?

A. I went to live at Oweigon. (Farrar Avenue neighbourhood).

Q. Is that also your family property?

A. That is my mother's family place. Her family is the Nii Odoi Kwao Family.

Q. How long did you live there?

A. I stayed there with one Mr. Loveridge, a P.W.D. man as a steward. He was only a Surveyor. 40
When I left Mr. Loveridge my father took me to Ajorshie, Accra.

- Q. When was this?
 A. During the Kaiser War I stayed at Djorshie fishing.
- Q. The family on behalf of whom you are giving evidence is the Nikoi Olai Family of Djorshie?
 A. Yes.
- Q. Is it not your mother's family?
 A. It is not. It is my father's family.
- 10 Q. There is another Branch called Kotey Nikoi Family? A. Yes.
- Q. Your name is Kotey Nikoi?
 A. I am called Nikoi Olai Kotey.
- Q. Do you know anyone in Djorshie called Kotey Nikoi?
 A. My father's younger brother is called Kotey Nikoi and he is Head of the Kotey Nikoi Family.
- Q. That family is sometimes called the Kotey Leh family? A. Yes.
- Q. And your uncle Kotey Nikoi is alive? A. He is.
- 20 Q. Do you know of a letter which Kotey Nikoi instructed Mr. Bossman to write to Captan claiming this land to be his?
 A. I gave the instructions for the letter to be written. I wrote the letter upon my uncle's instructions - Every member is entitled to enquire.

In reply to Court -

- 30 He wrote to Captan to say that the land belonged to his family.
 (Copy tendered by consent and marked as "C").

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.11.

Edmund Nikoi Olai Kotey.

22nd October, 1951.

Cross-Examination
 - continued.

"C".

Cross-examined -

- Q. Do you say that the land is the family property of the Nikoi Olai Family (Plaintiff) or of the Kotey Nikoi Family?
 A. Nikoi Olai Family is the same family as Kotey Nikoi.
- Q. Why was the letter not written in the name of the Nikoi Olai Family?
 A. Whether Nikoi Olai Stool or Kotey Nikoi anyone can write in either name.
 Plaintiff is the man on the Stool.
- 40 Q. Did he know anything about that letter?
 A. He was not shown the letter - he was informed.

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.11.

Edmund Nikoi
Olai Kotey.
22nd October,
1951.

Cross-
Examination
- continued.

In reply to Court -

Q. If I grant a declaration in favour of the Kotey
Nikoi, Plaintiff would be pleased?

A. It is the same family.

Q. By old tradition would the occupant of the
Djorshie Stool look after the land?

A. He would be a "trustee"
There are branches in the family and we have
all entrusted these lands to him to look after.

Q. When did you do that?

A. From ancient times.
Every Branch of the Family has its own land.

Q. How many Branches of the Family have interest
in this land in dispute?

A. All fourteen branches have interests.

Q. 14 Branches then separately apportioned lands?

A. At present the land has not been apportioned to
them.

Q. Have these 14 branches got their separate ap-
portioned lands in any place?

sic A. They have no.

Cross-examined -

Q. Did any of these 14 Branches ever have villages
on the land? A. I know some.

Q. Name those in which people live today?

A. Wonyeman. That belongs to the Fofu Ashong
Danso Family. King Takie Tawia's mother.
That is one of the original branches.

Q. Any other Branch that now has an existing
village?

A. Nii Amasah Kpetekple has a village at Kwashiman
to the West of that land.

Q. I refer to villages on the land?

A. Abeka and Wonyeman.
Manche Amon family owns Abeka.

Q. Was Manche Amon the Head of a Branch?

A. He occupied the Stool before.

Q. What Branch of the Djorshie Family did Manche
Amon belong to?

A. Nikoi Olai.
A Hausa man from Mukose founded Abeka.
It was founded about 50 years ago.

Q. In your Writ you describe one of your boundaries
- on the North as being bounded by Tackie Tawia

10

20

30

40

Family land - is that the same as Fofa Ashong Danso Family land?

A. Yes. When a village is founded - that indicates that the land belongs to the family.

Q. Sometime in 1949 you tried to sell land at Mukose to G.C. Aryee?

A. I don't know anything about that.

Q. Do you swear you did not try to sell land to G.C. Aryee in 1949?

10 A. I am swearing to that.

Q. Look at this and read it - is that not your signature?

A. Yes it is my signature (witness reads it).

Q. Do you still swear that you did not try to sell him land?

A. Now I recollect.
(Admitted and marked "D")

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.11.

Edmund Nikoi Olai Kotey.

22nd October, 1951.

Cross-Examination - continued.

"D".

20 Court - I call upon the witness to show cause why he should not be committed to prison as for a contempt of Court by gross prevarication and perjury.

Edmund Laud Nikoi Olai replies -

I beg Your Honour's pardon - there are so many G.C. Aryees.

30 I do commit the witness to prison for 3 months with hard labour as for a contempt of Court by prevarication and committing perjury. The witness was asked the question in the charge - most positive terms and denied them completely until he was faced with his own signature. It is quite time that an end was put to this reckless swearing and I have had occasion on a previous occasion regarding the reckless manner in which the witness has given evidence.

Lamprey - I ask that Court take a lenient view.

Court - I have taken a very lenient view - he was asked by Counsel twice and reminded of his oath.

Akuffo Addo - I wish to associate myself with my learned friend.

40 Court - I cannot alter my decision in the face of perjury of such a calculated and gross character - evidence of one attending a sale of land and evidence that he himself has been a party to a transaction of this description only 2 years ago. I cannot believe and do not believe that he could possibly have forgotten such a matter.

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.11.

Edmund Nikoi
Olai Kotey.

22nd October,
1951.

Cross-
Examination
- continued.

Cross-examined by Akufo Addo -

Q. Do you remember case of Manche Hammond v. Well-
ington and Vanderpuye and others of Otublohum?

A. I have heard of it.

Q. Did you know that Asere Manche Hammond took an
action against these Otublohum people in respect
of a portion of this Mukose land?

A. I had heard that a summons was taken.

Q. Did you know it related to a portion of this
Mukose land? A. Yes.

10

Q. Did you know that when matter was in the Court
a survey was ordered and made by Mr.Buckman?

A. Yes. I remember he made this survey.

Q. And that Mr.Buckman went on the land?

A. I heard so - I went there from my village when
survey made.

Q. And surveyor was putting down names of people
with villages on the land?

A. I saw him writing down their names.

In reply to Court -

20

Q. Why were you present?

A. I had a farm there. I showed it to the surveyor
and he plotted it on the plan.

Cross-examined -

Q. Did you realise there was not a single person
on the land then who farmed - claimed to farm
by permission of the Nikoi Olai Stool?

A. At that time my grandfather Djani Kofi was
there.

Q. But Djani Kofi claimed to have been placed
there by the Asere Manche?

30

A. The Asere Manche was an Elder attached to the
Nikoi Olai Stool.

Q. So it would be properly in order for the Asere
Manche to place a man on the land?

A. As he had a right in the Stool - he would have
that right.

Q. So you don't dispute allegation that it was
Asere Manche who placed Djani Kofi on the land?

A. Land belongs to both of them because Asere
Manche's mother came from our house and there-
fore he would also have the right to place some-
one there.

40

- Q. Do you accept the view that it was Asere Manche who put Djani Kofi on the land?
 A. I don't accept that.
- Q. Did not Djani Kofi collect tolls from people farming on the land?
 A. I know that he introduced tolls but I did not know he was collecting for Asere Manche.
- Q. Did you know Abeka Kwami? A. I know him.
- Q. You know he was the Head of Abeka village?
 10 A. I have heard it.
- Q. Who made him the Head? A. Djani Kofi.
- Q. If Danje Kofi were alive he would dispute that?
 A. I know Djani Kofi made him Head.
- In reply to Court -
 I heard this from Djani Kofi himself.
- Q. You heard what?
 A. He said he had made him Head of Abeka.
- Q. And when did he tell you that?
 A. Before he died.
- 20 Q. When did he tell you? A. About 1921.
- Q. Where did he tell you this? A. At Mukose.
- Cross-examined -
- Q. That was when Hammond and Wellington case was on? A. Yes.
- Q. And Djani Kofi gave evidence in that case?
 A. I don't know.
- Q. Would you be surprised to hear that Djani Kofi then swear that he was second in command to Abeka Kwami and that Asere Manche had put him there?
 30 A. I would be surprised.
- Cross-examined by Lamptey -
- Q. Those 14 Branches of your Family do you say they own places like Kaneshie also?
 A. Yes it is in their land.
- Q. And you agree that the sea is your families' boundary to the South?
 A. Yes - up to the sea.
- Q. What Branch of the family settled at Kaneshie?
 40 A. I was told that during the bombardment of Ga in between 1819/20 Nii Ashie Komowo and Ga Manche Kodjo Okai went to live at Kaneshie - they fled from the bombardment and settled there.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.11.

Edmund Nikoi Olai Kotey.

22nd October, 1951.

Cross-Examination
 - continued.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No. 11.

Edmund Nikoi Olai Kotey.

22nd October, 1951.

Cross-Examination
- continued.

Q. You say that then the Gas were living to the South of Kaneshie? A. Yes.

Q. And your case is that up to 1819 there had been no settlement at Kaneshie?

A. When Gas migrated from Anyawase 1618 they settled there.

In reply to Court -

Akwamu Manche Akoto told me this. He was a scholar.

Cross-examined -

Q. Which Branch of your family first settled at Kaneshie? 10

A. Nikoi Olai Family - Nii Ashale is of the main Branch.

Q. Is Nii Ashale one of the 14 branches? A. Yes.

Q. Did these 14 branches exist at Anyawase?

A. Not all 14 branches came down. Nikoi Olai, Nii Amomoh Branch, Kwaku Adjiman Branch, Klona Branch, Nii Tettey Amankani Branch

Q. Which branch settled at Bubuashie?

A. Nii Ashie Branch. 20

Q. And Odorkor? A. Numoshide Branch.

Q. And Tuen? A. Same as Odorkor.

Q. And Chantang?

A. Nii Ashaley Branch. She was Kotey Le's mother.

Q. She was not a member of your Family?

A. She was. I came from the Le Kotey Branch.

Court - I will permit the witness to remain on bail until tomorrow morning when I will further consider the points of his committal - in his own recognisance for £10. 30

Adjourned to 23.10.51.

(Sgd.) J. Jackson,
J.

23rd October, 1951.

23.10.51.

Court - Yesterday before the adjournment I indicated that I would consider the question as to whether Edmund Laud Nikoi Olai should be committed to prison as for a contempt by prevarication. I have considered all the circumstances and not least the personal character of the delinquent and I am 40

of the opinion that this is a case where I can temper justice with mercy and I do set aside my order of committal.

In the Supreme Court of Gold Coast, Lands Division.

Edmund Laud Nikoi Olai (m) resumes evidence -

Plaintiff's Evidence.

Q. You are not an Elder of the Nikoi Olai Stool?

A. I am one of the Elders of the Stool.

No.11.

Q. By that you mean you are Head of one of the Family of Djorshie?

A. No - I am not a Head. Nii Kotey Nikwei is Head of my branch. I have been made assistant to my father as Stool Elder. That was in 1934.

Edmund Nikoi Olai Kotey.

23rd October, 1951.

Q. Are there any Asere Families other than Djorshie and own land within the boundaries that you have described e.g. right down to the sea etc.?

A. Others have lands but not with Djorshie lands.

Cross-Examination
- continued.

No re-examination.

No. 12.

No.12.

ROBERT THOMAS DODOO.

Robert Thomas Dadoo.

Robert Thomas Dadoo (m) Sworn states in English -

23rd October, 1951.

3rd Witness for Plaintiff: Live Accra. Government Pensioner. Formerly in Education Department. I know Plaintiff. I'm related to him on my mother's side. I used to live in the old village of Mukose about 1881. I lived there with my mother, Ayele and her brothers named Ayetei, Ayekai and Ayeboi.

Examination.

Q. Who was then in charge of the village?

A. Kotey Kodjo. He was of the Nikoi Olai Family. I lived there for about 5 years. Then I came and stayed in Accra to go to school. I still visited Mukose at time to see my people. My mother left the village later and came to Accra. My uncle Ayeboi died in the village and was buried there. I farmed there.

Q. At that time were there other villages in existence?

A. Yes Kpatchakole towards where Wireless Station is now. Koteyman was a village then west of Mukose. I know present village of Abeka. I was at Mukose when Abeka was first built by a woman named Abeka, with her 2 children. I cannot remember her nationality. I know Djani Kofi - he was Headman after Kotey Kodjo.

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.12.

Robert Thomas
Dodoo.

23rd October,
1951.

- continued.

Cross-
Examination.

Cross-examined by Akufo Addo -

I am 79 years old.

Q. You are an Otublohum man? A. Yes.

Q. Sometime ago Otublohum laid claim to part of
Mukose land. A. Yes I remember that.

Q. Do you remember case of Hammond v. Wellington
& Others.

A. I can remember there was such a case.
I was then at Anyinam, up country.

Q. When you lived there in 1881 were there any 10
Otublohum people making farms on the land?

A. Yes.

Cross-examined:-

I used to visit my people.

Q. Over what period of time?

A. Whenever I felt inclined. I paid these visits
up to 8-10 years - I cannot exactly remember.

Q. Since then you've not set foot there?

A. That is not so.

Q. When last did you go there? 20

A. About 7 years ago.

About 3 years ago also I had to visit the place.

Q. When last did you go there?

A. About 3-4 years ago.

Q. You were farming there as one of the Otublohum
people?

A. My mother belonged to Asere Djorshie.

Q. Did you at one time claim to be a member of the
Abletsewe Family? A. No.

Q. Did you know a man called Abeka Kwami? 30

A. Yes I know him.

Q. You know he was Headman at Abeka village?

A. I cannot say. I know him at Abeka and I know
him in the Prison Department when I was an
officer. Abeka Kwami was then a convict there.
When I know him at Abeka he was farming.
When I was there he was not the Head.

Q. When did you first see Djani Kofi at Mukose?

A. About 1884.

Q. In 1881 was Djani Kofi living at Mukose? 40

A. He was not. He used to come there. Djani Kofi
was a "cooper" by trade and used to work in
Nigeria and then return here.

Q. When did Djani Kofi first settle at Mukose?
 A. About 18 years ago. He died about 9 years ago.

Q. Going from Accra to Mukose in those days which was the first important village that you passed?

A. Atsiakye Ashishi.
 We also passed Governor Sibila's village. I remember Buckman surveyed the land a long time ago. I went on the land at the time of the survey.

Q. Were you pointing out things to the Surveyor?

A. Yes (after answer)

Q. You were pointing out features to Mr. Buckman to illustrate Otublohum occupation on the land?

A. Yes.

Q. You wanted to show that the land belonged to Otublohum? A. Yes.

In reply to Court -

Q. Did that land surveyed by Mr. Buckman belong to Otublohum? A. Yes.

Q. To which family?

A. The Otublofo Family of Otublohum.

Cross-examined by Lamptey -

Yes Otublofo Family is Family of Manche of Otublohum.

Q. You are eldest son of late Otublohum Manche?

A. Yes.

Q. And Vanderpuye was the Djanetse of Otublohum?

A. Yes.

Q. Your uncle Ayeboi was an Asere man? A. Yes.

Q. Ayeboi is not a Djorshie name?

A. (No answer)

Yes Mukose was in existence when I first got there.

Q. At that time you heard the name of a man Amaotioko as a man who had lived in that village before?

A. I had heard that. I know late D.P. Hammond. Amaotioko family was at Mukose.

Q. And when Abeka was built Kwami became the Headman then? A. I don't know that.

No re-examination.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.12.

Robert Thomas Dodoo.

23rd October, 1951.

Cross-Examination
 - continued.

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In the Supreme Court of Gold Coast, Lands Division.

No. 13.

AMAFIO

Plaintiff's Evidence.

Amafio (f) sworn in Ga -

4th Witness for Plaintiff -

No.13.

Live at Machema. Lived at Mukose. I was married to Djani Kofi and he took me there. Remember plague in Accra (1908). I was married before the plague. The elder there at the time was my husband and the one after him was Kotey. And an old lady called Narfio and her grandson Nikwei.

Amafio.

23rd October, 1951.

Examination.

10

In reply to Court -

I am not a member of their family.

Examined -

Nikwei is still alive (points to Edmund laud)

Q. What was the occupation of those people living there?

A. They were farming and rearing goats etc.

Q. Before your husband took you to Mukose did you know that village?

A. Yes. There were not many people there.

20

Have never heard of Abletchewe Family.

My father lived at Wuoyema. Boyema is about an hour's walk from Mukose. Wuoyema is north of Mukose. My father founded that village before I was born.

In reply to Court -

My father told me so.

Q. Have you ever lived in that village?

A. I am living there now.

Q. How many people are living there?

30

A. I am the only person there with my children and grandchildren. We are 6 in all.

Q. How long have you lived there? A. Since 1939.

Q. When did your husband die?

A. A long time ago. My husband now is Nii Amon. He is living in Accra. Yes, we are living apart.

In reply to Court -

I trade. The boys are their own masters. The girls are trading. We engage labourers to farm cassava for us round about the village.

40

Cross-examined by Akufo Addo -

Q. Your present husband is Nii Amassah's (Plaintiff) brother? A. Yes.

Q. Do you know in whose land Wuonyema is situate?
A. It is the land of Manche Tackie.

Q. Did you know a man called Abeka Kwami?
A. There are about 3 Kwamis there. I've heard of Abeka Kwami. I know him. He is dead now.

10 Q. He had been there about as long as your late husband Djani Kofi? A. Yes.

Q. And he was Headman of Abeka village? A. No.

In reply to Court -

sic Q. Who was _____?
A. Djani Kofi was Head of Abeka.

Examined --

Q. He lived at Mukose?
A. Yes. He was Head for both villages.

In reply to Court -

20 I don't know why it was called Abeka - I heard someone lived there by that name.

Cross-examined -

Q. Did Abeka Kwami occupy any position in the village? A. No. Yes my husband would know.

Q. Is it true that your father was related to Abeka Kwami father?

A. There was no relationship.

Q. Did Abeka Kwami and Djani Kofi collect any tolls from farmers on the land?

A. Djani Kofi did.

30 Q. Do you know what he did with the money?

A. During Homowo festival he would bring the money to Accra to celebrate. I don't know what he did with the money. Some would bring it to him in the house - from others he would collect. He had left 'coopering work before I married him.

Q. Do you know when Abeka Kwami died?

A. I don't. He died many years after my husband.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.13.

Amafio.

23rd October, 1951.

- continued.

Cross-Examination.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.13.

Amafio.

23rd October, 1951.

Cross-Examination - continued.

In reply to Court -

Q. After your husband died do you know who collected the tolls?

A. No - but when I returned I found Lamptey collecting them. That was before the earthquake 1939.

Examined -

Yes Abeka Kwami was then still alive.

Q. And he was collecting tolls?

A. I say Lamptey.

10

Q. Where was Lamptey living?

A. At Abeka. He is still at Abeka. I know Asuman at Abeka.

In reply to Court -

Q. How far was your husband house from Abeka?

A. (described distance of about 200 yards).

Cross-examined -

Q. Lamptey is known as Abeka Lamptey? A. Yes.

Q. He is a son of Abeka Kwami? A. No.

Q. Who is Lamptey's father?

A. Obami who lives in Accra.

20

Q. Is Lamptey a motor driver?

A. Yes - he drives a roller.

Q. He is not collecting the tolls there now?

A. He does.

Q. Do you know in whose authority he collect them?

A. Nii Amassah (Plaintiff)

Q. How do you know that?

A. Lamptey Abeka told me that.

Cross-examined -

30

I know this man in Court as Ajette Weni.

Q. He is the Head of Abeka now? A. I don't know.

In reply to Court -

He lives at Abeka.

Cross-examined -

Q. You were asked if you had ever heard of the

Abletchewe family, you said you never had. What other family in Asere Quarters do you know other than Nii Amassah Family?

A. Nii Amassah Family I know is the Djorshie Family.

Q. Is that the only family in Asere that you know?

A. Yes. I do not come from Asere. I belong to the Brazilian Community. I am only saying what I am told.

10 Q. You lived with Djani at Mukose up to the time of his death? A. Yes.

Q. For how many years did you live with Djani at Mukose? A. I had 8 children then by him.

Q. Do you remember sometime before his death a surveyor came on the land to make a plan?

A. No - I don't remember.

Q. Did you know that Asere Manche had a case about the land with Otublohim people? A. No.

Cross-examined by Lamptey:

20 I know Manche Hammond.

Q. Don't you remember surveyor measuring the land up to Chantan?

A. No - I would not know - I am a trader and I may not have been there - I may have been away at the time.

I know Mr. R.T. Dodoo (last witness) - I know him at Asere living with Djani Kofi.

Q. I suggest that you did not marry Djani Kofi before the plague (1908)?

30 A. What I know and what I saw I am saying.

Examined -

Q. Were you married at the time of the Kaiser War?

A. I've forgotten.

In reply to Court -

Q. Were you married at the time of the influenza?

A. Yes - I then had 2 children.

Q. How many years between these 2 children?

A. Four years.

40 Q. How long had you been married when you had your first child? A. Just a year.

Q. How many years between 2nd and 3rd child?

A. A year and a half.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.13.

Amafio.

23rd October, 1951.

Cross-Examination - continued.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.13.

Amafio.

23rd October, 1951.

Cross-Examination - continued.

Cross-examined -

Wuonyema from Mukose is as far as from here to the Central Police Station. (about 3/4 mile).

Q. Who was the Headman at Mukose before you were married?

A. Djani Kofi.

Don't know who was Headman there before him.

Q. Did you know of any time when Nii Amasah was living there?

A. I was told he lived there.

I used to see him visiting the village.

10

In reply to Court -

He used to come and visit his brother and sometimes stroll around and visit the farms.

No re-examination.

(very good demeanour)

No.14.

Ogbame Lamptey.

23rd October, 1951.

Examination.

No. 14.

OGBAME LAMPTEY

Ogbame Lamptey (m) Sworn states in Ga:

5th Witness for Plaintiff:

Motor driver - Roller driver employed by P.W.D. Live at Abeka. I was born in Accra. Have lived at Abeka since my mother carried me on her back there. I am about 45 years old. I know Mukose village.

Q. When you grew up who was Headman there?

A. Djani Kofi.

In reply to Court -

Q. Is he the first Headman you can remember there?

A. Yes.

20

30

Examined -

Djani Kofi farmed.

In reply to Court -

Q. What were his duties as Headman?

A. He collected tolls from people farming on the land there.

Q. Who collects these tolls today? A. I do.
 Q. For how long have you been collecting?
 A. About 3½ years.
 Q. How much do you collect each year?
 A. £3-4. I pay it to Nii Amasah. I am a relative of his.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

Examined -

Djani Kofi appointed Abeka Kwami to collect the tolls.

No.14.

Ogbame Lamptey.
 23rd October, 1951.

10 In reply to Court -

Q. Who appointed you? A. Nii Amasah placed me there.
 Q. And who was the man who collected tolls immediately before you?
 A. Kwami. He died about 4 years ago. The people are still paying.
 Q. Can you name some of them?
 A. Bonne, who farms at Suotom - he pays 5/-, Kohua also farms at same place. Suoton is after the village called Akolu.

Examination - continued.

20

In reply to Court -

I know the boundary surveyed in the case.

Q. Is Suoton on the Abeka side of the line cut by the Surveyor or on the other side?
 A. It is on the north - on the other side.
 Q. Can you name any person who pays tolls actually on the land now in dispute?
 A. Yes - Abenkua who farms at Chantan.
 Q. Is Chantan within the boundary cut by the surveyor?
 A. Yes. Chantan lies to the North. I do not say I know the boundaries of the land in dispute.

