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37, 1961

IN THE PRIVY COUNCIL

No. 31 of 1959

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

UNIVERSITY OF LONDON
W.C.I.
10 FEB 1960
INSTITUTE OF ADVANCED
LEGAL STUDIES

63566

B E T W E E N :

NII AMON KOTEI substituted for Nii Amasah
Nikoi Olai, Mantse of Asere Djorshie for
himself and representing the Stool of and
subjects of Asere Djorshie
(Plaintiff) Appellant

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- and -

THE ASERE STOOL .. (Co-Defendant) Respondent

CASE FOR THE APPELLANT

Record

1. This is an appeal from a Judgment of the West African Court of Appeal (Foster-Sutton, P., Coussey and Hearne, J.J.A.) dated the 4th March 1955 dismissing the Plaintiff's appeal from a Judgment of the Land Court of the Eastern Judicial Division of the Supreme Court of the Gold Coast (Jackson, J.) dated the 22nd November 1951.

p.107.

p.97.

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2. The suit was instituted by the Plaintiff in order to assert the title of the Stool of Asere Djorshie (that is, of the Nikoi Olai Family to which that Stool belongs) to an area of upwards of 900 acres of land near Acora, the seat of Government of the Republic of Ghana (formerly the Gold Coast), as being part of the ancestral property of the Nikoi Olai Family of Asere. It was brought by a Civil Summons in the Ga Native Court (a Court of the 'B' grade) on the 20th April 1948, against six persons, namely James Adams and five others, who were members of another family, the Abbetsewe Family, because they had entered the land and had purported to deal with or alienate the same.

p.1.

pp. 9 & 10.

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p.2.

The cause of action arose when the Defendants

Record

- pp.125-131,
131-135 and
135-136.
- p.11, 1.27.
p.98, 1.22.
- p.3.
- p.4.
- p.5.
- p.6.
- p.103, 1.9.
p.112, 1.16.
- p.4.
- p.8.
- on behalf of the Abbetsewe family, and claiming to be seised of the land the subject matter of this dispute in fee simple in possession free from incumbrances, purported, on the 25th October 1947, to convey the said land to J.A. Quaye and two other persons. On the 4th December 1947, the said J.A. Quaye and two others purported to convey the land to one Mousbah Captan. On the 3rd June 1948, one Nii Teiko Ansah executed a deed in which he purported, as Asere Mantse, to confirm and consent to the two afore-mentioned conveyances. The two conveyances and the deed of confirmation were admitted in evidence as Exhibits E 1, E and F, respectively. Neither J.A. Quaye and his two co-purchasers nor Mousbah Captan were joined to the action, but Captan was standing by with knowledge and was ready to abide by the result.
3. By an Order of the Land Court of the Eastern Judicial Division of the Supreme Court of the Gold Coast, on the 22nd June 1948, the suit was transferred from the Ga Native Court into the said Land Court. On the 16th August 1948, the learned Judge in the Land Court ordered a statement of claim and a plan to be filed. The plan is Exhibit 1. The land claimed by the Plaintiff as the ancestral property of Nikoi Olai is edged in pink upon the plan; the land claimed to have been wrongly dealt with by the Defendants, being part of the larger area of Nikoi Olai ancestral land and being that area of land described in the writ of summons, is edged in green upon the plan. By his Statement of Claim of the 15th June 1949, the Plaintiff asked, inter alia, for a declaration of title to the land described in the Writ of Summons, damages for trespass, and a perpetual injunction. A declaration was made by the learned Judge in the Land Court in favour of the Plaintiff (from the limited terms of which declaration the Plaintiff now appeals) but it refers to the larger area edged pink. This declaration was affirmed by the West African Court of Appeal.
4. Also on the 16th August 1948, the Land Court, of its own motion, ordered the joinder of "the Asere Stool" as Co-Defendant. A defence dated the 17th February, 1950, was filed on behalf of Nii Teiko Ansah, who claimed, in the defence, to be the occupant of the Asere Stool and the owner as such of all Asere Stool land. The defence alleged the land claimed by the Plaintiff to be part of the Asere

Stool land of which the Co-Defendant, through his licencees and subjects, had been in undisturbed possession and occupation from time immemorial. It alleged further that the Plaintiff had, on other occasions, himself asserted the land to be Asere Stool land, which assertion had been made on the basis that the occupant of the Nikoi Olai Stool was the occupant of the Asere Stool. The defence therefore pleaded that the Plaintiff was now estopped from claiming the land to be Nikoi Olai Family land. No counterclaim was made by the Co-Defendant.

p.8. Record

p.9.

