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THE HUZA AS AN INDIGENOUS CO-OPERATIVE
INSTITUTION AND AGRICULTURAL EXTENSION
WORK IN SOMANYA DISTRICT

by

E.E.K. Dumor**

In this paper I propose to make a case for the Huza farming system of the Krobo of Eastern Ghana, as a basis for agricultural co-operative development and extension work. The argument here will be that the Krobo Huza system, as an indigenous institutional form (which as will be shown later, provided the outlet for change in Krobo agricultural economy) can become the full-crum for a rural agricultural co-operative system and extension work. What I will attempt to do therefore is to discuss the elements in the Huza farming system that can serve as a useful starting point in agricultural co-operative development and extension work.

In discussing the main issue of this paper I should first like to draw your attention to the point made by the Director of I.L.O. in his 1969 annual report. He argued that where modern forms of co-operatives are not immediately appropriate, there are several advantages in having recourse to less complicated forms. The report further stated that attempts could be made to adjust traditional forms of group action to the requirements of progress. (14)

It seems to me that results will be negligible if agricultural co-operatives in our countries

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do not take into consideration the fact that the pure American and European co-operative models have their origin in America and Europe whose cultural practices may have wider implications in African contexts. In other words, it is the view that Ghana and for that matter Africa does not need to take over such models of co-operatives without examination. Developing countries certainly have a lot to learn from these models. Notwithstanding such benefits, a rather significant contribution can be made to agricultural development through the "modernization" of indigenous institutional forms which have in fact made and continue to make a direct contribution to rural development in our countries. (1,2.)

We here, needn't recount the whole history of the Krobo, particularly in this short paper. This has been extensively documented by various writers particularly Hugo Huber,⁶ Odonkor¹¹ Field⁶ Sutherland¹² and Nene Mate Kole⁸ to mention only a few. It suffices to mention that between 1450 and the first decade of the twentieth century, the Krobos had made extensive and continuous outright purchases of land from their immediate neighbours the Akims, Akwapims, etc. under the guidance of three strong-willed Konors. By 1911 the Krobos had effectively reduced their newly acquired lands into agricultural lands which, as will be shown, provided the main source of rural income. The newly acquired area, by the Krobo falls mainly within the closed forest belt and the food crop belt of Ghana. This quest for agricultural development and expansion therefore led to emergence of a tenurial arrangement and a farming system which is perhaps unique in rural Ghana. This farming system - or system of land purchase and organization brought about a measure of commercial agriculture and extensive food production. By 1922, therefore, it was estimated that by this form of farming organization, the Krobos had reduced about three hundred miles of land into their possession

and were undertaking farm operations on an extensive scale. With the development of this farming system was the simultaneous emergence of agricultural leaders and rural markets.¹⁵

So successful was agricultural operations in this area that in the annual report of the Director of Agriculture, it was stated that the area "showed an excellent example of the industry of the Natives. For miles and miles you pass through oil palm plantations where all the palms have been planted at suitable distances apart. ... cocoa plantations are also being multiplied, and rubber is being enquired after, plants of other economic crops and fruit trees are also found here and there throughout the country, which goes to show that the Krobos are alive to the fact that, it is better to have more than one string to the bow". (16,17,18)

Another factor apart from the astuteness of Krobo chiefs and the industriousness of the Krobo, was the impetus they received from European missionaries. This was an important factor in the shift from subsistence to a commercial agriculture. La Anyane⁹ pointed out that the Europeans caused tracts of land to be cleared in the form of plantation farming - either large scale farming production of plantation crops. This, La Anyane considered to have stimulated farming in the neighbourhood of Akwapim and Krobo. He argued that "in 1843, the Basel Mission began its second invasion of the Gold Coast and were sponsored by the Danish Government. This association brought them into close contact with effort by the Danes to introduce agriculture of an exporting character in the Gold Coast. It was they who inherited the plantations started by the Danes at the foothills in the neighbourhood of Dodowa. They inherited something more which became of immediate benefit to Akwapim and Krobo, and later the whole country. They inherited the spirit to encourage local agricultural development by example

and demonstration by experimenting with new crops....⁹

The question to ask here is - and it is a fundamental question - what indigenous institutional form provided the basis for change in the rural economy of Krobo? Related to this question, of course, is the question of whether this indigenous institutional form exhibits any co-operative elements which can be harnessed for the development of "modern agricultural co-operative"?