30

Examined -

I know Wuonyeman. I collect from one Jababa who lives at Abekan. He farms at Akolu. (leading question put by Counsel which I disallow)
 Kwaku Mensah farms at Kpatohakole. Kpatohakole is getting down towards the Wireless Station.
 Kwaku Mensah lives at Abeka. He pays 5/- a year.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.14.

Ogbame Lamptey.
23rd October, 1951.

Examination - continued.

24th October, 1951.

Cross-Examination.

In reply to Court -

Q. For how many years has Kwaku Mensah paid?
A. For 2 years.

Examined -

Todu has also paid during the last 2 years. (i.e. since issue of Writ issued on 20th April, 1948 - 3½ years ago).

Adjourned to 24.10.51.

(Sgd.) J. Jackson,
J.

24.10.51.

10

Ogbame Lamptey resumes evidence --

Cross-examined by Lamptey -

Q. Immediately after the death of Abeka Kwami you went and saw the Asere Manche? A. No.

Q. Did you not about 1945 ask the Asere Manche to give you authority to collect tolls on Mukose land?

A. No. I did not do so. I cannot read or write. I cannot even sign my name.

Q. I suggest to you that on 30th July 1945 - the Asere Manche gave to you a written authority to collect tolls on Alajo, Adama, Tessano, Apenkwa, Achimota and Akotiman lands?

20

A. That is not true.

In reply to Court -

Q. Have you ever collected tolls at Achimota?

A. Yes. That was on authority of Plaintiff. He did not give me any authority in writing. Yes (collected on those other lands mentioned).

Q. I suggest that as you did not account for these tolls properly that authority was withdrawn?

30

A. No - it is not true.

Q. You know Ajetey at Abeka?

A. There are a lot of Ajetey's in the village.

Q. You took action against Ajetey in the Native Court?

A. Yes - Ajetey Moshie - he lived in Abeka - but was driven away because he seduced Abeka Kwami's

wife. When Abeka Kwami died he begged me and I permitted him to return. He did not take part in road work when I ran gong-gong.

- Q. I suggest the dispute was as to who was Headman at Abeka? A. Yes.
- Q. Asere Manche has been joined as Co-Defendant in that action? A. Yes.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.14.

Ogbame Lamptey.
24th October, 1951.

Cross-Examination
- continued.

In reply to Court --

- 10 Q. I suggest it was after Asere Manche withdrew his authority that you allied yourself with the Plaintiff.
- Q. And do you say that prior to 3½ years ago you did not collect any tolls for the Asere Stool?
A. I did not.

Cross-examined by Ollennu -

- Q. Do you remember that about 1946 you challenged some of the Abbetseweye people going on the land? A. Yes, I challenged them.
- 20 Q. At that time you had not been appointed Headman?
A. Kwami was ill in bed.
I had not been appointed Headman.
- Q. You threatened them with violence? A. No.
- Q. The matter was reported to the Government Police?
A. Yes.
- Q. And at the police station you made a statement which was taken down and read over to you?
A. Yes.
- 30 Q. And in that statement you said you are on the land with the authority of the Asere Manche?
A. Yes - I remember.
- Q. Was that the truth? A. It was true.
- Q. And in consequence the police sent for the Asere Manche and he came with his Elders to the Police Station? A. Yes.
- Q. And in your presence he confirmed to the police that you were on the land with his authority?
A. Yes.
- Q. And as a result of what Asere Manche said the Police allowed you to go? A. Yes.
- 40 Q. And you went with the Asere Manche to his house?
A. No - that is not true.

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.14.

Ogbame Lamptey.

24th October,
1951.

- continued.

Re-Examination.

No.15.

Botwe Tackie.

24th October,
1951.

Examination.

Re-examined -

I drove the Abbletchewe and people away.
Yes - they returned to the place about 3-3½ years
ago and farmed in the Mukose area. I seized their
hoes.

Q. At the time of the police station incident was
Abeka Kwami?

A. He died a week after that.

No. 15.

BOTWE TACKIE

10

Botwe Tackie (f) Sworn states in Ga:

6th Witness for Plaintiff -

Live now in Accra. Fish Seller. Daughter of
late Manche Tackie Tawia. I know village of Man-
cheman. I was born there and lived there all my
life. I left that village and came to Accra when
my father died (i.e. 1902) I then came to Accra
and the house at Mancheman was allowed to fall in-
to ruins. (i.e. about 50 years ago).

My husband had a son called Atta Kofi - he
made a village near ours. He died about 8 years
ago. He died in Togoland where he was working. He
has a son called Nii Tackie who is now living at
Abula (in Accra).

20

Q. What has happened to his father's village?

A. It was allowed to fall into ruins - but I sent
building materials there about a year ago to
rebuild it.

Q. Do you do anything there?

A. I go to farm there.

30

Q. Did you meet your father's mother?

A. No - her name was Naa Fofu Ashong. She came
from Nii Amassah Nikoi Olai Family.

Q. At the moment who is head of that Family?

A. The Plaintiff. I go to him with all my family
affairs. I know the village of Akwereman. It
is in my father's land. Kotey's children and

strangers live there. Kotey came from Osu and obtained permission from my father to live there.

Q. Who is now in charge there?

A. I've forgotten his name.

Q. Do you know the Abbetsewe people of Asere?

A. Yes.

In reply to Court -

Q. Is it an old family of Asere?

10 A. I've known it as a family since I was young.

Examined -

Have never seen them in any village near my father's land. Have never seen them farm there.

Q. What is name given to area where your father's land is situate?

A. Mukose. I know Wuoyeman. Pass there going from Accra to my village. Have known it for a long time.

Q. When you first knew it who occupied it?

20 A. Nii Djani lived there.

Q. When survey took place did you accompany the party? A. No.

Cross-examined by Ollennu -

Q. You know the old road from Accra to Ofarkor?

A. Yes - it was known as the Abeka road.

Q. Mancheman is on the Eastern side of that road?

A. Yes.

Q. Wuoyeman is also on the East of that road?

A. Yes.

30 In reply to Court -

Yes the Abeka road goes on to Chantan.

Cross-examined -

Q. You know the old Mukose village? A. Yes.

Q. It is called Nii Abeka village?

A. No - it is not called that.

Cross-examined by Lamptey -

Q. How old were you when you came to Accra?

A. I had then been pregnant for 3 months.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.15.

Botwe Tackie.

24th October, 1951.

Examination - continued.

Cross-Examination.

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.15.

Botwe Tackie.

24th October,
1951.

Cross-
Examination
- continued.

Q. At that time who was Headman at Abeka?

A. Nii Djani Kofi.

In reply to Court -

Q. Did he live at Abeka or Mukose?

A. He lived at Mukose.

Q. Did he also live at Wuoyeman?

A. Yes. He lived in Wuoyeman - it is near Mukose
and we call it Mukose.

Q. Who was the Elder in the old Mukose village?

A. Nii Djani.

Q. You don't know how your father got that land?

A. Yes his mother gave it to him.

Q. Was it Nii Amassah who told you that?

A. It was my father who told me this.

Q. Do you know if the Gbese Stool and Korle-We own
land in the area?

A. No they do not. They do not own land anywhere
near.

In reply to Court -

Q. Going towards the Nsawam Road who are your
nearest neighbours on the East?

A. There are villages there - but I don't know
who own them. I know Apenkwa village.
I heard that it belongs to the Mission - which
Mission I don't know. I go regularly to Manch-
eman. I have crops growing there now - cassava
is planted there. My father has a well then in
his time and I maintain it so that a little
water gets into it until the rains come. I know
Abeka Kwami.

Q. Where did he live?

A. He was living in Abeka village and my father
would invite him and others to assist him in
farming.

Q. And do you say that Djani Kofi was living there
then? A. Yes - he was.

Q. What work was Djani Kofi doing?

A. He was farming.

Q. During those days did you ever visit Djani
Kofi's village?

A. When I came from my father's village to Accra I
would call them to greet him as he was my uncle.
He lived there with his wife - who is now dead.
I know late Manche D.P. Hammond.
I did not know Lawyer Bruce Vanderpuye.

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Q. Do you remember surveyors coming on the land in Hammond's time? A. Yes.

In the Supreme Court of Gold Coast, Lands Division.

No Re-examination.

(a witness whose credibility advances another pressure of cross examination - an excellent witness)

Plaintiff's Evidence.

No.15.

Botwe Tackie. 24th October, 1951.

Cross-Examination - continued.

No. 16.

KOFI DORMAN.

No.16.

Kofi Dorman. 24th October, 1951.

Kofi Dorman (m) Sworn states in Ga:

10 7th Witness for Plaintiff:

Examination.

Live at Apenkwa (off land to N.E. of Plan). Carpenter and farmer. First went to Apenkwa when I was 12 years old and have lived there ever since. I know the land where village of Mukose and Abeka are. I know Mancheman. When I first know it Manche Tackie lived there. I know old Mukose. There were some Moshie people living there after that Djani Kofi came to live there. At Abeka Akwabudu - a woman lived. At Wuoyeman lived an old man named Sibila and his children. At Apenkwa I am the Senior Presbyter of the Mission. People from Apenkwa farm on the land to the West towards Abeka - some farm there.

20

In reply to Court -

Q. Of which Stool are you a subject?

A. Manche Tackie. My father was a stranger as well as my mother. My father came from Grunshie and my mother from Togoland.

Examined -

30 I farm there as well. We asked permission to farm from Abeka Kwami. After he died Lamptey used to collect tolls.

In the Supreme
Court of Gold
Coast, Lands
Division.

Plaintiff's
Evidence.

No.16.

Kofi Dorman.
24th October,
1951.

Examination
- continued.

In reply to Court -

Q. For how long has Lamptey been collecting tolls?
A. For about 4 years.

Examined -

I know Djani Kofi. He live at Mukose and beyond Abeka village. He did not live near where Sibila lived. He lived in Mukose village which no longer exists. Djani Kofi was married to Sibila's daughter.

Q. Do you know the Abbetsewe people of Asere? 10

A. No. I know Akweteman. It was not in existance when I first went to live at Apenkwa. It was made by Akwete from Ablenkpe, an Osus man. I've never of a place called Abetsewe. I know the Plaintiff.

sic

In reply to Court -

I live on land belonging to the Mission.

Examined -

I first saw the Plaintiff on the land a very long time ago. He used to come and inspect the land and he would sometimes call and see me at Apenkwa. 20

Cross-
Examination.

Cross-examined by Akufo Addo:

Q. By whose permission do you live at Apenkwa?

A. It belongs to the Mission - the Basel Mission.

Q. About how many years ago did you see the Plaintiff on the land?

A. I could not say - he used to come there from time to time.

Q. Have you a farm now at Abeka? A. Yes.

Q. When did you first farm at Abeka? 30

A. About a year ago.

Q. In Abeka Kwami's time did you farm any land at all under his instructions? A. Yes.

Q. Where was that?

A. On the left of the old Abeka road (i.e. going to Chantan).

Q. Did you pay anything?

A. I used to pay tolls. I paid on two occasions to him before he died - 5/- a year.

In reply to Court -

I used to pay 5/- each year.

Cross-examined -

Q. Since Kwami died to whom did you go for permission? A. Lamptey.

In reply to Court -

Q. How did you know that Lamptey was the right man to pay to? A. Lamptey told me.

10 Q. When he told you this did he show you any piece of paper?

A. No - he just came to me and told me and others to pay to him. I accepted what he said as being true.

Q. To whom did you intend that your money should pass?

A. I gave it to Abeka Kwami - but not to keep but to hand to his master - but whether that was the Manche or not I do not know.

Cross-examined by Lamptey -

20 Q. Who was Headman of Abeka when the woman Akuabadu was there? A. Kwami.

Q. At that time who was the Headman of Mukose?

A. I don't remember his name.

Q. It is a fact that at that time Djani Kofi was there?

A. He was there. I don't know whether he was Headman or not.

Q. Can you remember a time before Djani Kofi got there?

30 A. When I first got there he was there. I am now over 70 years old.

Q. Did you ever pay tolls to Djani Kofi? A. No.

Q. At time you paid tolls to Abeka Kwami did you know to whom he was paying the money?

A. I don't know.

Q. After Kwami's death you and others accompanied Lamptey to the Asere Manche?

40 A. The Asere Manche sent for us and when we got there he told us that Lamptey was not to collect the tolls any more and that he was putting Ajetey there.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.16.

Kofi Dorman.
24th October,
1951.

Cross-
Examination
- continued.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.16.

Kofi Dorman.
24th October, 1951.

Cross-Examination
- continued.

In reply to Court -

Lampzey was not present then.

Examined -

Q. Did you ever go to the Asere Manche after that with Ajete? A. Yes.

Q. When he asked you to pay your tolls to Ajete did you pay? A. No.

Q. After Abeka's death you refused to pay Lampzey tolls until the Asere Manche had given you an assurance in Lampzey's presence that he had such an authority.

10

A. No - nothing like that happened. Yes - I paid to Lampzey after Abeka died. Lampzey told me that as he had succeeded Kwami he was the right person to collect the tolls.

In reply to Court -

Ajetey came to ask for the tolls but I refused to pay him. Lampzey came first. Ajetey came and asked for him 2 months later I had then already paid Lampzey.

20

Examined -

Q. Were you at Apenkwa when Sibila village was founded?

A. No - the village was there when I first came.

Re-examined -

Ajetey asked me for the tolls as I did not pay him the Asere Manche sent for me. That was about 2 years ago.

(excellent demeanour)

No.17.

Enoch Kotei Afutu.

24th October, 1951.

Examination.

No. 17.

ENOCH KOTEI AFUTU

Enoch Kotei Afutu (m) Sworn states in Ga:

8th Witness for Plaintiff -

Live in Accra. Pensioner. Belong to Nikwe Nikoi Olai Family. I know Mukose land. I have a building on it. I know the area the Abbetsewe people are selling -- my building is just South of that land. The building is made of swish and roofed with tiles. I built it soon after the last war. It is not Mr. Ollennu's building. The

30

40

Aseres told the surveyor it was his building. I have not yet completed the building - doors and windows are still required. Nobody challenged my right to build there. I built there because it belongs to the family and Plaintiff gave me permission.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

In reply to Court -

We must first ask permission to build from the Head of the Family.

No.17.

Enoch Kotei Afutu.

10 Examined -

Family cemetery near my building.

24th October, 1951.

Cross-examined by Akufo Addo

Examination - continued.

Q. You are a Teshie man?

A. Yes - my great grandfather went and married there and I am both Teshie and Ga. My Ga blood comes from my father and my mother.

Cross-Examination.

Q. Until a few years ago when Teshie riots occurred you lived at Teshie?

A. No - I was then in Accra.

20 Q. Before the riots in 1943 you were living in Teshie? A. No - I was not there.

Q. Has your family a house in Accra?

A. We have no house in Accra. Started the building after the end of the war. I served in the Railways as a Store Keeper.

Q. About what year did you build that house?

A. 1943.

Q. What do you use that house for?

30 A. I have not completed it as I haven't money to finish it.

In reply to Court -

Mr. Ollennu has a building about as far as this from mine (100 yds.)

Q. Is Mr. Ollennu's house occupied?

A. It is. I attended the survey.

Cross-examined -

Q. Do you know the land in dispute. Do you know the boundaries?

40 A. I could not show all the boundary. Yes I accompanied the surveyor.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.17.

Enoch Kotei Afutu.

24th October, 1951.

Cross-Examination - continued.

In reply to Court -

Yes - there was a lot of noise. As an Elder I had to follow them. I did not know the boundaries until then.

Cross-examined -

Yes I am an Elder.

Q. What exactly is your position?

A. The various duties have not been apportioned. I know Djani Kofi in Accra.

Q. You did not know him at Mukose?

A. I did. He was my father in law. I first knew him in 1923. He died before I married his daughter. Djani Kofi died in 1924.

Q. Where was he living in 1923?

A. In Mukose. I never went to that village. I have never seen the old village of Mukose. I left the Railway in 1932.

No cross-examination by Lamptey.

No re-examination.

(Doubtful)

10

20

No.18.

John Joseph Ocquaye.

24th October, 1951.

Examination.

No. 18.

JOHN JOSEPH OCQUAYE

John Joseph Ocquaye (m) Sworn states in English - 10th Witness for Plaintiff -

Retired Government School Teacher. Now a trader. Am 71 years old. Know Plaintiff's family. I am connected with it through my father. I know Mukose land. I have worked in it since 1931. I worked near the Bubiashi Wireless Station. I had a hut on the land. Army occupied the land - when they left I was given one hut which is now occupied by a labourer. I gave evidence in that acquisition enquiry. I know the Abbetsewe people. None of them have ever farmed there. Other relatives of mine farmed nearby. I took part in the survey - the area farmed by me is within the area taken by the Abbetsewe people. I know Djani Kofi. Came to know him in 1919 when Plaintiff was installed. Djani Kofi was the Stool Father who enstooled the Plaintiff. He died about 1924-1925.

Q. Have you ever visited any of the land e.g. Abeka?

A. In my early infancy I went there when they were making a market there.

30

40

Cross-examined by Akufo Addo -

Q. You are one of the people who hold the view that the Nii Olai Stool is the proper Asere Stool? A. I do.

Q. In other words the occupant of the Nikoi Olai Stool should be the Asere Manche? A. Yes.

Q. And you hold the view that all Asere lands are lands belonging to the Nikoi Olai Stool?
A. Yes.

10 Q. Do any families in Asere own lands at all?
A. Yes.

Q. Which families?

A. The Kpakpatsewe Family owns Bawe land - I cannot remember any other families.

In reply to Court -

Q. Is Bawe land a part of Nikoi Olai Stool land?
A. I don't know.

Cross-examined -

20 Q. Is it in the capacity of an Asere man that you have been farming there?

A. Yes - I am there as an Asere man. I never visited Mukose when Djani Kofi was there. I did not know Abeka Kwami. I am one of the Elders. I have no specific duty. I last visited Abeka before 1900.

Q. Your grandfather was Nii Asere Oku?

A. Yes. Yes - an Asere man.

Q. And it was through him that you have connection with the land? A. Yes.

30 In reply to Court -

It was a market as big as Kpehe now then. It was only a market for food stuffs.

Cross-examined -

Operkunono was the caretaker of a part of Asere Stool lands. It was on the Odokor side.

Q. Caretaker for whom? A. Asere.

Q. Who was then the Asere Manche?

A. Either the new Chief or the late Ayetey II. He gave part of the land to my wife.

40 Q. Was that a part of Nikoi Olai land that he gave? A. (No answer)

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.18.

John Joseph Ocuaye.

24th October, 1951.

- continued.

Cross-Examination.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.18.

John Joseph Ocquaye.
24th October, 1951.

Cross-Examination - continued.

Q. You acted as Clerk to Operkunono in respect of the land?

A. He gave me authority to have dealings in the Court. It was not part of Nikoi Olai Stool land.

Q. Was that part of land given to your wife of a piece of Nikoi Olai land?

A. No - it was not - that was Asere land.

In reply to Court -

Q. So it follows that all Asere land is not Nikoi Olai land? A. I would not say that.

10

Cross-examined -

I own no building plot at Bubuashi.

No re-examination.

Adjourned to 25.10.51.

(Sgd.) J. Jackson,
J.

No.19.

Arthur Hansen Hammond.

25th October, 1951.

Examination.

No. 19.

ARTHUR HANSEN HAMMOND

Arthur Hansen Hammond (m) Sworn states in English
10th Witness for Plaintiff -

20

Merchant living Accra. Late Emmanuel Papafio was my mother's brother. The Papafios are people of Kpakpatse Family of Asere. Emmanuel was a merchant. In his lifetime he made a cocoa plantation and farmed and to get to it he made 2 roads - one from the South pass Lutterodt's village at Kpehe to Kukuase and the other one from Kukuase - a branch road to his plantation a few miles from Kukuase. I worked as overseer for him. That road passed near Mukose. The road is still in existence.

30

This was about 25 miles from Accra. That was where the plantation was. This road is far from Abeka.

Cross-examined by Lamptey -

- Q. The road you say your uncle constructed from the South is the one which passes new Mukose, i.e. present Accra Nsawam Road? A. Yes.
- Q. Kukuase is mile 12 from Accra? A. Yes.
- Q. He cut a road from this to his farm at Adjami-kopo? A. That is so.
- Q. Does that road pass anywhere near Mukose at all? A. It was not.

In the Supreme Court of Gold Coast, Lands Division.

Plaintiff's Evidence.

No.19.

Arthur Hansen Hammond.

25th October, 1951

- continued.

Cross-Examination.

10 Re-examined -

No questions.

No. 20.

EDMUND NIKOI OLAI KOTEY (re-called)

Edmund Nikoi Olai Kotey - re-called by leave of Court -

- Q. You said a portion of the land was being built upon by Saxil? Did that matter come before the Concession Court? A. Yes.

No.20.

Edmund Nikoi Olai Kotey (re-called)

25th October, 1951.

Examination.

- Q. Did your family oppose the concession?
- A. It did.

Tender copy of Judgment (admitted and marked No.4).

Court -

I cannot locate the site referred to upon the evidence.

No cross-examination.

Case closed for the Plaintiff.

In the Supreme Court of Gold Coast, Lands Division.

DEFENDANT'S EVIDENCE

No. 21.

JAMES ALLOTEY QUAYE.

Defendant's Evidence.

James Allotey Quaye (m) Sworn states in Ga:

1st Witness for Defendant -

No.21.
James Allotey Quaye.
25th October, 1951.
Examination.

Live Accra. I check the number of fish caught for the Fisheries Department. Am an Asere man and member of Abbetsewe Family. Am one of the Elders. I was among the people who sold a portion of Mukose land to Captan. I signed the conveyance. I can read and write a little. I know that land. The land belongs to Nii Abbetsi - he was our ancestor who first settled in Accra. He came from Prampram about 200 years ago.

10

Q. Does your family land cover the whole land claimed by the Plaintiff? A. It was not.

Q. The portion you sold - does it fall within the portion claimed by the Plaintiff? A. Yes.

Q. Abbetsewe Family is one of the component families of Asere? A. Yes.

20

Q. Was land sold with consent of Asere Manche and his Elders? A. Yes.

In reply to Court -

Q. Why was it sold?

sic A. We wanted money to find money to build houses for the family. We wanted to build. We sold it for £2,500.

Akufo Addo -

By consent the original Conveyances are tendered and marked E and F.

30

sic Examined -

Q. What do you do with the money?

A. We sent it to the Asere Manche. It was divided into three and we gave the Asere Manche £1,000. I know the land acquired for the Wireless Station.

Q. Is that a part of the Abbetsewe Family land?

A. It does not come within our land.

Q. When land was acquired did your family write to the Commissioner of Lands?

40

A. Yes I was instructed to write. Our family was not a claimant. I know the village of Abeka.

- Q. Whose village is it? A. Abbetsewe Family.
- Q. Did you know Djani Kofi? A. Yes.
- Q. He lived on this land for sometime? A. Yes.
- Q. Was he an Abbetsewe man?
- A. He was not. I don't know how he went and live on the land.
- Q. Have the Abbetsewe people any village on this land? A. Yes.
- Q. What village? A. Abeka is the only one.
- 10 Q. Did you have other villages in the past?
- A. Yes, Mukose, Akorlu, Akramaman. These do not exist any more.
- Q. Who was first Headman you know at Abeka?
- A. Annertey - an Abbetsewe man.
- Q. And after him?
- A. The one I can remember is Abeka Kwami - but there were several. No member of Nikoi Olai family has been Head there.
- 20 Q. Are there any farms on the land now?
- A. Yes - Hausa people are farming there at present and some Ga people.
- Q. By whose permission do they farm?
- A. They ask permission from Abeka Kwami.
- In reply to Court -
- Q. How do you know that they did in fact ask such permission?
- A. Abeka Kwami told me that 5 or 6 years ago.
- Q. Why should he tell you such a story?
- A. We used to ask him how he was getting on.
- 30 Examined -
- Have been on land recently. Head of Abeka now is Ajetey. Asere Manche appointed him Head there. The Manche appoints the Headman on villages on family land.
- Q. Who became Headman after Abeka died?
- A. Ajetey.
- Q. Are the ruins of the old villages visible?
- A. You can see the ruins of Mukose and Akrama.
- 40 Q. How did your ancestor acquire this land?
- A. I was told that when the Akwamus were fighting the Gas and they were driven away - Abbetewe was then a hunter and he and his children

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.21.

