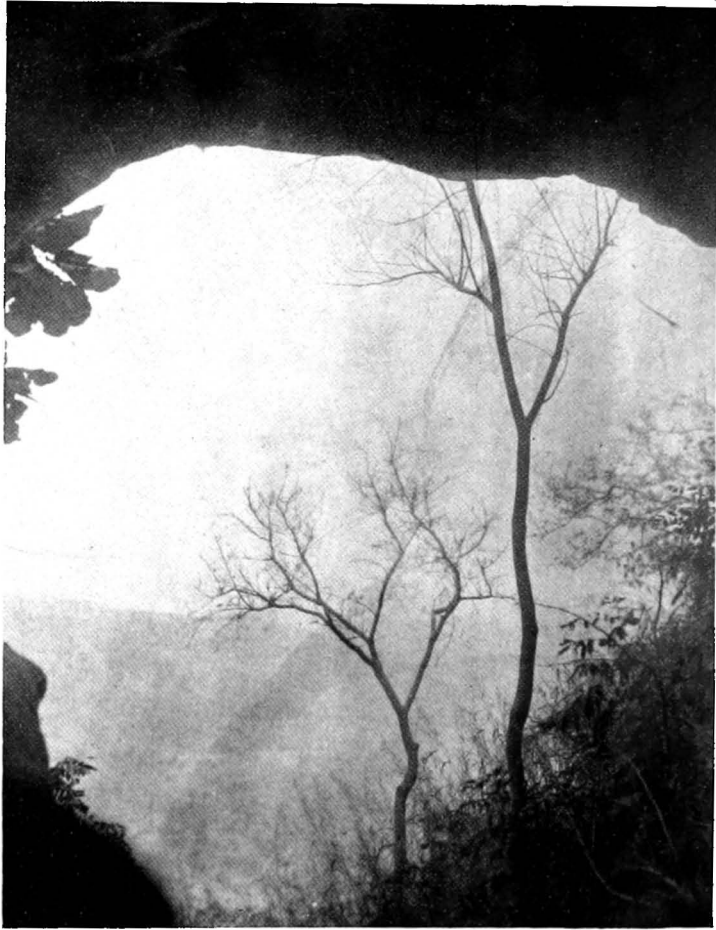


ASHANTI LAW AND
CONSTITUTION



‘ We came forth from the ground very long ago . . . ’

Photograph taken from the mouth of a cave in the Banda mountains

ASHANTI LAW AND CONSTITUTION

BY

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PREFACE

THIS volume contains the final investigations of the Anthropological Department on the Ashanti.¹ It is the last of a trilogy which includes in the series the volumes entitled *Ashanti* and *Religion and Art in Ashanti*.

Some six years ago, when a branch of Anthropological research was first inaugurated in the Gold Coast Colony, I expected to give precedence to the subjects which now form the contents of this, my final report. A knowledge of Akan-Ashanti Law is of paramount importance to the local Administration, engaged as it is in framing 'Native Jurisdiction Ordinances', in schemes for the working of 'Native Tribunals', and in plans for 'Indirect Rule'. I did, in fact, set out to blaze this trail, which some of my readers may have followed thus far, by making the studies mentioned above my first and immediate objective. I had intended to follow up these legal investigations by inquiries into religious and social problems, and I hoped finally to examine Ashanti Arts and Crafts. It will be observed, however, that the sequence of the programme as originally projected has been almost reversed. The reasons which influenced me to change my original plans may be set down briefly as follow.

I soon found myself, in pursuance of my earlier intentions, constantly confronted with words in the Ashanti language, which, although primarily associated with religion, were nevertheless continuously found in connexion with Legal and Constitutional procedure. With regard to the exact significance of these terms, moreover, neither previous writings nor local authorities could throw very much light. In consequence I was constantly being held up in my inquiries and compelled to endeavour to determine, if possible, the exact meaning of words, phrases, or rites, apparently of religious import, but obviously in some way associated with Legal and Constitutional formulae. At the outset I came to suspect, what later on I was to discover to be an indisputable fact, namely, that Ashanti Law and Ashanti Religion were intimately associated. It became advisable, therefore, to try to understand and explain the latter first, in order that the former could be described with a better prospect of making a useful contribution to this difficult subject. Hence those excursions in pre-

¹ With the exception of a collection of Folk-tales which is now in course of preparation.

vious volumes into matters which at first sight may seem to have had little bearing upon this, the ultimate goal of these researches.

The Supreme God (*Nyame*); the lesser deities (*abosom*); fetiches (*suman*); ancestral spirits (*Samanfo*); fairies and forest monsters (*mmoatia, sasabonsam*); the patrilineal exogamous divisions of the *Ntoro*; religious rites and beliefs; the significance of certain apparently material objects, such as Stools; birth, puberty, marriage, death, and a future life; the religion that still lingers in Arts and Crafts; the rhythm and ritual of the drums;—all these and many other aspects of Ashanti religion have an intimate bearing on the contents of this volume, which, without a knowledge of these subjects could hardly have been written.

To state, as I have not any hesitation in doing, that the Law and Constitution of these people were evolved, and finally based, upon their indigenous beliefs, is to suggest something that goes deeper than the exposition of an interesting academic theory. It is to state a fact of considerable significance in the field of practical West African politics to-day. Upon the correct application of this knowledge must, I believe, depend our satisfactory tutelage of this people, and ultimately their own success in self-government. It is necessary here for me to make a brief digression before I elaborate this point.

There are, at the present time, two schools of thought as to the line upon which the progress of the West African should be directed.

The older school would relegate all that curious spiritual past which it has been my endeavour to set forth, if not to the African's own kitchen middens (*suminaso*), at least to the shelves and glass cases which have become accepted as the mausolea of dead or dying cultures, where, if I may draw another analogy which my Ashanti friends will understand, the souls of the peoples whom our civilization has robbed of these heritages now seek a lonely and unhonoured refuge. This school, working by what seems to me a standard of purely material and economic prosperity, argues that, because the African's beliefs appear to have served him but indifferently well in the past, as stepping-stones to real progress, his culture has been tried and found wanting.

For these beliefs, this school would therefore substitute European civilization and thought. There is much of course to be said for such logic and methods, which are frank and clear cut; they would prefer a *tabula rasa* on which to start afresh; they are free from sentimentalism, and are purely materialistic. This school offers to the African, a

ready-made, the experience and fruits which our race has gathered through centuries of labour, bloodshed, and suffering. It is England's best that it offers. Its exponents in fact, perhaps unconsciously, desire that the West African should commit a kind of racial suicide, not the less deadly in effect because it will be merely spiritual.

The direction of modern thought, both at home and in West Africa, within the past few years, has been veering round happily to an attitude of mind which is the direct antithesis to what I have just described. This school of thought is a whole-hearted adherent of the slogan, 'the retention of all that is best in the African's own past culture'. The main difficulty of course lies in the fact that we and the educated African alike know so little of what that past really was.

Some rather vague thinking and vaguer talking have resulted. The African himself can assist us—at present—only indirectly.

Those few who possess the requisite knowledge, which we would give almost anything to obtain, are illiterate, and in consequence generally inarticulate for practical purposes, except when approached by the European who has spent a lifetime among them and has been able to gain their complete confidence. The literate African, who is the highly educated product of one of our Universities, has had to pay a certain penalty for the acquisition of his Western learning, for he has of necessity been cut off in great measure from his own country, customs, and beliefs. Of these it is true he may have some slight knowledge, but, with rare exceptions, it is only a fraction of what is possessed by the untutored ancients, who are the real custodians of his country's traditions and learning. Again, he is apt to regard with suspicion the well-intentioned efforts of European enthusiasts, often ill informed, for his race. He sees in their endeavours either a ruse to 'keep him in his place', or, at best, so vague a scheme, which seems hardly worth substituting for the Western studies and beliefs, where he feels at least that he and the European are on familiar ground.

He is, moreover, already beginning to find it difficult to reconstruct his own past, and is therefore sceptical of the ability of the European to do so. He wonders also, perhaps vaguely, 'To what end?'. I hardly know a more difficult or delicate question than that to answer. It always savours of patronage to describe the best of the so-called 'denationalized' Africans as 'highly intelligent' and 'cultured'; nevertheless that is high praise, and it might well be asked, For what more need he seek? Yet he seems to lack that indefinable something which often ennobles his wholly illiterate countryman, and raises him

considerably above the common herd. I do not know exactly how to describe what it is that the one often possesses and the other seem to miss. It appears to me like some hand reaching out of the past and linking him with it. It gives the illiterate man confidence in himself at times when a man feels quite alone, which he is apt to do in the presence of strangers of an alien race or when in a foreign land. The cultured man has dropped that friendly contact, and, I believe, feels often lost in consequence, and is never quite at home anywhere whether in the society of Europeans or of his own countrymen. The educated African possesses an 'Inferiority complex', a study of his own past must surely help to dispel it.

I now return again to my main theme, with an apology for what may seem an unnecessary digression. The followers of the new school of opinion are generally whole-hearted advocates of what has come to be known as 'Indirect Rule'.¹

They see in it a remedy for many of those ills of 'denationalization' which they dread; they have focused their attention on that part of West Africa where this form of Administration has proved successful (at least up to a point), but have often failed, I think, to realize the one salient factor that, in my opinion, has there assured its success.

In Northern Nigeria, those who framed the Administration on the existing foundation were also fostering legal institutions which were based on the existing religious beliefs. In that country, however, the religious foundation of the legal and constitutional system remains unassailed and unassailable, because 'it is against the Government policy to permit Christian propaganda within areas which are predominantly Muslim'.² The respect which we show in Nigeria to the tenets of Islam could hardly be expected to be accorded in Ashanti to a religion which, up to a few years ago, had been branded as one of the lowest forms of worship—'fetichism'. In the latter country, indeed, there is some indication that its inhabitants may embrace Christianity—at any rate in a superficial and outward form—in years which may not be very remote. In introducing Indirect Rule into this country, we would therefore appear to be encouraging on the one hand an institution which draws its inspiration and vitality from the indigenous religious beliefs, while on the other we are systematicall

¹ 'The methods of rule which shall give the widest possible scope to Chiefs and people to manage their own affairs under the guidance of the controlling Power' (Sir F. Lugard, *The Dual Mandate in British Tropical Africa*).

² C. K. Meek, *The Northern Tribes of Nigeria*, vol. ii, p. 247.

destroying the very foundation upon which the structure that we are striving to perpetuate stands. Its shell and outward form might remain, but it would seem too much to expect that its vital energy could survive such a process.

A living Universe—the acknowledgement of a Supreme God—sanctity and reverence for dead ancestors—religion which is inseparable from law—these were the foundations on which the old order was based.

Are there not, then, any other alternatives except scrapping the African's past *en bloc* and the frank acceptance of European civilization in its widest sense, or making well-meaning efforts 'to preserve the best of the old culture', but without the courage, or perhaps the knowledge, to realize the fact that to the African 'religion' was coextensive with every action and thought; that it is not possible to pick and choose from his culture and say, 'I will retain this and this', if at the same time we destroy that which gave the whole its dynamic force; or realizing this, is the administrator to say to the Missionary Bodies, 'We are compelled to restrict your activities in the best interests of tribal authority; we find that the development of this people along their national lines is wholly incompatible with the tenets which you preach'? In other words, are we to decree that the African is not to be Christianized because thereby he becomes denationalized?

The first of these suggestions must be dismissed except by those who are prepared to sacrifice most of the inherent characteristics of the African race.

The second suggestion is in many ways even more dangerous, for it is based on half-knowledge; it would preserve the outward form, without inquiring whence it derived the power which must lie behind every human effort if it is to be a success. It would retain a delicate machine and expect the mechanism to function when the original motive power had been removed and an entirely new driving force substituted, one not wholly suited to the old type of machine. It would be better, in my opinion, to advance on modern Western lines than to retain this parody of the old system.

We come now to the third suggestion. I had better confess at once that it is undesirable and impracticable. Ashanti might in time have produced its prophet, who could have elevated the 'it may be inspired elements' in the religion of this people into a cult which would have called forth the admiration, or at least commanded the respect, of men of other creeds, and thus made possible a policy similar to that

adopted in Nigeria, where the activities of Christian Missions are restricted. It has not done so, however, and in the words of the 1921 annual report for Ashanti, 'in certain parts of Ashanti something in the nature of a "mass movement" towards Christianity has set in'.¹

It might therefore appear that we have reached a point at which, to be frank, Christianity seems the stumbling-block in the way to progress. I am convinced, however, that in this very factor lies the means by which our ideal may be attained, and that it is from Christianity and Christian Missions Colonial Administrations and Africans who love their own country will yet come to draw that inward power which alone will justify the retention of 'the best in the Africans' culture and beliefs'. The suggestion I now advocate has been made before, but I think has not been given anything like the publicity which its importance demands.

It is not easy perhaps for those at home to grasp the idea that the Christianity of England and our fathers is not suitable for Africa. Yet many of those who would deny this are constantly reiterating the necessity for remodelling Western ideas of education to suit the African's particular genius.

Mr. Charles Harper,² a former Chief Commissioner of Ashanti, and the man at whose instigation the Anthropological Research Branch was first inaugurated in Ashanti, in his Report for 1921 expressed an opinion which deserves to be widely known.

'It may be' (he wrote, in speaking of the 'mass movement' to Christianity to which I have just referred)—'It may be, and Missions are alive to this fact, that such a movement has attendant dangers. Possibly set native habits of morality and the valuable and *it may be the inspired elements in native religion*³ will be cast aside in an access of momentary enthusiasm without anything lasting or substantial to take their place.

*'There will probably be found much in native custom and habits of thought which can be carried over into a Christian community,*⁴ and while, therefore, this great impulse towards Christianity is stirring among the Ashanti, there is the need of the constant guidance and supervision of European Missionaries *versed in and sympathetic towards native customs and beliefs.*'

The most notable contribution to this question, which I believe to

¹ *Report on Ashanti for 1921*, paragraph 61, p. 15.

² Now Governor of St. Helena.

³ The italics are mine throughout.

⁴ The African himself must, I think, guide us as to what should be retained. R. S. R.

be vital in Africa to-day, is, so far as I am aware, to be found in a book written by a Christian Missionary.¹ His chapter on 'Christianity in Africa' is, in my humble opinion, a classic, and his argument is in favour of all I would like to advocate, did I possess the eloquence or the theological erudition which would fit me to do so.

'Our ideal', writes Mr. Edwin W. Smith, 'is not a Christian world made of a uniform pattern throughout, but one that preserves within its unity all the diversities that the Almighty has given to the individual peoples. In the essential things let there be agreement, but in the forms which embody them let there be variety.'

Again: 'What can be done, then, to naturalize Christianity in Africa? . . . It is necessary to urge that our religion be presented to the Africans, not in antagonism to, but as a fulfilment of, their aspirations. . . . It implies not a paganization of Christianity for the purpose of making it easier to Africans, but the Christianization of everything that is valuable in the African's past experience and registered in his customs.'

With a few more such advocates, I feel that the campaign, which has hardly been begun, will yet be won. It is on these lines that the Anthropologist will, I believe, find the most interesting and fruitful field for his researches—the interpretation of 'the idiom of the soul' of the people among whom he labours—for it is to him that the Administrator, the Educationalist, and now the Missionary, will look for information. His responsibility is therefore great, and it is with a full consciousness of it, and of my own shortcomings, that I now present this, my final report.

In one sense only is it final; in another, I regard the information contained in it, and in previous reports,² as only the framework upon which I trust that others will now begin to build. It is almost a platitude, in work of this nature, to state that once the existence of a particular custom or belief has been established and details concerning it have been secured, it is then a more simple matter to obtain further particulars about it. It is the breaking open of fresh ground and the building up of a sound foundation which present the initial difficulty, and upon which the success of further investigation so largely depends.

I hope, therefore, that my methods may be proved to have been justified, and I now fulfil the promise I once made,³ and call upon my

¹ *The Golden Stool*, by the Rev. Edwin W. Smith.

² *Ashanti*, published in 1923; *Religion and Art in Ashanti*, published in 1927.

³ See *Ashanti*, preface, p. 7.

brother officers, and more especially Africans themselves, to take up the threads where I have dropped them and continue investigations in that particular branch of inquiry in which they find themselves to be most interested. In this manner alone will the labour and expense of this experiment be justified and the work carried to its logical conclusion.

With regard to the contents of this volume, very briefly, the plan adopted throughout, is as follows. I have tried to trace the growth of 'the undivided household' and its head from its original simple beginning until we arrive at the present-day territorial (as opposed to kindred) groupings under a Head-Chief, of which, I believe, the simple family group under the house-father was the early prototype.

The whole of the present volume, in fact, has a more or less direct bearing on the conception of the kingly office in West Africa. It will, I trust, make it more clear to us wherein lay the real source of the power of a Chief in olden times to command service, obedience, and respect. Not the least pertinent of the questions which it suggests is one upon which I have already laid some stress—the inevitable reaction which is likely to take place when an Ashanti becomes a convert of one of the local Missionary bodies, which has not been at pains to impress upon its convert that the adoption of Christianity need not lessen the respect due to tribal authority.

About two-thirds of the book deal with the Constitution and History of many of the most important Ashanti Territorial Divisions, and the concluding portion with Akan-Ashanti Law and Procedure, a subject concerning which our previous information is particularly scanty.

I would draw especial attention to the chapter on Land Tenure, which contains, I believe, some new and important data.

Acknowledgements : It may seem an impertinence to thank the local Administration under which I have had the honour to work, but I am under a very special debt to its officials, although they may not know it. The success of work of this specially difficult scientific nature lies—at least, that is my experience—on its freedom as far as possible from the fetters and trammels of Departmental interference. To the successive Chief Commissioners under whom my work has been carried out, who allowed me to carry on in my own way—a policy to which I attribute any success that the Department has achieved—I accord my sincere thanks. The Local Government and the Colonial Office have also been very generous in the matter of 'leaves', to enable me to write up the material collected in the field—a part of the

work which it is almost impossible to do in the somewhat arduous conditions under which of necessity this task must often be conducted. I am again much indebted to my University, which in a sense is the father of this branch of scientific research, and in which I received my early training. Dr. Marett very kindly lent me all his valuable notes on 'Primitive Law' before I commenced to write the present volume. Mr. Dudley Buxton has read all the proofs and helped me in many other ways. The Clarendon Press has again come forward with offers of such financial assistance as may be found necessary for the publication of this volume, and I thank the Delegates once again on behalf of the Gold Coast Government. I feel that the constant reiteration of my thanks to my brother-in-law, Sir Henry New, must have become monotonous to his ears, but as he has read this book through several times in proof, thus giving me the benefit of his valuable literary criticism, I am compelled again to thank him publicly for all his invaluable assistance.

I have left to the last the most important acknowledgement of all.

It is to the Chiefs and people of Ashanti who have admitted me to their homes, their friendships, and confidences. As Dr. Danquah¹ rightly says, if I have been fortunate and 'accurate' in my presentation of their life it is because I have been 'well informed'. They have been my collaborators in this and in the previous volumes, and the debt which I owe them I cannot express at all adequately.

Finally, I should like to make it quite clear, if I have not done so before, that when I have spoken of 'religion', which occupies such a wide setting in this and my previous volumes, I do not imply by that term the teaching or practice of right conduct or of righteousness from ethical motives—primitive ethics are very different from Christian ethics.

I think and maintain, however, that 'religion', in the sense in which it has now been portrayed, brought about somewhat similar results, and originally (before our civilization began to break down *pure* native customs) guaranteed standards very similar to these set by the higher form of Christian Ethical teachings.

This is the part played by 'primitive religion' in Ashanti in the past; and surely in some way, which, even yet, I do not fully understand, it has served—and may serve—a noble and a useful purpose.

R. S. R.

¹ See *West Africa*, 12 March 1927, No. 528, vol. xi.

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THE FAMILY, OR 'DOMESTIC ESTABLISHMENT'

THE farther back we can grope into the social organization of any race, the nearer we shall approach the origins of those comparatively advanced laws which we find in operation among that people at the present day. Could we follow this process of evolution through all its stages, we could perhaps bridge the entire gulf that appears to lie between the Austinian definition of law as 'the expression of the sovereign will, depending upon sanctions imposed by the State', and primitive law, in its earliest conception. The latter seems difficult to define in terms that would be acceptable to a modern jurist. The fundamental principles upon which our modern definition rests do not appear at first sight to exist in primitive law—there is no Sovereign, and there is no State—and such sanctions as there are seem very unlike our modern conception of punishments imposed by a central authority. Again, our simple and natural classification of offences into 'Civil' and 'Criminal' does not appear to hold good,¹ and the outlook which regards religion and morals as being subjects with which the law is not actively or directly concerned would be unintelligible to the primitive custodians of the unwritten, uncodified, unclassified rules of conduct which they had been accustomed to follow almost unconsciously from time immemorial. The word 'custom', indeed, seems at this stage almost too definite a term to describe observances which were followed instinctively or by force of 'habit'.² As to this very early stage we can perhaps only guess. For the next phase—when the instinctive habit of unconscious obedience tended to become more difficult or even irksome, owing to the expansion and wider distractions and interests of the social group, when the unconsciously obeyed restrictions on the general and individual conduct and freedom of the members of a family became 'customary laws', binding a larger group—we shall find some tangible evidence in these pages.

Ashanti law has almost certainly passed through the hypothetical period postulated above, and not so long ago but that the process may in some degree be retraced. It is, moreover, still in that interesting

¹ This is not to say that the Ashanti had not any legal classifications or categories of offences—such did exist, but they were different from our own; see Chapter XXV *et seq.*

² See Maine's *Ancient Law*.