Asere is one of the main sections (or Quarters) of the Ga people, who migrated into the Accra area at a date estimated (in Mr. Wood's 'History of the Gold Coast') as hardly much earlier than the beginning of the sixteenth century. The Asere Quarter comprises a number of distinct families, among which are prominent the Nikoi Olai family of the Plaintiff and the Frempong family, to which Nii Teiko Ansah belonged and which, with the Agbon family, has a Stool (the Akortia - Oworsika Stool) then occupied by Nii Teiko Ansah. There has been a long-continuing dispute between the Nikoi Olai family and the Agbon and Frempong families as to which of their two stools is, at the same time, the Asere Stool. Disputes of this nature are, under the law of Ghana, outside the jurisdiction of the Supreme Court. By the Courts Ordinance, c.4 of 1951, s.88:-

"The Supreme Court and Magistrates' Courts shall not have jurisdiction to entertain either as of first instance or on appeal any civil cause or civil matter instituted for -

- (1) the trial of any question relating to the election, installation, deposition, or abdication of any Paramount Chief, Head Chief, or Chief

The Co-Defendant alleged in his defence as follows:-

"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.

p.8.

5. The Co-Defendant further says that on those occasions Plaintiff had mentioned that Nikoi

Record

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."

The Plaintiff gave the following evidence:-

p.15, 1.7.

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

A. Yes.

Q. State Council decided against you?

A. Yes.

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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.

Q. Asere Manche claim this land to be the property of the Asere Stool?

A. That is not true.

In reply to Court

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

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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.

The decision of the State Council here referred to is also referred to in the judgment of Mr. Justice Jackson in Re Land Acquired for Wireless Station, which judgment was admitted in evidence as Exhibit 2:-

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p.140, 1.1.

"The 5th claimant (the Plaintiff) has urged the claims of a Nikoi Olai 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."

5. The constitutional dispute as to the occupancy of the Asere Stool was finally decided after the trial of this suit in the Land Court and the decision on appeal of the West African Court of Appeal. The Appellant lodges herewith and sets out in the Appendix to this Case:-

Record

- 10 (a) an extract from the Ghana Gazette No. 63, dated the 16th July 1958, containing Notice No. 1463, the terms of reference of a Committee of Enquiry appointed under the State Councils (Southern Ghana and Southern Togoland) Ordinance, 1952, to enquire into the dispute between the Nikoi Olai Stool of Djorshie We and the Akortia Oworsika Stool of Agbon and Frempong We to determine which of the two Stools is the Asere Mantse's Stool;
- 20 (b) an extract from the Ghana Gazette No. 81, dated the 5th September 1959, containing Notice No. 1987, the Governor's decision upon the report of the aforementioned Committee of Enquiry; and
- (c) an extract from the Ghana Gazette dated the 14th December 1960, containing Executive Instrument No. 268, the Nii Akrama II, Asere Mantse (Recognition of Enstoolment) Order, 1960.

30 6. The learned trial Judge found that the land, the subject matter of the dispute, had been occupied in the past by members of the Plaintiff's family, who had farmed upon it; that the Plaintiff's family had ceased to farm upon it; that the land was, and for years had been, Asere Stool Land; that the Plaintiff's family had a right of farming upon the land; and, that the Defendants (the Abbetsewe family) had no title or interest whatever to the land, so that their purported conveyance was wholly ineffective. With this last finding the Plaintiff in no way disagrees: this appeal is, as it was before the West African Court of Appeal, concerned only with the issues between the Plaintiff and the Co-Defendant.