James Allotey Quaye.

25th October, 1951.

Examination - continued.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.21.

James Allotey Quaye.

25th October, 1951.

Examination - continued.

and grandchildren were all hunters and helped the Aseres in the war by assisting them with ammunitions and because of his assistance the Aseres gave him this part of the land. That was 200 years ago.

Q. Have the Nikoi Olai family ever lived on any part of this land? A. They have not.

Q. Had they ever questioned your right to be on the land?

A. They had not. This is the reply we received from the Lands Department (admitted and marked "G" and this is the plan which was returned to us (admitted and marked "H").

10

Bossman - Objects to plan

Court - It is admissible as being an evidence but afford no evidence in advancement of their title other than that it evidences what they then claimed.

Cross-Examination.

Cross-examined by Lamptey -

Q. This Deed was not shown to the Asere Manche (E) A. We did not.

20

In reply to Court -

Q. Why didn't you?

A. Because we had shown him a conveyance from the family to myself. The family had sold it to me for £200 in 1946.

Cross-examined by Bossman -

Q. You say the family sold this land to you and Adams as being family property? A. Yes.

Q. And you say you took that conveyance to the Asere Manche? A. Yes.

30

Q. And did he read it?

A. Yes. He was happy and endorsed it. Yes the fee simple was sold to me. Yes, we three then sold to Captan. When sold to Captan Exhibit "F" was made. Asere Mantse signed it himself. They sold to us to unable us to sell to get money for the benefit of the family. Captan said to us that unless the family sold to us he would not buy the land. We paid £200.

sic

40

Q. You were present when Mr. Simpson made the survey?

A. Yes. He did not allow us to point out things.

I know the 2 pillars on the bottom corner of the plan. The family fixed the 2 pillars at the bottom of the plan to mark the boundaries of the family.

In the Supreme Court of Gold Coast, Lands Division.

Q. The family does not claim any land beyond the area shown in green?

Defendant's Evidence.

A. Outside of the green area is not our family land -

No.21.

10

Q. Is the whole of the area shown in green your family land?

James Allotey Quaye.

A. No - all of it does not belong to the family.

25th October, 1951.

Q. Can you indicate in pencil the limits of the family land within that green area?

Cross-Examination - continued.

A. (Witness indicates this on the plan) - which I mark in black led and indicate further with cross in red pencil)

Q. Do you agree that the North Eastern portion belongs to King Tackie? A. Yes.

20

Q. You don't deny that King Tackie's mother was Fofu Ashong Danso?

A. I would not know. I don't know if she belongs to Nikoi Olai family.

Q. Have you any reason to doubt the evidence given in the Court that she did belong to that family?

A. No - I am 59 years old.

Q. On what side are you related to the Abbetsewe Family?

A. On my mother's side. I have lived in Mukose.

30

Q. Between which years?

A. When I was young - I lived with one Numo Abbey and Numo Shamo.

Q. Who was then in charge of the village?

A. Abbey was then in charge.

In reply to Court -

Q. Who followed Abbey?

A. Shamo and after him Anertey. That is all I remember.

Cross-examined -

Asere Manche appointed me.

40

Q. Are tolls brought to you or to the Manche?

A. They will send the tolls to the Manche who will send for the owner.

Q. After you bought were tolls paid to you or to the Manche? A. They paid to the Manche.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.21.

James Allotey Quaye.

25th October, 1951.

Cross-Examination
- continued.

- Q. To the East who owns the land adjoining yours on the South Eastern corner?
A. The Korle people own it from the pillar on the old road up to the Ayawase Road.
- Q. You know Plaintiff very well?
A. He used to come to me every day and he is my friend. He is Head of the Djorshie Family. He was not named Nikoi Olai.

In reply to Court -

There was no name like Nikoi Olai.

10

- Q. What then is the Plaintiff's real name?
A. Amassah. There is a name Nikoi Olai in the Ga State.
- Q. To which person in the Ga State is that name attached today?
A. It was an old name at Ayawase - it attaches to no other person than the Plaintiff.
- Q. Why do you deny to your friend that name?
A. I do not deny it to him. Yes in ancient times it was an honourable name.

20

Cross-examined -

- Q. Do you deny this family owns land at Mukose?
A. This family has no land there.
- Q. Where is the Plaintiff's family land?
A. I don't know where it is. Yes I sent this plan "H" to the Commissioner of Lands.
- Q. What were the circumstances attending that survey?
A. It became necessary to survey family land when we decided to build village - so we made it to find out where the land was situate. It was made by C.O.Aryee - a member of Abbetsewe Family.
- Q. Have you got this old 1896 plan from which this was compiled? A. I think it is with Mr.Aryee.

30

Examined -

I know the village of Kpatsa Kole.

- Q. Do you say that Kpatsakole village is not included in the area acquired for the Wireless acquisition? A. It is not.
- Q. Do you say that as soon as Abeka Kwami died Ajetey was appointed?
A. We don't know but when we went on our land we met one Lamptey who threatened us with cutlass.

40

In reply to Court -

Q. Was Lamptey ever given authority to collect tolls by the Asere Manche?

A. We learned that at the Manche's house after Lamptey had been arrested.

Cross-examined -

You told us that you were a scholar - can you tell the particular war in which your ancestor assisted the Aseres?

10 A. The Akwami war. I've forgotten which year.

Q. Has your family ever litigated before about this land? A. Yes.

Q. Which case?

A. One Anameti went on the land and one of our grandmothers Monokai drove him away and there was an arbitration. He went on the land near old Kpehe.

Q. Have you got a copy of the proceedings?

A. No - no proceedings were written down.

20 Q. Did your family know of the case of Manche Hammond v. Vanderpuye?

A. They did. My family know that Hammond claimed the land as Asere Stool land.

Q. Where was the land in that case?

30 A. It started from Bubuashie and went up to Mukose. It brought in old Mukose village. It did not include Wuoyemur. We did not join in Court. We did not protest at land being called Asere Stool Land because if they own we should gain an interest. Djani Kofi went to the Asere Manche who directed him to Nii Otoo, who was one of the Elders who enstooled the Asere Manche and Nii Otoo went with Djani Kofi to the land.

Q. In what year?

A. I was then in Calabar and on my return I was told I have forgotten the time I went to Calabar. I returned in 1910 - having spent 4 years there.

40 Q. You say Djani Kofi was a sick man who was allowed to go there to cure himself?

A. That is what I was told by my grandfather.

Q. How long did he live in this village?

A. I don't know. I don't deny he died in that village.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.21.

James Allotey Quaye.

25th October, 1951.

Cross-examination - continued.

In the Supreme
Court of Gold
Coast, Lands
Division.

Defendant's
Evidence.

No.21.

James Allotey
Quaye.

25th October,
1951.

Cross-
Examination
- continued.

Q. Do you deny he was Headman at Mukose?

A. I am denying it.

Q. You don't deny he was of the Nikoi Olai family?

A. I don't deny it. I heard that he collected
tolls. He became well. Yes he collected
tolls until he died.

No re-examination.

No.22.

Charles Oko Aryee.

25th October,
1951.

Examination.

No. 22.

CHARLES OKO ARYEE.

Charles Oko Aryee (m) Sworn states in English - 10
2nd Witness for Defendant - (who has been sitting
in Court throughout) -

Live Accra. Am a draughtsman - I am a private
person - I was trained in the Survey Department as
a draughtsman and computer. Am member of Abbetsewe
family. I made the blue hatched marks on this plan
- which I copied from this plan (H) admitted and
marked "J".

Cross-examined by Bossman -

Cross-
Examination.

Q. Did you go on the land at all? A. I did. 20

Q. Where is your Field Book made on that occasion?

A. It is at home.

Court - Very well - bring it tomorrow morning.

Q. Where is the old plan from which you compiled?

A. It is in my house. I was present when Simpson
surveyed the land. My people fixed the 2 pillars
on the Southern part in 1944. I went to the
pillars 15 times. I went there for every one
to see.

Q. Did you invite the boundary owner? 30

A. I invited Charles Kwaku of the Korle Family. He
alone has a boundary there, except Asere.
Tackie Tawia's land is a part of Korle land.
Korle land is the same as Gbese land.

Adjourned to 26.10.51.

(Sgd.) J.Jackson,
J.

26.10.51.

Charles Oke Aryee (m) resumes evidence -

I tender the plan from which I copied the other plan (admitted and marked "K") Tender Field Books (admitted and marked L & M).

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.22.

Charles Oke Aryee.
- continued.

26th October, 1951.

No. 23.

AKOTO

Akoto (m) Sworn states in Ga:

3rd Witness for Defendant -

No.23.

Akoto.

26th October, 1951.

10

Am the Okomfo (fetish priest) and farmer and live Avenor. My mother belonged to Abbetsewe Family in Asere. I know the land called Mukose. I know the old and new Mukose villages. I lived at Mukose with my mother for a long time. I grew up there. I am now over 70 years of age. I went there as I was told 2 years before big fire in Accra (date about 1895) I and my mother lived in the house Atta Anete from Abbetsewe family. We farmed there. I am still farming there from time to time. I know the Nikoi Olai Family.

Examination.

sic.

20

Q. When you first went there did you see any member of that family living there? A. No.

Q. Did you know the village of Abeka? A. Yes.

Q. When you first know Abeka who was the Headman there?

A. Sulemanu was the Head there and was placed there by the Abbetsewe family. After his death his son, Abeka Kwami, succeeded him.

Q. Of what tribe was Sulemanu? A. A Moshie man.

30

Q. Are there any of his descendants still on the land?

A. Yes his son is there. His name is Azamadu.

In the Supreme
Court of Gold
Coast, Lands
Division.

Defendant's
Evidence.

No.23.

Akoto.

26th October,
1951.

- continued.

Cross-
Examination.

Cross-examined by Bossman -

Q. How old were you before you left the village?
A. I cannot tell. I had not then married. I was a young man. I was a motor driver. My uncle was a fetish priest. I became a fetish priest about 36 years ago. I cannot say how long ago it was since I drove.

Q. Which is new Mukose?

A. Abeka. I know Akwapedu there. He used to come and trade there. I lived in old Mukose. 10

Q. Up to the time you left who was the Headman at Mukose?
A. Atta Abbey - an Abbetsewe man.

Q. Who became Headman after Abbey?

A. Sulemanu succeeded Abbey.
Yes he was Headman at old Mukose.

Q. And after Suleman at old Mukose?

A. Salifu became Headman. There was no Headman appointed after Salifu because all left and went to Abeka.

Q. Why did you all leave?
A. I was then in Accra. 20

Q. So you did not know Djani Kofi who lived at Mukose at all?
A. Yes I knew him in Accra.

Q. Did you know him at old Mukose?

A. Yes - I did. He was rearing animals. He suffered from rheumatism.

Q. You did not see him going round collecting tolls?
A. He has never collected tolls.

In reply to Court -

Q. How long had Djani Kofi been in Mukose before you left?
A. He had not come before I left. 30

Cross-examined -

Q. How far is Kpatchakole from old Mukose?

A. (Describes distance of about $\frac{1}{4}$ mile)

Q. Can you see house in Kpatchakole from Mukose?

A. Yes.

Q. Do you know Kpatchakole as a part of Abbetsewe land?
A. It is a part of it.

Q. Did Military occupied Kpatchakole?

A. They did not.

Q. What happened to that village now?

A. The ruins are still there. 40

Q. Why did the people leave there?

A. The people died.

Q. Have you known the Plaintiff on Mukose land?

A. No. I've never met him on Mukose land. I've never seen him at Kpatsakole. I know J.J. Ocquaye.

Q. Have you ever seen him on the land?

A. No. I know his son. I've never been to Kpatsakole to say whether he has been there or not.

10 In reply to Court -

Q. When did the last inhabitant leave Kpatsakole?

A. I do not know.

Cross-examined -

Nii Abbey was the last person to leave Kpatsakole. I cannot tell the time when he left.

Q. Had he left before you left Mukose? A. Yes.

Q. Had he left before you arrived at Mukose?

A. No.

In reply to Court -

20 Q. So that when land was acquired at Kpatsakole no one was living in that village? A. That is so.

No re-examination.

(Does not appear to me to be a witness upon whose testing I can place much reliance).

No. 24.

OSUMANU

Osumanu (m) Sworn states in Ga -

4th Witness for Defendant -

30 Live at Abeka. Farmer. My parents came from Moshi. (N.T's). I was born at Mukosa which is not in existence now. Sulemanu Salifu was my father. He lived at old Mukose. He was discharged from the Army and was living there. I am 80 years old.

Q. When you lived at old Mukose were there other people there you could remember?

A. There were some Gas living there. I remember one called Anete, one called Atta Ashamu. I was there when Djani Kofi came there.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.23.

Akoto.

26th October, 1951.

Cross-Examination - continued.

No.24.

Osumanu.

26th October, 1951.

Examination.

In the Supreme
Court of Gold
Coast, Lands
Division.

Defendant's
Evidence.

No.24.

Osumanu.

26th October,
1951.

Examination
- continued.

In reply to Court -

Q. How many Gas were living there when he arrived?
A. Then all the Gas had died - living only the sic
Moshi people.

Q. What did Djani Kofi came there for?
A. He was sick and one Otutse brought him to the
village.

Q. How long ago was that? A. Over 30 years ago.

Q. Did the Gas expect you to pay tolls to them?
A. We did not pay any ourselves but we collected 10
tolls and paid them to the Asere Manche.

Q. You collected from whom?
A. From people who farmed on Asere land.

Q. Why were you exempted?
A. We were regarded as caretakers.

Examined -

Sulemanu was my uncle. Sulemanu was otherwise
called Abeka Kwami. Abeka Kwami was a Chief
there. He and his family did not pay tolls.

In reply to Court -

Q. Who was regarded to be first settler at old 20
Mukose?

A. I don't know those who founded the village.
The Gas first settled there by repute. I don't
know who actually founded the village.

Examined -

Aneti and Ashamu belonged to the Asere Abbet-
sewe family. I have sent tolls to the Asere
Manche. I once paid tolls to the Asere Manche and
he sent for the Abbetsewe Family. That was a long
time ago and during Nii Boi (Hammond) time (Manche 30
Hammond died in 1921).

Yes I was there when Djani Kofi came there. He was
brought by Awuleche Otu. I don't know the family
of Awuleche Otu - but he was an Asere man.
When Djani Kofi had treatment and became better he
started rearing animals. He became a friend of my
brother Abeka Kwami and used to go with him collec-
ting tolls and they would both come to Asere to
pay the tolls to the Asere Manche. Abeka Kwami
was older than Djani Kofi - a little older. I do 40
not know the Plaintiff. After the old man died
some Ga people still come to farm there. They
came from Achimota and Avenor and we collected
tolls from them. I have not seen the Plaintiff
until I saw him in Court.

Q. You remember a case about this land between Manche Hammond and some Otublohum people?

A. I remember it. I remember that a surveyor came on the land to make a plan. I saw the surveyor - I was among the people who went with him. We were clearing the trees.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

In reply to Court -

Q. Can you remember what the dispute was about?

10 A. I heard that Otublohum people were claiming the land and Hammond said the land did not belong to them.

No.24.

Osumanu.

26th October, 1951.

Examined -

Q. People had made farms on the land?

20 A. Yes there were a lot of farms on the land - from Mukose to Abolobasia - farmed by Gas and strangers. It is food land for cassava, yams or corn. There are many Ocquaye's. On the way to Sibila village from Abeka there is a cemetery on the left hand side. Both Gas and strangers are buried there. Anete was buried in his own house at Mukose. Djani Kofi lived in Anete's house. I did not know when Ashamu died - as at time I was in Cape Coast.

Examination

- continued.

Q. When the old survey was made did Djani Kofi accompany the surveyor?

A. Yes and Abeka Kwami, who was the Head.

In reply to Court -

Q. What is done in Abeka if a new Headman is to be appointed?

30 A. When Abeka Kwami was made Head - Hammond sent a pair of sandals, an umbrella, a loin cloth and a piece of cloth - which shows that he has been sent to be the Head there.

Examined -

Q. When that case was going on did you come to Court at all?

A. Yes I used to come with brother Abeka Kwami. Abeka Kwami gave evidence and so did Djani Kofi.

In reply to Court -

40 Q. Did you hear them give evidence?

A. Yes. I can remember that evidence.

Q. Did Djani Kofi then speak the truth - so far as you know the facts to be - in respect of his relationship with Abeka Kwami?

In the Supreme
Court of Gold
Coast, Lands
Division.

Defendant's
Evidence.

No.24.

Osumanu.

26th October,
1951.

Examination
- continued.

Cross-
Examination.

In reply to Court -

A. What I heard him say was that he was in the town and that when they brought the tolls they would give him 2/6 i.e. Manche would give Djani Kofi 2/6. I don't know if Abeka received anything - we were young then and I can only say what I heard in the Court.

Cross-examined by Bossman -

At time of Prempeh War (1896) I was at Mukose. I was then as high as this (indicates about 14 years) 10

Q. Who was Abeka Kwami's father?

A. His name was Sulemanu. My father was called Sulemanu Salifu. When I say "brother" I mean the same country (i.e. Moshie).

Q. Abeka had a real brother called Kwao?

A. Yes - there were 2 brothers and one sister. All are dead now. Kwami's children are still alive.

Q. You worked at Town Council for some time as driver? 20

A. No - I worked in the P.W.D. as a mule driver. I stopped that work during the time of the plague (1908). After that I came a motor driver in the P.W.D. After that I started farming.

Q. What were you doing at Cape Coast when Shamu died?

A. I had gone there with my uncle to sell sheep. Mukose had been founded before my father went there. 30

Q. Were you living in the village before Djani Kofi came? A. I was there when he first came.

Q. How long had you been there before he came?

A. I had had 2 children then. I had been mule driving before Djani Kofi came. When the plague came I went to the village (1908) - then Djani Kofi came and after that I drove for the P.W.D. for a year and a half. There was only one woman remaining on the village when Djani Kofi came and that was Ama the wife of Awuleche, who was then at Accra - but used to visit. All I know is that Awuleche came from Asere. 40

sic

In reply to Court -

Q. When you lived there did you regard the land as

being Asere Stool land or the land of any particular family? A. It was Asere land.

Q. Was it regarded as being the private property of any particular family?

A. We know it belonged to Asere Manche and if any particular family had any land there we did not know it.

Cross-examined -

10 Q. At the time you first went to live there was Sibila village in existence? A. Yes it was.

Q. And was the man Sibila alive?

A. Yes - he was alive - he was a Moshi man and my uncle. Tuhudu lived in one house, Womia lived in another, Sibila lived in another, Chiensi lived in another. None of those people were Gas. They were all Moshi. I know Sibila's daughter named Amafio very well. Djani Kofi was living in our village before he married her. I saw her in Court when I was outside.
20 Wuoyeman is not the same place as Sibila. It was far from Sibila as this (indicates about $\frac{1}{4}$ mile).

In reply to Court -

Grunchie people lived there. Wuoyeman is a big village. There is pipe born water to Wuoyeman. Amafio lived in Sibila not in Wuoyeman.

Court - I shall certainly I am to inspect this area.

Cross-examined -

30 Q. How many houses are there at Sibila today?

A. Only one belonging to Adwatchi - a Moshi man. He is the same man as Sibila - Sibila is the Moshi man. Amafio is living in Sibila - in the only remaining house.

Q. Did anybody treat Djani Kofi for his illness.

A. Yes. Atta Otu treated him. He was cured within 2 months. No - he did not take charge. He lived under "Manche" Kwami at Abeka.

Q. Did he take charge of old Mukose village?

40 A. No - we were there.

Cross-examined -

I know the village of Kpatsakole. Yes I said I went round collecting tolls. Yes I went as far as Kpatsakole.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.24.

Osumanu.

26th October, 1951.

Cross-Examination - continued.

In the Supreme
Court of Gold
Coast, Lands
Division.

Defendant's
Evidence.

No.24.

Osumanu.

26th October,
1951.

Cross-
Examination
- continued.

Q. Did you go beyond Kpatsakole?

A. No. We were collecting tolls from people at Bubiashi but Abeka Kwami appointed Bawule to collect there.

In reply to Court -

Q. How often does the toll collection take place?

A. When we went to farm on this we go to see the Headman at the village and he will grant you permission and at the time of the Homowo festival you have to collect the tolls and send them to the Asere Manche. 10

Q. Is that the only toll which is collected in the land? A. Yes.

Q. How much is it?

A. It depends upon the extent of your farm - it may be anything from 1/- to 5/- each year.

Cross-examined -

Q. How long after the Otublohum case did Abeka Kwami die?

A. 4½ years ago - he died - a long time after the case. 20

Q. Who followed him after he died?

A. Yes Ajetey was appointed by the Manche. When the Headman died Lamptey was asked to take charge until after the funeral when another would be appointed. Lamptey collected tolls while he was acting. He collected on two occasions.

Q. While Lamptey was acting did you see the Plaintiff on the land? 30

A. I did not. I never see him around Kpatsakole. I know the site taken by Government for a Wireless Station. We used to collect tolls there until the Military occupied it.

In reply to Court -

Q. Who lived in Kpatsakole before the Military came?

A. There was no village then - there were only farms and farming huts.

Q. Where were the permanent houses of the owners of those huts? 40

A. Some lived at Nusuli - they were strangers. Others lived at Bubiashi - they were strangers.

Q. Did any Gas live at Bubiashi?

A. Yes. I cannot say what families they were.

Cross-examined -

Yes that was part of the land we were looking after for the Asere Manche and the soldiers built houses there.

Q. Where was the Hammond and Otublohum case heard?

A. In the old High Court. I know Mancheman. People were living there when I first went to Mukose. Atta Kodjo lived there. Yes - I saw the Manche Tackie Tawia and he used to pass throughout village to that land. I do not know anything about that land.

10

Re-examined -

Q. Did Abeka Kwami collect any tolls from Sibila or Wuoyeman village?

A. Yes - he collected tolls from there.

Q. Did you know and see a village called Kpatsa-sole?

A. No - I did not. There was no such village - there was a village called Akorle. About as far as from here to James Town (distance about 1½ miles)

20

(A witness of excellent demeanour who appeared to possess a first hand knowledge of facts).

Adjourned to 29.10.51.

(Sgd.) J.Jackson,
J.

No. 25.

THEODORE EDMUND NAHM ADEI.

Theodore Edmund Nahm Adei (m) Sworn states in English -
5th Witness for Defendant -

30

Claims examiner, Lands Department. Here on subpoena to Commissioner of Lands or his representative. Produce from my file letter dated 12/11/1946 (admitted and marked "N".)

Cross-examined by Bossman -

I dealt with this letter.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.24.

Osumanu.

26th October, 1951.

Cross-Examination - continued.

Re-Examination.

No.25.

Theodore Edmund Nahm Adei.

29th October, 1951.

Examination.

Cross-Examination.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.26.

John Buckman.
29th October, 1951.

Examination.

No. 26.