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period of transition—through which all laws have possibly passed—when tribal religion, tribal morals, and tribal laws are considered as inseparable. The result of this is that breaches of what we should call 'the civil law' are still punished by religious sanctions and vice versa. The immense influence of primitive religion on primitive law has not, I believe, been sufficiently grasped; certainly not in Ashanti, where religion is the keystone of the whole legal structure.¹ As I have already stated elsewhere, it was considerations such as these which influenced me to delay the examination of Ashanti Law and Constitution until the local religious beliefs had been fully examined.²

I have stated in the opening paragraph of this chapter that it is in the social organization of a people in which lie the germs of the legal system which they are later to develop. If this hypothesis be correct, then it will be well to begin our investigations with an examination of the centre of that social system. This, in Ashanti, is not the King, or Chief, or Clan, or Tribe, or even the individual; it is *the family*.³ I think that it will be possible to prove that from such a unit may be traced most of the later ramifications and existing practices in the Ashanti Law and Constitution. It is hardly possible for any one to investigate the status and *potestas* of an Ashanti *fie-wura* (house-master) and the position of the other inmates of his *ménage*, without observing how the present-day position and power of sub-Chief, Chief, Head-Chief, and finally of the *Asante Hene* (King of Ashanti) himself, *vis-à-vis* his subjects, have been modelled upon this simple pattern and developed from this humble beginning. 'The Sovereign Power', so indispensable to our modern conception of law, will thus be seen to have had its prototype in the primitive community. The sovereign power in Ashanti, it is true, is still somewhat different from the final form which it was to take in Europe. In Ashanti it is apparently⁴ embodied in an oligarchy, and its functions were seldom, and are not even now, to initiate new legislation.

The essential difference between the family (*fiefo*, house-folk) and the clan or kindred group (*abusua*) in Ashanti is, that while the latter is unilateral, the former must, from the nature of its composition, be *bi-* or possibly *multilateral*. A typical family, all living in one com-

¹ See Miss Kingsley's *West African Studies*.

² See *Ashanti and Religion and Art in Ashanti*, preface.

³ By this term I mean what is sometimes called 'the undivided household', or 'the domestic establishment'.

⁴ I write 'apparently', for ultimately all power lay in the hands of the people. See Chapter XXXVIII.

THE FAMILY, OR 'DOMESTIC ESTABLISHMENT' 3

pound or group of adjacent compounds, might comprise the following individuals :

- (a) The head of the household, a male, whom we shall call *A*, whom the Ashanti term *Agya* (father) or *fi-wura* (house-master).
- (b) His wife or wives, who, owing to the rule of exogamy, must be of a different clan from the husband, but need not necessarily themselves be all of the same clan.
- (c) The unmarried children of both sexes, who belong to the mother's, not to the father's clan.
- (d) Married sons and their wives and children, *A*'s grandchildren, (*nana*) who may or may not be of the same clan as *A*.
- (e) Possibly *A*'s mother and his younger brothers and unmarried sisters.
- (f) Possibly sons and daughters of *A*'s married sisters, all of whom are of *A*'s clan, and later—
- (g) Household pawns, slaves newly acquired, and descendants of other household slaves, who, by a kind of legal fiction, which will be described later, will possibly be classed as belonging to *A*'s clan.

The first point to notice is that *A* is not only a 'father' but an 'uncle'. The various degrees of paternal and avuncular authority which *A* exercised over the various members of his household will presently be examined in detail. His power over his establishment, as I have already suggested, is not dissimilar to the authority later to be wielded by a Chief over his subjects. The prohibitions and restraints he imposed over each member of his family in varying degree became later the customary laws and duties which were observed by the territorial groupings; his utterances became the *themistes* of his descendants who were to become Chiefs and Kings. Such households or families possibly formed originally more or less insulated, if not isolated groups. The head of such a group had not necessarily succeeded to his position owing to the observance of the law of primogeniture in the strict meaning of the term. The selection, it is true, was confined to candidates from among a particular 'blood', but he was not appointed merely because he was the eldest member of his clan. He had been brought up in a circle where all enjoyed almost equal privileges, and the only semblance of a claim to aristocracy was conferred by clansmen on one of their members in virtue of outstanding wisdom, or

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bravery, or usefulness. The law of primogeniture, it is true, applied in so far that he would ordinarily have been chosen from the eldest branch of the female side, but he need not necessarily have been the eldest son of that branch. These rules still apply to-day in the choice of a successor to be head of a family, and they apply as strictly, as we shall see later, when the candidate for selection is not a mere 'house-father' but is a King. A dying house-father had, and still has, within certain limits, the right to influence the nomination of his successor and he may express a wish to pass over his next eldest brother or nephew. In such a procedure we possibly have the germ of testamentary disposition, of which we have still a better example in the *samansie* (will), which will be noted later. It may be well in this place to discuss briefly what it is to which the head of such a family succeeds. The estate that devolves upon him is somewhat different from anything of which we have a conception at the present day. His succession is perhaps rather to obligations than to tangible assets, to duties rather than to rights. Upon him devolves the onerous task of acting for his blood relations as intermediary between the kindred group and its departed spirits. At this stage, I believe that there may possibly even be a distinction between succession to such a position of political and spiritual authority, and ordinary succession to such minor articles as, among primitive peoples, form their only movable personal property. My reasons for such a suggestion are prompted by the fact that, in Ashanti, the uncle seems in theory the heir to the personal property of his nephews, but almost invariably in practice he waives his right in favour of the deceased's next eldest brother. Succession to be head of a household, with its implied obligations and political authority, seems one thing, succession to such scanty movables as formed a man's personal property is another. Besides his duties as custodian of, and mediator between, the ancestral ghosts, he is administrator of all the family property, custodian of the family traditions, and arbitrator in the family quarrels. The group over which he is head is a democracy, but a democracy very different from those in modern Europe. In one sense it is a communistic body, yet in another the rights of each unit to individual enjoyment of property are absolute during his actual enjoyment thereof. This is a point which is not perhaps sufficiently recognized, and it is a little confusing. It will be dealt with more fully later.

I have mentioned that the head of the family acted, when need be as arbitrator in family disputes, but his interference in such matters was

influenced by the opinion of his household, who were consulted, so that his decisions were seldom, or perhaps never, his own arbitrary commands. His judgements in case of disputes were possibly at first not backed up by any but religious sanctions. They were also regarded, not so much as delivered from his own store of wisdom, as being those of his dead ancestors. The latter were almost certainly buried beneath the floor of the hut where the present head ate, and lived, and slept; for them at every meal he put aside offerings of food and poured libations; to them he offered up family prayers. Perhaps in all this we have the origin of the 'Divine Right of Kings'. Serious matters in dispute were brought before this head by the curious but simple expedient whereby the aggrieved person demanded what he or she considered his or her right, by an invocation that, if the request were not granted, then some catastrophe—such as had once in the past overtaken his ancestor or himself—might be called to mind, or even might possibly again fall upon *agya* (father). The 'father' was naturally ready to avert such a disaster, or was sorrowful¹ at its being called again to his recollection. He caused those persons who had invoked such unhappy memories to be brought before him, and punished, or at least reprimanded, those who had dared to endanger his life or limb by the semi-supernatural sanction invoked or implied. The dead, not less than the living, are supposed to resent the calling to mind of some unpleasant event in their career, and it is thought would possibly vent their anger upon their living representative, did he not take steps to deal with the delinquents. In this simple procedure, which is still common in Ashanti households, we have the origin of the *ntam*, the so-called 'oaths', which are such a marked feature of court procedure in Ashanti.² What were the disputes that were likely to upset the harmony of such a little community as that with which we are here concerned? I think it is always a mistake to consider early man as having been essentially a wild, savage, brutal, fighting fellow, ready on the slightest provocation to say or do what his feelings or bad temper prompted. I think the real picture is probably the reverse of this to a certain extent. I believe that primitive man, as yet unspoiled by ambition, wealth, and war, very soon learned that his existence and the existence of his family depended on the observance of certain rules of conduct. To such an extent was this the case, that his life became hedged in by so many 'don'ts' and 'must nots' as to remove it very

¹ Sorrow and anger are, in Ashanti, almost synonymous terms.

² See Chapter XXII in *Religion and Art in Ashanti*.

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far from that primitive state of freedom which we are apt to picture as constituting savage existence. All the old Ashanti declare that within traditional memory there was a time when war, in its modern sense was unknown,¹ and when capital punishment was unheard of. The chief sources of possible trouble in those days were (this we can safely surmise from the fact that they still are) women; sexual offences; disputes as to the possession of such trifling articles as alone could be held as personal property (i. e. weapons, tools, clothes, ornaments); sacrilege; violation of taboos; common assaults; witchcraft; and last but perhaps most common of all, quarrels arising out of personal abuse. The procedure in all such cases was alike; the matter in dispute was either settled privately between the parties (i. e. if the quarrel arose between members of the same 'blood'), and was thus in the nature of what we would call 'a private wrong', or it was taken before the 'house-father' by the process already described of 'swearing an oath'. When, irrespective of the nature of the original dispute, it became what we would term 'a public wrong'. Disputes, which between members of the same kindred group were one thing, became wholly another matter when the litigants were members of separate groups. These latter were the earliest clashing of 'international' affairs, for the quarrel became not one between the individuals concerned, but between the whole of the rival households in which each was represented. Even disputes within a particular family were not quarrels which alone affected the individuals concerned, but were considered as matters affecting the entire family. Certain offences, even those which we should consider as essentially personal or family affairs, were deemed as being the concern of an even wider circle. A large part of this volume will be taken up with a description of the procedure and methods of punishment in connexion with the offences that have been mentioned. An endeavour will be made to trace the growth by which many of these offences, at first regarded as purely family affairs, came with the expansion of the family, to be considered as offences against and involving, the community as a whole.

Before I leave the subject of the 'house-master' or 'father'—to use the Ashanti terms—I think it is well to point out that although his position seems privileged in many respects, he enjoys no more right of property in the movables or immovables of the family than any other member of his household—with perhaps one exception which will be noted later—a point which is often lost sight of at the present day.

¹ Disputes between tribes were once settled by single combat.

THE FAMILY, OR 'DOMESTIC ESTABLISHMENT' 7

in the curious clashing of African and European ideas. I refer to the position now taken up by certain Chiefs, who seem to regard their position as rulers as conferring a status from which they may possibly derive personal or pecuniary advantage, while formerly, as we shall see later, the reverse might possibly be the case. The varying degrees of paternal or avuncular authority which the 'house-father' exercised over individual members of the family will now be examined in detail.

The 'father' of such a household ruled over and controlled the following members of his establishment, *subject always to consultation with its senior members, who in turn consulted those below them* :

- (a) His younger brothers and sisters, and sisters' children.
- (b) His grandchildren by his sons who had married his nieces, i. e. who had married 'cross-cousins'.¹
- (c) His household slaves and all the children of his female slaves, or of male slaves who had married his own female slaves; and, in a somewhat modified degree, 'pawns'.

Over his wife or wives, his own children, his grandchildren (with the exception noted), he had considerably less control. All these belonged to another clan, and in spite of the fact that the incident of marriage had brought them under the roof of one who was not a clansman, and into a new territory or locality, they, in all really important matters, would seek advice and, if need be, assistance from the head of their own family who resided elsewhere and ruled over just such another family group. In so far as this was the case, the authority of their immediate 'house-father' was lessened. This point is of importance. Later we shall see how it had its exact parallel in those larger organizations and territorial groupings which were modelled on combinations of just such simple units as are here described. I propose now to examine in the following chapters the position of the head of the 'domestic establishment': (1) as a father, and (2) as an uncle.

¹ See *Religion and Art in Ashanti*, Chapter XXIX.

II

THE FAMILY (*continued*)

Father and Children.

THE exact status and position of an Ashanti father (in a literal sense) is somewhat difficult to understand. Armed with a knowledge that the blood-tie is the one factor that really counts, we are apt to fall into the plausible error of supposing that he must belittle more than a figure-head in his own family.¹ A study of Akan-Ashanti law certainly tends at first sight to confirm this—a wife's property is her own; a child may not (generally) succeed to a father or a father to his child; a father may not pawn or sell his child (without full consent of the mother and her clan); the children are not concerned with the male parent's ancestral ghosts, and when they die may not be buried in the same place of burial; they do not contribute to the father's family funds or levies in the event of his family incurring a debt *Yenwo nni* (We do not beget children that we may profit by them), is a well-known Ashanti saying. All these social laws, however, like many others of a similar nature, appear subject to considerable modification in actual practice, for, when they seem most unnatural or unjust, influences or sanctions come into work which may easily be overlooked, but which will explain the apparent difference in theory and its practice in the position of an Ashanti father in relation to his children. The mitigating influence in this case is the supposed power of the father's *ntoro* or *nton*. Readers of *Ashanti* and of my last volume, *Religion and Art in Ashanti*, will know what is understood by this term. Very briefly the *ntoro* is the male totemic spirit which every child, male or female, inherits from its father. Like all supernatural elements it is powerful. It is of and from the father. It (the *ntoro* spirit) might possibly resent any too high-handed action, based on their strictly legal claim, on the part of the mother or mother's clansmen, to children of their own blood. 'The *nton* or *ntoro* has power over children even in the lifetime of the father.' 'The *saman* (ghost after death) of a father has great power over children,' said my Ashanti

¹ The late Sir A. B. Ellis in his *Twi-Speaking Peoples of the Gold Coast*, p. 10, wrote 'Children belong to the mother and the father has but little claim over them'. Sarbah the historian of *Fanti Customary Laws*, was nearer the truth when he wrote, 'During the lifetime of the father, the sons and sons' children are in subjection under him'.

informant, and then quoted the proverb, *Die wabye wo ti' sene ono na obo no* (He who moulds your head as a potter does a pot, it is he who can break it).

There is another well-known maxim with reference to the position of children in the event of separation or divorce: *Wo yere nko mma mmera* (Your wife may go off, but the children will come (to you)), 'because the mother is afraid of the father's *sunsum* (spirit)', added my informant. I have collected a large mass of material in the form of answers to questions as to the position and rights of a father over his children, and I think that more light will be thrown upon the question by quoting what Ashanti fathers and mothers and uncles themselves have to say upon the subject, than merely by an examination of abstract prerogatives. During infancy, said one informant, the child is of course with the mother more than with the father, but when it can walk, if a boy, it will begin to follow its father, and when old enough will go to the farm with him. Later on it accompanies him when trading and earns money for him. All profits derived from the work of children go to the father, not to the child's *abusua* (clan). A father should, however, not 'mix' all such profits with his own, but should put some of them aside to help to pay the marriage expenses of his son or any taxes or claims made against him, e. g. *ayiasika* or *ahentuo*, but, added my informant, 'you will not tell your son this, as it would be shameful'. 'All the money thus earned by your children is your very own and does not belong to your *abusua*, and you may tell the latter when you die that you leave it to your sons.' A father may also hand his son some capital with which to trade on his own account. All profits thus made will be put aside and given to him when the father dies or when the son marries.¹

A father has to find a wife for his son,² and to pay 'head-money' for him even if his son has money. The father will give his son a *dampon* (sleeping-room) in his own house, and a *pato*³ (open three-walled room) in which the wife will cook. He will stay with his father until his father dies, and then may go to his own uncle. His father and mother alone may punish him, not his uncle without the permission of his parents. An Ashanti father has a small pair of tawse (*mpere*), made out of an antelope skin, with which he may chastise his children on the buttocks for pilfering or speaking abusively. 'If you have any *dwumadie* (profession), e. g. are a hunter, weaver, drummer, or black-

¹ Compare the *Peculium* relieved from the incidents of *patria potestas*, in Roman law.

² But see p. 20.

³ See Chapter VII.

smith, you will train your son to be that too, and this without his uncle's permission. If you have a son who will not obey you, you will send him away to his uncle.'

The person who gave me this information was possibly speaking from the point of view of a father, and as such it is perhaps rather an *ex-parte* statement. The following is the view of an Ashanti uncle, whose position will presently be examined more fully: 'An uncle can remove his *wofase* (nephew) from his father's care should the latter be too poor to bring his child up properly. He will call his nephew and point out how poor his father is, and how, when he (the father) dies, he will not succeed even to the little which he possesses, for all will go to the father's brother or uncle. On the other hand, an uncle will advise his nephew to stay with his father if the latter is well-to-do. The Ashanti have a saying, *Y'enuo nni* (We (men) do not beget children to enrich us). A child will remain with his father only if he loves him. Children when they grow older will begin to take more interest in their uncle's property, for they will know it may one day be theirs, while all the father possesses will go to his *abusua* (blood relations).'

'If a father cannot get money to bring up his own children properly, the uncle may send them on his (the uncle's) business. An uncle will generally allow his nephew to follow his father's trade, because he, the son, was born already with his father's *kra* (spirit) or *obosom*.¹ If the father of a child is rich and treats his son properly, an uncle will not interfere with his marriage. Your sister may take her husband's part, if you, the uncle, interfere too much with her children. If children are very young when a divorce takes place, they may follow the mother, but if they are older they may remain with the father. A father will give his son a bit of his own land to farm.'²

Again: 'A father has no real (legal?) power over his grown-up children. If they wish to go to their *abusua* (blood), he cannot prevent them. In the case of very young children, when a man divorces his wife, she will take them with her; when they grow up a little, they will come and visit you (the father) and stay with you some days at a time. If a man, who divorces his wife, has young sons, they will remain with the father if they wish, and the mother will not take them by force lest the father's *nton* (totemic spirit) should kill them, and she should thus lose them altogether. Daughters will generally follow the

¹ It will be seen later how this idea was developed in the case of the *gyase* subjects of a Chief.

² This point will be dealt with fully later; see Chapter XXXIII.

mother, and will certainly do so if very young (i. e. on separation or divorce). There is no law about sharing children. A man knows, *Yenwo nni* (We do not beget children to profit by them). The saying *Wo yere nko nma mmera* ("Your wife may go, but the children come", i. e. remain with the father) means they will do so of their own accord, or because the mother and her *abusua* (clan) fear that the father's spirit (*nton*) would take revenge by killing the children should their clan take them against the father's or their own wish.¹

Again: 'The proverb *yenwo nni*' (said Kwaku Kodja, an ex-*Ko'ntire Hene*) 'really means that however much you are in debt you cannot pawn or sell your children to pay it. *Obi nfwɛ obi 'ba* ("One person does not look after (bring up) another person's child"), i. e. a father looks after his own children better than the uncle. A father may chastise his children. If a father does not reprove naughty children, the neighbours will upbraid him and tell him he does not know how to bring up (*tete*) a family. *Obarima bye obarima 'ba, na oba bye oba* ("The training of a boy should be done by a man, and that of a girl by a woman"). A male child who has been brought up by a woman is called *oba 'ba* (a woman child), and is laughed at. 'Suppose a man exclaims *Eno e!* ("oh mother!") e. g. when something bites him, or something falls out of his hand, instead of *Agya e!* ("oh father!"), he will be laughed at all his life, and called *oba 'ba* (a woman child). (Perhaps rather our term "girlie-boy".) The converse, however, does not hold, for a woman who exclaims *Agya e!* ("oh father!") is merely considered as a *'ba 'barima* (a mannish woman), "she is brave", *n'ani ye den* (lit. "her eyes are strong"). A male child is discouraged from associating too much with his mother and told, if he does so, that he will grow up into a fool.'

Training of children: It is difficult to find any trace of the systematic training of children.² There were not any schools in the modern sense in olden times, but almost every hour of the daily life young children were undergoing unconscious instruction, mostly perhaps by a process of imitation of their elders. The bringing up of a boy seems naturally to have fallen on the father, and to have begun very early in life. The uncle does not appear to have had much say in the matter, or to have exercised any control at this impressionable age. Again I shall quote largely from the statements of the Ashanti themselves.

¹ The young children attached to Chiefs' treasuries were, however, systematically taught the weights used for gold-dust.

‘ A male child will sleep with his father as soon as he ceases to be suckled. A father will teach his infant son to go behind the wall of the hut to ease himself, and his mother will clean this up each day and take it to the *sumina* (kitchen midden). Should the child at first wet the sleeping-mat during the night, the father will not flog him, but will call in small boys and girls about his son’s own age and tell them to come and catch his boy and make him dance a dance called *bonsua bono*. He will be tied up in his bed-mat, taken to “the bush”, and dressed in *nsansono* (a kind of nettle); water will be thrown over him and the boys and girls will sing :

Tworodobia e! wo si wo kete anadwo.

Tworodobia e! wo si wo ntama anadwo.

(You wash your sleeping-mat in the night. *Tworodobia e!* you wash your cloth in the night.) He is then taken to an elder of the family and taught to say, *Me ka wo nan se menyon nyonso anadwo bio*, (“I mention your leg that I will not make water again at night”). He may also be led to the village *gyadua* (tree) and bade to say, *Nana gyadua, me ka wo nan se menyonso anadwo bio* (“Grandfather *gyadua*, I mention your leg that I will not wet again at night”).³ ‘Sometimes a child who has not a strong *sunsum* (spirit) will die after such ridicule. In such a case the father will be punished at the instigation of the child’s mother, who will tell the father that if he did not wish his little son to sleep with him, he should have sent him to them’ (i. e. to her clan). We have here an example at an early age of the use of the strongest of primitive sanctions, i. e. ridicule.¹ A child is punished for *kroma-kroma*, i. e. pilfering within the family circle. ‘He may be punished for this by having red peppers put up his anus.’² This seemingly somewhat drastic punishment was excused by my informant on the plea that: *Agya adie me fa, ena adie me fa, krono ba*, i. e. ‘I take something belonging to father, I take something belonging to mother, that is how stealing is learned.’ Here we have an example of the belief that an offence committed within the family comes under a different category from one committed outside that circle.

A father may say to his son, ‘Pick up my stool and follow me to the Chief’s house’ (*abenfie*). A mother will say, ‘Follow me to the farm’. The father will get his way. A child carries his father’s stool and sits down behind him and listens to all that is said; *wa te ne kasa*,

¹ See Chapter XXXV.

² This is also the Ashanti method of treating constipation.

