

Chief Kweku Serbeh - - - - - *Appellant*

v.

Ohene Kobina Karikari - - - - - *Respondent*

FROM

THE WEST AFRICAN COURT OF APPEAL

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 12TH JUNE, 1939

Present at the Hearing :

LORD THANKERTON

LORD ALNESS

LORD FAIRFIELD

[*Delivered by* LORD THANKERTON]

In the present suit the appellant seeks to have the boundary determined as between his tribal lands and those of the respondent as regards the part of that boundary that is in dispute. The Chief Commissioner, by his judgment of the 27th November, 1936, determined the boundary to be a straight line between the points A and B, which are shewn on plans B and D, a boundary for which there was evidence before him, as being the one agreed on at the time that the lands were given by the respondent's predecessor to the appellant's predecessor.

On appeal by the present appellant, the Court of Appeal of West Africa, in an admirably brief judgment, as it appears to their Lordships, covered all the points. They pointed out that the appeal was on a question of fact, the other points having been abandoned: "The trial Court accepted the respondent's evidence and rejected the appellant's. We see no reason to differ".

In their Lordships' view this is one of the clearest cases of the type which justifies their Lordships' practice in not hearing arguments seeking to disturb concurrent judgments in the Court below on pure questions of fact. Accordingly, their Lordships will humbly advise His Majesty that this appeal be dismissed with costs.

In the Privy Council

CHIEF KWEKU SERBEH

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OHENE KOBINA KARIKARI

DELIVERED BY LORD THANKERTON

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