JOHN BUCKMAN

John Buckman (m) Sworn states in English -
6th Witness for Defendant -

Live at Accra. Until recently I was Secretary to Eastern Provincial Council formerly practised as a Surveyor. In 1920 I was a Surveyor. I recognized this as a copy of a plan which I made. I was instructed by the lawyers for the late Hammond Manche and Vanderpuye and the other parties. I went on the land. We call at Bubiashi - as you go towards Oblogo it is on the right so far as I can remember.

10

Parties accompanied me. The names of persons farming set out by me - were given so far as I can remember by the persons who had farms there and who were identified to me by the parties.

The Plaintiff is the only person I knew here. I cannot remember if I saw him on the land or not.

There were ruins at Kpatsakole. I cannot tell from the copy which party indicated the features to me. In the original plan they were differentiated in colours. (Plan admitted and marked "O").

20

No cross-examination.

No.27.

Albert Ogoe.
29th October, 1951.

Examination.

No. 27.

ALBERT OGOE

Albert Ogoe (m) Sworn states in English -
7th Witness for Defendant -

1st Division Clerk. Political Administration now on leave prior to retirement - I was once in the old Court of the Provincial Commissioner. I know Kranteng - a clerk there. I know Kranteng's signature - this is his signature.

30

Akufo Addo - I tender the proceedings.

Bossman - Object on ground that proof of signature is insufficient - object to the tendering of evidence of one matter alone.

Court - What fact is this intended to prove?

Akufo Addo - I tender it to rebut the evidence of Nikoi Olai to show the improbability of the evidence as to what this witness says Djani Kofi told him.

In the Supreme Court of Gold Coast, Lands Division.

Court - In my judgment what Djani Kofi is alleged to have told this witness was inadmissible in evidence and I disregard it - in the same way evidence given by Djani Kofi in a former case cannot be put in evidence to establish the truth of that fact and such evidence tends to mislead - which the learned Provincial Commissioner's opinion upon Djani Kofi's testing is not in evidence - and I reject this evidence as being inadmissible.

Defendant's Evidence.

No.27.

Albert Ogoe. 29th October, 1951.

Examination - continued.

No. 28.

No.28.

YABOYE KOFI

Yaboye Kofi. 29th October, 1951.

Yaboye Kofi (m) Sworn states in Ga -
8th Witness for Defendant -

Examination.

Live Accra. Linguist to Asere Manche. Have been linguist for 18 years. I know the Abbetsewe Family. They are an Asere Family.

Q. Do you know if they own any land at all?

A. I know they have land.

In reply to Court -

Q. How do you know that?

A. I was told (inadmissible) I know the land commonly called Mukose land. I know Akorlu land. I have visited this land called Mukose a hundred times. I lived at Ofarkor and the road to Ofarkor passes through Mukose and through Abeka.

Q. Who have you seen farming on this land?

A. I used to see Abeka Kwami and his people farming on the land. I have seen Awulekye Otoo farming near Kpehe Momo on the left hand side (describes 200 yards from Kpehe Momo) Awulekye Owoo comes from Abbetsewe Family. He is dead. He died about 20 years ago.

sic

In reply to Court -

Q. Can you name the person who works on that farm today?

A. Ajete and Osumanu. Ajete is Headman of Abeka. A Moshi man.

In the Supreme
Court of Gold
Coast, Lands
Division.

Defendant's
Evidence.

No.28.

Yaboye Kofi.
29th October,
1951.

Examination
- continued.

Cross-
Examination.

Examined -

- Q. Did you see any other member of the Abbetsewe Family working on the land?
A. Abbeyfio worked at Akorlu. It was as far from Akorlu as from here to Central Police Station (nearly 1 mile) There is no village at Akorlu today. I can write my name.
Q. Is this your signature (refers to Ex. "E")?
A. Yes. I am also called George Boye. I don't know the Asere Mantse's signature.

10

Cross-examined by Bossman -

I remember the Wireless Acquisition at Bubiashi. I gave evidence for the Asere Manche.

- Q. You then said you had been linguist for 6 or 7 years? A. I don't remember saying that.
Q. Which is the truth 6 or 7 years - 18 years?
A. I have been a linguist for about 15 years.
Q. Was not that land then a part of the Mukose land? A. No, it is not.
Q. Did you not say then that Mukose was your vil-
lage with your Headman Abeka there?
A. I said that.
Q. Do you say today it is Asere Manche land or the family property of the Abbetsewe Family?
A. That land belongs to the Abbetsewe Family he the Asere Manche looks after the land and what-
ever comes out of the land i.e. tolls or food
is taken to the Manche and it is divided into 3
- the Asere Manche take 1/3 and Abbetsewe Family
take 2/3.
Q. So you admit there are family lands in the
Asere Division? A. Yes.
Q. At the 1948 Enquiry the Court asked you "Is
there any such thing as Family land apart from
Stool land? and you replied "according to Asere
Custom there is none" Do you remember saying
that?
A. I remember being asked a question similar to
that.
Q. Do you remember saying (here Counsel refer to
several families named in the Record etc. etc.)
A. I said that - but then Abbetsewe people had not
come to say anything about this land.

20

30

40

In reply to Court -

- Q. Why was it necessary for this family to sell the land?
- A. The family came and told us that they wanted to make villages on this Mukose land. They did not sell the whole land.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.28.

Yaboye Kofi.
29th October, 1951.

Cross-Examination - continued.
Re-Examination.

Re-examined -

- Q. You say Abbetsewe people came to tell us "who is us"?
- 10 A. They came to tell the Manche and his elders. The Manche said he would invite his elders and put the matter before them. He did so. He said it would not be wrong if they made a village there. They sold a portion to enable them to get money in order to build on the remaining portion.

In reply to Court -

- Q. Why sell to four of the members.

(An impossible witness in demeanour)

20

No. 29.

No.29.

AJETEY.

Ajetey,
29th October, 1951.

Ajetey (m) Sworn states in Ga -
9th Witness for Defendant -

Examination.

30

Lived at Abeka. Farmer. Farm on Asere land near Abeka (describes distance of about $\frac{1}{2}$ mile) - going towards Kpatsakole - one passes through old Mukose. Have been at Abeka for about 8 years. I am in charge of the village. The Asere Manche and Head of the Abbetsewe Family appointed me to watch the land. Many people farm on the land. I collect tolls from them. 5/- from each one - every pays the same.

sic

- Q. What sort of people farm there?
- A. Moshi people.

In reply to Court -

- Q. Are there any people on the land who are not Moshi or Grunchi? A. No.

In the Supreme
Court of Gold
Coast, Lands
Division.

Defendant's
Evidence.

No.29.

Ajetey.

29th October,
1951.

Examination
- continued.

Cross-
Examination.

Examined -

I take the tolls to the Asere Manche. I am paid 4/- on the whole amount collected for the year. I also farm on the land. I have a big farm there.

In reply to Court -

I am a Moshi man.

Q. What compensation have the Abbetsewe Family agreed to give you to compensate you for your loss of the family right?

A. I have not heard that it has been sold. 10

Cross-examined -

Q. Was it after the death of Abeka Kwami you went to live there?

A. I was there - I was away for 7 years and returned there again.

Q. How many years after you return did Abeka die?

A. 4 years.

Q. It is said he drove you away from the village owing to some dispute?

A. That is not so. I was annoyed - I quarrelled with him about a woman. Djani Kofi had died before I left the place. I had lived there long before he died. 20

Q. Is it true that Djani Kofi was in charge at old Mukose?

A. No. He was farming there. I don't know what family he was. I did not see him collect tolls.

Q. According to you no Accra or Abbetsewe man collected tolls?

A. The Abbetsewe people do not collect. We collect and take it to the Manche. 30

Q. Were you looking after Kpatsakole? A. Yes.

Q. You mean the land around and not the village itself? Did you collect this?

A. Yes I collected from everyone there.

Q. What is the name given to the whole land?

A. I don't know.

Q. Have you ever heard the whole land was called Mukose?

A. I know the town is called - but I don't know what is Mukose land. 40

In reply to Court -

Q. How will you know when you are collecting at Kpatsakole or when at Mukose?

A. There is no division. I remember soldiers putting up huts. I was living at Abeka. We call that place Bubiashi. Before the huts were put up we collected tolls there. Both Asere and Abbetsewe gave authority for us to collect there. Lamptey has been in Abeka for a long time. It is not true that he buried Abeka Kwami. Asere Manche buried Abeka Kwami. Mensah Annan was the father of the funeral.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.29.

10 Q. Mensah Annan is related France Annan?

A. Yes.

Ajetey.

29th October, 1951.

Q. Do you know that France Annan comes from Djorshie? A. I don't know.

Cross-examined -

Cross-Examination - continued.

Q. After the funeral did anyone act as Headman before you were appointed? A. Yes - Lamptey.

Q. He acted for how long? A. About 2 years.

Q. Did he collect from the Grunshi people? A. Yes.

20 In reply to Court -

Moshi and Grunshi languages are different.

Cross-examined -

I have never heard that the land has been sold.

Re-examined -

Q. Do you know position Mensah Annan occupies in Asere? A. No.

Re-Examination.

Adjourned to 30.10.51.

30.10.51.

No. 30.

No.30.

JOSEPH KINGSLEY NYINAH

Joseph Kingsley Nyinah.

30 Joseph Kingsley Nyinah (m) Sworn states in English - 10th Witness for Defendant -

30th October, 1951.

Chief Inspector Police, Accra. Here on subpoena addressed to Superintendent of Police or his representative. I produce a certified true copy of a statement made by Kwami Lamptey at Kaneshi Police Station on 26th June, 1946. (admitted by consent and marked "Q").

Examination.

No Cross-examination.

In the Supreme
Court of Gold
Coast, Lands
Division.

Defendant's
Evidence.

No.31

Quashie Asamoah.

30th October,
1951.

Examination.

No. 31.

QUASHIE ASAMOAH

Quashie Asamoah (m) Sworn states in Ga:

11th Witness for Defendant -

Live Tessa. Farmer. Belong to Abbetsewe Family. I know Mukose village. I was born there. Am 50 years old. It was my grandfather's village. His name was Nii Abbeye. I stayed at Mukose during my boyhood. I know Abeka. I have lived there. Lived there with my uncle Annete, the founder of the village. I planted mango trees and I have a house there now. I go there frequently.

10

In reply to Court -

My nephew Oparie, lives in that house.

Examined -

Q. Apart from Annete did you see other members of your family on the land?

A. Yes - several of them. Nii Abbeye, Nii Akrama and several others. I know Plaintiff. I know the Nikoi Olai Family.

20

Q. Have you ever seen any member of the family farming on the land?

A. I only know of one. He was Djani Kofi. I was there when he came. I was then living at Tessa but I was farming at Mukose. Abulekye Otoo brought Djani Kofi there. Abulekye Otoo was then the Head of the Family. Nii Adama (James Adams) is today the Head of the Family.

Cross-
Examination.

Cross-examined by Bossman -

30

I have been to school. I got to Standard IV.

Q. About what years do you say you lived at Mukose?

A. I was born there about 1900.

Q. In what year did you leave Mukose?

A. I lived there for about 20 years. I went to school at Apenkwa near-by.

Q. Up to 1920 who was Headman at Mukose?

A. Nii Anetey.

Q. Between 1910 and 1920 who was Headman at Mukose?

A. I was young when Nii Anetey died. Manche Kwami succeeded him.

40

In reply to Court -

Q. Are you speaking of old Mukose?

A. Yes old Mukose.

Cross-examined -

I see a copy of the Chiefs List that Djani Kofi is inserted as Headman.

Q. Is that correct?

A. It is not correct. Nii Abbeye has been a Headman there. I was young at that time. His son Nii Annete followed him.

(Copy of Chiefs List tendered for identification and marked 5)

10 Abeka Kwami was Head at Mukose.
He was a Moshi man.

In reply to Court -

Q. Why was an Abbetsewe man not made Head?

A. Because they had then come to Accra. They had all left the land. That was a long time ago. I am the old Abbetsewe man now on the land.

Cross-examined -

20 I don't live in Abeka. Yes - the Moshi people pay the tolls to the Asere Manche. Parts of the land are called Mukose, Kpatsakole and Okulu.

In reply to Court -

Q. Which family own Kpatsakole land?

A. Abbetsewe. It is not where the Wireless Station is. The old Kpatsakole was between Akorlu and Kwasiman. Akorlu is not in existence now.

Q. Was Kpatsakole north or south of old Mukose?

A. It was on the West of old Mukose.
It was 2 or 3 miles West of old Mukose.

30 Q. Which family owned the land where the Wireless Station is now?

A. It belonged to Asere Stool. I know of no family owning it.

Q. As an Asere subject you might farm there if you wish?

A. Yes. I did not farm there. Abbetsewe family own Akorlu land. It is about 2 miles North West of Akorlu.

Cross-examined -

I attended the survey.

40 Q. Why did you attend it?

A. For me to know the extent of my boundaries. I showed the surveyor the Kpatsakole.

Q. When you got to that part did you tell the surveyor so?

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No. 31.

Quashie Asamoah.

30th October, 1951.

Cross-Examination - continued.

In the Supreme Court of Gold Coast, Lands Division.

Defendant's Evidence.

No.31.

Quashie Asamoah. 30th October, 1951.

Cross-Examination - continued.

A. Yes. I did not show him. It was shown by the Elders. It was within the land in dispute.

Q. What did the Plaintiff's party call that place?

A. They did not deny it was Kpatsakole. I know that side to be Bubiashi. Where I am living at Tessa is not Abbetsewe land. Tessenno is my father's village.

Q. Which is your mother's village? A. Abbetsewe.

Q. Where is that village?

A. On the slopes of Abeka - no one is living there today. 10

Q. Did you point your house in Abeka out to the surveyor? A. No.

Q. When land was demarcated for Captan were you present?

A. Yes I was among those who measured it. I was given £3 by the Head of the Abbetsewe Family because I have an interest in it.

In reply to Court -

Q. How much were the Grunshi and Moshi People paid? 20

A. I don't know if they have anything.

No Re-examination.

(I place no confidence at all in this witness)

(Case closed for Defendants (Other than Asere Stool)).

Evidence for Asere Stool.

No.32.

James Godfrey Acquaye.

30th October, 1951.

Examination.

EVIDENCE FOR ASERE STOOL

No. 32.

JAMES GODFREY ACQUAYE

James Godfrey Acquaye (m) Sworn states in Ga:

1st Witness for Asere Stool - 30

Live Accra. Was Carpenter by trade. Am now the King Maker (Stool Father) I have been told of the Asere Stool lands.

Q. Were you told how the Aseres became the owners of the lands?

A. I was told that at first the Aseres were at Okaikwe and migrated from there and were the first people to settle in Accra. Okaikwe is at Ayawaso. Ayawaso is still in existence is to the West of Okaikwe. (describes place West of 40

Nsawam Road about 10 miles from Accra). They migrated Southwards and settled at Ofakor and then to Mukose. They left after wars there. War with Akwamus. At Ayawaso there was a Manche called Okaikwe. They came with him to Ofakor and then to Mukose.

In the Supreme Court of Gold Coast, Lands Division.

In reply to Court -

Q. Was Mukose in existence then?

A. I did not hear so.

Evidence for Asere Stool.

No.32.

10 Examined -

They then came to where Asere is today.

In reply to Court -

They did not meet the Onomarko Family.

James Godfrey Acquaye.

30th October, 1951.

Examined -

I knew the land in dispute how. When I was young I used to pass over that land to other villages. It is Asere Stool land. I know the Plaintiff in the case. He is the Head of the Asere Djorshie Family - they all came with us from Ayawaso. I am a member of the Nikoi Olai family. I am one of the Elders.

Examination - continued.

20 Q. Do you know the land to be Nikoi Olai Family land?

A. No - it is not. If it belonged to them I would know as I have an interest in it.

Q. You remember in 1931 there was a dispute about the occupant of the Asere Stool during time of Nii Asere Ayite?

30 A. Yes. That case went to the State Council - I was there. I authorised the publication (Exhibit "B").

Q. Had Asere been dealing with the land? A. Yes.

Q. Had you ever dealt with the land - by sale or grants?

A. The Asere Manche granted some of this land to the Abbetsewe Family to make villages there a long time ago.

In reply to Court -

Q. Describe to me the nature of this grant?

40 A. When there is vacant Stool land and some one from the family wishes to build a village there - the Manche will allow him to go and build a village.

In the Supreme
Court of Gold
Coast, Lands
Division.

Evidence for
Asere Stool.

No.32.

James Godfrey
Acquaye.

30th October,
1951.

Examination
- continued.

Examined -

Q. Which families obtained such permission?
A. Yani Asam Family, Abbetsewe, George Mettle.

In reply to Court -

Q. How many recognised families are there in Asere?

A. Six.

Q. Is the Plaintiff's family one of this six? A. Six.

Q. Have any of these families received grants of
land in the olden days?

A. No other family except Abbetsewe (after repeat-
ed question) Adds Kpakapotse Family have land 10
at Gbawe.

Q. Why were Abbetsewe so favoured?

A. The Elders would know. I was not told.

Examined -

I signed this Deed (Exhibit "E").

Q. How come you to sign that document?

A. Abbetsewe Family came and told the Manche that
they wanted to rebuild their old village be-
tween Mukose and Akorlu. I don't know what
has been done to that land. 20

Q. Do you know any Asere people who have lived on
Mukose land?

A. Yes - my uncle Djani Kofi, Ata Shamu and others.
Alete of Abbetsewe Family lived there and farmed
there. Strangers live there and pay tolls to
the Manche of Asere. The tolls were collected
from the farmers around the village.
Only the village was granted to them.

In reply to Court -

When buildings fall down the land reverts to the 30
Asere Manche.

Examined -

I saw Djani Kofi collecting tolls and Abeka Kwami
as well.

Q. Who collects tolls now? A. Asumanu.

Cross-
Examination.

Cross-examination by Akufo Addo -

Q. Was exactly is the significance of this docu- sic
ment (Exhibit "F")?

A. After they sold some of the land - I was not
present when this was prepared, but I was pre- 40
sent when it was signed.

Q. You read it before you signed it?

A. It was read to me.

Q. Read it again to yourself. Is that what was read to you? A. Yes.

Q. What does it say in a few words?

A. The drink that they brought to the Manche and his Elders.

Q. Do you say that the Abbetsewe people have no right to sell that land?

10 A. As they have lived there before and the village had fallen into ruins they have the right to sell to rebuild.

Cross-examined by Bossman -

Q. Do you say that Abbetsewe people were given permission to make villages on the land?

A. Yes. They have not yet built the village.

Q. I am speaking of the old days.

A. I was told that they build village at Akorlu on the Mukose land.

20 Q. And apart from the site of that village the rest of the land was for the Asere Stool? A. Yes.

Q. Then how is it you allow the Family to sell to three of their members?

A. I signed no such paper.

Q. Is that your signature?

A. Yes. (Refer to Exhibit "E").

Q. I suggest it is because you know it was not your Stool land and all you wanted to get was money? A. No.

30 In reply to Court -

Q. Why did not the Asere Stool sell direct to Captain and then give the Abbetsewe Family the money to build their houses?

A. It would not be right for the Manche to sell.

Cross-examined -

Q. You gave evidence at the Bubiashi Acquisition in support of Asere Manche? A. Yes.

Q. That land was a part of Mukose land?

A. It was adjoining.

40 Q. Why did the same man at Abeka collect tolls both in Mukose and at Bubiashi?

A. (No answer)

I remember when soldiers occupied are where Wireless is now. sic

In the Supreme Court of Gold Coast, Lands Division.

Evidence for Asere Stool.

No.32.

James Godfrey Acquaye.

30th October, 1951.

Cross-Examination - continued.

In the Supreme Court of Gold Coast, Lands Division.

Evidence for Asere Stool.

No.32.

James Godfrey Acquaye.

30th October, 1951.

Cross-Examination - continued.

Q. Is not that area a part of Mukose land?
A. It is distant from Mukose.

In reply to Court -

Q. How far distant?
A. (Indicates distance of more than a mile)

Q. Are you saying in effect that Abbetsewe have no land within a distance of that acquired as from here to the Brewery?
A. I have not measured it.

Cross-examined -

10

I know that Plaintiff had a hut and farmed around that land acquired.

Q. Did you know his son farmed near this as well?
A. A lot of people were farming there.

Q. Did it include people of Plaintiff's family?
A. I cannot say. I never saw my uncle at Mukose. I know he was Headman at Mukose.

Q. Is not the Chiefs list compiled of the Manches themselves? A. Yes.

Q. When Djani was there do you say members of his family were not then farming with him?
A. I did not see them there. I did not go there to see.

20

In reply to Court -

I did not inherit his property. He and my mother were not of same womb.

Adjourned to 1.11.51.

(Sgd.) J. Jackson,
J.

No.33.

Addresses of Counsel.

1st November, 1951.

For Asere.

No. 33.

ADDRESSES OF COUNSEL

ADDRESSES -

30

Lamptey addresses Court for Asere -

As Your Honour sees both parties are subjects of Asere Stool and they occupy identical positions - if Plaintiff had been granted permission to occupy this land exclusively they would not be in

any better position than the other Defendant. All we say is that the only family granted permission to occupy this land is the Defendants' family. Is it likely that if his family had been settled on by the Plaintiff's only one member as has been proved, had farmed on the land or even lived on it and that was Djani Kofi. Evidence led to show that Djani Kofi was in occupation solely as a subject of Asere Stool and as such has a right to occupy any part of Asere Stool land. That was in evidence.

10

In all those years the only man whom they can say was in occupation is Djani Kofi.

Evidence of Plaintiff himself. Land which they claim now is a greater area than the area sold to Captan. If what Plaintiff said was true then his family land identifies itself in whole with Asere Stool land. That is what he seeks to prove.

Ask that claim be dismissed.

20 Akufo Addo for Abbetsewe -

As Mr. Lamptey has submitted the claim of the Nikoi Olai Stool can only be understood by reference to the constitutional position it occupies in Asere land.

30

That Enquiry was not before the Court - but Plaintiff's claim is that his portion of land is only a part of the larger Asere Stool lands which they say belongs to them as occupants of the Nikoi Olai Stool. Boundaries described by them cover whole area of lands owned by Asere Stool. Refer to description of land now claimed in the Writ. Fundamental principle is that Plaintiff can only succeed upon strength of his own title and not on weakness of that of Defendant.

40

Nikoi Olai Stool have become emboldened by their success in the Wireless Station Enquiry to extend their claim. Plaintiffs have not been able to establish fact of occupation and only person from that family who ever lived on this land was Djani Kofi. Nikoi Olai Stool Family succeeded in Wireless Station Enquiry mainly on title which they laid to Djani Kofi, - evidence has been given here that Djani Kofi lived there by permission of the Asere Manche and that he (Djani Kofi) lived at Mukose and was made a Headman subordinate to Kwami at Abeka - the early founded village and that he collected tolls for the Asere Manche.

In the Supreme Court of Gold Coast, Lands Division.

No.33.

Addresses of Counsel.

1st November, 1951.

For Asere
- continued.

For Abbetsewe.

In the Supreme Court of Gold Coast, Lands Division.

No.33.

Addresses of Counsel.

1st November, 1951

- continued.

For Abbetsewe - continued.