The Huza in Krobo country is a domestic organization³ as well as a tenurial arrangement. The huza which is quite often referred to as an "agricultural company" is a traditional co-operative system in which a group of people who may not, but often are kinsmen, purchase and organize land for purposes of expanding their land holding and productivity. The huza is formed when the leader of the purchasing group - huza-tse - completes negotiations and acquires the land on behalf of the group. When the huza land is acquired it is sub-divided into "zugbas" or farm strip within the acquired block of land. Each member in the purchasing group receives an equivalent of what he has contributed in cash. But the process of purchase in the past did not provide sufficient security for the purchasing group. It was realized that the Akims and the Begoros had made land sales to the Krobo farmers a cheating business. Sometimes when land was sold by one chief, another would come to say the chief who disposed of the land was not the rightful chief. This led to litigation and heavy debts to the huza groups. Furthermore it was impossible in the circumstances to invest in such lands. Therefore in 1883 under the instrument of the Gold Coast Native Jurisdiction Ordinance, Sir Emmanuel Mate Kole, Konor of Manya Krobo passed the following bye-laws: (a) No person had the right to move out of Manya Krobo to purchase forest land or lands connected with the Begoro stool at Eastern Akim or any other part of Akim except by the special permission of the Konor in Council. This law was applicable to all those who already possessed land or intended to purchase one. (b) That if permission was granted, such a person can enter any land transaction only when he

was accompanied by the Konor's accredited representatives.¹⁹

What these bye-laws were intended for was to provide a form of security to Krobo land purchasers. These bye-laws did encourage Krobo farmers thereafter to increase their investment in agricultural land. It was with this sense of security and increase in investment in agricultural land that Field said "a Krobo man's land means more to him than his life, for it is not unusual for a man whose money troubles have lost him his farm to commit suicide".⁵ What is of fundamental importance in the development of the huza which the bye-laws achieved was the issue of security for land as a basis for investment.

There is one aspect of the huza which might tend to undermine the basis of the initial spirit of co-operation which lead group members to purchase these lands and build their settlements thereon. This aspect is the parcelling out of farm strips to members according to the amount each has contributed. It is argued that each member after receiving his parcel of land retains full control over his share and could sell it if he so desires. This would seem to imply that after the parcelling of strips, the initial co-operative element lapses. Furthermore the view is held that after the distribution the various strips tend to be too small for any further agricultural expansion. This of course, it is believed belies the efforts of members of one huza to own strips in other huzas. There is some truth in these arguments. But as will be shown presently, the co-operative spirit still permeates the huza and the process of individualization of possessory rights of huza strips does not of necessity negate the effect of the initial corporate spirit. From a general position it could be argued that since most members of huza tend to be kinsmen, the predominance of kinship relations, with its multiplex obligations and loyalties will continue to reinforce the corporate spirit of the huza. The

huza came into being through corporate action and therefore it is not presumptuous to argue that even though each member has possessory rights over his portion, this possessory right is derivative from the corporate action that brought the huza into being in the first place. This explains why in inter huza boundary disputes, the Huzatse enters the case as a co-defendant or co-plaintiff as the case may be. Furthermore, it would seem settled law that in certain circumstances the huza leader acting in the spirit of the body corporate can take action in the form of alienating certain parts of the huza to defray huza debts. Let us draw on some examples to illustrate this point. In a matter between Kofi Baah acting as Huza leader, versus Sackitey and Anor (1950) (see Appendix I for full judgement) Justice Coussey held that (a) when a Manya Krobo huza purchased land, they acted through a huzatse (headman). In boundary disputes with neighbouring groups, the huzatse represented his huza. The position of huzatse sometimes passed from father to son, but the huza could appoint someone else; (b) even if Ahulu was not successor to the original huzatse, the question was whether the group put him forward as their champion. The presumption that he was acting for the group was not rebutted, and therefore the sale of the land of the whole huza was valid. In this case therefore Justice Coussey decided that "in Manya Krobo, members of a land owning group know who their leader is and when he embarks on litigation to extend their common boundary, they are jointly liable and know that they are jointly liable if he loses and in case he succeeds in enlarging their land the accretion is shared out according to their contribution to the litigation".¹³ In Kwao vrs. Coker, Chief Justice Deane noted in his judgement the following: "In this colony, cases of land being bought by companies or syndicates in the name of one of the members, who is referred to as the leader and the land being then divided up among the members, are fairly common. In such cases it is well recognized that the title of one is the title of all, and if the title of one member of the syndicate is

challenged, the others at once come forward and support him knowing well that the land has been acquired by all of them at the same time by a single act of purchase".¹³