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7. On the afore-mentioned findings of fact the learned Judge ruled that by ceasing to farm the land the Plaintiff's family had abandoned it, whereupon whatever character of family land it may have had

p.101, 1.42.
p.101, 1.46.
p.102, 1.9.

p.102, 1.13.

p.102, 1.22.

p.102, 1.1.

Record
p.102, 1.3.
p.102, 1.14.
p.102, 1.33.

disappeared; that the land thereby reverted to the Asere Stool; that the Plaintiff's family could not be dispossessed of their rights of farming the land; and, that Stool land is, in general, inalienable. He thereupon granted to the Plaintiffs:-

p.103, 1.9.

"A declaration of title that as subjects of the Asere Stool they possess rights of farming in the area edged in pink (upon the plan Exhibit 1), 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."

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p.103, 1.16.

He also granted an injunction against both Defendants restraining them:-

"from selling the land other than with the concurrence (of the Plaintiff's family) 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."

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p.109, 1.41.

8. On the appeal to the West African Court of Appeal the Court held that evidence given at the trial to the effect that tolls from the land had been paid over to the Asere Manche, who, in addition had been responsible for placing headmen in the villages on the land, was conclusive against the Plaintiff's claim to absolute ownership. The West African Court of Appeal made no finding that the land had been abandoned by the Plaintiff's family. Indeed, it is submitted that any such finding would have been inconsistent with the other findings of the West African Court of Appeal, as it also appears to be with the other findings of the learned trial Judge. There was no finding by the West African Court of Appeal that the rights of the Plaintiff's family over the land were limited to farming, or that their rights were of any other description or nature although, it is submitted, in the ruling of the West African Court of Appeal, it is implicit that the Plaintiff's family was in possession of the land as of right.

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The West African Court of Appeal upheld the decision of the learned trial Judge save in respect of his ruling that Stool Land is in general, inalienable. As to this, Mr. Justice of Appeal Coussey,

delivering the judgment of the Court, said:-

Record

p.112, 1.26.

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"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."

10. The principal questions involved in this appeal, are:

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(a) whether the learned trial Judge and the West African Court of Appeal were correct in holding, by implication, that the Asere Stool exists as a property owning entity distinct from the various property owning families in the Asere Division, and, expressly, that the land concerned belonged to the Asere Stool rather than to the Plaintiff's family; and

(b) if so, whether or not the Co-Defendant is estopped from denying ownership of the land by the Plaintiff's family.

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(c) What are the rights enjoyed by a family over land the ultimate title to which resides in the Stool to which the family is subject but which land is duly and properly in the possession of such family by reason of original occupation of the land by them or by an express or implied grant to them from the Stool.

(d) What is the effect upon the issues in the suit out of which this appeal arises and in the determination of this appeal, of the final decision of the dispute as to the Asere Stool by the Governor's decision contained in Gazette Notice No. 1987 referred to in paragraph 5 of this case.

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11. The Plaintiff gave evidence of previous proceedings affecting part of the land claimed by him as being the ancestral property of Nikoi Olai (i.e. land within the area edged in pink). These proceedings were concerned with the apportionment of compensation to be paid for land acquired compulsorily for a wireless station. The Plaintiff was the fifth

p.14, 1.9.

Record

pp.137-144.

claimant in the proceedings; the Co-Defendant was the fourth claimant. The matter was heard before Mr. Justice Jackson in the Land Court of the Eastern Judicial Division of the Supreme Court of the Gold Coast and a copy of the learned Judge's judgment delivered on the 13th August 1948, was admitted in evidence as Exhibit 2.

12. At the outset of his judgment the learned Judge said:-

p.138, 1.1.

"Before me, it was agreed that the only issue to be determined was as between the 4th Claimant (Nii Teiko AnsahII, Asere Mantse) and the 5th Claimant (Nii Amasah Nikoi Olai, Onukpa of Asere Djorshie) and that the other claimants derived their titles from one or other of these two claimants. 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)?'"