Refer particularly to evidence of Asumanu - a man of over 70 years who was born on the land and has lived on the land to all intents and purposes cocksure and he described how Djani Kofi was brought on the land by the then Head of Abbetsewe Family. He evidenced the manner of the collection of tolls - together with Djani Kofi. He evidence remained unshaken by cross-examination. He evidence that no member of Nikoi Olai family had ever farmed on that land at all. Laud Edmund said that in 1920 when Buckman surveyed - he was there and had, at this time, a farm which he said he pointed out to Mr. Buckman - When Mr. Buckman was in the box I expected that this point would be put to the witness - no such question was forthcoming. Evidence was that he had attempted to sell piece of this land to one Aryee - a fact which he denied but then when confronted his own signature - he admitted. Exhibit "D" signified thereof is that this man who claims to be an important elder of the family described himself as signing on behalf of Nii Kotey and Nii Ashie Families of Asere Djorshie - not on behalf of the Nikoi Olai Family at all.

sic

10

20

Earlier on I had cross-examined him on relationship between different branches and he said "Actually the land belonged to Nii Kotey but that that family Nikoi Olai was the same. Not one single witness of Plaintiff told Your Honour that at any time in the past he had any particular farm on this land.

30

They tried to show that they appointed Headmen - but carefully left out that they had not appointed Kwami at Abeka. They claim they appointed Lamptey. Under cross-examination it came out that in 1946 he had admitted that he had been placed on the land by the Asere Manche. The 2 most important witnesses on which they have relied have turned out to be unmitigated liars.

We called Ajetey who succeeded Lamptey when he was found to be so unsatisfactory.

40

At time Writ was issued only village there and now is Abeka. Evidence is that no one other than Moshi and Grunshi now farm on land and that they pay tolls to Asere Manche.

No evidence by a single person who had ever paid tolls to Nikoi Olai Family. Plaintiff did not even know how Abeka came into being and still does not know. He knew nothing of the traditional history of Mukose.

50

Where Sibila is situate we do not claim as a part of our land - that is Manche Tackie's land. Whole evidence show that a Moshi man founded Sibila. No evidence by Plaintiffs as to how Sibila was founded. Only witness called was the wife of Djani Kofi - her evidence seemed very confused and not in accordance with the other evidence in the case.

10 Plaintiffs made a lot about Kpatsakole village - it was then case for claiming compensation on the Bubiashi Wireless Station Enquiry.

Mr. Bossman sought to show that the land acquired for the Wireless Station was only a part of a larger piece of land called Mukose. Your Honour has before you a letter written by us to the Commissioner of Lands and his reply. We had no interest in the land then acquired and had no opportunity to rebut the evidence as to Djani Kofi's portion at Mukose.

20 Submit that claim should be dismissed. Evidence show that the land is a part of Asere Stool land and that Asere Stool acknowledges our ownership of that land (refer to Exhibits "E" and "F").

Bossman for Plaintiff

30 Mr. Lamptey made a great deal of play at expense of Plaintiff's claim. Because Plaintiff exaggerated his claim - it does not affect his claim in respect of the land actually put in issue. This very question as to his extent of the land and occupancy of Stool was put in issue between Asere Manche and himself but Court will apply its merit to area of land in issue alone.

40 Next point argued is that it is said that only Djani Kofi was in occupation. Our case now and in the acquisition case is that land was founded from Mukose and that member of family had scattered all over the land and at Wireless Enquiry we were able to establish that buildings of ours had been in existence in extreme South West corner (refer to Exhibit 2). That raises a presumption that around that building erected for farming and those have been farming and not only in one direction. Evidence that land to the north was a part of our family land. That evidence was unchallenged. Daughter living at Mancheman gave this evidence, and affords very strong evidence - i.e. the evidence of a boundary holder. Abbetsewe can bring

In the Supreme Court of Gold Coast, Lands Division.

—
No.33.

Addresses of Counsel.

1st November, 1951

- continued.

For Abbetsewe
- continued.

For Plaintiff.

In the Supreme Court of Gold Coast, Lands Division.

No.33.

Addresses of Counsel.

1st November, 1951

- continued.

For Plaintiff
- continued.

no such evidence. If this land were Abbetsewe Family land Djani Kofi could not farm there "as any other member of the Asere Stool" and if he could so could any other member of the Nikoilai Family.

Far more glaring is the contradiction of the Defendants that the land was given to them for war service - as outright gift. Now it is said that only the village site was granted. Question arises - what is the defence? Is it still Stool land or Abbetsewe Family land.

10

Naturally I must deal with Defendants defence and evidence of their own witnesses show that they have little or nothing to do with the area - they have leant upon fact that it is Asere Stool land and whose Manche collects the tolls. What is family land is well established - it is land almost completely controlled and managed by the family - intervention by the Manche in such cases is almost non-existent.

20

Same effort was made to show establishment of village but I submit that evidence cannot bear examination. Would refer to Bubiashi Acquisition. Exhibit 1 was put in by consent and was made when Defendants were present. The green line indicates the track which they cut in respect of the sales evidenced. The Defendants had not attempted to show on that plan that any line other than that one had been cut by them and that line cuts through the area of the Bubiashi Acquisition.

30

It was extremely significant that in that enquiry which relates to land at Mukose that the Abbetsewe Family did not give evidence in support of the Asere Manche claim.

That family name was not even heard during that Enquiry and had there ever been a grant by the Asere Stool to the Abbetsewe Family of that area and that is a fact which they must have now and eventually would have evidenced.

Submit that case put forward by Abbetsewe Family cannot seriously be evidenced.

40

Pass on to Plaintiff's claim. Bound to admit that major part of evidence did try to show that Manche had the control and management. Our answer to that is that as between the Manche and ourselves that point has been conclusively decided in the Bubiashi Acquisition case - there the case was that the area then acquired was a part of a larger

area controlled from Mukose and Abeka (Exhibit 2)
Your Honour said "the circumstances etc. etc."

In the Supreme
Court of Gold
Coast, Lands
Division.

The issue as to who owned "Mukose" was
clearly put in issue in these proceedings. There
is evidence of occupancy by members of our family
for generations. Land to the North was clearly
proved to be land granted by us.

No.33.

Addresses of
Counsel.

10 Submit we have discharged the burden required
of us. Buckman plan refer only to land to South
West of the area and does not assist us in any way.

1st November,
1951

- continued.

Whilst admitting discrepancies as always will
occur - submit evidence entitles us to judgment -
I do not think I should refer to this blatantly
improper sale - by overriding the Nikoi Olai inter-
est in the land - the whole circumstances of the
case are suspicious.

For Plaintiff
- continued.

Court - Why was there not a claim to set aside the
sale?

20 Bossman - It was a Writ in the Native Court and
ask that the ruling may be given now.

Judgment reserved to 22.11.51.

(Sgd.) J. Jackson,
J.

No. 34.

JUDGMENT

22nd November, 1951.

In the Supreme Court of the Gold Coast, Eastern
Judicial Division (Land Division) held at
Victoriaborg, Accra, on Thursday the 22nd day
of November, 1951, before Jackson, J.

No.34.

Judgment.

22nd November,
1951.

30 Transferred Suit No.31/1948.

Nii Amasah Nikoi Olai, Mantse of Asere
Djorshi for himself and representing
the Stool of and subjects of Asere
Djorshie, Plaintiff

v.

James Adams, J.E.Bart-Plange, Robert
Mensah, Abbeyshe Shamo, Nii Lartey
Otto, Annertey Abbey, Defendants

40 The Asere Stool, Co-Defendant

In the Supreme
Court of Gold
Coast, Lands
Division.

No.34.

Judgment.

22nd November,
1951

- continued.

JUDGMENT -

The Plaintiff, Nii Amasah Mikoi Olai, issued his writ out of the Ga Native Court on the 20th April, 1948, suing as the Mantse of Asere Djorshie and as amended on the 12th October, 1951, for himself and representing the Stool and subjects of Asere Djorshie and claimed as against James Adams and 5 other Defendants a declaration of title to land, £50 damages for trespass and an injunction.

The action was transferred to this Court by an order made on the 22nd June, 1948, and on the 16th August, 1948, the Stool of Asere was joined as a Defendant. 10

Pleadings and a plan were filed. The plan is the one dated the 8th March, 1949.

The Plaintiff claims that the land shown as being edged in pink on the plan is the Stool land of the Plaintiff's family and avers that the land shown as being edged in green was sold by J.Adams and others to J.A.Quaye, C.O. Aryee and E.T.Adams and who have sold to one Mousbah Captan, a Lebanese Trader living in Accra. Mr. Bossman, Counsel for the Plaintiff, after a short opening address, informed me that Mr.Captan did not wish to be joined as a party and would abide by the result. 20

Those sales of land are not put in issue - they are freely admitted by the Defendants, and they have been evidenced by the deeds dated the 25th October, 1947, and the 4th December, 1947. (Exhibits "E" and "E1"). 30

The case for the Plaintiff is that the extent of his Stool lands corresponds with the boundaries of the Asere Stool lands, and that on alienation of such lands can be affected without the consent of his Stool. sic

The case for the Defendants is that the land was originally Asere Stool land consequent upon the first migration from Ayawaso about 200 years ago and when they first occupied this land, and that in recognition of the services in war of a distinguished member of the Abbetsewe Family a piece of land, of which this is a part, was granted to that member of the Asere Stool very many years ago and that the land is now recognized by the Stool as being the property of the Abbetsewe Family. 40

The land which was the subject of that grant they say was that area of land as indicated on the plans admitted and marked as "H" and "K".

On the 3rd June, 1948, the Asere Manche, Teiko Ansa II and his elders and councillors consented to this alienation of the land and in consideration of that concurrence received a sum of £1,000.

10 On the 20th December, 1945, this Court granted to the Government of the Gold Coast a certificate of title in respect of land situate at Abubiasi for the building of a Wireless and Telephony Service Installation and in July and August, 1948, this matter came before me to decide the issue as to title as between the present Plaintiff's Stool and that of Asere.

The land then in issue is described on the plan now exhibited as No."1" by the rectangle in the extreme south and bounded by the survey pillars 45/1, 45/2, 45/3, 45/7, 45/8, 45/9, 45/5 and 45/6.

20 It will be observed that it was whilst this enquiry was pending that these sales were made and received the approval of the Asere Stool.

During that enquiry the present Plaintiffs Stool founded its case upon one of the original settlements of the family having been made at the village of Mukose, a place which is now uninhabited and has been permitted to fall into ruins. It was the case of the Asere Stool that land to the north of that acquired then was the property of the Asere Stool and which land included Mukose.

30 Mukose appears to have been abandoned in or about the year 1926, shortly after the death of one Djane Kofi who, I am satisfied was recognized as the Headman of that village whilst he lived there, and that he was an elder in the Plaintiff's family. That village I am satisfied was an ancient village and was originally peopled by those of the Plaintiff's family, and I am satisfied that it was for this reason that the Asere Manche recognised him as his Headman in that town.

40 The evidence shows that wherever villages of any size have been established on that land that a Headman or Onukpa has been appointed by the Asere Manche, and whose duty it was to collect tolls from any strangers who might receive permission to farm upon that land. The permission was sought and obtained from the Headman, the tolls collected were taken by the Headman to the Asere Manche, and which became then a part of his private or Stool

In the Supreme Court of Gold Coast, Lands Division.

No.34.

Judgment.

22nd November, 1951

- continued.

In the Supreme
Court of Gold
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Division.

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Judgment.

22nd November,
1951

- continued.

revenue i.e. until the 1st April, 1945, when such profits became one of the sources of revenue of the Native Authority (Section 32(1)(b) of Ordinance No.21 of 1944).

A copy of a relevant page of the Gold Coast Civil Service List was put in evidence (No."5") and this does support the oral evidence and which I accept (without that other evidence) that Dsane Kofi was the Headman at Mukose in 1914-15 and one Kwamin known as Abeka Kwame was then the Headman in the newly formed village of Abeka and which appears to have been inhabited practically entirely by strangers from the Northern Territories.

10

There was one witness who impressed me as being not only truthful, but as being one who had had a first hand knowledge of this land for the past 58 years and he was Kofi Dormon.

When he first came to live at Apenkwa, a village just off the land and to the north east, he was twelve years old.

20

He knew the old village of Mukose and he says that there were Moshie people living there as well as Dsane Kofi. At Abeka there lived only one man and a woman. At Wuoyeman (just north of Abem), there lived an old man Sibila (also from the Northern Territories) with his children. The witness obtained permission to farm on the land from the Headman Kwamin of Abeka and to him he used to pay his 5/- toll every year until Kwami died and he then paid to a man called Lamptey. Recently however he was called by the Asere Manche and told to pay them to one Ajetey. He refused as he had already paid them to Lamptey.

30

I am satisfied that the tolls collected were paid by the collector to the Asere Manche and of that fact there appears to be no dispute.

This witness Kofi Dormon said he had never known the Abbetsewe people of Asere, but that he had seen the Plaintiff on the land a very long time ago, when he used to come and inspect the place.

40

It does appear to me to be remarkable, and so remarkable as to be almost unbelievable, that had the Abbetsewe people been the owners of this land as the result of a grant made to them 200 years ago, Kofi Dormon after working on this land for some 58 years had not even heard their name. It does also appear remarkable that if that family

had owned an estate in that land which they described in their deed dated the 25th October, 1947, as being one "in fee simple in possession free from all encumbrances" that strangers farmed on the land and paid rents on tolls to the Asere Stool but not a penny to the "owners in fee simple".

10 It seems again remarkable that if this land had been the property of the Abbetsewe Family, and that the Asere Manche had ever believed in such a fact, as might appear from the document which he signed on the 3rd June, 1948, that he forgot that fact when he gave evidence before me on the 20th July, 1948, i.e. exactly 8 weeks later and when the ownership and occupation of the old village of Mukose and the surrounding land was in issue. Not a suggestion was made by him that this land, now in issue, and which was relevant to the land then in issue, was the property of the Abbetsewe Family, on the contrary at page of these proceedings
20 (admitted and marked as No.) he said that the land to the north and south of the land then in issue belonged to the Asere Stool. Could any person in the position of that witness have failed to remember receiving £1,000 eight weeks before he gave that evidence in consideration of his consent to that family alienating their lands to a syrian? He could not. And in my judgment he said nothing of this matter at that enquiry for the reasons (a)
30 (b) he wished to keep quiet another of these flagrant and illegal sales of Ga Stool land for which alienation there did not exist the circumstances required by customary law, namely that the Stool owed a debt that it could discharge in no other way, and had received the concurrence of the Ga Manche, his councillors and elders, as found in the recent Kokomlemle cases in which I gave judgment on the 31st May last in respect of Asere Stool land, and in respect of which alienation the
40 Ga Manche had not given his consent as required by law.

Quite clearly this land in issue was occupied very many years ago by some members of the Plaintiff's family and who farmed it to some degree.

It is equally clear that whatever villages they occupied then as farming villages they have abandoned for very many years, the last one at Mukose in 1926, and that by the ordinary practice

In the Supreme Court of Gold Coast, Lands Division.

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Judgment.

22nd November,
1951

- continued.

In the Supreme
Court of Gold
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1951

- continued.

of customary law whatever character of family land it may then have possessed disappeared with its abandonment, and the land was free for any subject of the Asere Stool to farm upon and was equally open to strangers who had received the permission of the Manche or Headman to farm upon payment of an annual toll and so the evidence proves they did farm.

The evidence is perfectly clear that the land, at the date of the issue of the writ was Asere Stool land and had been Asere Stool land for very many years before the issue of that writ.

10

Quite clearly the Plaintiff's family, which is an Asere Family, cannot be dispossessed of this right of farming in this area and to this extent have some title or interest in the land. Equally clearly the principal members and elders of Abbetsewe Family could not convey to James Allotey Quaye, Charles Okoe Aryee and Emmanuel Tettey Adams, all members of the family, a greater interest or title in the land than the family possessed, and as that family qua family possessed no title or interest in this land - they possessed no title whatsoever by the deed dated the 25th October, 1947, and when less than 6 weeks later these three members of that family purported to convey that estate to Mousbah Captan by their deed dated the 4th December, 1947, they conveyed precisely nothing. The property in the land, it follows remains in the Asere Stool, subject to the rights of its subjects and those strangers who have received possession to farm thereon.

20

30

The acts of the Defendants and especially that of the Asere Manche do display a wicked and reckless disregard of the trusts imposed upon the occupant of a Stool owning lands and it is quite manifest that to protect the interests; at least of those members of the Plaintiff's family, who have interests in that land, there must be an injunction to restrain any further attempt to alienate the land. I would again indicate as I have so often done in this Court that a lease of land is within the powers of a Stool occupant provided he seeks and obtains the consent of all whose interests are affected thereby, but that he cannot destroy that trust property unless the emergency is so great that no other measures will suffice. It was for these reasons largely that in wisely administered States the revenue of the Stool lands found their way into the Treasuries of the Native

40

50

Authorities as required by law and are available, under proper control, for the discharge of general Stool debts, and do not find their way into the pockets of members of that Native Authority to enrich themselves and to defraud their subjects.

In the Supreme Court of Gold Coast, Lands Division.

No.34.

This is not a lone case. It is typical rather than exceptional, and a matter to which I have constantly invited attention in this Court.

Judgment.

22nd November, 1951

- continued.

10 I do grant to the Plaintiff a declaration of title that as subjects of the Asere Stool they possess rights of farming in the area edged in pink, subject only to such rights as may have been granted to strangers for farming by the Asere Manche or one possessed by other subjects of the Asere Stool.

20 The Plaintiff is granted an injunction against the Defendants (including the Asere Stool) to restrain them from selling the land other than with their concurrence and with the concurrence of the other parties required by customary law, subject to the proviso that the land can be sold in no event other than to discharge a debt and for which there are available no other assets of the Stool.

30 The evidence in respect of the possessory rights of the Plaintiff's family viewed alongside the rights enjoyed by strangers occupying land lawfully by the consent of the Asere Stool is too vague and uncertain to justify the finding that these possessory rights have been damaged by the Defendants and in my judgment and injunction appropriately protects their interests.

I do accordingly dismiss the claim in trespass for damages. Costs to be taxed. (Fees for Plaintiff's Counsel I assess at 50 guineas) - these are the costs payable by the Defendants to the Plaintiff.

(Sgd.) J. Jackson,
Judge.

Counsel -

40 Mr. K. Adumua-Bossman for Plaintiff.
Mr. Akufo Addo for Defendants.
Mr. E.O. Lamptey for Co-Defendant.

In the
West African
Court of Appeal

No. 35.

NOTICE AND GROUNDS OF APPEAL

IN THE WEST AFRICAN COURT OF APPEAL
GOLD COAST SESSION
ACCRA.

No.35.

Notice and
Grounds of
Appeal.

18th February,
1952.

NOTICE OF APPEAL (Rule 12)

Transferred Suit No.31/1948.

Nii Amassah Nikoi Olai, Mantse of
Asere Djorshie for himself and
representing the Stool of and
subjects of Asere Djorshie Plaintiff

10

v.

James Adams, J.E.Bart-Plange,
Robert Mensah, Abbeyche Shamo,
Nii Lartey Otoo, Annertey
Abbey, Defendants
The Asere Stool, Co-Defendant

TAKE NOTICE that the Plaintiff herein being dis-
satisfied with the decision of the Land Court
contained in the Judgment of Jackson, J., dated
the 22nd day of November 1951 doth hereby appeal
to the West African Court of Appeal upon the
Grounds set out in paragraph 3 and will at the
hearing of the appeal seek the relief set out in
paragraph 4.

20

And the Appellant further states that the
names and addresses of the persons directly af-
fected by the appeal are those set out in para-
graph 5.

2. Part of decision of the lower Court complained
of: The decision of the lower Court is so
far as it falls short of allowing fully the
several claims of the Plaintiff.

30

3. GROUND OF APPEAL

(1) The Judgment is against the weight of ev-
idence.

(2) The learned Judge failed to appreciate
and apply the native customary laws gov-
erning the issues in this case and com-
pletely misconceived the position of the
Plaintiff and his claim with respect to
the land in dispute.

40

(3) The principles of Ga Native Customary Law which the learned trial Judge purported to apply in this case differ radically from those applied in the Bubiashi Acquisition case between the Plaintiff and the present Co-Defendant and others Judgment in which case was delivered by the same Judge on the 13th day of August 1948.

10

(4) The learned trial Judge was confused in his mind as to the correct principles of native customary law to apply in deciding the rights of the Plaintiff's Stool Family in relation to the Asere Stool.

4. To set aside the Judgment of the Lower Court and to enter Judgment for the Appellant in accordance with his claims put forward in Court.

5. Persons directly affected by the Appeal:

20

(1) The Asere Mantse representing the Stool of Asere, Accra.

DATED at Christiansborg, Accra the 18th day of February, 1952.

(Sgd.) J. Quist-Therson,
SOLICITOR FOR APPELLANT.

In the
West African
Court of Appeal

No.35.

Notice and
Grounds of
Appeal.

18th February,
1952

- continued.

No. 36.

JUDGE'S NOTES OF ARGUMENT.

IN THE WEST AFRICAN COURT OF APPEAL,
GOLD COAST SESSION:

30

Coram Foster Sutton, P., Coussey and Hearne, JJ.A.
of 1954.

Nii Amasah Nikoi Olai, Mantse of
Asere Djorshie, for himself and
representing the Stool of and
subjects of Asere Djorshie,
Plaintiff-Appellant

v.

The Asere Stool, Co-Defendant-Respondent

Mr. Quist-Therson for Appellant.

Mr. E.O. Lamptey for Respondent.

No.36.

Judge's Notes
of Argument.

7th February,
1955.

In the
West African
Court of Appeal

No.36.

Judge's Notes
of Argument.

7th February,
1955

- continued.

Quist-Therson -

We were Plaintiffs and judgment was given against the Defendant - but we are objecting to the limitation placed in the Judgment upon our rights. Our appeal only affects the Co-Defendant, The Asere Stool.

Our objection is to paragraph commencing at line 9 on p. 103.

Refers to Exhibit "2" p.137.

In acquisition case we got 7/8th and Asere Stool got 1/8th. The latter was in respect of part of the area where the Asere Stool had tenants - ours was on claim as exclusive owners. 10

Evidence as to tradition to be found at line 8 p.143.

N.B. But see line 33 p. 143 - submits that can only apply to Asere Stool land.

The Asere Stool claimed to have alienated to the Defendants and that it was not our land - they cannot now be heard to say that if it is not Defendants they gave it to them it is us they gave it to. 20

Once Stool case and Defendants rejected - only left with our evidence -

They - Stool - swore that we did not serve them with the land. Cannot now claim that we did.

Adjourned to 8.2.55.

7.2.55.

(Intd.) S.F.S., P.

Coram and Counsel as before.

Continued from above.

Quist-Therson -

30

Refers to p.143 - line 8.

We got compensation as absolute owners. If they were merely in possession as farmers - they would only have been entitled to compensation for their crops.

Exhibit "2" established us as absolute owners of the land.

Cites 1 W.A.C.A.278. Compensation was awarded to Stool - Finding that we had a restricted right was inconsistent with award of compensation in acquisition case - Exhibit "2". 40

We do not call upon Lamptey.

C. A. V.

8.2.55. (Intd.) S.F.S., P.

27 of 1954.

4.3.55.

Continued from above.

Coram and Counsel as before.

Judgment delivered by Coussey, J.A.

Order: Appeal dismissed with costs fixed at £57.2.0.

10

4.3.55. (Sgd.) S.Foster Sutton, P.

In the
West African
Court of Appeal

No.36.

Judge's Notes
of Argument.

7th February,
1955

- continued.

No. 37.

JUDGMENT

IN THE WEST AFRICAN COURT OF APPEAL
GOLD COAST SESSION.

No.37.

Judgment.

4th March, 1955.

Coram -

Foster-Sutton, P.
Coussey, J.A.
Hearne, J.A.

Civil Appeal No.27/54

Friday, 4th March, 1955

20

Nii Amasah Nikoi Olai, Mantse of
Asere Djorshie for himself and
representing the Stool of and
subjects of Asere Djorshie,
Plaintiff-Appellant

v.