'listens to his voice', is the Ashanti idiom. An Ashanti father will teach his son whom especially to respect. 'That man is the chief's soul-washer; that one a stool-carrier.'¹ He is taught the names of trees and plants as he walks in the bush. He is warned not to use the words *ntam kese* (great 'oath') and various terms of abuse. Children learn about the *abosom* (lesser gods) and *'samanfo* (spirit ancestors) at the *Adae* ceremonies, and at the annual festivals, from which, it is noticeable, they never seem to be debarred.² *Obi nkyere abofra Nyame* (No one teaches a child about the Supreme God), added my informant. A son is warned by his father against the evils of masturbation, *owo ne kote afeko* (making a pestle of his penis); if he is seen, as a child, to be too familiar with any one who stands to him in a prohibited degree of relationship, he is told 'about the little boy who had his head cut off for such conduct'.³ He is taught to reply to his elders, *Agya* (father), or *Nana* (grandfather), and to remain silent in their presence. A child may see some one with his ears or lips cut off,⁴ and will ask the reason. He is told it was because of something he said.

The following are some of the earliest lessons in etiquette taught to an Ashanti child in olden times:

Not to smoke or use a chewing-stick in the presence of his elders; to remove any head-dress in their presence; never to break wind in public;⁵ to use the left hand always for toilet purposes; to use the right for eating and gesticulation; and both in receiving any gift; never to use such abusive epithets as *ose* (your father), *oni* (your mother), *okwasea* (fool); not to stare in any person's face unless he is actually addressing one; always to wear an *etam* or *danta* under the cloth (respectively the loin-cloth worn by female and male); to say *ago* on entering any one's house, and not to enter until the reply *ame* has been given. A large part of a child's training is derived from listening to the *Anansesem* (Spider Stories) and later reciting them. An especially naughty or unruly child 'might be handed over to the care of some one who was well known to be good at managing young children'. There is a well-known story in Ashanti of a mother who handed over a bad child to King Kwaku Dua I to be trained. When she returned later to inquire after it, she was informed by the King, 'I ordered the

¹ To assault these officials was formerly a capital offence.

² They were warned, however, to keep out of the way at funeral customs, 'lest they should be killed'.

³ See Chapter XXX.

⁴ See Chapter XXXV.

⁵ See Chapter XXXV.

executioners to kill the child'. 'But,' exclaimed the mother, 'I sent you my child to be trained.' 'Yes,' said the King, 'that is how I train children.'

This story, however, creates a somewhat wrong impression. Without a doubt, the curious position of children, having the choice of two homes, that of the male parent and that of the uncle, tended towards mildness and kindness of régime.

Ashanti elders in olden times, in giving wine to ancestral ghosts, would often pray that the members in their household might not ever say anything that would bring trouble upon them. This exemplifies the idea of that corporate responsibility which underlies the commission of all offences by the individual. This idea will constantly be brought to our notice in these pages.

We have now seen, that even in the nursery, the Ashanti child is trained to avoid those pitfalls which in later life constitute his chief danger of coming within the arm of the law, i. e. he has been admonished to avoid sexual offences; to be careful to guard his tongue; to respect other people's property; he is also at an early age instructed in the matter of taboos. I have already mentioned in these pages the exogamous divisions on a patrilineal basis known as the *Ntoro* or *Nton*, to one or other of which every Ashanti belongs. Readers of *Ashanti*¹ will recollect that membership of these groups involves the rigorous observance of certain food taboos. One of the earliest lessons taught to a child is therefore what he or she may or may not eat. Such taboos are wholly governed by the *ntoro* which the child has inherited from his father. Undoubtedly this common observance, shared by children with their male parent, must form a strong bond between them, a bond which in some measure mitigates the gulf formed by the different blood-ties binding each, which separates the parent from the child.

I have already, in a previous work, referred to the fact that it is only a person of the child's *ntoro* who may name that child.²

We have now examined in some detail a father's rights to chastise, to instruct, and, in the event of a divorce or separation, to have the custody of his child. These rights are claimed, it will be noticed, more in virtue of natural laws and equity than by any legal process. Legally his position is a weak one. That this is so is not wholly unfair, for his legal responsibilities are correspondingly few. The child's

¹ See *Ashanti*, p. 47.

² See *Religion and Art in Ashanti*, Chapter VI.

abusua (blood relatives) are ultimately responsible for the debts,¹ torts, and crimes of their clansman.

A child may own property over which the father has not any control, and it has been already noted that even the proceeds of his labour seem more or less considered, morally at least, to belong eventually to him.² There is a custom called *Etiyidié* (lit. that which is from the shaving of the head) which is as follows : On the occasion when a son's hair is completely shaved for the first time—about the age of four or five—a father will present his son with a sheep and a small quantity of gold-dust. The father cuts off the first tuft of hair, when the *sewa* (lit. female father, i. e. the paternal aunt) completes shaving his head. The hair is then placed in a pot which is placed in the father's sleeping-room. The progeny of the sheep and any interest or profit derived from the gold belong absolutely to the child. The father cannot claim them, nor the mother, and on the son setting up house, the capital and interest are handed over to him. Should the father ever misappropriate any of this, it is a *manson* (cause of a dispute or legal action). An Ashanti father might, in the old days, besides giving his children the use of a plot of land to farm, which eventually reverted to his, the father's, *abusua*, make a gift to one or more of his children of trees, e. g. kola. The father's *abusua* (blood relations) were informed of the transaction ; the gift was made in the presence of witnesses, and the essential *aséda* (thank-offering in return) was made. Such a gift, on the death of the donee, belonged to his heirs. This gift of trees did not however confer any title whatever to the land upon which they grew. This distinction is of great importance and illustrates the Ashanti conception with regard to the impossibility of alienating land. It will be dealt with more fully when treating of the law of property.³

An Ashanti father on his death-bed might call his *abusua* (blood relations) around him, inform them that his son had served him well, and that when he died he wished him to be given some of his (the father's) personal private property. Such a bequest is known as *Samansie* (that which is left, or set aside, by the ghost). A father might not, however, leave his inherited weapons to his son. They went to his brother or nephew. It will be seen, later, how a claimant, who

¹ Should a father pay a debt for his son, the latter becomes his pawn, unless he makes it clearly understood that the payment of the debt was in the nature of a gift, in which case the son's *abusua* will take care to pay *aséda*.

² But see Sarbah, *Fanti Customary Laws*, p. 50.

³ See Chapter XXXIII.

wishes to be considered for selection to a vacant stool, speaks of 'taking the gun of the deceased'.

It is a grave offence for a son to assault his father. The crime is known as *bo woho dua* (clubbing yourself with a stick). The child is fined a sheep, for which his uncle has to pay. 'If such reparation is not made, you will say to your son, "When I die, do not fast", which means that my ghost will get him.' 'If you make your mother weep so that her tears fall on her breast you may also die,' added my informant.

The foregoing notes may seem to refer more especially to male children. With regard to girls, they appear naturally to come more into the mother's province, and to be reared and trained under her more immediate supervision. 'I will watch my daughter's health,' said an Ashanti mother to me, 'lest an *obayifo* (witch) "get" her. I will give offerings to the *abosom* (gods) to protect her until she reach puberty, and promise them a sheep when she does so; I teach her how to play at cooking (*nkurobo*); how to wash her body; remove sleep from her eyes; soap herself from the head downwards and bathe two or three times a day; how to wash her clothes; respect every one, be polite even to a slave. *Tekyerema bedie efa adie esen aboodenfu* (A woman's tongue gets things more surely than a strong man),' she remarked. She is taught farm-work, and when puberty approaches, informed about the change that will come over her. She is warned never to call a man *Kwaséa* (a fool). The penalty for this was formerly death. She is liable to be whipped or confined to the compound for minor offences.

The old lady who told me the above concluded, 'I do not want to come back (i. e. be born again), as mothers these days are no longer kind to their children'. This motherly old woman, who was a Queen Mother, had once, at the funeral custom of some one she loved dearly, cut off the heads of two slave-girls with her own hand.

The Ashanti child, it will be noted, was very far removed from the status of the Roman *filius familias*. *Patria potestas* in Ashanti dwindles to rather vague unsubstantial claims, based on the natural, no less than the supernatural, forces at work in his favour, but opposed by all the man-made customary laws of the tribe. An Ashanti father's rights seem few, but, on the other hand, so are his obligations and legal responsibilities. An Ashanti father of course never had the *ius vitae necisque*, and even corporal punishment seems limited to mild chastisement, nor could he ever pawn or sell his son; but this is after all

only the logical consequence of the fact that a son could hardly endanger or compromise his father. It seems all the more curious therefore to find that an Ashanti father could apparently benefit by a son's labour, which fact Sarbah also recalls among the Fanti. The information supplied by my informants on this point seems, however, to indicate that there was at least an obligation to consider the father as having only a life interest in any profit so derived.

The one factor that must undoubtedly have influenced mildness in the paternal régime was the fact that a son could, to put it vulgarly, always to a certain extent 'play the father off against the uncle', though ultimately the latter had the only real power. It would perhaps not be far from the mark to suggest that an Ashanti passes through two distinct periods in his life: childhood and youth, which are spent with the natural father, to whom he gives a natural obedience and affection; these are later to be weakened by the materialistic and kindred considerations which are to draw him ever farther from his natural parent and towards his uncle, whose successor he is ultimately to become. I shall deal with the status of the latter in the next chapter.

III

THE FAMILY (*continued*)

Uncle,¹ Nephews, and Nieces.

ALMOST all the features of similarity which we have found lacking, in a brief comparison between *patria potestas* in Ashanti and in ancient Rome, will be seen to exist when we come to consider the power wielded by uncles over their uterine nephews and nieces. Here, *patria potestas* became avuncular *potestas*; at any rate, the two institutions appear to have had much in common. There was the *ius vitae necisque* (within limits); the power to alter the personal status of certain individuals by selling or pawning; the power to chose a wife for a nephew and a husband for a niece, and to compel their divorce.

The authority vested in the uncle is in virtue of his position as chosen representative of a group, bound together by the common tie of blood. The power which he possesses is very great, but its force and ultimate sanctions lie in the fact that it is a kind of corporate authority in which all the blood relations have a voice. He administers an estate in which every member of his kinsmen has a stake, but in which his position really does not confer on him any special monopoly. His status is in these respects, as I have already suggested, exactly similar to that of the Chief.

In one sense the estate which he administers is the joint property of all the kin, in so far as individuals may enjoy the exclusive use of certain parts of it; its composite parts are, however, in another sense, as much those persons' private personal property as in a country where individualism is the order of the day. This is an important point, for it will be seen that the ultimate transition from joint, if not communal, ownership is gradually being achieved through the family. The alienation of such property outside the limit of the blood-group is impossible and unthinkable at this stage. It is the business of the head of the family to see that nothing alters this law, which constitutes a perpetual safeguard that living clansmen, and as yet unborn generations of 'the blood', will never be reduced to poverty.

This is one reason why, up to the present, we have not had any paupers or workhouses in West Africa.

¹ When I use the word 'uncle' in these pages I refer, of course, to the maternal uncle.

Let us now make a more detailed examination of the various points which the power of an Ashanti uncle seems to have in common with the *potestas* of a Roman father. The *ius vitae necisque* did not of course survive the growth of a central authority which claimed that it alone should 'possess the knife', as the right to inflict capital punishment is called in Ashanti.

It is, indeed, very doubtful whether the house-father, even when not under subjection to any higher authority, ever resorted to the actual decapitation or killing of an undesirable clansman.¹ There were other indirect ways, however, of punishing such an individual which entailed practically the same result.

Expulsion from the clan (*pae abusua*) was one such method. This procedure withdrew the protection which membership of a kindred group alone afforded. The expelled member was outlawed; at best he could only hope to become a slave in the household of some other group. Later on, as we shall see, such persons were handed over to the chief for execution or enslavement. His kindred thus avoided the corporate responsibility which they would otherwise have had to bear for his offence, from which his death alone is considered to absolve them.

An uncle had the power to pawn his nephew or niece. The whole legal position of pawns (*nwowa*) will be examined later in detail under that heading. An uncle was expected to give the father of the person he wished to pawn 'the first refusal', that is, to ask him if he would not himself like to take his own child as his pawn. In any case, whether the father desired to do so or not, he might not protest or interfere. My Ashanti informants state that the person to be pawned would not wish him to do either, and remarked, *Oba ose ose dome abusua* ('A child may resemble his father, but affection (duty) is for the blood relations'); and again, *Gyadua si abontene ne hi wo fie* ('The *gyadua* (tree) may stand in the street, but its roots are in the house). 'His uncle may not beat or punish your child while he is under your care, but, on the other hand, you may spend much money on your children, consulting the gods, yet when their uncle's house becomes poor he will sell them.'

An uncle, on his nephew and niece reaching a marriageable age, would in olden times arrange for them to marry his daughter and son respectively. The question of such marriages has been carefully explained in a previous volume,² and to this I would refer my reader. For

¹ *W'adie nye a, woara wodea* (Where something you possess is bad, it is yours nevertheless).

² See *Religion and Art in Ashanti*, Chapter XXIX.

my present purpose it is sufficient to note that such authority existed. This statement may seem at variance with that already made, i. e. 'father has to find a wife for his son', but it will be noted that elsewhere I was informed that an uncle will not 'interfere' with the marriage of his nephew if the latter's father 'is rich and treats his so well'. As a matter of fact these somewhat conflicting views may be reconciled, for the interest of fathers and uncles in such cases tend to become identical. The point of view of the children whose spouses were thus chosen for them is exemplified in the following statement which also further illustrates the power ascribed to an uncle: 'Even in olden times our children did not like to marry our nephews and nieces, because they (the children) thought of our nephews and nieces (i. e. their cousins) as being our slaves, and felt when they married them that they would come under our power because of our position as uncle of their spouses.'

Wofase eye dom ('Nephews are your enemy') runs an Ashanti saying, which was explained to me thus: 'they wish you (the uncle) to die, in order that they may succeed.' The cruel bad uncle also figures in Ashanti folk-tales.

An uncle had the power to compel his niece to divorce her husband so that he might pawn her to raise money to 'buy the head' of one of his *abusua*. He would give her husband the option to advance the money, taking his wife as a pawn, but if he could not or would not do so, two courses were open to him:

- (a) To put white clay upon his wife's back, i. e. divorce her, and enable her uncle to pawn her elsewhere, or,
- (b) Pawn himself or his nephew to pay the debt of his wife's uncle.

My informant added, 'If you refused to do either of these things the uncle would "swear an oath" upon you to buy your wife for some large amount (*tramma*), for your wife is the property of her uncle, she is his *agyapadie* (inherited ancestral property).'¹

Again: 'My nephew cannot and will not refuse to marry my daughter, but the difficulty may come from my daughter refusing to marry my nephew. I will entreat her to do so. My niece I can order to marry my son; if she refuse, I can tell my son to fetch a pot of palm wine for *Aseda* (bride-price) and she is then married.'

The following note is in reference to succession: 'An *Agya* (house)

¹ *Wo sie m'agyapadie* (You are spoiling my ancestral property) is said by an uncle to the husband of the former's niece, by whom she has no children; in olden times he could compel her husband to divorce her.

father) will not necessarily name his eldest surviving kinsman to succeed to his wife and gun, but will name the one whom he thinks will serve him (i.e. his ghost) best. He will call his *abusua* around him and say, "When I die, I wish So-and-so to give me food". The sons of the senior sister ordinarily succeed to him, but not the eldest if he is a bad man, and if all the sons of the eldest sister are bad men, all may be passed over, and the Stool go to a son of a younger sister. The succession is ultimately decided upon by the family, i. e. blood (*abusua*). In the case of succession to a Stool, it is the *mpanyimfo* (elders) who decide.'

While the power of a house-father in Ashanti would appear most often to be exercised at the expense of his nephews and nieces, it must not be forgotten that, theoretically at least, it is equally great over other members of the family circle who are of his own blood, i. e. younger brothers and sisters and grandchildren by *sons* who have married their father's nieces. That such persons should not figure so largely in any picture which strives to portray the power of the 'wicked uncle' is probably largely due to the fact that they were placed by the incident of birth in an age class which removed them just above—in the case of brothers and sisters—and just below—in the case of certain grandchildren—that age where they could most conveniently be sacrificed for the common cause. I refer especially to the case where a member of the family had to be pawned to meet a family debt. The person so pawned, or even sold outright, need not always have been the one who had actually incurred the liability; it was more than likely to have been a nephew or niece rather than an elder brother or sister (whose age and position would give them a seat in the family council), or a grandchild, who would be too young to be of much value as a pledge.

I have now dealt briefly with father and child, two of the individuals who go to make up our family circle (with one of them in his dual capacity of father and uncle). In the next chapter the position of the wife will be examined.

IV

THE FAMILY (*continued*)*The Wife.*¹

IT was perhaps the institution of exogamy and the advent of the wife in the husband's house which gave rise to a certain disintegration which resulted in the formation of such a bilateral family group as we have already conceived. Clans (*abusua*) in Ashanti are, as we already know, exogamous; the wife retains her own clan identity and name and transmits both to her offspring; marriage moreover is patrilocal—the wife goes to reside with her husband. At first sight, when we consider all that this means, and the possible results socially, the innovation seems in the nature of a revolution. To borrow an analogy which will later be apparent, she appears not unlike the subject of another King, who has left home to go and reside in a new territorial division ruled over by another sovereign. She does not, however, renounce her allegiance or obligations to her former overlord (although she cannot claim complete extra-territoriality). Her position (apart from the contract into which she has entered) appears to be one of almost complete isolation and independence, among strangers, for the very children she may bear will not belong to her new lord. To her husband she does not appear to be bound by any tie that—in Ashanti—really counts, not even by the *ntoro* relationship that will later serve as a loose spiritual bond between her children and their father. Her private property remains her own; her former overlord may even compel her husband to divorce her, and may pawn or sell her to some other man. In relation to the clan among whom she has come, she is also the potential mother of children who may possibly be hostile to that clan. Such appears to be the status of a wife in Ashanti in relation to her husband.

Let us now, however, examine her position from a somewhat wider standpoint, and in relation to what has already been discussed. I refer to her possible relationship to her husband's father. At first sight he appears merely to be her father-in-law (*ase*). It has already been noted, that in considering the status of this individual, it is necessary to view it from two positions, i. e. that of a father, and that

¹ I have also dealt somewhat fully with *marriage* in *Religion and Art in Ashanti* which I would refer my reader.

² With, occasionally, faint traces of matrilocal unions.

of an uncle. In his latter capacity, as I have tried to demonstrate, both in these pages and more fully elsewhere,¹ he had the right to dictate to his nephews and nieces whom they must marry, and it has been seen how and why his choice would fall upon his daughter and son as spouses for these persons. Now let us reconsider the position of the 'wife'. She is, it is true, still wholly unrelated by 'blood' (in the Ashanti sense) to her husband, but she is not only of the same 'blood', i. e. clan, as her father-in-law, but is actually his niece and under his *potestas*. The children whom she bears to his son now therefore go to swell his, i. e. the father-in-law's, clan, not that of a stranger. The advent of the wife under these circumstances will be seen to be very far from being in the nature of a revolution or as tending to disrupt the family ties. The union, in fact, now forms a new bond between father and son, whose relations have appeared so at variance with all the laws of nature. The legal disabilities which a father seems to suffer in the first generation with reference to his own offspring are thus adjusted in the next. A son can never be of the father's clan or succeed to him, and seems lost to that clan, but, under the circumstances outlined, in the next generation everything appears to be righted and the adverse balance repaired. Biological and other reasons, it is obvious, must sometimes have rendered this ideal impossible of fulfilment. When cross-cousin marriage broke down other unions were contracted which possibly were never originally contemplated; the outward formalities of marriage remained the same, but the legal machinery no longer suited the new conditions, thus leaving us, as is often the case, confronted with results which appear to us either unnatural or grotesque.

The next question to be discussed is the legal status of the wife in her new surroundings. This question, in Ashanti, can only be answered by an examination of the actual marriage ceremony upon which the parties entered. There appear to be at least some six forms of marriage in Ashanti, all of which constitute more or less legal unions of the sexes. These are :

- (1) *Adebye awadie*, sometimes known as *Hunu awadie*.
- (2) *Afona* " or *Odonko awadie*.
- (3) *Awowa* "
- (4) *Ayete* "
- (5) *Kuna* "
- (6) *Mpena* "

¹ See *Religion and Art in Ashanti*, Chapter XXIX.

(1) *Adebye awadie* (the marriage of a free man with a free woman): Such a union is, from the woman's (not necessarily the man's) point of view, the highest or most desirable form of marriage. It consists of a minimum of formalities, simply the giving and acceptance of *Aseda* by the contracting parties. *Aseda* (lit. thanks) is a word that we shall constantly meet throughout these pages. It figures so largely in Ashanti legal parlance, that it may be as well now to give its exact definition and significance.

Aseda is a thank-offering given to the person or persons from whom some gift or benefit has been received, not so much with the basic idea of showing politeness by tendering thanks, as to serve as a record for all concerned that such a gift or benefit has been conferred and accepted. Its presentation and acceptance make it difficult or impossible for either the donor or donee later to repudiate the transaction. Briefly, it is to ensure having witnesses. In marriage ceremonies the *Aseda* may perhaps loosely be termed 'the bride-price', although this term may easily create a somewhat erroneous impression, for in no way is the wife 'purchased' in the literal sense. All that is bought and sold is a sexual prerogative, coupled with the benefit of her services and later those of her children, the last two within strictly defined limits. The 'bride-price' does not even enrich the parents of the bride, for it is distributed among many individuals who thus become the witnesses to the contract.

The following are some of the definitions of this term given by various Ashanti whom I have questioned concerning *Aseda* in marriage:

Ya Amponsa, a Queen Mother (see Fig. 45), stated that *Aseda* is given to the parents on the marriage of their daughter. 'For myself', she continued, 'I prefer sometimes not to take it, for then I can get my daughter back without any trouble or expense should the husband not treat her properly.' A trifling gift, such as a pot of palm wine, may constitute legal *Aseda*. When *Aseda* is either not paid or accepted, the husband has not any right to claim damages for adultery, but on the other hand he does not become liable for his 'wife's' debts or torts.