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The persons entitled to receive the compensation were, by the provisions of section 12, now section 14, of the Public Lands Ordinance (c.134 of 1951):

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"The parties in possession of such lands as being the owners thereof at the time of such lands being purchased or taken....."

p.139, 1.8,
p.139, 1.34 &
p.140, 11.11-25.

13. The learned Judge described the lands the subject of the compensation proceedings and held that the major part of them came within a larger area centred upon the village Mukose (a part of which village falls within the area the subject of the present dispute, and edged green upon the plan Exhibit 1) which was settled originally by the ancestors of the Plaintiff. He continued:

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p.140, 1.46.

"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

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and approval of the Asere Stool."

Record

And:

"I am satisfied that land property can be owned by a family in the Asere Division."

p.142, 1.11.

And: (assuming that the Nikoi Olai stool was not the paramount Asere Stool)

10 "(the Plaintiff's) estate was not carved out of any territory belonging originally to 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 family."

p.143, 1.12.

14. The learned Judge then defined "ownership" as being either absolute or restricted but as meaning in either case the right to exclusive enjoyment and possession. He held the ownership by the Plaintiff's family to be restricted: "by the denial of the right to alienate without the consent of the paramount Stool." He thereafter apportioned the compensation as to seven-eighths to the Plaintiff and one-eighth to the Co-Defendant but, it is submitted, this apportionment was made on the basis that the Plaintiff's family owned seven-eighths of the land acquired and that the remaining one-eighth was owned by the Co-Defendant Stool, although in the occupation of other persons.

p.143, 1.33.

15. It is submitted, with respect, that this judgment operates as an estoppel by res judicata against the Co-Defendant.

p.143, 1.40.

16. In the present suit the learned trial Judge held on the evidence before him that wherever villages of any size were established on the land a Headman or Onukpa was appointed by the Asere Mantse. The Headman so appointed might give strangers permission to farm upon the land but tolls collected by the Headman from such strangers were paid to the Asere Mantse. From this evidence as to the authority of the Asere Mantse the learned trial Judge reached the conclusion that the land over which such authority was exercised was the property of the Asere Stool, although subject to the rights of families within the Asere Stool and other Stool subjects over

p.99, 1.39.

p.100, 1.34.

Record

such of this land as was in their possession.

17. It is submitted, with respect, that in reaching this conclusion the learned Judge misconceived the true relationship between Nikoi Olai Stool and the Asere Stool.

18. In their judgment the West African Court of Appeal upheld the finding of the trial judge that ultimate ownership of the land resided in the Asere Stool. In so doing the West African Court of Appeal appeared to rely on two grounds:

p.111, 11.13-30.

(a) that in the compensation dispute one-eighth of the compensation was awarded to the Asere Stool, this being a quantitative measure of the interest of the Stool in Stool Lands in the occupation of families or subjects of the Stool; and

p.111, 1.48.
p.112, 11.1-11.

(b) that in an earlier suit in 1921, D.P. Hammond (Asere Mantse) v. Amoo Wellington and Others, one Djani Kofi, an ancestor of the Plaintiff, had admitted that he had been appointed as Headman of Mukose and had collected tolls and paid them to the Asere Mantse.

19. As regards the apportionment of compensation it is submitted, with respect, that this was not an apportionment in the ratio of the rights possessed by the Plaintiff and the Co-Defendant respectively over a single area of land, but an apportionment according to the areas of land owned respectively by the Plaintiff and the Co-Defendant. This was, it is submitted, the manner in which the compensation was divided by Mr. Justice Jackson, see paragraph 14 herein.

p.143, 1.40.

p.115.

20. As regards the evidence of Djani Kofi in the 1921 suit, this appears in the Record as Exhibit 'P'. It is submitted, with respect, that the West African Court of Appeal were in error in looking at this Exhibit. It had not been referred to in the argument before them. It appears from the Record that these previous proceedings, when tendered by the Defendants, were ruled upon as inadmissible by the learned trial Judge, though marked by the Registrar as admitted. It does not appear that there was any reconsideration of or appeal from the decision to

p.80, 1.34.

p.81, 1.7.