The Asere Stool Co-Defendant-Respondent

JUDGMENT

COUSSEY, J.A.: This is an appeal from a judgment of the Land Court (Jackson, J.) in an action commenced in the Ga Native Court against the Defendants for a declaration that certain land which the Plaintiff calls Muko or Mukose near Abeka in the District of Accra, is the ancestral stool property of the Asere Djorshie Stool.

In the
West African
Court of Appeal

No.37.

Judgment.

4th March, 1955
- continued.

The Plaintiff claimed as "Mantse of Asere Djorshie" for himself and the subjects of his Stool. There were also claims for damages for trespass on the land by the Defendants and for an injunction restraining the Defendants from entering upon the land or dealing with or alienating it.

By order dated 22nd June 1948 the suit was transferred to the Land Court for hearing and determination. The Court, on the 16th August 1948 of its own motion, ordered the Stool of Asere to be joined as Co-Defendant.

10

The first Defendant claimed to be head of, and the other Defendants to be members of the Abbetsewe family under the Asere Stool. They averred that the land had been Asere Stool land, but that it had been granted by the Stool to a member of the Abbetsewe family for services in war and that it was now the property of the Abbetsewe family.

The cause of action appears to have been that on the 25th October, 1947 the Defendants, as members of the Abbetsewe family, had purported to convey a large part of the land in dispute shown green on the plan Exhibit "1" to three persons who, in turn, by deed dated 4th December, 1947 had purported to convey the same land "in fee simple" to one Mousbah Captan, a stranger to the Stool. The Asere Manche alone witnessed the conveyance of the 25th October, 1947, but after this action had been instituted in the Native Court, namely on the 3rd June 1948 the Asere Manche with his elders, in consideration of a payment of £1,000 by the Abbetsewe family, consented to and confirmed the two transactions above referred to.

20

30

The Co-Defendant, the Asere Stool contended that the land in issue is part of the Stool land of Asere and that any occupation at any time by the Plaintiff or his predecessors was as subjects of the Asere Stool and on the same conditions of native customary tenure as any other subject of the Stool.

40

The learned trial Judge had no difficulty on the evidence in holding that the land comprised in the two deeds of conveyance was not the property of the Defendants, Abbetsewe family, so that it could be the subject of an absolute grant by that family. He characterised the actions of the Defendants and the Co-Defendant in regard to the deeds of conveyance referred to as a flagrant and

illegal attempt to alienate Stool land and granted an injunction against the Defendants and Co-Defendant to restrain any further attempt to alienate the land. For the protection of any members of the Plaintiff's family who have interest in the land, the order for injunction is in terms that such alienation must be with the concurrence of the Plaintiff as well as other parties required by native customary law.

In the
West African
Court of Appeal

No.37.

Judgment.

4th March, 1955
- continued.

10 The Court further granted the Plaintiff a declaration of title that, as subjects of the Asere Stool they possess rights of farming in the area edged pink on the plan Exhibit "1" dated 8th March 1948 subject to the rights possessed by other subjects of the Asere Stool or of strangers to whom farming rights are granted by the Stool. This limited declaration which is the subject of the appeal to this Court, is based upon the following findings of fact of the learned trial Judge:

- 20 (1) That the land in dispute was occupied very many years ago by some members of the Plaintiff's family who farmed it to some extent.
- (2) That Mukose village was the last farming village occupied by the Plaintiff and that it was abandoned in the year 1926 and thereupon the land according to native customary practice lost whatever character of farming land it may have had and reverted to the
- 30 Stool.
- (3) That the evidence is perfectly clear that the land at the date of the action was Asere Stool land and had been land of that Stool for very many years before issue of the writ.

40 The appeal, which is only against the Co-Defendant, the Asere Stool, is brought on the contention that this was never Asere Stool land but land owned by the Plaintiff's family stool by virtue of first occupation and settlement.

The onus was upon the Plaintiff to establish this ownership, and in my opinion he failed to do so. The fact, which learned Counsel for the Plaintiff was constrained to concede at the trial, that the Asere Stool by the Asere Manche had control and management of the land in issue and as to which the payment of tolls to the Asere Stool and the direct placing and recognition of Headmen in

In the
West African
Court of Appeal

No.37.
Judgment.
4th March, 1955
- continued.

the villages on the land, is evidence, in my opinion, conclusive against the Plaintiff's contention that they are the allodial owners.

The Plaintiff-Appellant submits that the Co-Defendant-Respondent by representing that the land was Abbetsewe family land as he did by Exhibit "F" which is a Receipt for what is described as the Asere Stool share in the sale by that family of the area shown green on the plan is estopped when the area is proved not to be in the ownership of the Abbetsewe family from denying the Plaintiff-Appellant's title and setting up the title of the Asere Stool. While the conduct of the Asere Manche and his elders is not to be condoned I fail to see how a declaration that one family has no title to land automatically establishes the title of another party, to the same area of land.

10

The onus remained on the Plaintiff to establish his title in this suit. No plea of estoppel was raised by the Plaintiff-Appellant in the suit on the joinder of the Co-Defendant nor argued in the Court below and I cannot see how the conduct of the Co-Defendant which was ultra vires his authority and trust led the Plaintiff to alter his position as the representation was not made to him. There was no admission of the Appellant's title.

20

It has further been argued strongly for the Appellant that the judgment appealed from is in conflict with a previous decision of the same learned Judge in an issue between the Appellant and the Co-Defendant-Respondent affecting part of the same area of land and that the principles of native customary tenure applied in that case materially conflict with those applied in the present case. In the former case referred to which was an enquiry under the provisions of the Public Lands Ordinance as to the claimants who were entitled to be paid compensation for a small rectangular area of land in the southern part of the land now in dispute, the present Plaintiff-Appellant claimed as Onukpa i.e. Headman of Asere Djourshie that he was in possession through one Djani Kofi who will be referred to later. The Co-Defendant-Respondent claimed as Asere Manche, and the issue framed by the Court was whether the land acquired belonged to the Asere Stool or to the Djani Kofi family. The Court made the following finding:

30

40

"I am satisfied that the 5th Claimant's (Plaintiff-Appellant's) family formerly occupied the

50

"major portion of the land acquired x x x and have
 "since their first settlement and until the land
 "was taken from them by this acquisition enjoyed
 "all the rights of owners in possession of land,
 "subject possibly to the limitation that the land
 "upon which the subjects of the Asere Stool lived
 "could not be alienated without the approval of
 "the Asere Stool.

In the
 West African
 Court of Appeal

No.37.

Judgment.

4th March, 1955

- continued.

10 "Land which had not been used exclusively by
 "the family and which was unoccupied land and of
 "which there must have been a very good deal was
 "regarded as Stool land".

The judgment then went on to observe that in
 practice a stranger sought permission to farm on
 the land from the Manche of Asere through the Head-
 man or Caretaker of the land "who normally had the
 "greatest interest in these lands".

20 It seems clear that it was on this basis,
 coupled with the fact of possession at the date of
 the acquisition, that 7/8ths of the compensation
 was awarded the Plaintiff-Appellant who was then
 the 5th claimant in respect of the area acquired.
 The remaining 1/8th compensation was awarded to
 the Asere Stool on the basis that the Stool managed
 and controlled the land, placed tenants and re-
 ceived the tolls. In the penultimate paragraph of
 the judgment, the Court finds that the ownership
 of the 5th claimant, now Plaintiff-Appellant, is
 30 restricted by the denial of the right to alienate
 without the consent of the paramount Stool.

In view of the above, I am unable to hold that
 the learned trial Judge applied any different
 principle of native customary tenure in the two
 cases. Indeed the declaration made conforms with
 the essential findings in the previous matter. It
 should be remembered that in the acquisition case,
 the burden was upon each claimant equally to es-
 tablish a right to compensation in the light of
 section 12 of the Public Lands Ordinance (Cap.113).
 40 which provides:-

"The parties in possession of such lands as be-
 "ing the owners thereof at the time of such lands
 "being purchased or taken, . . . shall be entitled
 "to receive the . . . compensation for such lands",
 whilst in the present case the burden was upon the
 Plaintiff to establish a right to the unqualified
 declaration of title he claimed.

It cannot be overlooked that Djani Kofi through

In the
West African
Court of Appeal

No.37.

Judgment.

4th March, 1955

- continued.

whom the Plaintiff-Appellant claimed in the acquisition proceedings, had himself testified in an earlier suit in 1921, D.P. Hammond (Asere Manche) v. Amoo Wellington and Others. Exhibit "P", that at the request of the Asere Manche he, Djani Kofi and one Abaka Kwamin had collected tolls from Abeka, Mukose and Bubiashi lands and paid them to the Asere Manche. He also said that "the Asere Manche sent people to Abeka village and Mukose to appoint us as Headmen and then to ask us to collect tolls".

10

The Appellant's contentions in my opinion ignore the important fact that these tolls, on his predecessor's own admissions, were paid to the Asere Stool.

That disposes of the appeal and it is only necessary to add that in the circumstances of this case the declaration in the form decreed is a right and proper one. The order for injunction contains a proviso that the land can be sold in no event other than to discharge a debt and for which there are available no other assets of the Stool. It was probably prompted by the irregular conduct of the Defendants and the Co-Defendant's Manche.

20

Although no argument has been addressed to the Court on this proviso, I am of opinion that although according to early native usage land was only sold in extreme cases and then if possible only to a member of the Stool, clan or family in order that its general character might remain unchanged there has now grown up a usage, generally recognised, for land to be sold if the prior concurrences required by native customary law are obtained and without the existence of a Stool debt.

30

I would dismiss the appeal with costs allowed at £57.2.0.

(Sgd.) J.Henley Coussay, J.A.

FOSTER-SUTTON, P.: I concur.

(Sgd.) S.Foster Sutton, P.

40

HEARNE, J.A.: I concur.

(Sgd.) H.H. Hearne, J.A.

J. Quist-Therson for the Appellant.
E. Obetsebi Lamptey for the Respondent.

113.

No. 38.

MOTION ON NOTICE BY PLAINTIFF FOR FINAL LEAVE
TO APPEAL TO PRIVY COUNCIL

In the
West African
Court of Appeal

IN THE WEST AFRICAN COURT OF APPEAL
GOLD COAST SESSION
ACCRA.

No.38.

Motion on Notice
by Plaintiff for
Final Leave to
Appeal to Privy
Council.

BEFORE A SINGLE JUDGE OF APPEAL.

W.A.C.A. Civil Appeal
No.27 of 1954

17th October,
1955.

10 Between:- Nii Amasah Nikoi Olai, Mantse
of Asere Djorshie for himself
and representing the Stool of
and subjects of Asere Djorshie, Plaintiff
(Appellant to Privy Council)
and
The Asere Stool, Defendant:
(Respondent to Privy Council)

20 TAKE NOTICE that this Honourable Court will
be moved on Friday the 28th day of October, 1955,
at 9 a.m. or so soon thereafter as Counsel for the
Plaintiff (Appellant to Privy Council) can be
heard for an Order granting Final Leave to appeal
from the Judgment dated the 4th March, 1955 of this
Honourable Court to Her Majesty's Judicial Commit-
tee of the Privy Council in England, conditions
imposed by this Honourable Court on the would-be
Appellant on the 4th day of July having been ful-
filled within the prescribed period of three months
AND for such further Order or Orders as to this
30 Honourable Court shall seem just.

DATED at Accra this 17th day of October,
1955.

(Sgd.) H.P. Bannerman
PLAINTIFF'S SOLICITOR.

THE REGISTRAR,
WEST AFRICAN COURT OF APPEAL,
ACCRA

AND TO
THE ASERE STOOL, ASERE QUARTERS ACCRA,
DEFENDANT-RESPONDENT HEREIN.

In the
West African
Court of Appeal

No. 39.

COURT NOTES GRANTING FINAL LEAVE TO APPEAL
TO PRIVY COUNCIL

No.39.

Court Notes
Granting Final
Leave to Appeal
to Privy
Council.

28th October,
1955.

28th October, 1955.

IN THE WEST AFRICAN COURT OF APPEAL
GOLD COAST SESSION

Coram Van Lare, J., sitting as a Single Judge of
Appeal.

Civil Motion
No.53 of 1955.

10

Nii Amasah Nikoi Olai,
Mantse of Asere Djorshie,
etc. Plaintiff
(Appellant to Privy Council)

v.

The Asere Stool, Defendant
(Respondent to Privy Council)

Motion on Notice by the Plaintiff-Appellant for
an order for final leave to appeal to the Privy
Council.

Mr. Bannerman for applicant.

20

No appearance on behalf of Respondent.

Bannerman moves in terms of motion paper and
affidavit.

Court -

Upon hearing Counsel and reading the
Affidavit in support of motion I grant
application as prayed.

E X H I B I T S

"P" - PROCEEDINGS IN D.P.HAMMOND
v. AMOO WELLINGTON & OTHERS

Exhibits

"P"

Proceedings in
D.P. Hammond
v. Amoo
Wellington &
Others.
5th April, 1921.

In the Supreme Court of the Gold Coast Colony,
Eastern Province, held at Accra on Tuesday the
5th day of April, 1921, before His Honour Colonel
Colin Harding, C.E.G., D.S.O. Commissioner of the
Eastern Province.

D. P. HAMMOND

v.

10 AMOO WELLINGTON & OTHERS

From page 307.

Witness for Plaintiff.

S.A.R.B. DJANI KOFI states I am a cooper by trade.
I live at Mukoseh. I farm for my living as I had
rheumatic pains. I cannot stand on my joints so I
left coopering and started farming. I live in
Mukose old village the new one is called Abeka.
The Headman of Abeka is called Abeka Kwami. I am
next to Abeka Kwami. The Asere Manche the Plain-
20 tiff in this action made Abeka Kwami Headman of
Abeka and made ? second to Abeka Kwami. Yes the
Abeka village with lands attached to it are under
the Asere Stool. Yes, we were asked by the Asere
Manche to collect tolls from all people farming on
his land at 2/6 for each person per farm - Mukoseh
through Akolo to Bubiashi land. We started to
collect the tolls from the villages I have men-
tioned. We went to Bubiashi village to collect
30 tolls. The Headman there at that time was Kwami
of Bubiashi. When we went to Bubiashi village we
first spoke to Kwami alone and he asked us to go
back and said he would see the other villagers and
let us know the result. Yes we returned to Abeka
village. Kwami Abeka is called and identified by
this witness. I got to know that Kwami sent mes-
sengers to Abeka. I was not there when they came.
Kwami of Abeka informed me. Thirty two shillings
as tolls were sent to us. Yao and Kwashi Nukpa
40 brought these tolls. Yao and Kwashi Nukpa are pro-
duced and identified by witness. Yes when Yao and
Kwashi Nukpa came they said that they were sent by
Kwame of Bubiashi. Yes Yao and Kwashi Nukpa said
that we have asked the Manche of Otublohum and he

Exhibits

"P"

Proceedings in
D.P. Hammond v.
Amoo Wellington
& Others.

5th April, 1921
- continued.

sic

said I was right that they should pay tolls for the land belonged to the Asere Manche. They gave something. They gave 32/6. The amount of 32/6 was given as tolls on account of farming on Mukoseh and Bubiashi land. Yes they farmed on Mukoseh and Bubiashi land. We deducted 2/6 and gave to the messengers who brought the money and we paid the balance of 30/- to the Asere Manche. Yes the Bubiashi people continued to pay tolls. They paid three times in Kwami time. Kwashi Nukpa and Yao were the people who brought the tolls these three times. The reason why they paid tolls only 3 times in Kwami's time was that Kwami ran away to his country. When Kwami ran away Yao became Headman of the Bubiashi village. Yes this was the same Yao who accompanied Kwashi Nukpa during Kwami's time. Yes during Yao's time tolls were paid. We had never gone to Bubiashi to collect tolls. Tolls were brought to us. In Yao's time Kwashi Nukpa and Tettey brought the first tolls, they brought same amount 32/6 and after deducting 2/6 which we gave to the messengers as drink the balance of 30/6 was given to the Asere Manche. They paid tolls in the 2 years of Yao's reign, amounting to 32/6, of this amount we also deducted 2/6 as drink for the messengers and paid the Asere Manche 30/-.

10

20

Court adjourns case. 9.30 a.m. Tomorrow
Wednesday.

(Sgd.) Colin Harding
C.E.P.

30

6th April 1921.

6.4.21.

D.P. HAMMOND

v.

AMOO WELLINGTON & OTHERS

x x x x

Counsel both present.

Djani Kofi still under examination and still on Oath.

Yes when the Bubiashi people came to pay tolls of 32/6 the Mukoseh people also came to pay tolls. The Mukoseh people paid £2.5/- they paid this for Mukoseh land. We paid this money to the Asere Manche. No, I have never gone back to Bight since I started farming.

40

Examined by Hutton Mills for Defendants:Exhibits

"P"

Proceedings in
D.P. Hammond v.
Amoo Wellington
& Others.

6th April, 1921
- continued.

10 I cannot say how many years I was at the Bight as
Cooper. I went to Boni the old Kalabar as my work
as cooper. I have also been to the Cameroons and
New Kalabar. I also went to Cape Lahoe on the Gold
Coast. I have been to the same country once or
twice. I first went to Boni. One Kualley Quaye
engaged me to go to Boni. He is the same man as
is known as Philip Kalley in the Sempe quarters in
James Town. When I left Accra for Boni the Ga
Manche was Tackie Tawiah. Akrama was the Asere
Manche. It is generally known at Accra that the
Asere Manche is not the Ga Manche. Yes I am some-
body. Yes I knew late Manche Tackie Tawiah as well
as Chief Akramah. When I ceased going to the Bight
the Ga Manche was Tackie Obili and the Asere Manche
was Hammond the Plaintiff in this case. It is cor-
rect what I said yesterday in my evidence that the
Asere Manche the Plaintiff in this case made Abeka
Kwami Headman of Abeka and I next to him. It is
20 about 7 years ago since Abeka Kwami was made Head-
man of Abeka. I know it was 7 years ago on ac-
count of the tolls we collected in each year. We
collected tolls for 5 years but since this action
started 2 years ago we have not collected any tolls.
Yes I say that myself and Abeka Kwami have collec-
ted tolls for 5 consecutive years only. It was
the Plaintiff as Asere Manche who sent for Abeka
Kwami and myself 6 years ago and authorised us to
30 go and collect tolls on account of Bubiashi land.

The Asere Manche sent people to Abeka village
and Mukose to appoint us as Headmen and then to
ask us to collect tolls.

40 Yes I am sure that the appointment for me to
collect tolls 7 years ago. Half of the people who
were sent by the Asere Manche to appoint us as
Headmen are dead and half are out of Accra. Korley
was one of the principal men who were sent to in-
form us. Kortey was another. These are the half
who are dead and who have left Accra when we were
appointed Headmen - Korley who is dead brought rum
and cloth and a small umbrella also a loin cloth,
there was a meeting of people from Abeka about 10
came. The rum was drunk in the usual customary
manner and the meeting then dispersed. The meeting
was composed of not quite 10 people. I and Abeka
Kwami was there and took part in the ceremony, be-
sides us two Korley and Kortey were present and
took part in the ceremony. The Abeka people were

sic

Exhibits

"p"

Proceedings in
D.P. Hammond v.
Amoo Wellington
& Others.

6th April, 1921
- continued.

Zabiah, Skpojah, Ajetey. I don't know any more who took part in the ceremonies at Abeka. No other people from other villages came. No - neither Abeka Kwami or myself were taken to the neighbourhood villages. No stool was brought and given to Abeka Kwami. There was no Headman at Abeka village before Kwami was made Headman there 6 years ago. There were no tolls collected before the appointment of Abeka Kwami as Headman of that village as the Headman who lived there was dead. No tolls were collected by any one for the Asere Manche before the appointment of Abeka Kwami as Headman as I have said before. When I went to the Bight I used to hear that tolls were collected old Akwei but I did not see this. I was told. I do not know whether Manche Akrama of Asere appointed any Headman at the Abeka village. When Korley and Kortey came to Abeka village they brought a message from the Asere Manche. The message was that the Asere Manche sent them to appoint Kwami Abeka as Headman and myself as second to him also they said we should take care of the Bubiashi land and to collect tolls from the villagers of Abeka, also they said all from the neighbourhood villages farming on the Asere Stool land should also be asked to pay tolls. That is all the message that was sent. It was not quite three months after the appointment that we started collecting tolls. Yes I said yesterday we were asked to collect tolls at 2/6 per year from each person farming on the Asere Stool land from Mukoseh through Akolo to Bubiashi. When we started collecting tolls we first went to Bubiashi, in the time of Bubiashi Kwami. I cannot tell whether any Asere man was living at Bubiashi because I was not of that village. I did not say yesterday that Kwashi Nukpa and Yao collected tolls of 32/6 from persons farming on Mukoseh and Bubiashi land.

Counsel request Court to note the contradiction - see page 329 of record.

Cross-examination continued -

Yes I said yesterday that the amount of 32/6 paid by Kwashi Nukpa and Yao to myself and Abeka Kwami was paid to us at Abeka village.

Q. On each of the 3 occasions that you stated yesterday that Yao and Kwashi Nukpa gave tolls of 32/6 to Abeka Kwami and yourself did you and Abeka Kwami go with them to know the party from whom they collected that money?

A. We did not go there we notified the Headman Bubiashi Kwami. They collected the tolls and brought to us. Yes that means that we do not know the particular individual who paid tolls.

Court adjourns till 9 a.m. tomorrow morning.

(Sgd.) Colin Harding,

C.E.P.

Exhibits

"p"

Proceedings in D.P. Hammond v. Amoo Wellington & Others.

6th April, 1921
- continued.

"A" - NOTICE PUBLISHED IN THE DAILY ECHO

"A"

NOTICE - TO ALL WHOM IT MAY DOTH CONCERN

Notice published in the Daily Echo.

10 With reference to the Public Notice published in the Press by Nii Teiko Ansah II as Asere Mantse and to the various rejoinders made thereto by James Nunoo Obeku, caretaker of Asere lands, and B.P. Quartery-Papafio and other on behalf of Akwashong Family, relating to Asere lands situate at Kaneshie, Odorkor, Bubiashi, Kwasiman, Abeka, Mukose, Niamona and Tsiantan, etc.

4th September, 1945.

20 It is hereby notified for the information of the public that the above mentioned lands are not the properties of the Akotia Oworsika Stool of Asere over which the present occupant the said Nii Teiko Ansah II, has any direct control or power of disposal or alienation. It is further notified that the said lands were never Asere Communal lands nor are they attached to the said Akwashong (Kpakpatse We Family) in any way.

30 The Nikoi O'lai Stool of Asere Djorshie which is the original ancestral Stool of the Asere people hereby declared and affirms for the information and benefit of all whom it may concern that the Asere lands above mentioned belong to and are attached to it and that no grant, gift or alienation in respect of any portion of the said lands is valid or lawful without its consent approval and concurrence.

The public are accordingly warned that any person who accepts any grant, conveyance, gift, lease or mortgage of any portion of the said lands without such consent, approval and concurrence of

Exhibits

"A"

Notice published in the Daily Echo.

4th September, 1945

- continued.

the said Nikoi O'lai Stool does so at his or her risk and peril.

Any person or persons claiming to have acquired any right, title or interest in any part of the said lands should get in touch with the Manche of Asere Djorshie without delay.

DATED at Accra this 31st day of August, 1945.

Nee Amasa Nikoi O'Lai
MANCHE OF ASERE DJORSHIE.

"B"

Notice published in the Daily Echo.

6th October, 1945.

"B" - NOTICE PUBLISHED IN DAILY ECHO.

10

The Editor,
"Daily Echo", Accra.

AMASA AND DJORSHIE MANCHESHIP.