What these decisions therefore confirm is that the huza as a collectivity has a corporate title and even though individuals within it have possessory rights, such rights are derived from such a corporate title. It is therefore not tenable to argue that individualization of possessory rights over strips in a huza completely undermines co-operative spirit.

The next point to consider is the issue of size of the farm strips in the huza. It is often argued that land tenure arrangements in Ghana presents a serious problem for agricultural expansion. It is estimated that "nearly 55 per cent of all holdings in Ghana are less than four acres in size. Approximately 18 per cent of all holdings are more than 10 acres in size".²⁰ And it is the general view that the system of land holding and the size contribute significantly to the defectiveness of Ghana's agriculture, because each tenure arrangement is highly inefficient in the ability to fulfil "the basic requirements of good tenure conditions".¹⁰

But like Field,⁶ La Anyane¹⁰ argued that the huza system of the Krobo is perhaps the most efficient farming organization in the forest belt of Ghana. The Huza has several advantages and Dickson and Benneh appear quite informative on these. They state that: (1) By coming together and selecting a well-known and respected person as their leader or spokesman, the farmers increase their bargaining power when negotiating for the purchase of land. They can thus obtain land at a cheaper price than if they bargained individually. (2) The huza system also ensures that each farm has as many as possible of the different types of soils on the huza. This is important since well drained upland soils for example, tend to be more suitable than the wetter valley soils for the cultivation of cocoa, the main cash crop. Thus a farmer with upland soils alone would be more

advantageous from the point of view of cocoa cultivation. (3) After the land is shared, each farmer has absolute control over his zugba (strip), so that he does not hesitate to improve the farm if he so wishes."³

Besides these advantages, the huza provides an opportunity for (a) block or group farm development; (b) the development of agricultural leaders for extension work; (c) linking rural markets with urban centres. (This point will be illustrated presently). Field in her study of two huzas came to the conclusion that one was about 550 acres with farms averaging about 10 acres: the second was over 3,000 acres and she said that most Krobo huzas are somewhere between these two.⁶

La Anyane in two surveys of Aweso Huza in 1956 and 1961 pointed out that this huza is nearly seven miles long and about one mile in width with 42 farmers. He stated that although relatively large acreages are held individually, being nearly 10 acres on the general average, only a proportion of the zugba or strip i.e. about 30 - 55 per cent is cultivated at any one time. He estimated that the average size of food farm is about 3.5 acres and this cropped area is supported by some six acres of secondary bush or fallow. From the above it is evident that any argument that the parcelling of strips tend to make investment difficult is untenable. The size of zugbas in the huzas tend, generally to fall in the 18 per cent of holdings in Ghana which is about 10 acres.

Let us start with the question of block or group farming. As part of the Ministry of Agriculture's policy, their Extension Work involves a spontaneous grouping of and settlement of farmers in new land areas where Government undertakes land development and/or improvement including land clearing, provision of irrigation facilities and land drainage. This strategy to extension work was conceived for the Ministry felt that under the "communal land tenure system the bulk of the country's crops is produced -

especially in the forested southern sector - by a large number of small farmers who are scattered over a wide geographical area and who operate in isolation far from the reach of agricultural extension services.²¹ It was felt that in the present traditional system of farming, the farm size, in terms of land acreage, is small and the small farmer uses very little or no purchased inputs. Thus in this "new farming organization" - i.e. block or group farming - a block of land is acquired by a rural community or by the Ministry of Agriculture and it is developed and allocated in economic units to small farmers. "Farm families in the block cultivate separate farms under the supervision of extension field agents. Small farmers organized in this way are provided with extension services and credit facilities as well as processing and storage facilities... The system thus provides favourable conditions for organizing small farmers into production and marketing co-operative groups".²¹

It follows from the foregoing, that the avenues that the huza offers and the advantages it already has should offer a starting point in this new experiment in extension work and the development of agricultural co-operatives. It is reasonable to argue that since it is not easy to predict the success of the new experiment, it stands to reason to adapt a traditional institution - in this case the huza - which has certainly shown results for introducing innovation at least in the Krobo area where this system exists.