Again: *Aseda* is paid by the father of the man to the father of the girl. The latter gives part of it to the *abusua* of the bride, including her uncle, who takes a half. It is shared among the males of the *abusua*. *Aseda* may never be paid directly to the bride's mother; it must be given to her father, or if he is dead,

to his heir. *Oba nyge aseda* (Women do not receive *Aseda*) is a legal maxim.¹

'Even the *sewa*', i. e. the bride's paternal aunt (lit. female father), my informant remarked, 'does not receive *Aseda*.' A portion of the *Aseda* wine is given to the '*samanfo*' (spirit ancestors), who thus become witnesses along with the living to the contract.

The payment and acceptance of *Aseda* is all that is necessary to constitute a strictly legal marriage. Its non-payment or non-acceptance, however, as we may note from the statement of Ya Ampona (and many others whom I have questioned), while rendering a union in a sense irregular, did not, in olden times, necessarily seem to brand a couple who lived together openly as man and wife with the same stigma which in civilized countries would attach to a couple living together out of wedlock. The cause for this is twofold: first, that considerations of immorality simply do not enter into the question at all, any more than they will be seen to do in cases of what we term 'adultery'; secondly, that owing to the incident of clan descent being traced through the female, the children by a union which with us confers no legal status are, in Ashanti, not penalized or deemed illegitimate.² I shall allude to this again when discussing *Mpena awadie*.

Before proceeding any farther let us summarize the preceding paragraphs. By the payment of *Aseda* for a wife, the husband acquires the following legally enforceable rights:

(1) To claim damages, in event of his wife's infidelity, from the correspondent, who might be sold by his *abusua* to pay the debt; this is another way of saying that by the payment of *Aseda* he acquired the exclusive right to the woman's body, a right in which customary law would now support him.

(2) The right to profit by the fruits of her labour and later that of her children.³ Such a right does not by any means entitle the husband to order about either wife or children like slaves, and in reality amounts only to the mutual assistance that persons living together and sharing a common *ménage* would naturally accord to each other.

The husband incurs the following liabilities:

¹ The bride's mother may be given a special gift (called *afayie*), by the bridegroom to recompense her for 'having taken her daughter from her side'. See also p. 52.

² See however Sarbah, *Fanti Customary Laws*, p. 44. He is, I think, confusing the right of a son to the house of his father with rights of succession on the mother's side.

³ See also Miss Kingsley's *West African Studies*. In the case of the wife, the Ashanti look upon this right as the natural corollary of being responsible for her debts.

(1) He becomes liable for his wife's debts and torts and for her maintenance and that of her children.

(2) He takes into his house some one over whom neither he nor his clan ultimately have control, and one whose acceptance of her position seems largely to depend upon the kind of treatment she meets with in her new surroundings.

The wife is 'free' so far as the husband and his blood-group are concerned. Her very freedom, in this sense, however, depends on her almost total subjection (with the corresponding protection implied) to another blood-group, for individual freedom, in our conception of that term, in this part of West Africa, would almost immediately spell an even more complete servitude. This is a point which I shall deal with more fully when discussing slavery.

It is perhaps almost a platitude to state that marriage in Ashanti is not so much a contract between the individuals directly concerned, as one between the two groups of individuals whom they represent. Of this we shall presently have tangible proof. This makes it all the more difficult to judge of the results of such a contract in actual working practice. The details I have striven to collect regarding the customary laws upon this and kindred subjects are possibly as full as any which have hitherto been available concerning a 'primitive' people. Their perusal, however, leaves me dissatisfied and depressed at times. I am aware how all such concrete facts are in Ashanti modified in actual practice by many extraneous social factors, the ramifications of which it is hardly possible to foresee or follow.

All that we can do is to avoid dogmatizing from data, however accurate and apparently complete, and to try to realize that primitive law when put into operation seems to result in a constant striving to adapt the *ius gentium* to the *ius naturae* and so to achieve that essential balance which appears to be the law after which the world is striving.

Before leaving our examination of *Adebye awadie*, it may be noted here that the expression came later, when applied to the marriages of Chiefs, to acquire a somewhat special significance. The new construction put upon the term is, however, really in strict accordance with its original application. It still means the marriage of a man with a free woman. A Chief is, however, in his relative position to all his subjects, regarded as their master (*wura*), and they conversely are—in theory at any rate—his slaves (*nkoa*); in relation to himself they are therefore not 'free'. A union of a chief with a woman who is his own subject,

but otherwise in every sense a 'free woman', is therefore not termed an *Adebye awadie*. This expression now only refers to the marriage of a chief with the subject of another chief, i. e. with a woman who is free so far as her husband's *potestas* over her is concerned. The marriage of a chief with his own subject, i. e. with a woman over whom he is, at least in theory, master, is now classed figuratively in the same lower category as that which comes under my next heading and is known as *Afona awadie*.

(2) *Afona awadie*: This, when applied to the unions of commoners, means the marriage of a free man with a woman who is not free in the sense that she is already under the *potestas* of her husband. Such a marriage generally referred to the union of a master with a slave woman. As this form of marriage (with the exception noted above) is also concerned with the status of 'slaves', it (with *Odonko awadie*) will be considered later under that heading.

(3) *Awowa awadie*: This implies that the wife is either also the husband's or some one else's pawn at the time of the marriage, or that she later became so. The position of such a wife will be examined when the subject of pawns is under consideration.

(4) *Ayete*' (Sororate): This form of marriage at the present day appears to be almost obsolete,¹ except among Chiefs. *Ayete* means the substitution by the wife's family of another woman to take the place of a wife who has died (or, sometimes, the exchange of a young for an old wife), the substitute being generally the sister of the deceased wife. New *Aseda* is not paid; the husband nevertheless continues to enjoy all the rights (no less than obligations) which the original payment conferred. This procedure clearly indicates that the original contract into which the parties entered is not considered as being terminated by the death of the wife (nor in fact by that of the husband, for the levirate, which will be described presently, appears only to be the converse of the *Ayete* custom). If the deceased wife's sister is already married, she is (in the case of a Stool subject) expected to divorce her husband. The marriage of two or more sisters contemporaneously to the same man is not called *Ayete*, but is termed *Ahen' awadie* (Chiefs' marriage). At the present day a commoner may not enter upon such a union.² We may perhaps infer in both such cases, from the fact that they

¹ It survives, however, in certain cases where the man has 'bought his wife', and may even be practised, I am informed, in cases 'where the *abusua* of your late wife love you very much'. The derivation of the word *ayete* is said to be *ye*, 'wife', and *te*, 'to patch', 'to mend'.

² Sororate, among commoners, is in fact considered a crime, the offence being known as *atuebenefie*; see Chapter XXX.

are now the recognized prerogatives of Chiefs, that the house-father once upon a time possessed similar privileges. A man still calls his wife's sister 'my wife', but a Chief may not do so unless he be actually married to her, 'as no one would then ever dare to marry her'.

(5) *Kuna awadie*:¹ This term, which means literally 'marriage with a widow', generally implies the inheritance of a widow or widows by the heir of the late husband. It is the levirate and is the natural converse of *Ayete*. Strangely enough, the former practice has survived generally among all classes, whereas, as we have seen, *Ayete* is now almost entirely confined to chiefs.

When a man dies and leaves a wife and children, it is considered proper for his heir, *fa ne kunafo*, to take his widow (or widows); not to do so is *musuo* (an evil or unlucky thing), and the *saman* (ghost) of the late husband would be expected to take revenge. Public opinion, indeed, would be quick to condemn the man who shirked this responsibility. A year must elapse before the heir has sexual intercourse with such a woman. Even when the widow be a very old woman, the heir may go through the required ceremony, although he does not intend to cohabit with her. A younger, wifeless brother—not the heir—may sometimes take or be given the widow in preference to his elder relative. Should a woman refuse to marry her late husband's surviving brother or other heir, she will not be compelled to do so (the *saman* (ghost) is left to deal with her), but the *Aseda* and all presents have to be returned to him unless there are children, in which case 'you may give these things to them'.² The widow and children remain in the house which they always occupied, and are maintained by the late husband's heir. 'The one who takes the gun of the deceased also takes his widow', is an Ashanti proverb. The following are the words addressed to the ghost of the late husband before the heir begins cohabitation with his widow. Pouring wine upon the ground, he says:

Asumasi, ye se adere bu a, ye bo bi poma m;? nne na wo ye', ye de no ama me, me sere wo fwe me ne no so fwe pa. Ma nkoda yi nye yiye ne ma yen som me; ma menwo 'ba, bi nka wodie yi ho.

('So-and-so, they say that when a cutlass breaks, they put a new shaft to it; to-day they have taken your wife and given her to me, I beg you to look well after me and her. Let these children prosper and serve me, and let me beget others to add to your own.')

¹ The taking of a widow as part of the *ayibuadie* on the death of Kings or Chiefs is possibly an adaptation of this custom.

² Possibly for fear of the *saman* (ghost)

It would appear that the rights of the contracting parties are tending to some inequality. The husband of a woman who dies (unless he be a Chief) can apparently no longer claim her replacement by a sister, yet, in the event of the husband's death, the support of his widow and children remains, at least as a moral obligation, upon the heir. What follows is mainly a translation of what an Ashanti laid down as being the law on this custom. 'The heir says, *Ma fa me nua anase me wofa akunafo*; or *Me ko kyekeyere me nua anase me wofa yere abaso* (i. e. "I have taken my brother's or uncle's widows; or I went and bound beads on their wrists").' It will be noted that the word 'marry' is not used, as the widows in a sense are still considered as married, the original contract not having been dissolved by the death of the husband. 'It is a man's heir who succeeds to his late kinsman's wives, i. e. his brother, or nephew, or grandson.' If such a one does not take them, people say, *Wafa n'akyiri adie, na wa ka ne yere ne ne mma* ('He has taken that which he left behind, but he has abandoned his wife and children'). The *saman* (ghost) of the deceased husband is expected in this case to kill the heir.¹ The widows, in fact, consider such conduct in the nature of defamation of character, for they may demand a public declaration on the part of the heir to the effect that they had not caused the death of their late husband. In case a man refuses 'to take' the wives of his late kinsman, these wives have a right to take all the children away with them. If the widow, on the other hand, refuses 'to be taken', the heir can claim all the customary expenses that the deceased had incurred in connexion with the marriage. If the widow is very old she has every right to remain in her late husband's house, and will possibly insist on doing so, declaring, *Me ware me kunu saman* ('I shall mate with the ghost of my (late) husband'). If a man had married his *wofa 'ba*, i. e. his cross-cousin, and on the death of his uncle became the latter's heir, unless he be a chief, he may not marry his uncle's wife, for he has already married her daughter.² In old days

¹ The following is a concrete example which came under my notice. A certain man of the Beretuo clan, resident at Beposo, neglected to take his kinsman's widow, but instead gave five sheep to his brother's *saman*. Later it was ascertained through an *obosom* (lesser god) that the dead man would not accept this, but insisted on the woman 'coming back into his house'. By this time, however, the woman was already married elsewhere, and the heir soon after dying, his death was ascribed to his neglect to take his brother's widow.

² There are, however, many alleged cases of chiefs having done so, e. g. Safo Kantanka, who married Aberefi Ya and also her daughter Kwadu Yadam; Kobina Dwumo, who is alleged to have married Nyantakyi and her daughter Afua Pokua; Owusu Sekyere, who married Denta and Afrakuma.

the heir did not claim the widow for a year; at the end of that time he would send a *domma* (7s.) and *gyanie* beads, and if the widow bound the beads on her right wrist, that was a sign she would marry the heir. This was all the marriage ceremony required. The heir's *'samanfo* (spirit ancestors) were then informed and asked to bless the union. Until a year had expired, any one having sexual intercourse with a widow was said to have had sexual intercourse with the wife of a ghost, and he would be fined. If the heir, who has the legal right to inherit widows, does not himself wish to take them all, he may pass them on to his younger brothers or nephews, or *nana* (grandchildren), but not to any one else.¹

Where the heir to widows is a woman, she will address them as her 'wives', and before she allows them to return home (i. e. to their *abusua*) she will make them 'swear an oath' that they have never been unfaithful to their late husband.

The last form of marriage to be examined, (6) *Mpena awadie* (lit. the mating of lovers), may not seem to us to fall under the category of a marriage ceremony. Even in Ashanti there are important distinctions between this and the strictly legal marriages which have been discussed. I have included it among regular marriage formalities because I think that in older times it constituted a more or less recognized form of union. Such a 'marriage' consisted in the open and permanent living together of a man and a woman but without the payment of *Aseda*.² The children of such a union are, as has been noted, legitimate and have equal rights of succession with those born from strictly regular unions. A woman living thus with a man had even certain advantages over her legally wedded sister; e. g. she could leave her husband if he ill-treated her without her clan incurring any expenses. Even in such an event, I am informed the children might be permitted to remain with the father, on account of the respect in which his *Kra* was held. *Esie nye akurofo na ye tu tu so* ('Fathers are not like some deserted village, that our belongings should be removed from them').

The essential difference between this and the previous unions examined stands out in the fact that 'the husband' cannot claim damages from any other man who might commit adultery with

¹ The present *Omanhene* of —, when he came to the Stool, is alleged to have called all his predecessors' wives before him and said, 'You see I am already an old man; if you do not wish to remain, you may go'. All save one elected to stay.

² Chiefs are not supposed to do this.

'his wife'. Whether such a union was once considered as strictly regular it is difficult to say. I am inclined to think it was.¹ There lies, at any rate in the mind of the Ashanti even to-day, a vast gulf between a union of this nature, based on voluntary mutual consent, intended to be permanent, and carried out openly, and casual promiscuous intercourse with a woman who is a recognized prostitute, or the practice of concubinage, the evils of which have been attested by many witnesses, which became so common at a much later period than that with which we are here concerned.

Before we pass on to examine the place of slaves and pawns in the family, the position of the wife may be summarized briefly. She is not a member of her husband's kindred group, nor are the children whom she bears him, and she is ultimately under the power of her uncle, who may even pawn her. The contract into which she and her group have entered absolves them from responsibility for debts and torts incurred by her while actually residing with her husband, but her own clan lose her services, in that they are now at the disposal of her husband, who can personally benefit by them. The property she possessed before marriage remains her own, and on her death reverts to her blood relations, not to her husband. He is responsible for her maintenance and for that of her children. He can recover certain expenses should the marriage be dissolved owing to the wife's misconduct, but not when the marriage is discontinued owing to his culpability. The contract entered upon is one between two groups, not between two separate individuals, and originally, as we can see by an examination of the customs called *Ayete* and *Kuna awadie*, was not considered as terminated by the death of either of the principals, as a new member of either group stepped in to fill the gap caused by death. The position of apparent weakness in the status of the husband in relation to his wife and children is found in actual practice to have been strengthened by the power ascribed to his *Ntoro* spirit, this ever immanent supernatural sanction taking the place as it were of a court of equity and adjusting the disadvantages caused by the difference in blood between a father and his wife and children. We have seen how the authority in a household is matripotestal (i. e. in the hands of the maternal uncle), and how the wife of the son of the house-father may often have been the latter's niece, a position which must considerably alter the conditions existing when the son's wife was a member of a wholly un-

¹ In this I am in agreement with Sarbah. See *Fanti Customary Laws*, p. 41, but see also same author, p. 42, *et seq.*

related family-group. In the former case the offspring of the union are actually considered as the reincarnation of former members of the clan to which the house-father himself belongs.¹

Enough, I think, has been said to show the danger of trying to understand the workings of 'primitive' law *qua* law, and of neglecting to take into consideration the effect upon it of religious beliefs. Undoubtedly in Ashanti the purely legal status of wife and children, *vis-à-vis* husband and father, is considerably modified by the influence of these religious beliefs acting upon the more purely secular law. We may perhaps trace to this cause the dawning recognition of paternal as opposed to avuncular authority. Such a shifting of power was not, in Ashanti, brought about by, but rather in spite of, man-made laws, and was apparently growing up almost imperceptibly owing to a belief in the power of ancestral ghosts and in the male transmitted spirit—the *Ntoro*. Nor can we, I believe, grasp the significance of the position of the house-father—the status of the free members of whose household we have now examined—until we also come to regard him as having been originally a spiritual head—the representative on earth of the departed, and the interpreter of their commands—rather than as one invested with temporal power resting on human sanctions. Originally his only claim to exercise authority over free men, all of whom were regarded as equal, arose from a closer association with the dead—the only aristocracy then recognized—than that possessed by the ordinary individual.

¹ See *Religion and Art in Ashanti*, Chapter XXIX.

THE FAMILY (*continued*)*Slaves.*

IT will have been observed already that a condition of voluntary servitude was, in a very literal sense, the heritage of every Ashanti; it formed indeed the essential basis of his social system. In West Africa it was the masterless man and woman who ran the imminent danger of having what we should term 'their freedom' turned into involuntary bondage of a much more drastic nature.¹

I have seen it stated² that slavery cannot be classed as a primitive institution. If this be so, then I have not any right to include it in a survey of my early hypothetical family group. Much depends, however, on our definition of the term. I think slavery possibly existed at a very early date in one or other of the several forms which will be described presently. Its introduction need not necessarily have synchronized with the advent of wars, or awaited the humane practice of sparing the life of a captured foe instead of cutting off his head, or have been contemporaneous with the realization of the value of wealth as represented in human labour.

Slavery may, I think, very possibly have been the outcome of a desire to extend to the domain of human beings a strongly marked characteristic among primitive peoples, i. e. the wish to possess some object over which they might enjoy an individual and undisputed control, instead of merely sharing it with many others as coparceners.³

'I preferred my slave wife and my children by her to my free wife and free children because I had undisputed right over them,' said an old Ashanti to me. As we shall see presently a man's children by such a union are the only offspring over whom he possesses any real *potestas*. The first essential to the proper understanding of this highly important and interesting subject, is to banish from our thoughts the familiar pictures conjured up in our minds by the popular conception of slavery as it existed in Europe and America prior to its abolition.⁴ I have

¹ There are several proverbs illustrating this, e. g. *Wu nni wura, aboa kye wo* ('If you have not a master, a beast will catch you'); *Akoko gye no ho gyae a akroma kye no* ('When a chicken separates itself from the rest, a hawk will get it').

² See E. Sidney Hartland, *Primitive Law*.

³ A King in Ashanti would not have dared to deprive even a slave of his own personal belongings without just cause.

⁴ See Sarbah, *Fanti Customary Laws*, p. 6.

stated that, in Ashanti, a condition of voluntary servitude was the essential basis of the whole social system. In that country there existed no person or no thing without a master or owner. There is a well-known proverb which runs : *Eka ewo kura so na eni wura, odekuro dea ; adie wo kuro so na eni wura, odekuro dea* (' If there be a debt in a village that owns no master (i. e. for which no one can be found responsible), it is a debt of the head of the village ; if there be a thing in a village without an owner, it belongs to the head of the village ').

There are two distinct phases in the history of slavery in West Africa : first, the indigenous institution as practised from time immemorial, and, secondly, its later development under exotic influences. It is with the former that we are here concerned.

There are at least five separate terms to describe the various conditions and degrees of voluntary or involuntary servitude in Ashanti :

- | | |
|--------------------|--------------------|
| (1) <i>Akoa.</i> | (4) <i>Domum.</i> |
| (2) <i>Awowa.</i> | (5) <i>Akyere.</i> |
| (3) <i>Odonko.</i> | |

(1) *Akoa* (plural *nkoa*): This term, which is now often somewhat loosely applied by interpreters to mean 'slave' in the degrading European sense, to the African mind meant originally nothing worse than that condition of voluntary and essential servitude in which every man and woman stood in relation to some other person or group. A man's nephew and niece are their uncle's *nkoa*, a man's wife is her uncle's *akoa*, a man's children are their uncle's *nkoa*, a subject of a small Chief is the latter's *akoa*, while the small Chief again is the *akoa* of the greater, and so on in an ever ascending scale, until, at a later date, we reach the era of the great *Amanbene* (petty Kings), who in turn became the *nkoa* of the central authority at Kumasi, the *Asante Hene* (King of Ashanti). He was the *akoa* of the 'samanfo' (spirits) and of *Nyame* (the Supreme God).

The word 'subject', with all the obligations it implied, is the best rendering of this term,¹ in which there was originally nothing especially derogatory. By a simple process of analogy, the word also came to be applied to a class of persons over whom an individual, as apart from his group, exercised almost complete authority. Thus the nephew (who was the *akoa* of his uncle, who was in turn later the *akoa* of his Chief, and so on up the scale), when he came to possess a person over whom he had individual control (during his lifetime), also—perhaps out of consideration for his feelings—dubbed that person his

¹ It appears to be the equivalent of the Latin word *familia*.

akoa (subject) rather than *odonko* (slave).¹ The process did not even cease here, for this *akoa* might, as we shall see, actually come to possess a person who was under *him*, whom he in turn would call his subject. In this final adaptation of its original meaning, the term begins to merge very nearly into the *odonko*, the slave proper. This latter term originally designated a person who had been 'bought', and was of a race other than Ashanti.

An *akoa* therefore in its original sense may be defined briefly as 'a person born into a natural condition of subjection in relation to some one else who is termed *wura* (master)'. Birth, as will be seen later, settled the status of an Ashanti for all time.

(2) *Awowa*: This designates the status of a person who, hitherto an *akoa*, becomes the pawn of an individual or group outside the circle to which he owed natural subjection. The subject of pawns and pawning will be dealt with in another chapter.

(3) *Odonko* (plural *nnonko* or *nnonkofo*) applied strictly to a man or woman, other than an Ashanti, who had been purchased with the express purpose of making him or her a slave. The term was even once loosely used to describe all the inhabitants of the Northern Territory of the Gold Coast, who were once considered as being the potential slaves of the powerful Southern Kingdom. The main physical characteristic of an *odonko* in the Ashanti mind is summed up in the fact of his bearing tribal marks.²

¹ In the second generation the term *akoa* would always be employed, even for the descendants of an *odonko*.