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Record
p.108, 1.35.

24. The West African Court of Appeal in their judgment stated it to be the Co-Defendant's contention that the Plaintiff's occupation of the land was as subjects of the Asere Stool and on the same conditions of native customary tenure as any other subject of the Stool. It is respectfully submitted that the learned trial Judge was wrong in law in defining those conditions of tenure as conferring farming rights only.

p.105, 1.9.
p.186, 1.3.

25. This view was put before the West African Court of Appeal in the fourth of the grounds of appeal to that Court and argued before that Court by counsel for the Appellant. It is submitted, with respect, that the West African Court of Appeal misconceived the nature of the appeal in treating it solely as a dispute as to the ultimate ownership of the land.

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p.109, 1.36.

p.101, 1.46 to
p.102, 1.9.

26. It is submitted, with respect, that the learned trial Judge was wrong in law in holding that the Plaintiff's family, if they had ceased to cultivate the land, had abandoned the land in such way as to extinguish their rights over the land and cause its reversion to the Asere Stool.

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p.103, 1.9.
p.103, 1.16.

27. It is submitted, with respect, that the last foregoing ruling of the learned trial Judge is irreconcilable with the ruling of the learned trial Judge that the Plaintiff's family stood possessed of rights over the land, to be protected by a declaration of title in the form made by the learned trial Judge, and by an order for an injunction. It is also submitted, with respect, that the said ruling of the learned trial Judge is inconsistent with the ruling of the West African Court of Appeal.

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p.112, 1.16.

28. The Appellant respectfully submits that the judgment of the West African Court of Appeal should be reversed and judgment entered for the Appellant for the following among other

R E A S O N S

1. BECAUSE the Courts below misconceived the true nature of the relationship between the Appellant and the Respondent:
2. BECAUSE the evidence does not support the findings that the land the subject-matter of the dispute was owned by the Respondent:

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3. BECAUSE the evidence supports the contention of the Appellant that the land the subject-matter of the dispute was owned by the Appellant:
4. BECAUSE the West African Court of Appeal were greatly influenced by the evidence of Djani Kofi in the 1921 suit.

Record

Alternatively

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5. BECAUSE the Respondent is estopped from denying the ownership by the Appellant of the land the subject-matter of the dispute by reason of the judgment in the previous suit before the Land Court of the Eastern Judicial Division of the Supreme Court of the Gold Coast (Land Acquisition No. 10/1947):

Alternatively

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6. BECAUSE the limitation placed by the learned trial Judge upon the rights of the Appellant over land in his possession is contrary to the principles of law applicable to land tenure in Ghana.

S.G. DAVIES.

(For Appendix see over).

APPENDIX TO APPELLANT'S CASE

(a) Appointment of Committee of Enquiry

GHANA GAZETTE

Extraordinary

No. 63 Wednesday, 16th July 1958

x x x x x x x x x

Ministry of Local Government

No.1463.7

THE STATE COUNCILS (SOUTHERN GHANA AND SOUTHERN
SOUTHERN TOGOLAND) ORDINANCE, 1952
NO. 8 OF 1952

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APPOINTMENT OF A COMMITTEE OF ENQUIRY

It is hereby notified for general information that under section 8 of the State Councils (Southern Ghana and Southern Togoland) Ordinance, 1952 the Governor-General has appointed a Committee of Enquiry consisting of:-

N.T. Clerk, Esq. 	Chairman	
Nene Tetteh Eyume II, Divisional Chief, Prampram 	Member	20
Nene Tei Agbe, Bunase, Yilo Krobo	Member	

with the following terms of reference:-

To enquire into the dispute between the Nikoi Olai Stool of Djorshie We and the Akortia Oworsika Stool of Agbon and Frempong We in the Asere Division of the Ga State; to determine which of the above two Stools is the Asere Mantse's Stool, this being a matter of a constitutional nature into which it is inexpedient for the Ga State Council to enquire; and to report.

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(b) Governor's Decision upon the Report
of the Committee of Enquiry

GHANA GAZETTE, 5th September, 1959

x x x x x x x x x

No. 1987.