The next advantage which the huza provides is the avenue for the development of agricultural leaders. It was noted earlier in this paper what role the huza leader plays in organizing the huza. Apart from the huzatse, there is another leader called Dadematse - chief of the cutlass. This agricultural leader is elected from among the members of the huza and his election is based mainly on his versatility in his farm operations. Nene Mata Kole, Konor of Many Krobo, described this leadership as "the first experiment not only in democracy in rural life but also

an election of a leader to initiate progress".²²

The question to ask here is whether the Ministry in its extension work in the Krobo area considered these resources as a basis for introducing innovative practices. The evidence is in the negative. During a survey⁴ to assess the impact of the Focus and Concentrate Extension programme in the Somanya District, all the Technical Field Officers indicated that the huza was no longer functioning and this was confirmed by the district annual reports.²³

The Extension Service of the Ministry in implementing their Focus and Concentrate Programme planned in addition, a programme of local leader training using "Cooperators as a nucleus of a developing corps of extension leaders. Thus well trained local leaders would ensure maximum multiplier effect for proven and improved production practices developed locally in Focus and Concentrate districts. These leaders would also play an important role in determining local input needs in subsequent years".²⁴

It should be noted here that such "cooperators were to serve initially as demonstrators and innovators whose improved techniques using modern inputs, would therefore be passed on to other farmers. The cooperators were chosen with the consideration that they should be active farmers resident in the villages. Going through the official list of cooperators, it was discovered that some of the people listed as cooperators were neither actively engaged in farming nor even resident in the District. Of the seventeen cooperators interviewed in the survey only one was a leader of huza. It was also evident that the cooperators were scattered over a wide area making it impossible to use them as demonstrators to other farmers. The farmers on the whole were unaware of the existence of such cooperators. Thus, even though the overall result in the survey would seem to suggest that there is a positive relationship between being a cooperator and extension contact, the overall extension contact was very insignificant.⁴ The conclusion that can be drawn from the above is that the cooperators had no institutionalized positions in their huza that could make them influence rural decision making. It stands to reason therefore that extension service will benefit the farmers more significantly if extension work is approached using an already institutionalized leadership which is recognized and accepted by the farmers.

The final point to discuss about the huza is the development of rural markets which have provided distribution or marketing channels for agricultural produce in Krobo country. As the quest for cultivable land increased, so was the simultaneous development of rural market centres. Apart from Somanya, Odumase, Akuse and a few towns in the South, a number of markets were set up in the forest belt to serve the needs of the farming communities. Thus new markets were located to correspond to a newly emerged zone of agricultural activity. Most of these markets were said to have been established between 1892 and 1937. Asesewa which is perhaps the most promising rural market centre, particularly with regards to food crops, was built as a town as recently as 1937 although it had been a string of huzas since 1892.^{8,25} The point being made here is that while the volume of agricultural activity was expanding, agricultural markets were simultaneously developing. In simple economic terms, production, distribution and marketing were functioning together - in fact in some linear relationship. The conclusion that can be drawn here would seem to be obvious. That is, the huza has the facility for both production and distribution or marketing co-operatives.

To leave the argument here and then draw a final conclusion without examining what the agricultural co-operative development policy in Ghana is, perhaps leaves too much to speculation. Broadly the Ministry responsible for Co-operatives conceived of agricultural co-operatives in terms of produce and marketing co-operatives which over time, could become multi purpose embracing consumer and housing co-operatives. These co-operatives were seen as channels through which Government and financial institutions can channel credit for improved farm management, production, storage and marketing. It will be unnecessary here to assess the co-operative movement in Ghana. But what appears important however is the conditions laid down by the Ministry responsible for Co-operatives, before an agricultural co-operative society could be registered.