² The pure Ashanti, of course, never tattoo or mark the face or body with keloids or cicatrices. A person thus disfigured could never become a chief. I am informed that, in the old days, an Ashanti who went to the Coast and returned with Fanti, Akyim, or Accra tribal marks (+ ; ☐ ; / ; respectively on each cheek) would have been liable to be killed by the King for *amanfrafo yobea* (introducing a foreign fashion). I once asked an Ashanti if a master would wish to compel his slaves to mark their children ; at this he laughed heartily, and said that the *nnonkofo* themselves spent much time trying to rub out their own tribal marks with a rough-backed leaf called *nyankyere*. The next generation of slaves, *nnonkomma*, would object to be so called ; they were *nkoa*, and would gradually come to consider themselves as Ashanti, owing to a process of adoption which will presently be noted. An exception to the rule that the Ashanti never resort to the use of tribal marks has already been noted in the case of the *Begyina 'ba* ('the come-and-stay-child') (see *Religion and Art in Ashanti*, p. 65). Since that work was written, I have been informed of the manner in which the ceremony was sometimes performed in olden times. 'When an old man or woman died, the child was taken to where the *akwere* (slaves) were being killed, the marks were cut in the child's cheek, some of the blood of the sacrificed slave was rubbed into the cuts, and the child told, *Wo ka se wo be wu bio a, ye be tua wo ti se oyi* (If you ever say you are going to die a second time, we shall cut your head off as we have this person's).'

The female *odonko* is called *odonko 'ba* or *odonko afona*. The derivation of *odonko* was given me as *do*, to love, and *ko*, to run off, i. e. some one whom you love but who may run away, but such an etymology seems at least doubtful. The big slave-market in olden times was at Salaga. The following is from an account given me by an Ashanti who had often visited this centre: 'There were stands in the market place for slaves, cattle, sheep, and merchandise. The slaves were fastened to a long rope which was attached to another rope around the waist of each, and there were also iron shackles on their legs. If you wished to buy a slave you first inspected him or her and bargained for the price. You had previously disposed of your kola for cowries, for it is with the latter you must pay for the slave. Having agreed upon the price, you pay down *tramma*¹ (earnest money), 2s. for a female, 1s. 6d. for a male. (Formerly 1,000 cowries were worth 1s.; but later the exchange dropped to 6d.) You then took the slave back to your house and were given a day in which to examine him. You call in some friend who can understand the slave's language, and, if a female slave, a woman to examine her. Next day, if you have decided you do not want to conclude the purchase, you return the slave and forfeit the *tramma*. If you buy, you pay the price agreed upon. The usual price for a male slave was the equivalent in cowries of four and a half *apakan* (loads) of kola, 9,000 nuts. A female was worth about 14,000 nuts. Not every slave whom I used to buy would reach Ashanti. Some ran away on the journey home, or even after one has reached home. In the latter case, this is often due to the bad treatment accorded to your slave by your wife. Before you reached Ashanti, you had power of life and death over your purchase. If your slave refused to follow you or gave you trouble, you might kill him. It is true you would lose your money, but you would do so in any case, if you let him go, and before killing him you could always call upon your mother's *saman* (ghost) and say, *Ena akoo me de no amane* ("Mother, I am sending you a subject"). You will report to your village head what you have done. Once you reached Ashanti, and did so, you would have been guilty of murder. Here, if you wished to kill a slave, you had to ask the permission of the Chief, who, if he agreed, would send his own executioners.'

An *odonko* might also have been a prisoner of war from a foreign state, and was then known as (4) *Domum*, or have been received as a form of tribute from a subjugated foreign power. We cannot trace

¹ See p. 53, note 2.

the ill fortune which brought the *odonko* to the foreign slave-market at Salaga. He may possibly have been sold to the slave-dealers because of some crime which he had committed. When we come to examine the process by which a free-born Ashanti came to reach a status almost exactly similar to that of the alien *odonko*, we have ample data upon which to draw. Such a slave was always distinguished from the imported variety, and was known as *akoa pa* or *akoa tororo* (a subject who is in a state of real servitude). He might have become so in one or other of several ways. He must, prior to reaching the condition of complete servitude in which he now found himself, have been a member of some group all of whom traced descent from a common female ancestor. As such, his status was assured, and he was protected against all ordinary mischances. He might, however, have been an unruly member of his *abusua*, and constantly have been getting them into serious trouble, for all were jointly responsible for him. It was a general principle that a clansman would be assisted twice by the joint contributions of his kindred, but that the third time he was liable to be pawned or sold. The clan consulted together, the senior member presiding, and the troublesome man might be got rid of and all further responsibility avoided, by handing him to some individual outside his own blood-group, in liquidation of the debt the family would otherwise have had to settle. He ceased to be a unit of his family group, who could not now in the event of his death even remove his body for burial.¹ He now became as much the slave of the person to whom he had been given as an *odonko* purchased in the manner described above. Again, as the logical outcome of a belief which considers wrongdoing as a corporate act, a perfectly innocent member of a family group might be sold as a slave or given as a pawn in liquidation of a debt incurred by his senior. 'That is why it is a good thing to be the head of a family,' naively remarked my informant.

Like the *odonko*, a free-born Ashanti might also have become a slave by being captured in one of the many civil wars that at a later date rent the country. An Ashanti slave possibly might be redeemed and thus again become a member of his kindred group, but otherwise there was apparently little difference between his status and that of an alien *odonko*. The former would probably eat with his master, 'because he would know how to wash his hands'. Both were equally liable to be

¹ The owner need not even inform his late clansmen of the death; the latter are not permitted to hold any funeral custom and may not even give the deceased a cloth without the permission of the late slave's master.

as a man's natural prerogative. Where a female slave married a free man, other than her master, any children of the union belonged to her master. 'When a master married his own slave-girl, he would pay *Aseda* to the Chief, if he wished to be able to claim adultery fees; if she did any wrong, he could sell her to the Chief and she would possibly be selected as a sacrifice at some funeral custom. All the children of such a marriage were the father's slaves, whom he could sell without consulting any one. The children of these children in the female line were considered slaves for ever.'

Again: 'If I married my slave-girl and had children, I would not give them my own clan name, for if I did so, and gave them to my nephews and nieces to marry, there would be trouble.' Slave children, the descendants of bought slaves, are already adopted into the family. They take their master's clan name in many cases, although persons who are aware of their descent may laugh and in private refer to their clan as 'a left-hand clan' (*abusua benkum*), or make a kind of pun out of the real name, e.g. *Beretuo* may be called *Bereto* ('I am weary of having bought you'), or *Oyoko* become *Oyoko sasa*¹ ('So long as the descendants of your slaves served you, you would never disclose their origin; you only did so when they would wish to cease to serve you, when you were at liberty to disclose their real status'). *Obi nkyere obi ase* ('No one must disclose the origin of another') is a legal maxim of tremendous import in Ashanti, as we shall see again and again. A man's children by a slave-wife are treated just as well as his free children. The father has now more authority over the former than their uncle over the latter. 'If I had bought the mother myself, then I could pawn or sell her children without consulting my uncle; he would have to consult with his *abusua* before doing the like to his nephews and nieces. I would not openly say so, but I preferred my slave children to my children by an *odehye awadie*.²

Property held by slave: Slaves could, and often did, amass considerable wealth and attain to considerable power. A master encouraged his slave and helped him in every way to do so, because ultimately everything the slave possessed went to the master. A master could not deprive his slave of his self-acquired property.² An Ashanti proverb sums up the situation tersely, if not very elegantly, thus: *Akoa didi me a, na no wuru, okom de no a, ne die no afuhye* ('A slave may eat

¹ *Sasa*, the rag in a red clay pot.

² Were he to do so, the slave would 'swear an oath' saying, *Me ka niam se ohene nfa me* ('I swear the oath that the Chief must take me').

to repletion while his master remains hungry, but what the slave has is, after all, only wind in his stomach'). Later a Chief adopted exactly the same attitude, and occupied the same position with regard to his subjects. A master would give his slave a piece of land to cultivate, and this would belong to the slave as surely as it would in case of a free man. Old family slaves apparently sometimes became familiar, for we have the well-known Ashanti proverb, the translation of which runs: 'You give your *odonko* a piece of land to cultivate, and the next thing you find him doing is clearing the thicket of the ghosts' (i.e. the clan burial-ground, which must never be cleared for cultivation. See Fig. 142); and again, 'If you play with your dog you must expect it to lick your mouth'. King Kwaka Dua I is reported to have had a Dagomba slave called Kra Birempon, a eunuch, whose hammock he caused some of his own sons to carry.¹ A slave who became very rich was known as *odonko sene Kanis* ('a slave who is more powerful than an Akan'). There are also well-authenticated cases of slaves bringing and winning successful actions even against chiefs. A slave might acquire sufficient wealth to enable him to purchase a slave of his own. In his capacity as master of this slave he would himself receive (or pay) the *Aseda* on his (or her) marriage and would inherit his property on his death. A master of a slave who himself owned a slave would not, if he wished his establishment to run smoothly, give direct orders to the latter, but would pass them through the slave's slave-master. A slave might claim the protection of the law and 'swear an oath'² and have one sworn upon him, but always the master is ultimately responsible should the case go against the slave, and, in the event of inability to meet his obligation, might actually have to place himself in a position of bondage and become one of the Chief's *Gyasefo*.³ A slave might drink *abosom*, i.e. might be a competent sworn witness in a case.⁴

Slave as heir to master: I have referred to this custom in *Ashanti* (see p. 43). That a slave, or a slave who was a descendant of a slave, should have succeeded to his master's property, to the exclusion of the latter's own children, no longer seems so extraordinary once we have grasped the rules of descent in Ashanti.

A slave in Ashanti had the following remedies in the event of his being cruelly treated by his master. He could await an opportunity to

¹ The fact must not be lost sight of, that, in Ashanti, the sons of a King are not 'princes' in our sense of the word, as they are not of the royal blood.

² Generally perhaps only with his master's permission.

³ See p. 56.

⁴ See Chapter XXXVI.

run away. Trusted slaves made long journeys from home, trading for their master ; a slave could run away and seek sanctuary by throwing himself on the mercy of a god (e.g. Dente), or the '*samanfo* (ancestral spirits) at some *Barim* (mausoleum). He might 'swear an oath' that some other master must take him, in which case the new master would have to recompense the original owner. A recaptured run-away slave was not necessarily punished, but was generally 'made to drink the gods,'¹ before the chief, that he would not run away again'.

Such briefly were the rights of an Ashanti slave. They seemed in many instances practically the ordinary privileges of any Ashanti free man, with whom, in these respects, his position did not seem to compare so unfavourably. The chief danger in which his peculiar status placed him appears to me to lie in the fact that the slave was generally a solitary creature more or less at the mercy of a single individual. Every one around him was in a sense 'the slave' of some one, but such persons had always behind them a whole group of relatives, whose numbers and wealth and power were ever at their disposal. The slave was not ordinarily possessed jointly (a position which would have ensured certain safeguards) ; at least, not when a member of a family had purchased him with the proceeds of his own individual labour. It seems probable that circumstances generally would have tended towards his kind treatment. An Ashanti slave, in nine cases out of ten, possibly became an adopted member of the family, and in time his descendants so merged and intermarried with the owner's kinsmen that only a few would know their origin. One outstanding fact, however, remained, i.e. that the status of a slave, i.e. an *odonko*, could never be lost, and, when necessity arose, or the terrible practice of human sacrifice became the vogue, an otherwise kind and considerate master would turn instinctively to the man who had no friend in the world, in order to satisfy the need for money or for a victim. The liability to be sacrificed at funeral customs may have been an ever-present fear in the mind of a West African slave. Many persons indeed were inevitably condemned to such an end. This idea was, as time went on, developed in an extraordinary degree. Whole villages existed² where all the inhabitants were looked upon as a human reservoir from which, when occasion arose, sacrificial victims might be drawn. Such villages were called *Akyere kurom* (village of *Akyere*). *Akyere* means a slave who, instead of suffering immediate capital punishment for some offence of which he had been found guilty, was

¹ See *Ashanti*, pp. 109-10.

² See the Stool Histories, Chapters XVII-XXIII.

held over till his unhappy services were required. Meanwhile the person thus condemned went about his or her ordinary vocations, possibly was kept waiting for death for many years, married, brought children into the world, who again married and bore grandchildren to the original culprit. All these descendants (through the female line) inherited the liability of their ancestor to suffer capital punishment at any moment, and helped to swell a reserve of potential funeral victims.

Crime we have seen, no less than every other individual act, was a corporate deed ; it therefore involved the innocent as well as the guilty. Here we have further extension of this theory as exemplified in the fact that should the guilty person be permitted to continue to live and reproduce the species, such offspring were liable to share in the sentence once passed on their parent. This custom raises an interesting question : Was the child liable to punishment because of the act of his parent, whose guilt he or she was now considered to have inherited, or was he punished because he was considered to inherit an inevitable propensity to re-enact the crime for which the parent had been condemned to death? The latter is, I believe, the notion in the West African's mind. An Ashanti once remarked to me, 'An *otofo* (criminal who has been executed), if he or she "come back", will "come back" as an *otofo*'.

The rights of a slave in an Ashanti family have now been examined and also the heaviest of his disabilities, i.e. the ever-imminent possibility of his having his head cut off at a funeral custom. There were several other disadvantages resulting from his inferior status which it may be well to record. Apart from the especially fortunate position of some favourite slaves, an *odonko* was never supposed to mix too familiarly with free men. *Odonko obo bebrebe a, ye de no ko ayi* ('When a slave gets very familiar, we take him to a funeral custom'), grimly runs an Ashanti proverb. A slave might not go to a Chief's house (unless he were the slave of that Chief). *Odonko nsiesie neho ete se ne wuru* ('A slave does not dress himself up like his master'). A slave was not allowed to wear any gold ornaments, a rule later extended by Chiefs to their 'slaves', i.e. subjects. A slave generally wore a jerkin of blue and white material, called *koboaka*, drawers (*kadana*), and a metal or stone bangle on the right upper arm. Such a dress was not compulsory. My Ashanti informant stated that even when an *odonko* dressed like an Ashanti he could always tell him by the way he wore his cloth.

Slaves performed very much the same tasks as other men, 'but had to work harder',¹ and they were naturally given any especially unpleasant duty. *Atanianie nti na ye to odonko* ('We buy an *odonko* because of filthy work'), runs an Ashanti saying. An *odonko* would carry his master's *boto* (bag of food) in war, but not a gun. A slave might not drink the palm wine known as *bedom*. *Odonko kyiri bedom* ('An *odonko* taboos *bedom* wine'). A slave might not ordinarily be buried in any *samanpow* (burial-ground) reserved for free men.² A funeral custom was not held for a slave; at most, 'a master who was sad might fast for a day and give him a fowl to help him climb the hill'. It has already been noted how the kinsmen of an Ashanti who became a slave and died in servitude might on no account claim the body, for this would be tantamount to claiming his estate. Funeral obsequies in Ashanti are inseparably associated with the rights of inheritance. A master might pawn or resell his slave without authority from any other person. In this respect his power was only similar to that held by any Ashanti uncle, but it could be exercised, in the case of the slave-owner, on the promptings of individual caprice.

We have seen that the head of a family is responsible with the other members for the *delicta* and torts of any of the individual units. It has also been noted how the corporate responsibility could be avoided only by relinquishing all claim to the person of the offender. A slave-master was in an exactly similar degree finally responsible for the acts of his bondsman, with one apparent exception: *Odonko nni awu na yen ku owura* ('A master is not killed because his slave has committed murder'). The slave was simply handed over to be killed, and the owner escaped further liability.³

A slave was liable to be pawned to another master, but this practice was apparently not very common. *Odonko awowa yensi* ('We do not place an *odonko* in pawn') is an Ashanti saying. The reason for this was stated to me to be as follows: 'If the slave who had been pawned was not well treated by his new master he would run away. One of our own *abusua* would put up with things, for he would know it was a family obligation.'

Manumission: I have already stated that an Ashanti-born slave might possibly recover his lost status. His liberation could not, how-

¹ *Odonko adwuma* is an expression in Ashanti which is synonymous with 'hard work'.

² Another of my informants stated that an old and faithful *odonko* might be buried near his master's cemetery to enable him to wait on the latter when he died.

³ Compare the procedure in Roman law whereby the *paterfamilias* could avoid like responsibility for the act of son or slave by handing over the delinquent.

ever, be directly achieved. A slave could not pass from a condition of complete bondage to one of complete freedom; he must do so by stages; he must first traverse the intermediate way which lies between servitude and freedom by becoming a pawn. Theoretically the possession of a person or thing which had been bought was assured absolutely to the *emptor*; his right to such might never be impugned. This was the customary law. That a precept might be brought into harmony with the demands of equity and the needs of society, primitive man, like his successor the modern jurist, early resorted to what we term 'legal fictions'. The slave who was to be freed had never been a slave; he had only been a pawn, for whose redemption the law had always made provision. The ceremony of manumission will be described in full when the subject of pawns comes under consideration in the next chapter. The freed slave (*Akoa*) re-entered his family, and without further formalities (save a notification to the ancestral spirits) reassumed all his former rights, privileges, and obligations.¹

Anthropologists, and other students of the early law relating to slaves, have sometimes expressed doubts whether the inclusion of this class, as recognized members of the family group, is admissible. In Ashanti we have, I believe, ample proof that it is so. Our evidence for this assumption lies in the fact that the slave was always a possible successor to the head of the family.

Whatever may have been the motives or causes which first gave rise to this institution among the Ashanti—and I think they were not necessarily wanton or brutal—they would appear ultimately to have been lost sight of in recognition of the outstanding fact that the possession of slaves was one of the surest and most satisfactory means of augmenting the members of the family who would come directly under the *potestas* of its head. I will not be misunderstood—I trust least of all by my Ashanti friends—when I state, that, in my opinion, the physical and mental characteristics of this race must have been profoundly influenced by the influx of 'slave' blood within comparatively modern historical times. I would even go so far as to hazard the opinion that it is this factor which may partly account for the marked warlike superiority of the more northern Akan stocks over their southern neighbours, to which so many historians have borne witness. The so-called 'slave' blood in this instance consisted of a fine strain drawn from the more 'primitive', poorly armed, unorganized, but intelligently and physically magnificent tribes in the North, many of whom

¹ Compare the Roman law of *Ius postliminii*.

had Arab or Fulani blood in their veins. The marked diversity of types which will be noted in the portraits which are included in the present volume may possibly be due to this cause.

Note on 'answer-names' for slaves.

Slaves in Ashanti were often given what are known as 'Answer-names' (*Nyeso din*). This means that a slave, when called by his master, instead of merely replying what would be the equivalent of 'Yes, sir', was taught to quote a saying or proverb in response. Each slave would be given his particular saying (or password), which he must use only when replying to his master. E.g. the master calls 'Kofi'; Kofi will reply by his 'answer-name', which may be *Biako eya* ('To be alone is sorrowful'), or *Ade nyina wo Nyame so* ('All things are with God'), or *Barima e na* ('Heroes are difficult to find'), to select but a few of many. Sometimes the *nyeso*-name, or part of it, was used to call the person, who replied in the same words, or, where the sentence had only been begun, would respond by filling in the ellipsis. To-day in Ashanti many fathers still give their sons these names; the boys must not use them when called by their mother unless the father, as a favour and to please the mother, allows them to do so. Chiefs' attendants also often possess these 'answer-names'.

VI

THE FAMILY (*continued*)*Pawns.*

AWOWA (plural *nwowa*) means in Ashanti a person or thing given to a creditor (*osikani*) by a debtor (*okafoni*) as security for what he owes, on the understanding that, on repayment, the person¹ of thing will be returned to its original owner. The practice is known as *Awowasi*, and the verb is *si awowa*. *Ton*, a word now used for 'to sell', I am informed originally meant 'to pawn', the expression formerly used for 'to sell' being *te no tramma*; conversely, *to*, now used for 'to buy', formerly meant 'to receive a thing as a pledge or pawn'.

In English law we should term immovable property so given as a 'mortgage', and the movable thing or 'chattel', a 'pledge'. The Ashanti class both indiscriminately as *awowa*, but also include in this term a third kind of security which is unknown in our law, i.e. 'persons'. The law relating to the mortgage of land will be dealt with elsewhere;² the rules governing pledged articles will be treated under the law of property.

The human 'pawn' in an Ashanti family occupied a place somewhere midway between that held by a free man and a slave. The custom of pawning may possibly have arisen from the extreme reluctance on the part of the West African to part absolutely with the property in, as well as the ownership of, his belongings to another. 'Even when something which you possess is a bad thing, it is yours nevertheless', we have seen to be an Ashanti maxim. In the custom of pawning the Ashanti found a middle way; thereby he at least retained his ownership in his belongings even if he temporarily surrendered its possession to another. A European has expressed the opinion that 'we have always regarded this system of pawning as much worse than actual slavery'.³ Such a conviction, however, displays some ignorance of West African psychology, not less than of the details of the respective institutions themselves.

The status of the free wife and of free children has already been

¹ Or rights surrendered in regard to the person, e.g. in case of a married woman who had been pawned to her husband.

² See Chapter XXXIII.

³ See Sarbah, *Fanti Customary Law*, p. 9; he is, I think, quoting from Cruickshank.

examined, and also that of the wife and child in complete bondage. The position of these persons, when they were pawns of the husband and father respectively, was different from either condition. It will also be necessary to consider their status in relation to the husband or father when they were pawns of yet a third party. The footing of other members of the family group (e.g. brothers and sisters) as pawns will also have to be examined, and finally that of a slave.

Wife as pawn of her husband. It has already been remarked that the lower the status of the wife the more desirable from the husband's point of view and the more in conformity with European ideas of marital authority did his position apparently become. This was seen to have been especially the case with regard to his children, those by his slave-wife being, in a sense, the only offspring over whom he had any real control. It is not surprising, therefore, to find that many women formerly stood in the double relationship, to their husbands, of wife and pawn.

A head of a family group (kindred group) had the power in olden times to place any of his *abusua* in pawn. He had not any power to lodge a free member of any other *abusua* as a pledge. *Obi nton obi abusua* ("One does not place some one of another *abusua* in pawn") is a legal maxim.¹ It may be well here to recapitulate briefly the causes which might lead up to a person being put into servitude of this nature. These might be:

- (a) A debt incurred by the person actually pawned.
- (b) A debt incurred by any other member of his family (blood group).
- (c) As a punishment for bad behaviour.