Sir,

We, the undersigned members of the Djorshie Community in the Asere Djorshie of the Ga State, have had our attention drawn to certain publications in the "Daily Echo" of the following dates namely, 3rd, 5th, 8th and 11th September, 1945, in which Amasa styled himself "Nii Amasa Nikoi O'lai, Manche of Asere Djorshie", and making claims of land attached to the Asere Stool as his Stool lands, and asking all persons to get in touch with him in respect of any acquisition of any of the said lands.

20

We wish to inform all persons who might come in contact with the said publication that is is utterly misleading and fantastic. There is no Manche in Djorshie in the Asere Division what we have is Djorshie "Onukpa" and Klan Wulomo or Priest. Amasa has never sat on the Niikoi O'lai Stool. In 1919 he was made "Onukpa" i.e. Elder of Djorshie (a sub-division under the Asere Stool) by the late D.P. Hammond, Manche of Asere.

30

The Asere lands have and can never been attached to the Stool of sub-division under the Asere Stool and there has never been any such claim during the reign of the late D.P.Hammond and Nii Asere Ayitey II, Manchemei of the Asere Division, all the lands mentioned in the Notice referred to above being Asere Stool lands.

40

In the circumstances any body who negotiates for any of the lands referred to with Amasa does so at his or her own risk or peril, the only and proper authority being the Asere Manche.

Exhibits

"5"

Notice published in the Daily Echo.

6th October, 1945

- continued.

10 (Sgd.) N. Amon Nikoi (Sgd.) A.M. Neequaye,
 " H.A. Amamoo Acting Klan Wulomo.
 " Amon Ashie Okoi Neequay x his mark
 " G.H.A. Ashie S.M.Neequaye x " "
 " George D. (Sgd.) R.E. Kotey
 " Neequaye " J.B. Kotey
 " J.A. France Kotei Coffi his x mark
 Emmanuel Djannie his x "
 Witness to their marks Kotey his x mark
 (Sgd.) F.E. France
 (Sgd.) J.C. France " G.K. France
 " J. Asafuah. " R.M. Ankrah
 " A.A. Acquaye
 Charles Quartey his x mark
 20 (Sgd.) J.G. Acquaye
 Neequaye Kotei Coffi
 his x mark
 Nartse Tettey his x mark
 (Sgd.) A.A. Neequaye
 Boye x his mark
 Robert Akai Nettey
 his x mark
 (Sgd.) S.E. Quartey Oku
 " C.M. Annan.

"3" - RECEIPT FOR £28 BY NII AMASAH NIKOI OLAI

"3"

30 THE PUBLIC LANDS ORDINANCE

Receipt for £28 by Nii Amasah Nikoi Olai.

25th February, 1946.

RECEIVED from the Government of the Gold Coast the sum of £28.--. (Twenty eight Pounds) being agreed compensation for and in full settlement and discharge of all claims by me against the said Government in respect of the buildings belonging to me as the same were or are standing upon land acquired by the said Government for a Wireless Station at Abubiasi (Bubiashie) Accra in the Accra District of the Eastern Province of the Gold Coast Colony.

40 DATED at Accra this 25th day of February, 1946.

In respect of three buildings valued at £2, £12,

Exhibits

and £14.

"3"

(Sgd.) Nii Amasah Nikoi O'lai

PAYEE

MANTSE OF ASERE DJORSHIE.

Receipt for £28
by Nii Amasah
Nikoi Olai.

(Sgd.) ?

Witness to Signature & Payment.

25th February,
1946

CERTIFIED TRUE COPY

- continued.

(Sgd.) R.W. Turner,
ASSISTANT COMMISSIONER OF LANDS.

24.7.48.

"Q"

"Q" - STATEMENT OF OGBAME LAMPTEY TO POLICE.

10

Statement of
Ogbame Lamptey
to Police.

C.R. No.77/46-47.

Name - Oboame Lamptey.
Address - Abeka Village
Occupation - Driver
Native of Accra.

27th June 1946.

States in Ga language and taken down in
English as follows :-

I am a driver living at Aberka village, Accra.
I was born at the said village since from my youth
up to present time. One old man by name Kwami
Aberka was the caretaker of the lands for Asere
Stool for so many years and he recently died for
in about 6 months ago. I was asked by Asere Mantse
to take care of the village and the lands at
Aberka. Since I was born at the village I have
not seen the complainant Adama Adams at the place
before. The Complainant has visited Aberka village
on two occasions and told me that the lands are for
him. I then told him that I do not know anything
about it. I directed him to go and see Asere
Mantse if he has got any land at Aberka village.
After that I proceeded to Asere Mantse's house and
informed the Mantse of what Adama Adams and his
people came there for. The Asere Mantse told me
that Adams has no land at the vicinity of Aberka
village; and that whenever he comes at the village
again I may inform him to go as he has not having
any land at the place. Now on the third occasion
being the 15th June, 1946, I met Adama Adams and
4 people on the road coming from the bush about
250 feet to reach the village of Aberka. I was
accompanied with 5 men none of us having anything

20

30

sic

40

in our hands, I stopped Adama Adams and his people and I questioned him where he comes from! He replied and said he went and inspected his land. I told the complainant Adama Adams and his people that Asere Mantse has ordered me to inform him that he has not got any land at the vicinity of Aberka village and so may go away from the place. Adama Adams and his people went from the village towards Accra. I did not make anything showing as threatening to them.

10

his
Oboame Lamptey x
 mark

W/to mark

(Sgd.) G.N. Ntiedu.
Cpl.

I hereby certify that I have read and explained the contents of this document to the person whose name is annexed and that such person appeared to understand its contents and approved of them.

20

(Sgd.) G.N. Ntiedu,
Cpl.

"N" - LETTER FROM J.A. QUAYE TO COMMISSIONER
OF LANDS

The Commissioner of Lands,
Land Department,
Cantonments, Accra.

Sir,

With reference to the acquisition of land by Government at Abubiasi (Bubiashie) Accra for Wireless Station, I enclose a plan shewing my Family land at Akorloo and Mukose, and shall be grateful if you will kindly inform me how far the acquisition affects our land.

30

Please return the plan with your reply.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.) J.A. Quaye,

for HEAD OF ABBETSE WE FAMILY.

Exhibits

"Q"

Statement of
Ogbame Lamotey
to Police.

27th June 1946
- continued.

"N"

Letter from
J.A. Quaye to
Commissioner
of Lands.

12th November,
1946.

Exhibits

"N"

Letter from
J.A. Quaye to
Commissioner
of Lands.

12th November,
1946
- continued.

R.C. Field Sheet 60 herewith shewing land acquired coloured green and villages in the neighbourhood. Will you kindly compare this with the plan submitted and say whether any portion of the claimants land is involved in the acquisition.

(Sgd.)

14.11.46.

Sch.

Acquisition does not affect claimants land Pl.

10

(Sgd.)

16.11.46.

"G"

Letter,
Commissioner
of Lands to
J.A. Quaye.

20th November,
1946.

"G" - LETTER, COMMISSIONER OF LANDS TO J.A. QUAYE

No.12241/105.

Lands Department,
Cantonments,
P.O. Box 558,
Accra.
Gold Coast.

20th November, 1946.

Sir,

ACCRA - ABUBIASI WIRELESS STATION SITE.

20

With reference to your letter dated the 12th November, 1946, I have the honour to inform you that this acquisition does not affect the Abbeytse We Family land at Okorloo and Mukose shewn edged pink on the tracing submitted by you which is returned herewith.

Kindly acknowledge receipt.

I have the honour to be,

Sir,

Your obedient Servant,

30

(Sgd.) F.G. Adamson,
for AG. COMMISSIONER OF LANDS.

J.A. QUAYE, Esquire,
P.O. Box No.394,
ACCRA.

CERTIFIED TRUE COPY:

(Sgd.) R.J.H. Toger,
ASSISTANT COMMISSIONER OF LANDS.
29th July, 1949.

"C" - LETTER, NII KOTEI KOTEY TO M. CAPTAN

Exhibits

K. ADUMUA-BOSSMAN
Ref:KAB/EAT.486/947.

P.O. Box 398.
20th September, 1947.

"C"

Letter, Nii
Kotei Kotey to
M. Captan.
20th September,
1947.

M. Captan, Esquire,
Merchant, Accra.

Dear Sir,

Parcel of land situate North of
Kaneshie Re-housing Estate and
South of Abeka village offered
on sale to you by Atta Amma &
Ors. of Abeystwe.

10

sic.

I am instructed by my client Nii Kotei Nikoi
Head of the Nii Kotei alias Kotey Leh Family of
Asere Accra to give you Notice that the parcel of
land above referred to, which my said clients are
reliably informed has been offered on sale to you,
is not the property of the persons who have offered
the same to you, not of their Family, and that if
you pay any money to them in respect of the said
land it will be at your own risk.

20

Thanking you in anticipation.

Yours faithfully,

(Sgd.) K. Adumua-Bossman,
SOLICITOR FOR NII KOTEI NIKOI.

"E1" - DEED OF CONVEYANCE, JAMES ADAMS & OTHERS TO
J.A. QUAYE & OTHERS

"E1".

DEEDS REGISTRY No. 248/1948. 5011/47.

Deed of
Conveyance,
James Adams &
Others to
J.A. Quaye &
Others.

Gold Coast Gold Coast
One Pound One Pound
Stamp Duties. Stamp Duties.

30

THIS INDENTURE made the 25th day of October One
thousand nine hundred and forty-seven (1947) Between
JAMES ADAMS JAMES EMMANUEL BART-PLANGE ROBERT
MENSAH - ABBEYCHE SHAMO - NII LARTEI OTOO and
ANERTEY ABBEY the Principal members and Elders of
ABBEYTSE WE FAMILY on behalf of themselves and all
the other members of the said ABBEYTSE WE FAMILY
whose consent is necessary for the valid sale or

25th October,
1947.

Exhibits

"E1"

Deed of
Conveyance,
James Adams &
Others to
J.A. Quaye &
Others.

25th October,
1947

- continued.

alienation of the said Family property as attested hereunder by their signatures marks and execution hereof all of Accra in the Eastern Province of the Gold Coast West Africa (hereinafter called the VENDORS which expression where the context so admits shall include their respective heirs successors and assigns) of the one part And JAMES ALLOTEY QUAYE - CHARLES OKOE ARYEE and EMMANUEL TETTEY ADAMS all of Accra in the Colony aforesaid (hereinafter called the PURCHASER which expression where the context so admits shall include their respective heirs executors administrators and assigns) of the other part whereas the Vendors are seised in fee simple in possession free from incumbrances of the hereditaments and premises contained in the schedule hereunder and intended to be hereby assured AND WHEREAS the Vendors have agreed to sell to them the Purchasers for the sum of Two hundred pounds (£200) of the hereditaments and premises hereby granted in fee simple in possession free from incumbrances and all family or tribal claims and in manner hereinafter appearing NOW THIS INDENTURE WITNESSETH that in pursuance of the recited Agreement and in consideration of the sum of Two hundred pounds (£200) paid by the Purchasers to the Vendors (receipt whereof the Vendors do hereby acknowledge) the Vendors as sole and absolute owners do hereby grant and convey unto the Purchasers ALL THAT PIECE OR PARCEL OF LAND contained in the Schedule hereunder (General words and all the estate clause) TO HAVE AND TO HOLD THE SAME UNTO AND TO THE USE OF THE PURCHASERS their respective heirs executors administrators and Assigns for ever and the Vendors for themselves their respective successors and assigns do hereby covenant with the Purchasers (For good right to convey, free from incumbrances and family claim, For quiet enjoyment and for further assurance)

THE SCHEDULE ABOVE REFERRED TO

ALL THAT PIECE OR PARCEL OF LAND situate lying and being near Abeka village (Mukose) North Kaneshie 3 miles from Accra aforesaid and commencing from Old Intermediate Municipal Boundary Pillar on a bearing of Four degrees for a distance of One thousand seven hundred and eighty feet (1,780') more or less and bounded by Asere land to a cement Pillar (4' x 2') marked "A" on Plan thence commencing from that cement Pillar marked "A" on Plan on a bearing of two hundred and seventy-four degrees for a distance of One thousand feet (1,000')

more or less and bounded by Asere land to a cement Pillar marked "I" on Plan thence on a bearing of two hundred and ninety-six degrees for a distance of three thousand six hundred and fifty feet (3650') more or less to a point marked "C" on Plan and bounded by Asere land thence on a bearing of two hundred and ninety degrees for a distance of five hundred feet (500') more or less to a point marked "D" on Plan and bounded by Asere land Thence on a bearing of two hundred and eighty-two degrees for a distance of Eight hundred and fifty feet (850') more or less to a point marked "E" on plan and bounded by Asere land thence on a bearing of three hundred and fifty-seven degrees forty-five minutes for a distance of seven thousand one hundred and twenty-five (7125') more or less to a point marked "F" on Plan and bounded by Abetsewe Family land Thence on a bearing of ninety-four degrees for a distance of one thousand one hundred feet (1100') more or less to a point marked "G" on Plan and bounded by Asere land Thence on a bearing of one hundred and one degrees for a distance of nine hundred feet (900') more or less to a cement pillar marked "H" on plan and bounded by Asere Land Thence on a bearing of one hundred and one degrees for a distance of two thousand and eighty feet (2080') more or less to a cement pillar marked "I" on Plan and bounded by Asere land Thence on a bearing of one hundred and forty degrees for a distance of one thousand eight hundred and seventy-five feet (1875') more or less to a point marked "J" on plan and bounded by Asere Thence on a bearing of two hundred and sixty-seven degrees for a distance of one thousand two hundred and twenty-five feet (1225') more or less to a point marked "K" on Plan and bounded by Abeka (Mukose) Village Thence on a bearing of one hundred and seventy-six degrees for a distance of one thousand seven hundred and fifty feet (1750') more or less to a point marked "L" on plan (one New Municipal Boundary Extension and bounded by Abeka (Mukose) Village - Thence on a bearing of Eighty nine degrees fifteen minutes along the said New Municipal Boundary Extension for a distance of two thousand and thirty-five feet (2035') more or less to a point marked "M" on Plan and bounded by the Ruined Villages of Abeka Amu and Nee Shamo Thence on a bearing of One hundred and seventy-one degrees for a distance of one thousand four hundred feet (1400') more or less to a point marked "N" on Plan and bounded by Korle

Exhibits

"E1"

Deed of
Conveyance,
James Adams &
Others to
J.A. Quaye &
Others.

25th October,
1947

- continued.

Exhibits

"E1"

Deed of
Conveyance,
James Adams &
Others to
J.A. Quaye &
Others.

25th October,
1947

- continued.

land - thence on a bearing of one hundred and seventy-five degrees for a distance of two thousand feet (2000') more or less to a point marked "O" on plan and bounded by Korle land Thence on a bearing of one hundred and eighty-three degrees for a distance of one thousand six hundred and twenty-five feet (1625') more or less to the cement pillar marked "A" on Plan or point of commencement and comprises an area of 903.15 acres which said piece or parcel of land is more particularly described and delineated on the Plan attached and edged PINK.

10

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

SIGNED SEALED AND DELIVERED
by the said JAMES ADAMS -
JAMES EMMANUEL BART PLANGE -
ROBERT MENSAH - ABBETCHE
SHAMO - NII LARTEI OTTOO
and ANERTY ABBEY after the
foregoing had been read over
and interpreted to them in
the Ga language by Jacob
Aryee Thompson when they
seemed perfectly to under-
stand the same before making
their marks and/or signing
their names hereto in the
presence of :-

James Adams his
x
mark
(Sgd.) Rev. J.G.B.
Plange
their
Robert Mensah x
Abbeytse Shamo x
Lartei Otoo x
Anertey Abbey x
marks

20

30

Witness to marks
(Sgd.)

Right Thumb Print
James Adams

Right Thumb Print
Robert Mensah

Right Thumb Print
Abbeyche Shamo

Right Thumb Print
Lartei Otoo

Right Thumb Print
Annertey Abbey

10	SIGNED And/or MARKED by some of the Members of Abbeytse We Family of Accra to evidence their knowledge concurrence and consent in these presents the foregoing having been first read over interpreted and explained by Jacob Aryee Thompson in the Ga language to when they seemed perfectly to understand the same before affixing their signatures and/or marks here- to in the presence of :- (Sgd.) ? ? ? Annertey Odiko (Wulomo) (Sgd.) John Abbey " J.A. Tetey) Annettey their) Adiko Wulomo x) John Abbey x) E.A. Allotey x) (Sgd.) J.K. " Allotey " ? ? ?) Ayietey Nelson x) (Sgd.) J.S. Quaye.) R.A. Ammon x marks	<u>Exhibits</u> "E1" Deed of Conveyance, James Adams & Others to J.A. Quaye & Others. 25th October, 1947 - continued.
20	Nii Akwa Mensah II his x mark Nii Yaboi his x mark Numo Ayitey Cobblah his (Korle Priest) x mark (Sgd.) ? ? Jacobson " ? ? Okai " ? ? ?	(Sgd.) Ayietey Adjin MANTSE OF GBESE (SENR. DIVISIONAL CHIEF OF GA STATE)	
30	SIGNED SEALED AND DELIVERED by the said James Allotey Quaye Charles Okoe Aryee and Emmanuel Tetey Adams in the presence of :- (Sgd.) ? ? ? E.W. Amarteifio Senior Linguist of Asere Nii Okai his x mark Asere Dsasetse R.B. Amartei J.G. Acquaye.) (Sgd.) J.A. Quaye) " C.O. Aryee) " E.A.T. Adams	
		W/W (Sgd.) E.W. Amarteifio.	

Exhibits

"E1"

Deed of
Conveyance,
James Adams &
Others to
J.A. Quaye &
Others.

25th October,
1947

- continued.

RECEIVED from Messrs. J.A. Quaye, C.O. Aryee and
E.T. Adams all of Accra the sum of Two hundred
pounds (£200) being the purchase price of the
hereditaments and premises contained in the Sched-
ule herein.

DATED at Accra this 25th day of October, 1947.

Witnesses -

James Adams his x mark

(Sgd.) Rev.J.G.O.Plange.

Their

Robert Mensah x

Abbetse Shamo x

Lartey Otoo x

Annertey Abbey x

marks

10

Witness to Marks -

(Sgd.) ? ? ?

(Sgd.) Tekoe Ansah II

ASERE MANTSE

(Sgd.) Tetteh Kpeshie II

SEMPE MANTSE

(Sgd.) Geo. Boye

ASERE LINGUIST

his

Nii Amu Ankra x

mark

Head of Ankra's Family

(Sgd.) J.R. Ankrah.

W/M

(Sgd.) J. Amos Lamptey

C.S.K. Quarcoopome.

20

On the 27th day of February, 1948, at 3.25 o'clock
in the afternoon this Instrument was proved before
me by the oath of the within-named James Allotey
Quaye to have been duly executed by the within-
named James Adams - James Emmanuel Bart Plange -
Robert Mensah - Abbetche Shamo - Nii Lartey Otoo
and Annertey Abbey.

30

GIVEN under my hand and Official Seal.

(Sgd.) K.O. Quansah

REGISTRAR, DIVISIONAL COURT.

In accordance with Section 18 of Cap 179 I certify that in the opinion of the Commissioner of Stamps this Instrument is chargeable with a duty of two pounds.

Commissioner of Stamps Office, (Sgd.) ? ? ?
Accra. 17.12.1947. COMMISSIONER OF STAMPS.

This is the Instrument marked "A" referred to in the oath of Peter Emmanuel Bruce Vanderpuye sworn before me this 5th day of February, 1948.

(Sgd.) D.H. Shackles
REGISTRAR OF DEEDS.

Exhibits

"E1"

Deed of Conveyance, James Adams & Others to J.A. Quaye & Others.

25th October, 1947

- continued.

10

"E" - DEED OF CONVEYANCE, J.A. QUAYE & OTHERS TO M.CAPTAN.

"E"

DEEDS REGISTRY No.168/1948.

5027/47.

Deed of Conveyance, J.A. Quaye & Others to M.Captan.

4th December, 1947.

20

THIS INDENTURE made the 4th day of December One thousand nine hundred and forty-seven (1947) Between JAMES ALLOTEY QUAYE - CHARLES OKOE ARYEE and EMMANUEL TETTEY ADAMS all of Accra in the Eastern Province of the Gold Coast West Africa (hereinafter called the VENDORS which expressions where the context so admits shall include their respective heirs executors administrators and assigns) of the one part and MOUSBAH CAPTAN also of Accra in the Colony aforesaid (hereinafter called the Purchaser which expression where the context so admits shall include his heirs Personal Representatives and Assigns) of the other part WHEREAS by an Indenture of Conveyance dated the 25th day of October One thousand nine hundred and forty-seven (1947) and made between James Adams - James Emmanuel Bart Plange - Robert Mensah - Abbeyche Shamo - Nii Lartei Otoo and Anertey Abbey the Principal members and Elders of ABBEYTSE WE FAMILY and the said Vendors the Vendors are seised in fee simple in possession free from incumbrances of the hereditaments and premises contained in the Schedule hereunder and intended to be hereby assured AND WHEREAS the Vendors have agreed to sell to him the Purchaser for the sum of Two thousand five hundred pounds (£2,500) of the hereditaments and premises hereby granted in fee simple in possession free from incumbrances and all family or tribal claims

30

40

Exhibits

"E"

Deed of
Conveyance,
J.A. Quaye &
Others to
M.Captan.

4th December,
1947

- continued.

sic in
record

and in manner hereinafter appearing NOW THIS IN-
 DENTURE WITNESSETH that in pursuance of the
 recited Agreement and in consideration of the sum
 of Two thousand five hundred pounds (£2,500) paid
 by the Purchaser to the Vendors (receipt whereof
 the Vendors do hereby acknowledge) the Vendors as
 sole and absolute owners do hereby grant and con-
 vey unto the Purchaser ALL THAT piece or parcel
 of Land contained in the Schedule hereunder
 (General words and all the estate clause) TO HAVE
 AND TO HOLD THE SAME unto and to the use of the
 Purchaser his heirs Personal Representatives and
 Assigns doth hereby covenant with the Purchaser
 that NOTWITHSTANDING any act or thing by
 the Vendors done executed or knowingly suffered to
 be done to the contrary They the Vendors now have
 good title right and full power to grant and con-
 vey the freehold hereditaments and premises hereby
 conveyed unto and to the use of the Purchaser free
 from incumbrances and family claim and in manner
 aforesaid and that the Purchaser shall and may at
 all times hereafter peaceably and quietly enter
 possess and enjoy the said hereditaments and pre-
 mises without any lawful eviction interruption
 claim and demand whatsoever by the Vendors or any
 person or persons lawfully or equitably claiming
 any estate or interest in the said hereditaments
 and premises or any of them or any part thereof
 from under or in trust for them AND that the
 Vendors their respective heirs executors adminis-
 trators and assigns will keep effectually indemni-
 fied the Purchaser his heirs personal representa-
 tives and assigns against all estate incumbrances
 claims and demands whatsoever created occasioned
 or made by them the Vendors or any person or per-
 sons claiming or to claim through under or in
 trust for them And They the Vendors shall and will
 at all times hereafter at the request and at the
 cost of the Purchaser execute and cause to be done
 or executed all such acts and things whatsoever
 for further and more perfectly assuring the said
 hereditaments and premises and every part thereof
 unto and to the use of the Purchaser in manner
 aforesaid as shall or may be reasonably required.