(1) Where possible one vast stretch of land should be acquired, demarcated and allotted to members.

(2) The soil should be declared suitable for the crops the society intends to grow by the Agricultural Extension Agent and a certificate issued to that effect.

(3) The land should be suitable for mechanization. This was not strictly to be adhered to. The preference for this is that the Co-operative Societies are expected to take advantage offered by the Extension Services.

(4) The society should have good storage facility, scales for weighing members produce, a safe for the custody of society's funds.

(5) A Secretary, who should have undergone training in Co-operative principles, book-keeping, secretarial practice.

(6) The Society should have accounting books and records presented by the Registrar of Co-operatives.

Viewing these conditions against the backgrounds of Krobo Huza, there is no gainsaying that the huza farming system does provide a very fundamental and useful starting point for the development of the agricultural co-operative which the Ministry of Co-operatives wished to see established.

It has been shown rather briefly how the Krobo huza provides a useful starting point for introducing innovative practices in agricultural development in Krobo country of Eastern Ghana. What remains is how the huza can serve as a basis for agricultural extension work in Krobo country. The answer is not hard to find. The guiding principle of extension work in Ghana is to concentrate on "areas with the greatest development potential in terms of both human and natural resources". The extension programme is to concentrate inputs and to focus upon very limited number of crops - crops which the local farmers already are familiar with..." With the extension officer/farmer ratio in Ghana being one to about 6,000, extension education programmes should not only

be realistic but based on a concentrated effort to harness not only the resources or areas with the greatest human and natural potential (which the huza has) but also harness the resources of areas with the "greatest institutional" potential for development.

Let me conclude with a quotation from Field which she made almost 32 years ago. Perhaps the point she made has gone unnoticed. She argued that "probably the only methods of improving agriculture and domesticity would be to take over a huza farm and household as it stands, and run it as it should be run. When the envy and curiosity of neighbouring farmers has been aroused, then they are ripe for instruction..."⁶

FOOTNOTES

1. Henry F. Dobyas: Sociological and Anthropological approaches to engineering successful Economic Organisations in Agricultural Co-operatives and Marketing in Developing Countries.
2. Seifel H. Dieter and Koll Michell: Indigenous Co-operatives in Africa - Institute of Kulturbewusstsein-Schaftliche Forschung 1968.
3. Dickson and Benneh: A New Geography of Ghana, Longmans, 1970, p. 78.
4. Dumor and Amonoo: Focus and Concentrate Programme in the Somanya District (Evaluation of an Extension Programme), Research Report Series No.14, C.D.S., University of Cape Coast.
5. Field: Some Aspects of Krobo Land Affairs, Unpublished Report - National Archives, Case No.1829/57.
6. M.J. Field: The Agricultural System of the Many Krobo of the Gold Coast in Africa Vol. 14, 1943-4.
7. Hugo Huber: The Krobo: Studia Institute, Anthropos Bonn, 1963.
8. Nene Mate Kole: Historical Background of Krobo Customs; Translations: Gold Coast and Togoland Historical Society, Vol. 1, Part IV, 1955, pp.133-140.
9. La Anyane: An Historical account of Agricultural Development in the Gold Coast before 1910. Gold Coast Farmers, Vol.1, 1956-57, pp. 30-63.
10. La Anyane: Agriculture in General Economy in Agriculture and Land Use in Ghana (ed.) J. Brian Willis, O.U.P., 1962, pp.192-200.

11. S.S. Odonkor: The Rise of the Krobos, Ghana Publishing Corporation, Tema, 1971.
12. Sutherland: The Manya Krobo.
13. G.R. Woodman (ed.) Report of Land Cases decided in Ghana, 1948-51, pp. 284-288.
14. Report of Director General, I.L.O. Third African Regional Conference, Accra, 1969, p. 55.
15. Note that there were 204 Huzas in Manya Krobo alone in 1967.
16. The Annual Report of the Director of Agriculture 1912. National Archives File No. GNA. 11/395, Accra.
17. Provincial Commissioner's letter: Periodical Publication of Agriculture, 1913.
18. Ghana Bulletin of Agricultural Economics, 1961.
19. National Archives, Accra, Case No. 41/1911.
20. Report on Ghana Sample Census of Agriculture, 1970, Vol. 1, p. 40.
21. E.C.A. Sub-Regional Workshop in Rural Development in Africa, November 1974. Case Study Papers in Rural Development Programmes in Ghana.
22. Author's interview with Nene Mate Kole - Konor of Manya Krobo, January 21, 1975.
23. Files: Crop Production Division, Ministry of Agriculture, Somanya District.
24. Focus and Concentrate - Approach to Agricultural Development, Crop Production Division, Ministry of Agriculture, Accra. 1969.
25. S.A. Addo: Traditional Markets in Manya Krobo, 1970, Department of Geography, University of Ghana.