In the case of (b), the persons most likely to be pawned were the following, in order of priority of selection:

- (1) Married sisters and married nieces.
- (2) Unmarried sisters and unmarried nieces.
- (3) Nephews.
- (4) Brothers.
- (5) Mother.
- (6) Slaves.

A member of a humble household might have been pawned to raise a sum, the equivalent of as little as from £2 to £6; in case of an *odehye*

¹ We shall see later, however, that Chiefs, by virtue of the analogy of their position to that of the *agyā* (house-father), sometimes pawned their own subjects, quite irrespective of any cognate relationship.

(member of the royal blood of a reigning Stool), a liability of £16 might bring about a similar necessity. When such a course had been decided upon, and in order to raise the required amount, all the blood relations met in council, including the member whom it had been decided to pawn. The head then approached the husband of his married sister or niece, informed him of the straits in which his wife's family were placed, and suggested that he should advance the money and *fa ne ye' si babi* (put his wife by his side), i. e. place her in such a position as would ensure his having a hold over her.¹ The husband would then consult his *abusua*, and all being in agreement, the money was advanced. A sum equivalent to about 6*d.* in the pound (known as *ntiani*) was deducted from the amount lent. This was divided into three parts. The family of the pawn received a third, that of the creditor a third, and the remainder was distributed among the witnesses (*begwafo*), who did not belong to the families of either of the contracting parties. The kinsman of the pawn publicly declared the terms of the transaction. These generally embraced the following provisions :

(a) Half of any treasure trove found by the pawn was to belong to the husband, half to the pawn. (Had the wife not been a pawn, she was entitled to the whole.)

(b) The husband to have authority to take the wife on trading expeditions without consulting any of her *abusua*.

(c) The wife henceforth to have no alternative but to reside in her husband's home.²

(d) The wife was now under a definite obligation ' to rise up when called upon and accompany the husband to his farm, to cook for him, and to perform the household duties '. Hitherto she would ordinarily have carried out these tasks, but she was apparently under no legal obligation to do so ; a man's mother often cooked for him.

(e) The husband now became liable for only half (instead of, as formerly, the whole) of any debts contracted by his wife, her *abusua* being responsible for the other half. Ordinarily, the husband was not responsible for debts incurred while the wife was resident with her *abusua* or visiting her own home ; now he became liable for half of the debts.

(f) The wife was now compelled to disclose to her husband the

¹ A man whose wife occupied the dual portion of pawn and wife might describe his matrimonial affairs by saying, *Ma to me ye* (' I have bought my wife ').

² We seem here to have an indication that matrilocal unions were not unknown.

amount of her personal property and to share all future profits derived from it equally with him, instead of, as heretofore, the whole belonging to herself.

(g) The legal status of all children born before she became a pawn remained unaltered.¹

(h) In the event of the wife dying before the loan was repaid, two courses apparently might have been followed.

(1) Half the borrowed sum might be remitted by the creditor on condition that he retained the children; or,

(2) The creditor might reclaim the full amount, and, if the debtors were not in a position to repay it, one of the children might be pawned in place of the mother. I have also been informed that the woman's *abusua* might substitute a sister of the deceased, but some Ashanti deny that such was ever the case. Perhaps the latter alternative was only of local application. In any case repayment would not be claimed until a year had elapsed after the death, the debt now being known as *Awuka* (a debt caused by death), and interest would not begin to run until such a period of grace had expired.² The pawn's clansmen had absolute right to remove the body of a pawn for burial, and to carry out all the customary funeral rites. Should a creditor have dared to bury the body of his pawn, he was liable to a fine of *ntansa* (gold dust to the value of £24). *Obi nsi obi funu* ('One does not bury the corpse which belongs to another') is one of the many legal maxims so common in Ashanti. A creditor who was wise would always summon his pawn's *abusua* before the latter's death, to enable the relatives to check their property, and thus remove a very possible cause of dispute after death.

(i) The husband must treat the pawn with a certain amount of consideration. He might not publicly address her as his 'pawn', much less as his 'slave', or maltreat her in any way. If he did so, the pawn would report to her family, and, if the ill treatment continued, would ask them to release her by finding the money due, or she might ask that one of her children be pawned in her place. If she ran home to them, interest on the loan would immediately begin to accrue. Should

¹ I am not quite clear what the law was with regard to children born after she became a pawn. One informant stated that in the event of the wife being redeemed the husband 'shared the children equally', but I omitted to ask what exactly was their status.

² The debtor was also called upon to pay interest if the pawn ran home to her *abusua*.

her *abusua* have refused or been unable to assist a pawn placed with a cruel creditor, she might possibly run away. A creditor who, under these circumstances, went to the debtor to demand payment of his loan, would have been told, *Su wo sika, ma me su me nnipa* ('Weep for your money and let me weep for my human being'). The pawn's clan was now no longer responsible for the repayment of the debt until the pawn had been recovered. The creditor had to bear all the expense of the search, for it was considered that the pawn would never have run away had not the creditor broken that part of the contract which stipulated for kind treatment. Should the pawn never be found, the pawnee became liable to heavy penalties. In the event of the pawn having committed suicide the creditor became responsible for all the funeral expenses, and the debt was also cancelled.

Children as pawns: When a father held his child as a pawn his position conferred upon him the following rights and implied the following liabilities :

(a) He now became responsible for half of all debts the child might incur, the pawn's *abusua* being liable for the other half. The father of an *adehye wo* (free child), as we have seen, did not incur any liability on his child's account. The greater the control which one individual wields over another, the greater the risks he hazards for the actions of the subordinate.¹

(b) The father now shared, to the extent of one half, in all the profits made out of his child's individual property, and in half of any treasure trove. (Hitherto both had belonged entirely to the child.)

(c) The father had now a legal right to the child's services, and, as in the case of the wife-pawn, might take him away on trading expeditions without asking the permission of the *abusua*. He might beat him if he refused to obey. *Osikani ne panyin* ('The creditor is the elder'), i. e. he has the power. A husband was always expected to take his wife in pawn, and a father his child, should it have become necessary for the *abusua* to pawn these persons. Not to do so was considered disgraceful.

The position of a daughter pawned to her own father was as follows : The man who wished to marry her had to approach the father and obtain his permission, and he would receive the largest share in the *Aseda*. The father had more control over the daughter than either the husband or the woman's *abusua*. Her position with regard to the latter

¹ This is well exemplified in the case of master and slave.

was somewhat peculiar. The husband was responsible for all his wife's debts, neither her own father, whose pawn she was, nor her *abusua* being held liable.¹ All profits made out of her individual property were, however, shared equally between her father and herself.

When a father would not or could not advance the money to his child's *abusua*, taking his own child as a pawn in return for the loan, that person might now be pawned to some one else, who might be (a) a man, (b) a woman. In case (a), and where the person pawned was a woman, the creditor had full right to 'marry' her, i. e. have sexual intercourse with her. To do so did not 'burn the debt' (*bye ka*), to use the idiom of the vernacular. In view of what Sarbah has to say on this question,² I have been at some pains to find out the Ashanti law on the point, and was invariably informed it was as stated above. One informant quoted a legal maxim bearing on the question, *Obi nto akokonini ma no mmon kuro so* ('One does not take a cock as a pledge that it may crow in some one else's village'). Any children born of such a union belonged wholly to the woman. Unless *Aseda* had been paid, the 'husband' might not claim damages for adultery from her seducer, but he, in his capacity of creditor, would go to the debtor's family, complain that some one had seduced his pawn, and demand back his money. The debtor would then sue the adulterer for damages. The creditor could of course make the marriage wholly legal by paying *Aseda*. 'This is our law: even if you bought a slave-girl at Salaga with the proceeds of carrying kola, and married her, unless you paid *Aseda* you could not claim adultery damages.' A creditor had a right to give his female pawn in marriage; he would generally give her to his nephew. He would share the *Aseda* with the pawn's *abusua*. The woman then became the wife of one man while still the pawn of another.

(b) When a woman was given as a pawn to a woman, the creditor had the right to her work and to give her in marriage, receiving some of the *Aseda* (an exception to the rule already noted).³ 'She would give her to her son in marriage.'

Pawning of person already a slave (Odonko awowa): It has already been observed that the pawning of a slave was not considered a very satisfactory procedure, but the practice was not wholly unknown. The slave was handed over by the master to the creditor. Any debt

¹ This may possibly have been because the creditor lost the services of his pawn.

² See *Fanti Customary Laws*, p. 9.

³ See p. 25.



FIG. 1. Leather bag (*foto*)



FIG. 2. Leather bag (*foto*)

or liability incurred by the slave was now shared between the slave's master and the creditor, as also was any treasure trove found by the slave. 'An *odonko awowa* would have to work much harder than an ordinary *awowa*, and would be given the *sumina* (middened heap, which was also the women's latrine) to clean.'¹

The status of a pawn might again have been altered by either of two events:

- (1) The pawn might have become a slave.
- (2) The pawn might have been redeemed, and again become a free person.

Pawn to slave: When a family fell into further debt and were unable to raise more money by pawning, they would then possibly sell the pawn outright. A member of the family might have been pawned for £4, his family might wish to raise £4 more, and this they would do by selling the pawn outright. The *abusua* of the vendor and purchaser, a representative of the Chief, and several persons not connected by blood to either of the contracting parties, would all meet at the buyer's house. The person to be sold was brought forward by the *abusua*, and the head of his family would say to the purchaser, *Oyi nankra w'awowa, nanso nne ebia me nti to no te ne tramma* ('This one was formerly your pawn; to-day, owing to my being in need, buy him outright'). The buyer would reply, *Ma pene so; me so me te no tramma* ('I also wish it to be so; I will buy him outright'). The *fofuo* (leather bag containing the gold weights) (see Figs. 1-2) and scales were produced and the *tramma* weighed out, 1s. 6d. for a male, 2s. for a female, and this was shared out among those present, one-third to the buyer's *abusua*, one-third to the seller's *abusua*, and the remaining third to the independent witnesses.² The price was then paid over and the Chief's representative would say, 'So-and-so is now no longer of such and such an *abusua*, he now belongs to such and such a one; he is a *tramma nnipa* (bought man) or *akoa trororo* (real slave)'. I asked if the '*samanfo* (spirit ancestors) would have been informed of the sale, and was told, 'No, the '*samanfo* had not helped about the debt'.³

¹ A free-born Ashanti dislikes nothing more than to be given this kind of work. I am informed that Ashanti convicts who have been given the task, while in our prisons, of removing latrine pans are not permitted to eat with their family for six months or longer after their release.

² The *tramma* is in addition to the selling price; it was paid by the purchaser. *Niani*, the money given to the witnesses in a pawning transaction, was deducted from the sum advanced.

³ In olden times a nephew or niece would not refuse to be sold. If they did so, we

Redemption of pawn: An *awowa* (pawn) was considered redeemed upon repayment of the original sum lent, without interest. The services of the pawn were deemed to be in lieu of interest as long as he remained with the creditor. *Aseda* was, however, paid in order to have witnesses of the reinstatement. Interest (*nsibo*), as we have seen, was also due as soon as a pawn left his master without authority and returned home, but on the death of an *awowa* it did not begin to run until a year had expired.

Redemption of a person who, first being a pawn, had later been sold outright: In Ashanti law there were only two kinds of property that, having once passed to another outright by a sale (*tramma*) transaction, could again be recovered by the vendor. These were land and persons. The redemption of a mortgage on land has been dealt with in *Ashanti*,¹ and also in this volume; with regard to manumission, the procedure was as follows: The Chief or Queen Mother was approached; the *tramma* was repaid; 'a sheep was cut', which meant the payment of £1 3s. 6d. to the Chief, and about 20s. was given to the witnesses. This converted the status of the slave to that of a pawn. Two or three days were now allowed to elapse, when the parties again met, and the debtor made a public statement to the effect that he wished to redeem his pawn. This was carried into effect in the usual manner, except that the debtor would have to pay a sum considerably in excess of the amount he originally received at the sale—sometimes, I am informed, as much as double. If the slave had meanwhile given birth to children, these remained the exclusive property of her master. A person who redeemed his clansman from slavery was not permitted to say, *Me ko twa guan na ma gye me tramma* (I went and cut a sheep and redeemed my kinsman whom I had sold outright), but must say, *Me ko twa guan na dane no awowa* ('I went and cut a sheep and turned him into a pawn'). It will be noted that the ceremony described could only be performed legally through an intermediary, in the person of the Chief. This was because it was 'a big case' (*asemkesie*). 'You have bought something with your money over which you have absolute power, and now you are asked to give it up.' *Wo kari wo sika to aboo a, wo we* ('When you weigh out your gold-dust and buy a stone you are at liberty to gnaw it'). You may not wish to give it up, but when the Chief implores you, you must do so; it would be *musuo* (ill fortune) to

should have threatened to sell them to the Chief, who would possibly have used them as *akyere* (sacrifices); they would also be afraid of the anger of the *samanfo* (spirits) if they refused to obey their uncle.'

¹ See *Ashanti*, pp. 236-7.

refuse. The *abusua* who had redeemed their member would pour wine for the *'samanfo*, and also make a libation to the *abosom* (lesser gods) in recognition of their assistance.

I am of the opinion that originally, both in conception and in practice, the custom of pawning human beings to raise funds to meet extraordinary family commitments was not nearly so pernicious a habit as at first sight the institution appears to have been. The procedure was probably originally confined entirely to families already closely related by marriage. Here the constant interplay of mutual social obligations would almost certainly alter or mitigate those abuses in the system which became manifest as soon as the custom became of wider application and members of a family were indiscriminately placed as pawns in households wholly unrelated to that of the debtor by either ties of affinity or consanguinity. Like many other primitive institutions, when they first come under the notice of the European investigator, this custom already bore the stamp which exotic influences had imposed upon it. This made it difficult to visualize the law in working practice under the conditions in which it was originally intended to function.

VII

THE FAMILY RESIDENCE

IT may be of interest, before proceeding farther, to give a description of an Ashanti house in which, at the present day, a family group not dissimilar from that which has now been described lives. It can only be suggested that the dwelling of the early family pos-

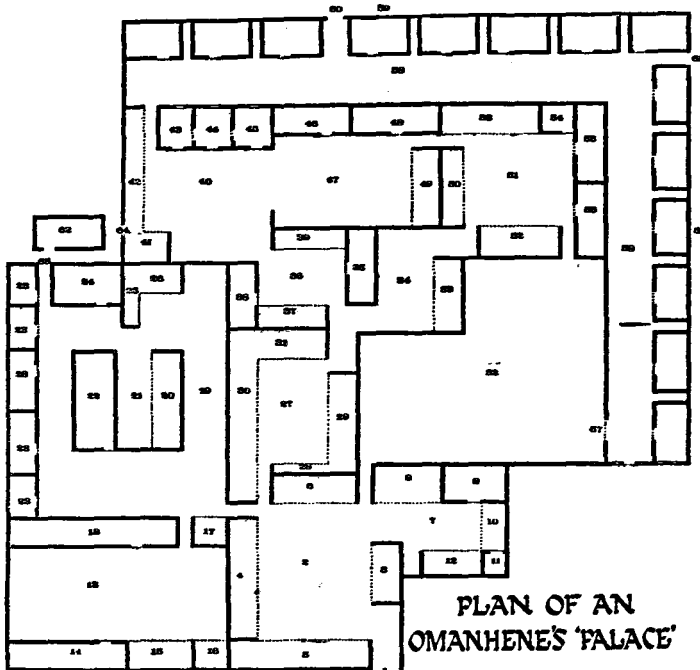


Fig. 3.

sibly resembled this structure of modern days. Illustrations in Bowdich prove that the typical Ashanti house has remained unchanged through the last hundred years. The residence (or perhaps rather block of residences), of which a picture is here drawn, is one of the few still remaining old 'palaces' of an *Omanhene* (paramount Chief). It has been elaborated and enlarged to meet the requirements of his



FIG. 4. *Bukyia* (cooking hearth)



FIG. 5. *Atwéné dan* (drum room)

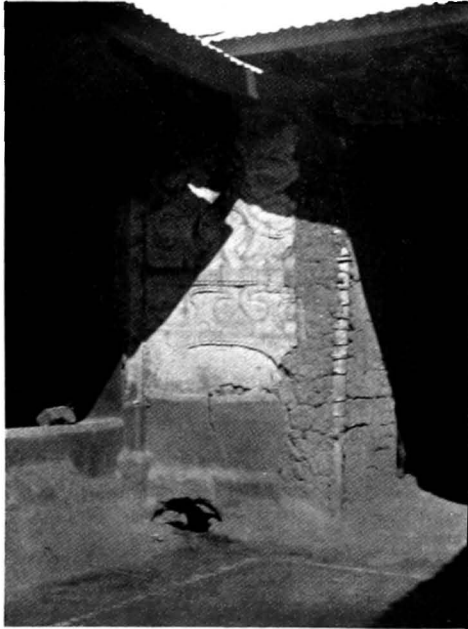


FIG. 6. Corner of the *gyasewa*



FIG. 7. *Pato*, containing the state umbrellas

increased *ménage*, but any one of its composite blocks, if detached, would exactly constitute the less pretentious abode of the modern family, in which conditions—save that slavery and pawning are no longer openly practised—are still almost identical with those which have now been described. The following is the key to the numbers on the plan.¹ (See Fig. 3.)

(1) The main entrance, called *ntwuronom kesie*; the doorway is made wide enough for the state umbrellas, when open, to pass through.

(2) An oblong courtyard called the *gyase kesie* (big *gyase*). Here the Chief sits and presides over important cases and holds big receptions. The typical and simple form of an Ashanti house consists of just such an oblong or square courtyard, round which are placed the various closed-in rooms (*nampon*, singular *dampon*) and three-walled open veranda rooms (*pato*). This courtyard in every house is known as the *gyase*, a word which means literally 'beneath, or below the hearth'. In this yard, in an ordinary home, the younger members of the family play, and here the wives work and prepare the food, which is cooked on the raised floors of one of the *pato*, on the *bukyia* (cooking stones). (See Fig. 4.) Here the household slaves and pawns also sleep and labour. These people became known as the *Gyasefo* (i.e. 'the people round the hearth'). Later, as the establishment increased, a trusty slave was put in charge of them. From this humble beginning we can trace the origin of that important official, the *Gyase Hene*, who to-day is major-domo in an Ashanti Chief's 'palace', and commands all the 'palace' retainers and servants.

(3) This is an open room (*pato*) containing, in this case, the Chief's *mpintini* drums.² It was built by the subjects of the *Ko'ntire* and *Akwamu* Chiefs,³ as were 4, 5, and 6.

(4) A *pato* containing the *kete* drums.⁴

(5) A *pato*, called *atwene dan* (drum room), occupied by that section of the *Gyasefo* called *Akyeremadefo* (drummers). (See Fig. 5.)

(6) A *pato*, in which the Chief sits after an *adae*,⁵ or on other important occasions, and serves out wine; built by *Ko'ntire* and *Akwamu* Chiefs.

¹ Capt. C. L. M. Douet, of the Survey Dept., very kindly drew the plan which is here reproduced, from a rough sketch made by me. There is, of course, no attempt at accurate alignment in the original structure, nor is the drawing more than approximately to scale.

² See *Religion and Art in Ashanti*, p. 285.

³ See p. 88.

⁴ See *Religion and Art in Ashanti*, p. 282.

⁵ See *Ashanti*, Chapters V-IX.

(7) A lesser courtyard, leading out of the *gyase kesie*, and called *adwaye* (lit. the washing-palace); lesser disputes among the 'palace officials are heard here by the Chief in his capacity of 'house-father'. Only the *gyase* folk and *ankobe*¹ have access to this yard.

(8) A *pato* used as a kitchen for the *sodofo* (cooks), who in this instance were also the Chief's *adwarefo* (bathroom attendants).

(9) A *dampou* (closed four-walled room), in which the bathroom attendants sleep.

(10) A *pato*, where the Chief sits and oils and dresses himself after his bath.

(11) The bathroom, containing a bath, a white Stool, and two elephant tusks; on the last-named the Chief will place his bare feet to avoid contact with the ground. In old days, on the death of the Chief the necks of the young bathroom attendants used to be broken over these tusks, in order that they might accompany their late master to the spirit world.

(12) A *pato* for the young *ahenkwa* (lit. Chief's young *nkoa*) and for the person in charge of them. Apartments 8-12 were built by *gyas* subjects.

(13) A courtyard, known as *Barim kesie adubo* (the approach to the big mausoleum).

(14) A *dadan* (sleeping-room) of the *Barim Hene* (Chief of the mausoleum).

(15) A *pato* where the *Barim Hene* eats.

(16) A pen for sheep and goats to be used for sacrifices at the *Barim*

(17) A *pato*, facing the inner courtyard. Here the Chief sits at the *adae* ceremonies, when first rising up after the rites in connexion with the blackened Stools.²

(18) A *dampou*, containing the blackened Stools of the *Barim* Chief and his other belongings.

(19) The *Barim gyase* (courtyard of the mausoleum).

(20) A *pato*; here sit the *asene* (heralds) and *kwadzumfo* (minstrels) at *adae* ceremonies.

(21) *Barim*, the open courtyard in front of the *Barim*.

(22) *Nkonuafieso* or *Barim dan* (the Stool, or *Barim* house), containing the Chief's ancestral blackened Stools; built by the *Ankobe* Chief.

(23) Five *nnadan* (closed sleeping-rooms), used by the *Barim* (mausoleum) attendants.

¹ See p. 90.

² See *Ashanti*, Chapter V, et seq.

(24) *Saman dan*¹ (room of the ghosts). Here are the skeletons of the dead Chiefs. The yard immediately in front is known as *saman feso*.

(25) A *pato*, containing the local *odwira suman*.²

(26) A *pato*, where the Chief sits at ceremonies held in connexion with the 'samanfo' (spirits).