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30

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THE SCHEDULE ABOVE REFERRED TO

ALL THAT PIECE OR PARCEL OF LAND situate lying and
 being near Abeka Village (Mukose) North Kaneshie 3
 miles from Accra aforesaid and commencing from Old
 Intermediate Municipal Boundary Pillar on a bear-
 ing of four degrees for a distance of one thousand

50

seven hundred and eight feet (1780) more or less and bounded by Asere land to a cement pillar (4 x 21) marked "A" on Plan thence commencing from that cement Pillar marked "A" on Plan on a bearing of two hundred and seventy-four degrees for a distance of one thousand feet (1000') more or less and bounded by Asere land to a cement Pillar marked "B" on Plan thence on a bearing of two hundred and ninety-six degrees for a distance of three thousand six hundred and fifty feet (3650') more or less to a point marked "C" on Plan and bounded by Asere land thence on a bearing of two hundred and ninety degrees for a distance of five hundred feet (500') more or less to a point marked "D" on Plan and bounded by Asere land thence on a bearing of two hundred and eighty-two degrees for a distance of Eight hundred and fifty feet (850') more or less to a point marked "E" on Plan and bounded by Asere land thence on a bearing of three hundred and fifty-seven degrees forty-five minutes for a distance of seven thousand one hundred and twenty-five (7125') more or less to a point marked "F" on Plan and bounded by Abetsewe Family land Thence on a bearing of Ninety-four degrees for a distance of one thousand one hundred feet (1100') more or less to a point marked "G" on Plan and bounded by Asere land Thence on a bearing of one hundred and one degrees for a distance of nine hundred feet (900') more or less to a cement pillar marked "H" on Plan and bounded by Asere land Thence on a bearing of one hundred and one degrees for a distance of two thousand and eighty feet (2080') more or less to a cement Pillar marked "I" on plan and bounded by Asere land Thence on a bearing of one hundred and forty degrees for a distance of one thousand eight hundred and seventy-five feet (1875') more or less to a point marked "J" on plan and bounded by Asere Thence on a bearing of two hundred and sixty-seven degrees for a distance of one thousand two hundred and twenty-five feet (1225') more or less to a point marked "K" on Plan and bounded by ABEKA (MUKOSE) VILLAGE Thence on a bearing of One hundred and seventy six degrees for a distance of one thousand seven hundred and fifty feet (1750') more or less to a point marked "L" on plan (on New Municipal Boundary Extension) and bounded by Abeka (Mukose) Village Thence on a bearing of Eighty nine degrees fifteen minutes along the said New Municipal Boundary Extension for a distance of two thousand and thirty-five feet (2035') more or less

sic Exhibits

"E"

Deed of
Conveyance,
J.A. Quaye &
Others to
M. Captan.

4th December,
1947

- continued.

Exhibits

"E"

Deed of
Conveyance,
J.A. Quaye &
Others to
M. Captan.
4th December,
1947
- continued.

to a point marked "M" on plan and bounded by the Ruined Villages of Abeka Amu and Nee Shamo Thence on a bearing of One hundred and seventy-one degrees for a distance of one thousand four hundred feet (1400') more or less to a point marked "N" on Plan and bounded by Korle land Thence on a bearing of one hundred and seventy-five degrees for a distance of two thousand feet (2000') more or less to a point marked "O" on plan and bounded by Korle land Thence on a bearing of one hundred and eighty-three degrees for a distance of One thousand six hundred and twenty-five feet (1625') more or less to the cement pillar marked "A" on plan or point of commencement and comprises an area of 903.15 acres which said piece or parcel of land is more particularly described and delineated on the Plan attached hereto and edged PINK.

10

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

20

SIGNED SEALED AND DELIVERED) (Sgd.) J.A. Quaye
by the said JAMES ALLOTEY)
QUAYE, CHARLES OKOE ARYEE) " Charles Okoe
and EMMANUEL TETTEY ADAMS) " Aryee
in the presence of :-) " E.T. Adams.
their
(Sgd.) Anertey Odiko Wulomo x
John Abbey X
" E.A. Allotey
" J.H. Allotey
" ? Nelson
" R.A. Annan x
" Rev.J.G.B.Plange marks
" R.B. Amartei
" Bruce Vanderpuye

30

Witness to marks & Signatures.
(Sgd.)

SIGNED SEALED AND DELIVERED)
by the said MOSBAH CAPTAN) (Sgd.) M.Captan.
in the presence of :-)

(Sgd.) Rev.J.G.B. Plange
" R.B. Amartei
" P.E.B. Vanderpuye

40

RECEIVED from Mr. M. Captan of Accra, the sum of Two thousand five hundred pounds (£2,500) being the purchase price of the hereditaments and premises contained in the Schedule herein.

DATED at Accra, this 4th day of December, 1947.

Exhibits

"E"

Witnesses:

(Sgd.) Rev. J.G.B. Plange (Sgd.) J.A. Quaye
 " R.B. Armatei " C.O. Aryee
 " P.E. Bruce Vanderpuye " E.T. Adams

Deed of
 Conveyance,
 J.A. Quaye &
 Others to
 M. Captan.

On the 5th day of February 1948 at 3.11 o'clock in the afternoon this Instrument was proved before me by the oath of the within-named Peter Emmanuel Bruce Vanderpuye to have been duly executed by the within-named JAMES ALLOTTEY QUAYE CHARLES OKOE ARYEE and EMMANUEL TETTEY ADAMS.

4th December, 1947

- continued.

GIVEN UNDER MY HAND.

(Sgd.) D.H. Shackles,
 REGISTRAR OF DEEDS.

IN ACCORDANCE WITH SECTION 18 OF CAP.179 I CERTIFY THAT IN THE OPINION OF THE COMMISSIONER OF STAMPS THIS INSTRUMENT IS CHARGEABLE WITH A DUTY OF TWENTY-FIVE POUNDS.

(Sgd.)
 COMMISSIONER OF STAMPS.

COMMISSIONER OF STAMPS OFFICE
 ACCRA, 20.12.1947.

GOLD COAST LAND REGISTRY
 REGISTERED No.168/1948.

(Sgd.) D. H. Shackles,
 REGISTRAR OF DEEDS.

"F" - RECEIPT FOR £1,000, BY THE ASERE MANTSE

"F"

WE, the undersigned ASERE MANTSE, DSASETSE, SHIPPI, Linguist, ELDERS AND COUNCILLORS of the Asere Stool of the Asere Division of the Ga State, for and on behalf of ourselves and our successors in office, the Asere Mantse and Asere Stool and People and other living sub-chiefs, Councillors, Asafoiatsemei, Shippi and Linguist of the Asere Stool DO HEREBY ACKNOWLEDGE receipt from James Adams, J.A.Quaye, C.O.Aryee, E.T.Adams, Rev.J.E.B. Plange, Tettey Odiko (Wulomo) Abbeytse Shamo, Robert Mensah, Lartei Otoo and Annertey Abbey the Principal elders and members of Abbeytsewe Family the sum of One thousand pounds (£1,000) being customary one-third share due to the Asere Stool and

Receipt for
 £1,000, by the
 Asere Mantse.
 3rd June, 1948.

Exhibits

"F"

Receipt for
£1,000, by the
Asere Mantse.

3rd June, 1948
- continued.

people in respect of portion of the Abbeytsewe land situate at Mukose sold by them to Mousbah Captan. This amount was arrived at after deducting all expenses from the money realised from the sale of the said land.

IN CONSIDERATION of the premises We hereby confirm and consent to all dealings and alienations of the said hereditaments and premises by the said James Adams, James Emmanuel Bart-Plange, Robert Mensah, Abbetche Shamo, Nii Lartei Otoo and Anner-
tey to the said James Allotey Quaye, Charles Okoe Aryee and Emmanuel Tettey Adams subject to payment of one-third (1/3rd) share to the Asere Stool and also the alienation and conveyance of the said hereditaments and premises under an Indenture of conveyance dated the 4th day of December 1947 by the said James Allotey Quaye, Charles Okoe Aryee and Emmanuel Tettey Adams to Mousbah Captan and his heirs in fee simple and for ever.

10

20

DATED at Accra, this 3rd day of June, 1948.

SIGNED SEALED AND DELIVERED)
by THE SIGNATORIES hereto)
after the same had been read)
over and interpreted and ex-)
plained to them in the Ga)
language by Emmanuel Cofie)
Nunoofio when they seemed)
perfectly to understand the)
same before signing their)
names and/or making their)
marks hereto in the presence)
of :-)

(Sgd.) Teiko Ansa II
Asere Mantse.

Nii Okai his x mark
Dsasetse

(Sgd.) E.W. Annarteifio
Senior Linguist

Shippi Korquaye
Shippi his x mark

(Sgd.) J.G. Acquaye
(Elder)

" R.B. Annartei
Councillor

Samuel Moses his
Neequaye x
mark

Christian Owusu
Lampsey

Robert Adjama Ayitey
Elder Awuley Monan.

Moses Quaye
(Elder Ketsokuma)

R.C. Abbey.

30

Witness to marks -

(Sgd.) Emml.C. Nunoofio,
Secretary Asere Division.

2/- Stamp.

2/- Stamp.

1/- Stamp.

"2" - JUDGMENT OF JACKSON, J. re LAND ACQUIRED FOR
WIRELESS STATION.

Exhibits

"2"

13th August, 1948.

In the Supreme Court of the Gold Coast, Eastern
Judicial Division (Lands Division) held at Vic-
toriaborg, Accra, on Friday the 13th day of August,
1948, before Jackson, J.

Judgment of
Jackson, J.
re Land
acquired for
Wireless
Station.

Land Acquisition No.10/1947

13th August,
1948.

In the Matter of the Public Lands Ordinance

and

In the Matter of Land acquired for the ser-
vice of the Gold Coast Colony and Ashanti
situate at Abubiashi near Accra in the Accra
District of the Eastern Province of the Gold
Coast Colony and required for a Wireless and
Telephony service Installation:

1. Madam Naa Dei Aba Amon Nokoi
2. J. Armah-Kofi Mensah
3. The Nyami-Asere Family
4. Nii Teiko Ansah II, etc.
5. Nii Amasah Nikoi O'lai.
6. Nii Kotei Nikoi
7. F.K. Robertson
8. J.O'Kelly Plange
9. J.J. Ocquaye, Claimants

Counsel -

Mr. E.O.O. Lamptey for 4th Claimant
Mr. K. Adumua-Bossman for 5th Claimant.

JUDGMENT -

These proceedings arise under the provisions
of Section 7 of the Public Lands Ordinance (Cap.
113). Nine persons claimed to be entitled to com-
pensation which was assessed by Korsah, J., in a
judgment delivered on the 8th July, 1947 and which
was varied in respect of the 8th Claimant alone by
the West African Court of Appeal on the 24th Feb-
ruary, 1948.

Before me, it was agreed that the only issue
to be determined was as between the 4th Claimant
(Nii Teiko Ansah II, Asere Mantse) and the 5th
Claimant (Nii Amasah Nikoi O'lai, Onukpa of Asere
Djorshie) and that the other claimants derived their
titles from one or the other of these two claimants.

Exhibits

"2"

Judgment of
Jackson, J.
re Land
acquired for
Wireless
Station.

13th August,
1948

- continued.

No pleadings had been filed and I framed the issue which was :-

"Does the land belong to the Asere Stool (4th Claimant) or to the Djani Kofi Family (5th Claimant)?"

By Section 12:-

"The parties in possession of such lands as being the owners thereof at the time of such lands being purchased or taken shall be entitled to receive the compensation for such lands".

10

After hearing the greater part of the evidence I viewed the land on the 5th August, 1948, and after hearing one other witness on the following day and the addresses by Counsel I reserved judgment until this morning.

I find that at the time such lands were taken by the Crown, the following persons were in physical possession of these lands:-

1. Ephraim Kojo Dormon
2. Sulemanu
3. John Joseph Ocquaye
4. Kwadjo Aziate
5. Nii Amasa Nikoi O'lai.

20

I accept the evidence of Dormon (6th witness for 4th Claimant) that as a stranger to the land he sought and obtained permission to farm and to erect a hut on the land from one Abeka Kwamin conditional upon the payment of toll each year. I am satisfied that the toll was collected with the authority and at the instance of the Asere Mantse (4th Claimant) and his predecessor in title.

30

I am satisfied that the 5th Claimant was at all times aware of Dormon's presence on the land since 1939 and that at no time did he challenge his right to be there.

I accept the evidence of Sulemanu (7th witness for 4th Claimant) that he inherited his right to occupy the land from his father who acquired it by permission of the Asere Stool (4th Claimant) and that the 5th Claimant no time challenged his right to occupy the land.

40

Apart from the possessory rights enjoyed by Dormon and Sulemanu, I find that J.J. Ocquaye (4th witness for 5th Claimant) and Kwadjo Aziate (10th

witness for 5th Claimant) derived their possessory rights from Nii Amasah Nikoi O'lai (5th Claimant), who derived his title from one Djani Kofi and that the major portion of the land was in the possession of the 5th Claimant and those claiming under him.

Such were the possessory rights in land which I found to be proved satisfactorily.

10 The land is situate some four miles North-East from these Court buildings. It is undulating land of little agricultural value and situate on high ground. Its position does not favour residence since there is a marked absence of water and quite clearly the area has been inhabited in the past as it is now only by small groups of persons, who till the soil in the immediate environs of their dwelling houses, houses formerly built of swish and thatch but now replaced by rather more substantial huts left by the Army subsequent to their departure after the recent war. In the past
20 the people relied upon their water supply by digging wells and this, I am told, is why the locality is called "BUBIASI".

In the case of Wiape and another v. Solomon and Akuffo (1 Renner's Gold Coast Report, Part II, page 411) W. Brandford Griffith, C.J., said :-

30 "Though the principle obtains that all the unowned land under the authority of a paramount stool belongs to such stool, in practice this is much modified, at any rate in the Eastern parts of the Colony".

40 It is common ground that the Aseres were not the aboriginal inhabitants and that they came as the result of defeat in tribal warfare from a place near Nsawam called AYAWASO. The evidence tends to support the story told by the 5th Claimant that the village of Mukose was founded by some of the earliest settlers said to have been the descendants of a man whose name was said to have been Nikoi O'lai and who died before the people reached this part of the country when the name Asere became attached to this community and where they lived as subjects of a stool brought from their original home.

For the past 17 years or more there has been argument and friction among different quarters of the Asere Division as to which section of the community was entitled to possess the ruling stool.

Exhibits

"2"

Judgment of Jackson, J. re Land acquired for Wireless Station.

13th August, 1948

- continued.

Exhibits

"2"

Judgment of
Jackson, J.
re Land
acquired for
Wireless
Station.

13th August,
1948

- continued.

The 5th Claimant has urged the claims of a Nikoi O'lai Stool but has never succeeded in establishing that claim in the State Council, whilst the houses of AGBON+ and FRIMPONG established that succession to the ruling Stool alternates between those two houses (State Council judgment dated 21st July, 1931, Exhibit No.9).

To that Stool all members of the Asere Division owe allegiance and their Paramount Head or Mantse today is the 4th Claimant (Nii Teiko Ansah II). The circumstances attending the arrival of the Asere indicate that each family settled upon land near Accra with the permission of the aboriginal inhabitants and that the family of which the 5th Claimant is now the Head settled at the village of Mukose (which was situate some few hundred yards to the North of the land now acquired for the Wireless Station).

10

The evidence bears out the 5th Claimant's contention that at all times since the first settlement the descendants of these original settlers live in Mukose and farmed the surrounding land until Mukose was abandoned some time about the year 1926, i.e. about 2 years after the death of Djani Kofi who was the last Headman there. The family of Djani Kofi was a part of the Djorshie Quarter of the Asere and in 1919 the 5th Claimant was made the Chief of that Quarter and from that year, or perhaps a year or two later, identified himself with the land at the request of Djani Kofi and on the death of Djani Kofi stepped into his shoes as the Headman controlling the land. Mukose fell into ruins and except for the farms which were still maintained by the descendants of the old settlers in Mukose, no attempt to maintain a residence there was attempted other than by the erection of small huts used when the land was farmed. These huts were ultimately destroyed some time in 1940 when the land and these huts were requisitioned by the Army under the Emergency Regulations and those people whose property had been injured received compensation and later were given Army huts in replacement of their old ones when the Army surrendered their rights of occupation upon the termination of the war.

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30

40

I am satisfied that the 5th Claimant's family formerly occupied the major portion of the land acquired and which is now the land the subject of

this enquiry and have since their first settlement and until the land was taken from them by this acquisition enjoyed all the rights of owners in possession of land, subject possibly to the limitation that the land upon which the subjects of the Asere Stool lived could not be alienated without the knowledge and approval of the Asere Stool.

Exhibits

"2"

Judgment of Jackson, J. re Land acquired for Wireless Station.

13th August, 1948

- continued.

10 Land which had not been used exclusively by the family and which was unoccupied land and of which there must have been a very good deal was regarded as Stool land. It was land upon which any member of the Stool, and who had the enterprise, might farm without leave or licence, but it was always regarded as land upon which strangers could not live or farm without first obtaining permission from the Manche of Asere. This in practice was effected by obtaining permission from one of the several Headman or Caretakers who lived in scattered settlement and who protected the interests of the Stool, and in effect these Headman or Caretakers, who normally had the greatest interest in these lands, administered them as if they were to all intents and purposes lands belonging to these quarters of which these Caretakers or Headmen were the heads elected by their own Quarters.

20

30 There was evidence that tolls had been collected and paid to the Mantse by these Caretakers and there was evidence that a book of these tolls was kept by the Mantse. That book was not forthcoming and Counsel for the 4th Claimant told me it could not be traced and would, in any event, be of no value as there had been abuse of the system by these Caretakers by retaining the tolls themselves. These facts tend to reinforce my view that the area over which these Headman exercised jurisdiction was regarded by them as land belonging to the respective Quarter.

40 The 4th Claimant and his witness have contended that it is impossible for any lands in Asere to belong other than to the Stool. They deny that there can exist such things as family lands, as averred by the 5th Claimant. Now I do not think it matters very much what label one attaches to the lands. What must be looked to are the incidents of tenure as evidenced by the acts of the people within living memory and not by recitals of what should have been done, since customary law is founded upon the acts of the society and their habits of life and not upon any abstract theory.

Exhibits

"2"

Judgment of Jackson, J. re Land acquired for Wireless Station.

13th August, 1948

- continued.

That family property can exist in the Asere Division is exemplified by a Deed of Conveyance dated the 25th October, 1947 and witnessed by the present Mantse the 4th Claimant and some of his principal Councillors (Exhibit "E"). Whether the purposes for which the alienation of land was intended were or alleges, does not alter the fact that it is evidence that he did recognise the rights in family property as recited in that deed, and which he tells me he fully understood.

10

I am satisfied that land property can be owned by a family in the Asere Division.

I am reinforced in the opinion by the Judgment of W.Brandford Griffith, C.J., in the case of Wiepa and Another v. Solomon and Another (1 Renner, Part II, page 411) when he said:-

"Though the principle obtains that all the un-owned land under the authority of a paramount stool belongs to such stool, in practice this is much modified, at any rate in the Eastern parts of the Colony. In these parts each subordinate stool has attached to it large portions of land, apparently carved out of the territory originally belonging to the paramount stool, similarly, families have large tracts of land carved out of the subordinate stool lands, and finally, we get down to individuals with private ownership of particular parts of the family land; or private individuals may have part of stool land not being family land".

20

30

In the case Manche Anege Akuo v. Manche Kojo Ababio IV. (P.C.1874-1928, p.99) it was held by the custom of the Ga Tribe (and both claimants before me are of that tribe) land which had been exclusively used by the inhabitants of a particular Quarter belonged exclusively to that Quarter.

And after hearing the evidence in this enquiry, I am of the opinion that the same principle applies to land used exclusively by the inhabitants of any family. It would be contrary to any principles of law or equity to suggest that the inhabitants of such land could not deal with that land as if they were the true owners, subject only, possibly to its alienation from the political dominion of the ruling Stool and which sets (i.e. of alienation) were unknown to the inhabitants of this country before the English conception of individual ownership became known and which was sponsored largely

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by lawyers whose professional training had been directed solely on these lines in land matters. That conception can be seen daily in these Courts in the Deeds of Conveyance purporting to convey an estate in fee simple over estate unknown other than in English law. It is instanced in this case by the Deed made by the Abbetsewe Family.

10 The case of the family of the 5th Claimant stands on even firmer ground if traditional history evidenced by him be accepted as to the manner of the original settlement and I can find no reason to doubt its general accuracy. That estate was not carved out of any territory belonging originally to the paramount stool i.e. taking away the 5th Claimant's defence that his stool was the paramount stool; it was created by the leave and licence of the aboriginal inhabitants, and from that day to the date of the notice of acquisition has been in the exclusive possession of the 5th Claimant's
20 family.

To the West and to the East of that land there was unoccupied land, and I am satisfied that upon this land the witnesses Sulemanu and Dorman obtained leave to dwell and to farm from the Stool of Asere, and that the 5th Claimant permitted them to do so, in no way detracts from the claim made by Nii Amasah, since he could not object to the use of land by others which had not been exclusively used by his own family, and these men rightly
30 occupied the land subject to the payment of toll to the Stool of Asere and to which Stool the 4th Claimant has been enstooled.

Ownership means the right to the exclusive enjoyment and possession of a thing; ownership is absolute or restricted. In this case the ownership of the 5th Claimant's family is, I find, restricted by the denial of the right to alienate without the consent of the paramount Stool. The 5th Claimant has satisfied me that his family, at
40 the date of the acquisition, were the parties in possession of some seven-eighths of that area of land shown as being delineated in pink and marked with the Registration No.Y.573A and dated 27th May, 1946 and for the reasons already given by me they are in possession as being the owners thereof and, as such, are entitled to receive compensation for seven-eighths of the area of the land.

In respect of the remaining eighth, the 4th

Exhibits

"2"

Judgment of Jackson, J. re Land acquired for Wireless Station.

13th August, 1948

- continued.

Exhibits

"2"

Judgment of Jackson, J. re Land acquired for Wireless Station.

13th August, 1948
- continued.

Claimant is entitled to receive the compensation for that portion. I make no award in respect of the other seven claimants who agreed that their interests in the money, if any, would be met by agreement with these persons held to be entitled to compensation.

Costs to be taxed. The 5th Claimant is entitled to the full taxed costs less one-eighth.

(Sgd.) J. Jackson,
J.

"4"

Order in Concession Enquiry No. 1061 (Accra) 17th October, 1949.

"4" - ORDER IN CONCESSION ENQUIRY No.1061 (ACCRA) 10
17th October, 1949.

In the Supreme Court of the Gold Coast, Eastern Judicial Division held at Victoriaborg, Accra, on Monday the 17th day of October, 1949, before Wilson, C.J.

Concession Enquiry No.1061 (Accra)
Tessano Concession.

Hardy for Lessee.

Quist-Therson for Opposers.

Ollennu for Grantor.

20

Quist-Therson -

Everything has been done to our satisfaction and our opposition is withdrawn.

Hardy -

In the circumstances I apply for Certificate to issue in respect of the land which is the subject of the Enquiry and the instrument dated 6th May, 1948, be validated.

Ollennu -

I am satisfied. Formal Order will be prepared and submitted in due course.

30

Order in terms of Lessee's application granted.

Mark Wilson,
C.J.
17.10.49.

"D" - RECEIPT FOR £15 BY LAUD NIKOI O'LAI KOTey ON
BEHALF OF NII KOTEI AND NII ASHIE FAMILY.

Exhibits

"D"

RECEIVED from Mr. G.E. Aryce the sum of Fifteen
Pounds being part payment of purchase Price of
land situate at Mukose or Kpatsakole North of
Keneshi Estate in the Accra District Accra.

Receipt for £15
by Laud Nikoi
O'lai Kotey on
behalf of Nii
Kotei and Nii
Ashie Family.

(Sgd.) Laud Nikoi O'lai Kotey
FOR AND ON BEHALF OF NII KOTEI
AND NII ASHIE FAMILY OF ASERE
DJORSHIE.

10

(Sgd.)

2d. Stamp.

Balance £15.--.
Fifteen Pounds.