Appendix

LANDS DIVISION
Accra, 22nd December, 1950

COUSEY, J.

KOFI BAAH, HEIR AND SUCCESSOR OF NARTEY WAYOE OF AKWENOR ACTING FOR HIMSELF AND AS REPRESENTING TETTEY BANTEY, EDWARD TETTEY, TETTEY GBEBI, TETTEY AMANOR, AKU NARH, KWAO, TETTEY KWABALA, KOFI WAYO, WILLIAM TETTEY, TETTER KUDIABOA, TETTEY NUMO, TETTEY DOKU, TETTEY OKUFO, MANCHE DOMETAY, NAUSE TEKPER, TETTER KWABLA, TETTEY BOAWO, TEYE KUGRNOO, NARTEY NARH, TETTEY KWABLA, TETTER SEWORNU, TETTEY OKO, TEYE ONALE, KOFITSE NARH, TETTEY MANYEHO, ANYIMI TETTER, EKPER KWASI, TETTEY AKWASI, TEYE AGAMA, TETTER BITA AND TETTER AKWEITTER (ALL OF BETRI).....Plaintiff.

versus

1. AWISITEY SACKIFEY and)
2. SAMUEL D. NYAKO (Both of Odumase,)...Defendants.
Manya Krobo)

Husa - land purchased by - when whole husa bound by a judgment

Estoppel - litigation - representative action by husatse

The plaintiff claim title to most of a certain area of land 75 ropes in length. The land had been purchased by his grandfather as head of a "husa" (company) of Manya Krobo farmers. The land was divided between the members, each of whom established a village and farm on the portion allotted to him. In 1944 Ahulu, who had two ropes, became involved in litigation in respect of certain land, and eventually the whole 75 ropes were sold in execution for costs incurred by him. The plaintiff claimed that only Ahulu's two ropes were properly sold. The defendants, who claimed through the execution sale, claimed that Ahulu had been litigating the title of the whole "husa" as its representative and that the land of the whole "husa" had therefore been properly sold.

The evidence concerning the litigation showed that Ahulu had claimed title to lands considerably larger than two ropes. The plaintiff's father gave evidence for him, and a number of the persons now represented by the plaintiff were present when a survey was made of the boundaries claimed by Ahulu. The plaintiff disputed that Ahulu was successor to the original head of the "husa".

Held:

- (1) When a Manya Krobo husa purchased land they acted through a husatse (headman). In boundary disputes with neighbouring groups the husatse represented his husa. The position of husatse sometimes passed from father to son, but the husa could appoint someone else.
- (2) Even if Ahulu was not successor to the original husatse the question was whether the group put him forward as their champion. The presumption that he was acting for the group was not rebutted, and therefore the sale of the land of the whole husa was valid.

Judgment for the defendants.

Cases cited:

- (1) Sipim Ahulu v. Ahulu, unreported.
- (2) Fio Kwame v. Ahulu, unreported.
- (3) Obliba Apotse & Anor. v. Ahulu, unreported.
- (4) Kwao v. Coker (1931) I.W.A.C.A. 162.

**J. Sarkodee Addo for the plaintiff.
Ollennu for the defendants.**

Judgment

The decision in this action turns upon whether in the events leading up to three Suits in the Native Court of Manya Krobo, namely the actions of Sipim Ahulu v. Ahulu (1), Fio Kwame successor of Sipim Tetteh

v. Ahulu (2) and Obliwa Apotse and Akutey v. Ahulu (3), the defendant Ahulu was acting for himself and defending the actions for himself or as the representative of a group of persons who claimed land the subject of the suits mentioned.