(27) *Pato 'sa* or *gyasewa* (the three-*pato* yard, or little *gyase*). Here all the lesser ordinary court cases are heard. A corner of this courtyard is seen in Fig. 6.

(28) *Banma* (a narrow raised ledge).

(29) A *pato*. Here the Chief sits when cases are being tried before him. It is built by the *Sana Hene* (the Chief's treasurer).

(30) A *pato*. Here sit the *Ko'ntire* and *Akwamu* Chiefs during the hearing of court cases; it is built by these functionaries.

(31) A *pato*. Here sit the *Akyeame* (Spokesmen, the so-called 'linguists' of the Chief); built by the *Akomfore Hene*.

(32) An open space where small boys attending the Chief's wives play.

(33) *Pato ko'* or *adidi dan* (the single *pato* or dining-room). Here the Chief eats; built by the *Ankobebe Hene*.

(34) *Pato kurom* (the *pato* village). Here any subject of the Chief or any stranger might come in olden days and partake of hospitality at the Chief's expense; built by the *Ankobebe Hene*.

(35) A *dampon*, facing away from the yard, containing boxes of the Chief's clothes.

(36) *Dabere kesie*³ (the big sleeping-place).

(37) A *pato*, containing eating utensils.

(38) *Dadan kesie* (the big sleeping-room). Here the Chief sleeps.

(39) *Patowa* (the small *pato*). Here sit the Chief's wives who come to visit him. On the walls are arranged many pairs of the Chief's sandals.

(40) *Dabere kyiri* (the yard behind the sleeping-quarters). 40-5 are built by the *Gyase* Chief.

(41) A *pato*, where the Chief eats when he wishes to be alone.

(42) A *pato*. Here the Chief's wives may come and sit.

(43) A *dampon*, containing the Chief's boxes.

¹ See *Religion and Art in Ashanti*, p. 118.

² *Ibid.*, Chapter XII.

³ The *dabere* is also sometimes known as *atuntuma* or *awiriwa*. No one may pass into it without authority; it is regarded as a kind of retreat against unclean women and sons who have had sexual intercourse with their wives and not yet bathed.

- (44) A *dampon*, containing a table and a chair.
- (45) A *dampon*, sometimes used as a sleeping-room.
- (46) A *dampon*, used as a larder, in which are kept yams, plantains, salt, meat, &c.
- (47) *Kantamereso* (the yard leading to the lavatory). In this yard rations for the household are issued, and sheep slaughtered.
- (48) *Kantamereso* (the Chief's lavatory).
- (49) *Asuman dan* (the *suman*¹ (fetish) house). 46-9 are built by the *Gyase* subjects.
- (50) A *pato*, where the state umbrellas are kept. (See Fig. 7.)
- (51) *Abenase*. A courtyard in which the Chief and his elders sit to discuss matters in private before they are finally made public; the rooms around it are built under supervision of the *sana bene* (treasurer). A corner of the *abenase* courtyard may be seen in Fig. 8.
- (52) A *pato*. Here goldsmiths sit and work for the Chief.
- (53) A *pato*, containing guns, chairs, belts, &c. (See Fig. 9.)
- (54) A room curtained off from 53 and containing a bed. Here the Chief sits and rests in the evenings and receives any complaints from his wives.
- (55) A *dampon*, containing clothes, boxes, guns.
- (56) *Asuman dan*. A room containing *suman*, but also used as a gun-powder store.
- (57) The entrance to the *mmam*' (harem), lit. 'among the women'.
- (58) A street running all round the back of the palace, facing which are the houses of the Chief's wives.
- (59) Farms worked by the Chief's wives.
- (60) Exit, leading to the kitchen midden (*sumina*).
- (61) Exit, leading to the place where water is drawn.
- (62) *Saman yere dan* (the room of the ghost wives).²
- (63) and (64) Private ways leading from the *dabere kyiri* (40) to the *saman fieso* (24).

Figs. 10-12 illustrate some of the mural decorations of these rooms. The walls are made of wattle and daub, or 'block swish', i. e. a layer of mud built up about three feet high, left to dry, a second layer built on top, and so on. The Ashanti now often roof with wooden shingles, but also continue to use grass. I am informed that formerly roofs of leaves were the fashion; they were first sewn, overlapping, upon a framework, and were pieced together on the ground. Such thatching is occasionally still seen in use.

¹ See *Religion and Art in Ashanti*, Chapter II.

² See *ibid.*, p. 118.



FIG. 8. Corner of the *abanase* courtyard.



FIG. 9. *Pato*, containing guns, chairs, belts



FIG. II

Mural decorations



FIG. 10

I have already suggested that in olden times Ashanti families lived in 'insulated', if not 'isolated' groups. Traditional and archaeological evidence is available on this point, and indicates that there was a time when the family dwellings seem to have been congregated in great camps or settlements, instead of being more widely scattered as isolated homesteads or distributed in many small villages as now tends to be the case. The traditional evidence for such a supposition rests on the fact that the names of 'seventy-seven' streets or quarters, said once to have existed in such towns as 'Santemanso',¹ Kumawu,² Kumasi, and elsewhere, are still preserved in the tribal memory. These traditions are confirmed by the existence of mounds of earth and kitchen middens, marking the sites of ancient habitations, and stretching far beyond the confines of the present townships. We shall see presently, when dealing with the clan, what an interesting problem is suggested by these facts.

¹ See *Ashanti*, p. 121.

² The following were the names of these 'seventy-seven' streets (*abrono*) at Kumawu: Abenankwanta, Aboratia, Abosuso, Abotianim, Abotiyase, Abrodim, Adengyasu, Aframkyo, Afotom, Agyewa, Akosuankwanta, Akuamienu, Akyerekerease, Ampabame, Ampontuasua, Ankase, Anwanafo, Apebiakyere, Asaman, Atasua, Atewani, Atobiase, Atuabontwumase, Awerewaso, Ayagyase, Bankokosu, Breman, Bronum, Dadease, Dadeasetanosu, Damaboase, Dawuboye, Doniafa, Fegyaso, Fotinim, Gyaduabirimpon, Hyiawu, Kobiriso, Komase, Konkromase, Kubease, Kuntunso, Kuofase, Kwagyemponso, Kwakunkromase, Kwayease, Kyakyemponso, Kyeremeso, Kyeremim, Kyidadease, Kyinhyiem, Merebetamu, Mmoronto, Mpapirim, Nhyieso, Nkukuasoro, Nkwantaman, Nnipankon, Nsenkyiri, Nyaduata, Obokyem, Obopikyih, Ohenedeam, Onwamsu, Onyinamponase, Osekyeresemewu, Owuoamenim, Pampatia, Papase, Papeatiase, Pewuako, Pikiyih, Serapase, Subontire, Tabosiasu, Tanosu, Tom. Fig. 13 shows the present town of Kumawu.

VIII

THE CLAN

THE society, the composition of one of whose units has now been sketched, was regarded not as being composed of so many persons, but as consisting of an aggregation of units, each of which was a family group. These families possibly lived in close proximity to one another, but each was an *imperium in imperio*, having its own head, whose utterances were the only law binding his group. Each family was possibly at first insulated from its neighbours, save only on special occasions when temporary contact was effected to allow the settlement of some inter-family dispute or to permit of some inter-family amenity or ceremonial. The tie of a common blood alone conferred the privilege to command obedience and alone imposed an obligation to obey commands. The incidence of casual, or even permanent, residence in an alien household seemed to be ignored, for free persons resident in such a habitation appeared to enjoy a certain claim to extra-territoriality.

The family was a corporation; action and even thought were corporate affairs. It is not easy to grasp what must have been the effect on West African psychology of untold generations of acting and thinking, not in terms of oneself, but in relation to one's group. The Ashanti's ideas of what we should term 'moral responsibility for his actions' must surely have been more developed than with peoples where individualism is the order of the day.

All the germs of the more advanced system of government, the development of which will presently be followed, already existed in the little family democracy.¹ For example, the methods by which disputes were brought before the family head for settlement were the exact procedure of later days, when a higher central authority came to supersede the more or less irresponsible commands of the house-father. The routine, the half-formulated rules binding the individuals in the family, rules relating to property, inheritance, ownership of land, collection of family contributions, became the customary laws governing the larger group. The *lares et penates* of the house-father

¹ A democracy, however, in a sense different from that with which we are now familiar. See Chapter XXXVIII.

became the sacred *agyapadie* (heirlooms) of the Stool; the various duties assigned to the different members of the family gave rise, as these duties became more onerous, to the appointment of individuals whose business it became to supervise and to be responsible for their performance. Various family groups, in course of time, came under the head of one particular family, to whom, in all important matters, appeals were made. This process of amalgamation went on in independent localities, and in this manner numerous Territorial Divisions grew up under different heads, independent and often rivals of each other. The lesser of these again tended to be merged into the greater, and, at the period when Ashanti history begins, we find this people grouped into the five or six great Divisions whose history and growth will be dealt with in these pages. To use a metaphor upon which I shall later enlarge in more detail, the family was like a circle. Later, lines of contact—at first weak and undefined—stretched from the centres of many such circles, and converged upon a point which was the centre of another, but greater, *eccentric* circle, the house-father of which now came, at least nominally, to control the heads of all the lesser circles. These latter now assumed very much the nature of satellites grouped around a greater body. This central body was itself ever expanding and throwing out greater and yet greater *concentric* circles, each new ring embracing fresh systems, until, finally, the circumference of the largest circle of all formed the boundary of a kingdom. Its centre remained our original family group—now the royal house—its head was still a house-father, but now also a King (*Asante Hene*). He governed a nation, but on lines exactly analogous to those on which, as a ‘father’, he still ruled his family.

The family had expanded into the Clan, the Clan into the Tribe.

‘A clan is an exogamous division of a tribe, all the *clansmen* or members of which are held to be related to one another and bound together by the common tie of *clanship*.’ This tie in Ashanti is, for all ordinary purposes, belief in a common descent from some ancestress; reaching back still farther, it was belief in a common descent from an ancestress who was descended from some animal. I was many years in Ashanti before I discovered that clans had ultimately this totemic origin.

The family, as we have seen, is *bi-* or *multilateral* the clan is unilateral. ‘A number of families do not make up a clan or a number of clans a community, i.e. members of any particular clan may belong to many communities, but the community is composed of various

families and clans.'¹ The Ashanti appear to be grouped in eight clans. Reindorf give their numbers as seven and their names as follows :

- (1) *Asekyiri*, (2) *Asena*, (3) *Agona*, (4) *Oyoko*, (5) *Aduena*, (6) *Asokore*
- (7) *Abrade* (Asenee).

Sarbah gives them as :

- (1) *Nsonna*, in some localities known as *Dwimina*.
- (2) *Annona*, *Yoko*, *Aguna*, *Eguana*.
- (3) *Twidan*, *Eburotow*.
- (4) *Kwonna*, *Ebiradzi*, or *Odumna*.
- (5) *Aburadzi*, *Eduana*, *Ofurna*, *Egyira*.
- (6) *Ntwa*, *Abadzi*.
- (7) *Adwinadzi*, *Aowin*.

In *Ashanti* (see pedigree chart) I gave the Ashanti clans as follows :

- (1) *Aduana*, (2) *Agona*, (3) *Asinie*, (4) *Asokore*, (5) *Asona*, (6) *Beretuo*.
- (7) *Ekuaana*, and (8) *Oyoko*.

Sarbah's list of clans is given for the Fanti, and, accounting for the differences in dialect, contain several names which are recognizable in the Ashanti. This is not surprising, as they (the Fanti) are considered as belonging to the same stock as the Ashanti.

Both Ashanti and Fanti are generally considered to have migrated from a common centre in Northern Ashanti near Tekiman, where the Brong, who are generally thought to be of the same stock, still reside. I was surprised therefore to discover that the pure Brong are apparently wholly ignorant of these Ashanti and Fanti clan names, and that their exogamous divisions seem based upon an entirely different model. In Tekiman one does not ask, 'To what *abusua* (totemic clan) do you belong?' but, 'In what street (*abrono*) do you reside?' There, such exogamous divisions as appear to exist apparently take their names from streets or quarters in the towns. If my information be correct, we have here a problem of considerable interest to students of Gold Coast history. It is one which I have so far been unable satisfactorily to solve. I can only hazard two tentative suggestions. One is that, in accordance with the common belief, Brong, Fanti, and Ashanti had a single origin, and that all originally had this local or 'street' organization (in place of the totemic groups); that Fanti and Ashanti moved south, separating from the parent stock, and at a much later date, possibly due to some contact with another culture,

¹ *The Ila-speaking Peoples of N.W. Rhodesia*, p. 283.



FIG. 12. Mural decorations



FIG. 13. The town of Kumawu

adopted their present totemic clan organization. The traditional evidence of the survival of street names, mentioned in the last chapter, seems to be some proof of this supposition, unless of course these were the relics of another civilization. My second suggestion is that the Brong and Ashanti were not from the same original stock; that the Ashanti were an alien race who overran the Brong, bringing with them their own clan organization and passing southward, and settled down, ousting, or exterminating, or absorbing the local Brong inhabitants, and later, to strengthen their position, which was that of mere usurpers in the land, they encouraged the fiction of a common descent from the real proprietors, or alternatively, and again ignoring their own origin, declared that they had sprung from the ground which they had in reality appropriated. I commend this problem to other students of Gold Coast history.¹

I have stated that clans in Ashanti had a totemic origin, but that I was formerly unaware of this fact. I was, of course, aware of a truth which every European knows, namely, that many chiefs use emblems on the top of State umbrellas, and elsewhere, which are generally accepted as being the clan totems. Careful inquiry, however, elicited the information that these anthropomorphic, zoomorphic, phyto-morphic, or hylomorphic representations do not necessarily exhibit the clan eponym. In none of my inquiries have I encountered greater reluctance to discuss any subject than the question relating to clan origins. *Obi nkyere obi ase* ('One does not disclose the origin of another') is the usual reply to all such inquiries. First-hand information has, however, been obtained from certain clansmen themselves, and I now, with all reverence for the feelings and susceptibilities of my venerable informants, record what I have been told.

'We really believe (as do members of all other clans) that we were descended from some animal.² This is one of the greatest mysteries of the clan, and it is told in secret to the Chief on the occasion on which he is for the first time permitted to enter the room containing the blackened Stools.³ The *Okyeame* (Spokesman) will say, *Mame biribi ma*

¹ There was a well-authenticated record of a migration, in comparatively modern times, of Brong from Tekiman to the Gold Coast, where they became Fanti. One old Ashanti once told me that the Fanti and Brong were one, but not the Ashanti. The Tekiman Fanti might possibly in the course of a few hundred years have adopted their present clan organization from the neighbouring tribes.

² Ashanti folk-lore contain many stories of persons changing into animals and vice versa.

³ A 'royal' (*odehye*) is never permitted to enter the Stool house until he becomes a Chief.

me nka nkyere wo biribi ("Give me something that I may tell you something"). It would be impossible for a member of a clan to kill its *tweneboa* (totem animal). Young children of the clan are admonished at a very early age to respect the particular animal from whom their race sprang, but they are not told the reason.¹

A Queen Mother stated: 'If I ever ate an —, which would be impossible, I should be destooled, and the whole nation would come to harm. We are proud to be called the — people' (mentioning the sobriquet of her clan), 'but if any one in olden times called us the —' (mentioning the real totem) 'people he would have been killed, and even to-day it would be a very grave offence. No one looks back whence he came. No one ventures to ask another, *Wo tweneboa¹ ben?* ("What is your totem animal?"), but will put the question, *Wo bo abusua ben?* ("To what clan do you belong?"). No one would have dared to make a crest representing his real *atweneboa*; in olden days any one doing so would have been killed.'

Again: 'I would not kill an —; he is my brother, my blood; if I were hunting with another man and he wished to kill it, I would ask him not to.' I asked this informant if he would bury an — if he saw it dead. He replied, 'I would not even look at it; I would run home, drink a little, and not eat until evening'.

The following are the totems given me as being those of the various clans:

Aduana, atwere (the Frog).

Agona (?).

Asenie, Asenewa (the Bat); also a bead (*bodom*).

Asokore (?).

Asona, Anene (the Crow).

Beretuo, Afwea (the Mole).

Ekuana, Eko (the Buffalo).

Oyoko, Ako (the Parrot), who dipped his tail in the red *oyoko* pot; or just possibly *sansa* (the hawk), but I am inclined to believe the former is the correct one.

During my last 'tour' in Ashanti, traces came to light that what anthropologists term 'the dual organization' (i. e. the division of an entire tribe into two endogamous clans) once existed in Ashanti. This discovery, which I venture to think is of some interest,² was made

¹ The word *ahoboa* (beast that is oneself) is also sometimes used.

² I believe I am correct in stating that the dual organization was not known to have existed in Africa.

possible owing to the chance survival of certain proverbs (*abubese*m). These particular sayings were to the effect that 'Persons of such and such clans are filthy or depraved people, for they used to marry each other'.¹ Of the two *moieties* mentioned, the first is one or other of the commonly known clans, but the second is some name which is seldom or never heard, and is that of a clan to which few now appear to belong. On making further inquiries, I was informed that most of the present-day clans once upon a time had a twin clan (*moiety*) with which it was always coupled, and that persons of one of these *moieties* always married into the other half. Later on, they state that *Komfo Anotche*² made a law that such marriages were to be discontinued, as an individual belonging to one of these *moieties* was the 'brother' or 'sister' of a person belonging to the other. The result apparently was that these 'halves' became merged into each other, under a name formerly applied to one or other of the *moieties*, one thus tending to become extinct, or, where it survived, instead of, as originally, being the only clan into which a member of the tribe could marry, became the only clan with which that person might not legally mate.

These *moieties*, so far as I have been able to ascertain, were as follows :

<i>Aduana</i>	and	<i>Atwea</i>	(<i>Abrade</i> ?).
<i>Agona</i>	„	<i>Toa</i>	(<i>Adome</i> ?).
<i>Aserie</i> ³	„	—	?
<i>Asokore</i>	„	<i>Ekua</i>	?
<i>Asona</i>	„	<i>Dwum.</i>	(<i>Dwumana</i> or <i>Dwumina</i>).
<i>Beretuo</i>	„	<i>Tana</i> .	
<i>Ekua</i>	„	<i>Asokore</i>	?
<i>Oyoko</i>	„	<i>Dako</i> .	⁴

While clans in Ashanti thus appear to bear the stamp of typical totemic institutions found elsewhere, there would still appear to be one important exception. The child in Ashanti, though thought to inherit its mother's clan, i. e. blood, apparently also inherits the *ntoro* totemic spirit of its father. All the numerous food taboos that every Ashanti observes (with the exception only of the clan totem avoidance)

¹ *Oyoko ne Dako nniƆa dapafo* (or *kwabusufo busua*) *na ye de aware*.

² See Chapter XXIV.

³ *Aserie*, I was informed, had never any moiety. 'This clan sprang from a *bodom* bead, which later gave birth to bats.'

⁴ *Osai Kwame*, an *Oyoko*, son of *Kantanka*, is alleged to have married a *Dako* woman from *Kuntanase* and to have been destooled in consequence.

are regulated not by the clan, but by the *ntoro* relationship.¹ I have dealt fully with these patrilineal exogamous divisions in a previous volume.² In this place I will only again refer to them in connexion with what appears to be a parallel in these institutions with the old dual organizations in the tribe. As soon as I became aware of the fact of the previous existence of these moieties, it appeared to me to be a logical conclusion to expect that a similar dual organization might once have existed in connexion with the *ntoro*. Direct inquiries revealed the fact that such was the case. In *Ashanti* I gave a list of nine *ntoro* exogamous divisions. It has since been discovered that many of these had a subdivision or branch division entailing the same food restrictions, but apparently having a different totem.

- (1) *Bosommuru* (which is also known as *Bosummuru pa*³ or *Busummuru Adufodie*, i. e. the real (*pa*) *Bosommuru*, with its other moiety *Bosommuru Asafodie*.
- (2) *Bosomptra* and *Bosomptra Awiri*.
- (3) *Bosomtwe* and *Bosomtwe Atwedie*.
- (4) *Bosommaram* and *Bosommaram Nnuamoa*.
- (5) *Abankwadie* and *Abankwadie Asankadie*.

The tendency here seems again, as in the case of the dual clans, for one moiety to become merged into the other, for unless one inquires very particularly, e. g., to which *Bosommuru ntoro* a person belongs, that person will not make any distinction, but will merely reply ' *Bosommuru* ', and in many cases will not even have heard of the other moiety.

The result of the merging of the two clans or two *ntoro* has been, as Mr. Dudley Buxton pointed out, to enlarge the inbreeding group.⁴ We have seen that in theory all persons bearing the same clan name were considered as being descended from a common ancestress. In practice, however, as members of a kindred group became more and more widely dispersed, they established new family groups which in time came to boast a more limited and localized descent from the female whose descendant had founded the new offshoot. This more modern ancestress now headed a new genealogical tree, and, as the process was ever continuing, it soon became impossible to link up all these females with the ancestress originally common to all.

¹ See *Ashanti*, p. 47.

² *Ibid.*, Chapter II.

³ Sometimes also *Bosummuru aninie*.

⁴ See *Religion and Art in Ashanti*, pp. 380 et seq.

For administrative purposes on a wide scale, the clan organization would appear always to have been breaking down, leaving the kindred group again all-powerful; for, although theoretically the head of a particular kindred group (or his successor) might have been expected to remain head of all the offshoots of his kindred, i. e. of his clan, however numerous and widely scattered they became, in practice this did not apparently occur.