Report of a Committee of Enquiry

10 It is hereby notified for general information
that the Committee of Enquiry the appointment of
which appeared in Gazette Notice No. 1463 published
in the Ghana Gazette No. 63 dated 16th July, 1958 as
amended by Gazette Notice No. 1574, published in the
Ghana Gazette No. 66 dated 26th July, 1958 appointed
under the provisions of section 8 of the State Councils
(Southern Ghana and Southern Togoland) Ordinance
1952 to enquire into the dispute between the Nikoi
Olai Stool of Djorshie We and the Akortia Oworsika
Stool of Agbon We and Frempong We in the Asere divi-
sion of the Ga State; and determine which of the
20 above two Stools is the Asere Mantse's Stool, this
being a matter of a constitutional nature into which
it is inexpedient for the Ga State Council to enquire,
has reported as prescribed by law and the decision on
the report pursuant to the provisions of section 8 of
the aforesaid Ordinance (as continued in force for
such purposes by section 47 (2) of the Houses of
Chiefs Act 1958) is as follows:

30 1. The claims of the Nikoi Olai Stool of the Djor-
shie-We and of the Akortia Oworsika Stool of the
Agbon-We and Frempong-We to the Asere Mantse's
Stool are indistinguishable and unseverable and
accordingly the Asere Mantse's Stool shall be
occupied conjointly by the Stools of the two
claimants; and to give effect to this the pre-
sent occupier of the Asere Mantse's Stool namely,
Nii Akrama II of Agonb-We shall continue to
occupy the Asere Mantse's Stool until his death,
deposition or abdication whichever shall first
occur. Thereafter the Stool shall be occupied
in rotation in the following order:-

40 (i) The Nikoi Olai Stool of the Djorshie-We.

(ii) The Akortia Oworsika Stool of the Agbon-We and Frempong-We (the candidate for enstoolment to be selected by the Frempong-We).

(iii) The Nikoi Olai Stool of the Djorshie-We.

(iv) The Akortia Oworsika Stool of the Agbon-We and Frempong-We (the candidate for enstoolment to be selected by the Agbon-We).

2. No alienation or other disposal of the Asere Mantse's Stool property shall be undertaken or made without the prior consent of the head of the Djorshie-We and the head of the Agbon-We and Frempong-We. 10

(c) Executive Instrument No. 268

E.I.268.

NII AKRAMA II, ASERE MANTSE (RECOGNITION OF ENSTOOLMENT) ORDER, 1960

WHEREAS Robert Okai Tagoe was customarily enstooled on the Stool of Akortia Oworsika of Agbon and Frempong We under the Stool name of Nii Akrama II: 20

AND WHEREAS the findings of the Committee appointed to enquire into the dispute between the Nikoi Olai Stool of Djorshie We and the Akortia Oworsika Stool of Agbon and Frempong We that Nii Akrama II of Agbon We should occupy the Asere Mantse Stool until his death, deposition or abdication, were accepted and published as Notice No. 1987 of Gazette No. 81 of 5th September, 1959:

NOW THEREFORE in exercise of the powers conferred on the President by section 2 of the Chiefs (Recognition) Act, 1959 (No. 11) and delegated to the Minister of Justice, this Order is made with the approval of the Cabinet this 14th day of December, 1960. 30

17.

NII AKRAMA II is hereby recognised as the Asere Mantse and any person failing to recognise the said Nii Akrama II as Asere Mantse commits an offence against the Chiefs (Recognition) Act, 1959 (No. 11) and shall be liable accordingly.

By Command of the President.

A.E.A. OFORI ATTA.

Minister of Justice.

No. 31 of 1959

IN THE PRIVY COUNCIL

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

NII AMON KOTEI substituted
for Nii Amasah Niofi Olai
(Plaintiff) Appellant

- v -

THE ASERE STOOL
(Co-Defendant) Respondent

CASE FOR THE APPELLANT

A.L. BRYDEN & WILLIAMS,
53, Victoria Street,
London, S.W.1.
Solicitors and Agents for
the Appellant.