The case of the plaintiff who sues on behalf of himself and all the other persons named as plaintiffs is that many years ago his grandfather Adjewu Narh, as head and representative of a group of farmers, purchased the land now claimed from the Stool of Jakiti and that the land purchased was later apportioned between the members of the group according to their contributions, the plaintiffs being original members of the group of their successors. In this district land is measured by ropes, a rope being 72 feet in length. It is claimed that the land bought by Adjewu Narh was 75 ropes in length and the average holding by each member on apportionment was two to five ropes of land. The plaintiffs established villages on their respective portions and cultivated the land.

In 1944 Ahulu, who, according to the plaintiffs, was an ordinary member of the group owning two ropes of land, became involved in a dispute regarding his land first with Obliwa Apotse and later with Sipim Ahulu and Sipim Tettey and Fio Kwame. The plaintiffs say they were not parties to these actions and Ahulu did not represent them and that their lands, which are clearly defined from Ahulu's portion, were wrongfully attached and sold in execution by the Native Court of Many Krobo for costs incurred by Ahulu in the three cases referred to. They therefore claim a declaration of title as to 61 ropes of the 75 ropes originally purchased and sold as the property of Ahulu. It seems that the 14 ropes not claimed by the plaintiffs are made up of Ahulu's two ropes and the portions of other members of the group who have not associated themselves with the plaintiffs in this action.

Adjewu Narh's son was Nartey Wayo the father of plaintiff Kofi Baah and Kofi Baah claims that he is now the leader by inheritance of the group of "Kusatse" and that Ahulu was never leader and only defended the three actions, for himself.

The Defence is that Ahulu in the three suits was putting forward a claim for all the members of the group and that he was claiming for them that the land originally bought by Adjewu Narh extended to the Betri stream and that although he alone was sued he was in fact supported by all the members of the group or Husa and that it is recognised that in Many Krobo the leader or representative alone sues or is sued but that the action is binding on the whole Husa or group and that the lands of the Husa, though apportioned, are collectively liable for and capable of attachment and sale to satisfy costs incurred in litigation affecting the whole Husa. The 1st defendant says he bought the land claimed as agent of the 2nd Defendant and that the land was rightly sold in execution to satisfy costs amounting to £103. 19s. 6d. in the three actions. Ahulu died before the hearing.

The defendants have proved that in the suit of Obliwa v. Ahulu (3) the Native Court appointed Mr. G.D. Plange, Licensed Surveyor, to survey the claims of the plaintiff and defendant.

In the course of his survey Ahulu's claim took in lands claimed by Sipim Tetteh as successor of Manche Doe (the present successor is Fio Kwame) on the south and Sipim Ahulu on the north-east. In consequence these persons also sued Ahulu and, by Order of the Court, their claims and Ahulu's claim were surveyed, the result being shown on a plan which was placed before the Native Court and which is before this Court as exhibit "2".

Looking at this plan it will be seen that Ahulu's claim extended from the Akrusu stream and on the north to Betri stream on the east with Ogbormaa land on the west and Sipim Tetteh or Manche Doe's land on the south.

The Plan Exhibit "2" shows 24 separate villages owned by members of the group each village situated on the portion of the individual occupant. From the north-east it will be seen that Ahulu's is the fifth village. It is admitted that Ahulu owned two ropes of land. If

his strip of land were extended to the Betri stream at right angles from the Akrusu stream, the northern boundary, it would strike through the letters "D" and "FA" in the word FARMS on the area green claimed by Obliwa on the plan.

Apart from the evidence in this case a passage of Deane, C.J., in *Yode Kwo v. Kwasi Coker* (4) is of assistance in determining the interests of members of a Husa. It reads as follows at page 166.

"In this Colony cases of land being bought by companies or syndicates in the name of one of the members, who is referred to as the leader and of the land being then divided up among the members, are fairly common. In such cases it is well recognised that the title of one is the title of all and if the title of one member of the syndicates in the name of one of the members, who is referred to as the leader and of the land being then divided up among the members, are fairly common. In such cases it is well recognised that the title of one is the title of all and if the title of one member of the syndicate is challenged the others at once come forward and support him knowing well that the land has been acquired by all of them at the same time by a single act of purchase."

Looking at the proceedings in *Obliwa v. Ahulu* (3) Exhibit "3" I read that Ahulu when giving evidence in respect of the land then in dispute said that it was bought by Adjewu Narh and he continues

"I form boundary on the right with Betri stream, on the left with Tei Ogborma's land, on the bottom (he means north) with Akrusu stream and on the top (meaning south) with Manche Doe's (i.e. Sipim Tetteh's) land."

Clearly Ahulu was claiming, not an extension of his own particular holding of two ropes to the Betri stream, but a boundary for all the members of the group of Betri stream on the east taking in the contested lands of Obliwa and Simpim Ahulu.

His witness Nartey who is Nartey Wayo, the father of the plaintiff Kofi Baah, supports Ahulu in this claim by giving the same boundaries. The plaintiff swears that his father did not give evidence in the case that he was dead at the time but I prefer the record and I have no doubt that he supported Ahulu, a fact which weighs against the plaintiff's claim.

It is disputed that Ahulu was the successor of Adjewu Narh; this may be so although there is evidence to the contrary, but the question is whether or not he was put forward by the group and recognised as their champion or leader in the attempt to claim land up to the Betri stream. In my opinion he was. There is also the evidence of the Surveyor, Plange, and Simpim Ahulu which I believe, that several of the plaintiffs were with Ahulu at the time of the survey pointing out a boundary which was far beyond the limits of any land he could claim as part of his holding of two ropes and the question is how could Ahulu bourgeois forth or fan out to claim for himself land beyond his corridor of 2 ropes unless it is alleged to be land originally purchased by Adjewu Narh. One or other of the three cases was pending in the Native Court over a period of 8 months.

The presumption is that Ahulu was acting for the whole group unless it is made out that he was acting for himself or professed to act for himself. This a question, too, to be decided with reference to the circumstances of the case and the plaintiffs have failed to satisfy me that Ahulu was acting for himself. The plaintiff Kofi Baah claims that the eastern boundary of his five ropes of land is the Betri stream, so clearly Ahulu was acting for him and it is significant that the plaintiff's witness Tettey Numo maintains in cross-examination that the Betri stream is the eastern boundary of their land and that they have no boundary with Simpim Ahulu.

The 2nd defendant states the position in the following passage of his evidence "I know the system by which Krobos have bought land from the Akims. The group appoints a headman, called the Husatse, he leads the group to buy the land. The transaction goes through in the Husatse's name. For all purposes he had control over the land. In boundary disputes between the Husas (i.e. with neighbouring groups) the dispute is always in the name of the Husatsemei, but others of the group assist. At times the position of Husatse passes from father to son but at times one who knows much about the land is appointed".

This I find, is a fair statement although it is the defendant's statement. We are brought into contact with a relationship which may have no clear counterpart in English Law as neither the term partner nor principal, agent or coparcener will strictly apply but I am satisfied that in Manya Krobo members of a land owning group know who their leader is and that when he embarks on litigation to extend their common boundary they are jointly liable and know that they are jointly liable if he loses and in case he succeeds in enlarging their land the accretion is shared out according to their contributions to the litigation. In this case Ahulu was the leader.

I find that the whole Husa was rightly sold. The conduct of some of the plaintiffs after the sale supports this finding but it is unnecessary to enlarge upon those acts nor upon the plaintiffs assumed ignorance of any survey of the land and even of Ahulu's cases. On what I regard as the main issue the evidence is strongly against the plaintiffs and that disposes of the action.

There will be judgement accordingly for the defendant with costs to be taxed. Counsel's costs are allowed at 40 guineas.

It is perhaps unfortunate that the 2nd defendant, a member of the Native Authority should have bought in the land. By his Counsel he states however that he is willing to resell it to the plaintiffs at £5 per rope which is not unreasonable as he purchased at £4 per rope.

There should be a considerable sum of money to the credit of the suit in the Native Court after the costs of £103. 19s. 6d are paid out of the net proceeds of sale of £233 1s. so it is hoped that the plaintiffs will avail themselves of this offer which the defendant has made under some pressure of the Court.