Beyond an implied recognition of the original tie which bound them all—practical evidence of the existence of which remained in the prohibition to marry a person bearing the clan name, however remote her residence, or impossible the tracing of any blood affinity—the claim of any single clansman to rule an entire group of persons because all bore his clan name appears never to have been raised. Later, when amalgamations of household groups took place, and a common head had to be chosen for this new community, these amalgamations were based on territorial groupings and considerations and were not carried out with any idea of arranging groups according to clan descent, each under a chief of their own clan. The germs that gave rise to expansion and amalgamation on these lines were already planted in the *bi-* or *multi-lateral* family group, the ambition of whose head it seemed ever to have been to bring the 'conventional' members of his household more and more under his direct control. If there ever was a time in Ashanti when entire clans were united *qua* clans for political or administrative purposes, I cannot now find any trace of such organizations, and it would appear, as I have suggested, that, as the kindred groups threw off new branches and spread out in ever-widening circles to form a clan, the authority of the head of the original kindred group over his more remote clansmen ceased altogether, unless he happened also to have become Chief in the territorial sense.

The main characteristics of the clan system in Ashanti appear, then, to be:

(1) All persons bearing a common clan name, resident however widely apart, are held to be related by blood. In consequence, they are considered to stand to each other in a prohibited degree of relationship with regard to marriage, and to be bound together by a sentimental tie of brotherhood.

(2) The heads of the various household groups exercise complete control only over these members of their clan who are directly related by a blood-tie that is practically, not theoretically, capable of demonstration, as being traceable to a common female ancestress who founded

that particular family group; in other words, their authority extends only to the nearer kinsmen.

(3) Clan descent alone confers the right (*a*) to inherit property; (*b*) to perform the *sacra* for ancestral spirits; (*c*) to succeed to certain offices; (*d*) to be buried in a particular cemetery; (*e*) to unite in the performance of certain funeral rites.

(4) The clan tie cannot be lost or broken save by expulsion from the clan.

(5) By a legal fiction, clan relationship might sometimes be acquired otherwise than by birth.

Some of these points may now be examined in more detail; others, e. g. rights in relation to property and succession, will be investigated later.

Clan exogamy has been discussed in *Asbanti*,¹ to which I would refer my readers. With regard to the sentimental tie existing between all persons of the same clan, the following is taken from statements in the vernacular: 'When a man goes on a journey and arrives in a town, he will find out in course of conversation where persons of his clan reside. He will go to them and be received as a brother; he will be introduced to the wife of his host as her "husband".' Again: 'My brother once went trading and came to Akyim Taffo, where he put up at the house of one Kwesi Aboky. On hearing that my brother belonged to the Beretuo clan, his host told him he was also Beretuo. He made my brother his *wofase* (nephew), and gave him his daughter in marriage. My brother settled there and died: we went to fetch his skeleton, but Kwesi Aboky told us the Government would not allow skeletons to be removed.'

Clan burial-grounds: 'If there are only two clans represented in a village, one would have the *samanpow* (thicket of the ghosts) on the right, the other on the left. If there were a larger number of clans, there would be a larger *samanpow* marked out in plots, one for each clan, the plots being separated by fences of *nkrandudua*, *ntome*, or *nsomasa* sticks.'

'A head of a family, with special permission from the Chief, and after presenting him with sheep and wine,² may receive permission that when he dies, he may be buried under the floor of his sleeping-room. His successor will then be able to place a sleeping-mat over the grave,

¹ See Chapters I-II.

² These gifts are for the '*samanfo* (spirit ancestors) of the Chief, and ensure that the promise will not later be repudiated.

and will be comforted by the knowledge that his predecessor is sleeping beneath him.⁷

Expulsion from, and adoption into the clan: When the head of a kindred group decides to repudiate the debts or offences of one of its members or to sell one of the clan, a public declaration was made to the effect that this person was no longer one of their clansmen. The ceremony was called *pae abusua* (to split off from the clan). Such action in olden days would generally amount to sentence of slavery or death. *Adoption* into a clan was achieved by the slow and almost imperceptible process of time rather than by any public ceremony. It applied almost wholly to the descendants of slave women and to their descendants, who grew up to consider themselves members of the clan which had originally purchased their ancestress. Such persons, though nominally free members of the kindred group to which they now belonged, never entirely lost their original status, which would always be known, at least to the head of their family.¹

Such is briefly the history of the Ashanti family and clan, and their extension into the tribe, which is a unit consisting of many families belonging to many different clans; the central authority which has now made its appearance attempts, so far as lies in its power, to regard them all, not in terms of such, but as one territorial entity.²

¹ Adoption of a child already belonging to the adopter's clan, but not to his particular kindred-group, should not be confused with the above.

² Since this chapter was written, I returned to the Gold Coast and was stationed at Kwahu. On investigating the local traditions, I discovered that the Kwahu tribe had emigrated from Ashanti some centuries ago as *two compact endogamous clans*, i. e. *Beretuo and Tana*—a most valuable confirmation of what was already written.

IX

THE ASHANTI CONSTITUTION AT THE PERIOD IMMEDIATELY PRECEDING THE BATTLE OF FEYIASE.¹

IN the preceding chapters we have seen the simple family unit, ruled by the house-father, expand into the larger territorial group consisting of many such units, comprising members of many clans, and eventually coming under a single head. The community was now a tribe under one chosen patriarch and his sister or mother, i. e. under a Chief and Queen Mother, and governed by them, assisted by the more important heads of the lesser groups, who were at first known simply as the *Mpanyimfo*, i. e. the Elders. Many such communities had grown up in widely separated areas. Each of these lived in its own great settlement, and was independent of all the rest, and subsisted by hunting and fishing in the forests surrounding its township, which it came to consider as belonging to the tribe. The custom administered was still the custom of the individual family groups; the interference of the chief with internal family affairs was possibly very slight, and his authority in most matters only nominal.

As the tribal settlements grew too large to support all the tribe, members of certain kindred groups broke away and wandered farther afield in search of new hunting-grounds. This was the history of the founding of such settlements as Kokofu, Juaben, and Kumasi. Migrations on a larger scale also took place, and whole settlements decamped *en masse* and settled in new areas, e. g. the Mampon, who originally had come from Adanse, the Nsuta and Kumawu, who had travelled from Santemanso. The pressure in some cases may possibly have been due to other causes than lack of food. It is suggestive that Ashanti migration, which had originally almost certainly been from north-north-west to south, now tended to flow back from south to north. It is safe, I think, to hazard the opinion that, about the seventeenth century, more powerful and better armed and organized tribes south of Ashanti had begun to press upon their northern neighbours. Be that as it may, towards the end of the seventeenth century, we know that Ashanti proper was subject to a southern state called Denkyira, and that tribute was demanded and paid to it by the various Ashanti divisions.

¹ About A. D. 1700.

These territorial groupings were, as we have remarked, quite independent of each other. Even at this period, some half-dozen of such territorial units had assumed sufficient size and importance to cause them to be known locally as the *Amanto*, i. e. group of *Aman* or tribes. These were *Assumegyza*, *Juaben*, *Kumawu*, *Kumasi*, *Mampon*, and *Offinsu*. *Nsuta*, *Kokofu*, and *Bekwai*, though in existence, were still comparatively unimportant. About this time, gunpowder and guns began to be known and used in Ashanti, and to supplant the sword (*afona*) and shield (*kyem*), and their introduction marked the advent of a revolution in Ashanti internal affairs.

Nominally, as we have remarked, under Denkyira, but wholly independent of each other, these larger tribes began to undertake warlike expeditions upon lesser divisions. The experience gained in local forays was the training for the greater campaign about to come. Their intercourse with, and subjection to, a tribe in touch with the littoral, and thus with Europeans, must have had a considerable educative effect. The value of gold became known; the barbaric pomp and splendour of the Southern Kingdom would have become known also and imitated. *Osai Tutu* is reported to have served at the court to *Ntim Gyakari*, the King of Denkyira. The priest *Anotche* (*Komfo Anotche*),¹ the maker of modern Ashanti, had certainly travelled south and had possibly visited the coast.

This is but a short *résumé* of Ashanti traditional history of this period, a fuller account of which will be found in the historical chapters of this volume,² but it serves to indicate how the ground was prepared for the struggle which was now beginning, and to explain how the Ashanti, who, possibly one hundred years before these events, were in a state not far removed from neolithic culture, came to be able to unite and to overthrow a powerful well-organized state such as Denkyira.

The part taken in these events by the priest *Anotche* cannot be overestimated. His biography, collected from such scanty materials as still remain, will be found in a later chapter. Here it is only necessary to suggest, that with a true insight into the psychology of the people with whom he had to deal, he realized that the only way to unite independent and mutually jealous factions was by playing upon their superstitious beliefs. He achieved this difficult task; *Ntim Gyakari* was defeated at *Feyiase*, near *Kumasi*, on the *Lake Road*, and Ashanti entered upon the post-*Feyiase* period with which we are here

¹ See Chapter XXIV.

² See Chapters XVI et seq.

mostly concerned. In that period, the constitution as we now find it was finally evolved. This new constitution was, however, only an elaboration of that which had preceded it. The family had expanded into the clan, both had merged into the tribe, now the tribes were to merge into the nation under a King ; but the King stood in the same relation to the great *Amanbene* as they had previously stood to their sub-Chiefs, as sub-Chiefs to village headmen, as village headmen to the family heads, and as the family heads to their respective households.

THE ASHANTI CONSTITUTION AT THE FEYIASE
AND POST-FEYIASE PERIOD

THE amalgamation of the hitherto independent Territorial Divisions into a single fighting unit with which to meet the Denkyira invasion necessitated the organization of these divisions on a new military basis. Mention has not hitherto been made of any warlike dispositions in the early days when the family organization held the field. The reason is this. Ashanti traditional history everywhere records a time when wars were unknown, and serious disputes between groups, which could not be settled by discussion or arbitration or the handing over of the member who had been responsible for the quarrel, were decided, not by an armed conflict between the whole of the rival groups, but by a kind of 'ordeal by battle' between the leaders of the hostile factions. The weapons used were sword (*afona*) and shield (*kyem*), and the fight was seldom a combat *à outrance*. This method of settling disputes did not possibly survive the growth of the family and clan into the tribe, for, as has already been noted, we hear at a later date of warlike expeditions of tribe against tribe, which postulates the subsequent growth of military formations. Whatever the process of evolution was, the germ of such an organization was already in existence in each tribe. It was necessary, however, for Osai Tutu, the Chief of the Kumasi Territorial Division, to unite the various independent divisions under some system of unity of command. He therefore appointed the head of one territorial division as generalissimo, another as leader of the right wing, a third as leader of the left wing, and so on. The military organization of the Ashanti will later be examined in greater detail;¹ here it is sufficient to note that these commanders not only gave orders to their own immediate subjects, but, for this national effort, became leaders of other divisional Chiefs and of their subjects, over whom they had not formerly exercised any control. This point is of importance. After the fight at Feyiase, the making of the Golden Stool, and the acknowledgement of the Territorial Division of Kumasi as the head of a kind of Confederacy, we enter upon a phase where the parallel to feudalism, as known in

¹ See Chapter XV.

Europe, appears to me to be very striking. In a previous examination of 'Ashanti Land Tenure and Alienation',¹ I had already drawn attention to this coincidence. At least one of my learned legal friends has quizzed me for straining to find such an analogy. I was interested therefore to find the following (some time after that chapter was written) in Sir Henry Maine's classic, *Ancient Law*: 'Feudalism, I have repeatedly asserted, was a compound of archaic barbarian usage with Roman Law; no other explanation of it is tenable, or even intelligible. The earliest social forms of the feudal period differ in little from the ordinary association in which the men of primitive civilization are everywhere seen united.'

Osai Tutu, Chief of the Territorial Division at Kumasi, and hitherto holding a position similar to that of any of the surrounding chiefs (Mampon, Kumawu, Offinsu, Juaben, Assumegya), now became more than a *primus inter pares*, which at most he may already have been. He became *Asante Hene* (King of Ashanti). He succeeded to a tribal organization which he strove to form into a state. The Territorial Divisions of many tribes became a kingdom, the men of many tribes became its citizens; the oath of allegiance superseded the kindred ties which had hitherto alone 'conferred the privilege to command obedience and alone imposed the obligation to obey commands'. A silent and unnoticed revolution took place with regard to land tenure which was in conformity with the main characteristic of feudalism. A kind of multiple proprietorship arose. The King became the superior owner of all land, i. e. soil, in the kingdom, but this claim coexisted with many grades of inferior ownership right down a descending scale until the inferior property of the family land-holder was reached.² There were other analogies of the feudal system. Like William I, after Hastings, Osai Tutu found himself surrounded by a number of powerful lords, and a host of notables in his own territorial division at Kumasi, who demanded recognition for their services. Mampon was made Chief of the 'Silver Stool'. Kumawu and Assumegya were accorded certain privileges. An interesting development now arose. The Stools of Bekwai, Kokofu, and Nsuta had hitherto been of small importance. Bekwai at this period 'had only thirty guns'. Upon these Stools, however, sat members of the *Oyoko* clan, to which Osai Tutu himself belonged. These Chiefs thus became 'brothers' (in the classificatory sense) of the King of Ashanti (*Asante Hene*), and they rose quickly to power. Their position *vis-à-*

¹ See *Ashanti*, Chapter XXI.

² See Chapter XXXIII.

vis such Stools as Mampon, Kumawu, and Assumegya was, however, always clearly defined, and it is only since British occupation that they came to be classed as *Amanbene*. Juaben, on the other hand, seemed, independently of its royal blood-connexion, to have been already of some importance, in its own right.

I have referred to the *Mpanyimfo*, that group of Elders who helped and guided a Chief in the administration of his Stool. They were the successors of the senior members of the kindred group who had always acted as advisers of the 'house-father'. Some of these *Mpanyimfo* may possibly already have borne distinct titles. Almost certainly we had the *Gyase Hene*, to whom reference has been made, and possibly also the *Okyeame* or Spokesman. After Feyiase, we have the inauguration of a whole series of new and high-sounding titles to designate these 'Elders'. In this manner, among others, were created the titles of *Ko'ntiri Hene*, *Akwamu Hene*, *Benkum* and *Nifa Hene*, *Ankoba*, *Twafu*, *Kyidom*, *Adonten*, and so on. All these were titles having reference to a military organization, and the title-holders were the leaders of their particular units in the event of war, while in peace they continued their original functions as the advisers of the Chief. Every Territorial Division now became organized on similar lines. Each had its own army in which every adult male had to serve. Each army was so organized that it could take the field as a separate self-contained unit, with advance guard, flanks, main body, and rear-guard. In a national campaign, however, the whole of such a force ceased to function in this manner, and automatically became a part of the national army. In addition to these military functionaries, an official came to be appointed, whose particular designation varied according to the Stool to which he was attached, but whose generic title was *Abusua Hene* (Clan Chief).¹ His special duty was to look after the members of the royal clan belonging to the particular kindred group from which the Chief and Queen Mother were selected. At Kumasi, for example, he would be the *Oyoko Hene*, at Mampon the *Beretuo Hene*, and so on. A whole host of minor officials also came to be created in addition to the officers already enumerated. All will be considered in greater detail when the *personnel* of a typical Ashanti Territorial Division comes up for examination. These appointments were held directly from the Head-Chief, and were, with a few exceptions, in the hands of members of certain Stools tracing descent through the female line. Each of these office-holders took an oath of allegiance to his Chief and

¹ See also Chapter VIII.

held office subject to his own good behaviour and proven loyalty. They formed an intimate body who were always in closest touch with the Chief as his Councillors, and advisers and commanders in war. As a Chief's wealth and power increased, so they, as his immediate associates, came to have a growing prestige.

One result of the appointment of an *Asante Hene* was that each independent Divisional Head-Chief (later to be given the title of *Omanhene*) took an oath of allegiance to the King at Kumasi, and henceforth nominally held his Stool and land subject to the King's good pleasure.

I have already hazarded the opinion that the subjects who now comprised the citizens of a Territorial Division once lived in large settlements. Offshoots from various kindred groups again formed isolated villages, and the inhabitants of these, for protection and administrative purposes, now came under the direct control of their original family head, who had now possibly become one of the Head-Chief's *Mpanyimfo*. These *Mpanyimfo* now claimed similar allegiance from the scattered members of their family and came directly to rule over certain outlying villages founded by their subjects, who thus came to serve the Head-Chief *indirectly* through them, exactly as they in turn served the *Asante Hene* (King) indirectly through their chief.

We have thus a Territorial Division comprising a capital town in which resided a Head-Chief, who ruled directly over its inhabitants, but also ruled indirectly over outlying villages which owned as their direct head, not the Chief, but one of the Chief's *Mpanyimfo* (Elders).

There still remain other important units in a Territorial Division under a Head-Chief. In the neighbourhood of the head-quarters of the *Amanto* resided Chiefs only slightly less important and less powerful than those whose names figure more largely in historical traditions. These lesser Stools possessed an organization identical with those of the greater Divisions, and were originally no doubt independent of them. One after another, however, they came to acknowledge the superiority of the greater Divisional Chief, either accepting the condition of vassalage peacefully and voluntarily, or being forced into a position of dependence by arms. Hence it is that we find, besides those villages under the Head-Chief's *Mpanyimfo*, one (or more) Divisional units, of only slightly lesser importance than the Head-Chief's Division, now included within the boundaries of the greater Territorial Unit, owing allegiance through its chief to the paramount Chief of the Head Division.

These Chiefs of Divisions within a Division were known as the *Birempon* of the Head-Chief, just as the latter in turn became *Birempon* when compared with the *Asante Hene*.

The status of these lesser *Birempon* of a Divisional Head-Chief was wholly different from that of the latter's *Mpanyimfo* or *Nsafobene*. Each had his own court, courtiers, and war organization, built up on exactly similar lines to that of his superior. This distinction in the relative positions of *Birempon* and of the *Nsafobene* of the Head Divisional Chief is important for a correct understanding of the Ashanti constitution.

I have now outlined the various units which comprised a typical Territorial Division under a Paramount Chief. Its centre was the Stool of the individual now known as *Omanbene*. He, along with the Queen Mother and his *Mpanyimfo*, resided in a town which was recognized as the capital of his Division. In that Division there were many other lesser towns and villages, and, nominally, all these appeared to be under the Head-Chief in equal degree. Again, of the many thousand individuals who resided in the Division, all might, in an equal measure, appear to be his subjects. On closer scrutiny, however, it will be found that this is not the case.

I will take first the case of the towns and villages.

(a) A town might come directly under the Head-Chief for administrative purposes, as e. g. the capital where he resided.

(b) It might be a town over which the Head-Chief had only indirect control, i. e. it might be one which belonged to one of his Elders, or to some one under that *Opanyini*. In such cases the Head-Chief had not any direct dealings with its inhabitants except through their own immediate Chief. E. g. *A* is an *Omanbene*; he has an Elder (*Safobene* or '*Panyini*') *B*, who had founded a village *X*, where *B* either resided in person as Chief, or had placed *D* as a village headman, directly responsible to himself, *B*. If *A*, the Paramount Chief, wished to give an order affecting the village *X*, he would do so through *B*, who in turn, if some one else were in charge of his village, would pass the instructions on to *D*, who would see to it that the villagers of *X* obeyed, but would resent either *A* or *B* giving these orders directly to the people in the village, whom *D* considered *his* immediate subjects. If it were an order affecting an individual, let us suppose the slave of a slave, the headman would pass it through the 'house-father', who would give the order to the slave's master, who would inform his slave, who would finally take the necessary action.

(c) Again, within the greater Division there might be many towns under the Divisional Chief's *Birempon*; all orders affecting such would be given by the Head-Chief through that *Birempon*, who would then pass them on through his *Safobene* in the manner described.

With regard to the individuals who comprised the inhabitants of the Division, all these, from the greatest of the *Birempon* down to the last bought *odonko* (slave), were comprehensively grouped under the term *nkoa*¹ (subjects), but the actual authority of the Head Divisional Chief over them varied considerably.

The Head-Stool possessed direct control over (a) the *Birempon*, (b) its own *Nsafobene*, but only an indirect control over the subjects of these, and a still more indirect control over persons who, although resident within the Division, were in fact subjects of another independent Territorial Unit.² These might embrace two classes of individuals; (a) strangers, passing through or only temporarily resident in the Division, or (b) residents who were subjects (*nkoa*) of another wholly independent state. The latter would include women who had gone to reside with husbands who were subjects of our Chief, and all the children of such, down the female line, theoretically, for ever.

The whole position, I think, thus becomes comparatively clear. The small state was ever confronted with the kindred organization which was always insidiously undermining its authority by placing certain persons outside its jurisdiction. It could only hold its own, therefore, by throwing out an ever-widening circle to embrace those loyalties which were lost to it owing to the workings of the old tribal organization which had survived everywhere.

Carelessness in making a distinction between these various grades of towns, villages, and subjects, resulting in neglect to pass an order through the correct official channel, was a frequent cause of disputes in olden times, and a knowledge of these conditions, which still exist to-day, is essential to sound government and to the successful and smooth running of the Native Administration.

Two facts now stand out clearly; first, that decentralization was the dominant feature of the Ashanti Constitution, and, secondly, that the old family, clan, and tribal organization survived in the new régime, which was ever striving to make territorial considerations, and not the incident of kinship, the basis of State control.

¹ See Chapter V.

² The status of such persons within the Division in which he resides does not, however, imply the right to claim complete extra-territoriality.

THE CONSTITUTION (*continued*)

The Personnel of a typical Ashanti Territorial Division

THE following were (and still are) the more important office-holders, in the order of their precedence, in a typical Territorial Division :

The Chief (*Obene* ; later he came to be called *Omanbene*, lit. Chief of an *Oman*, Tribe, but this title, the Ashanti inform me, was introduced from the Coast). He was a member of a particular clan, which from time immemorial had supplied the person who sat upon the Stool. He traced his descent, through the female line, from some ancestress who was supposed to have been the founder of his kindred group. This woman had often a mythological origin ; ‘ she descended from the sky ’ ; ‘ she came from the ground ’.¹ The Chief’s office has already been traced back to the simple ‘ house-father ’ who ruled over his ‘ undivided household ’, who was ‘ priest ’ as well as ‘ father ’. In this respect his position has altered but little, for a Chief is still the intermediary between the ‘ *samanfo* (ancestral spirits) and his subjects, and performs the customary ceremonies at the *Adae* festivals.² His person, so long as he was on the Stool, was sacred. His judgements were largely held to be the decisions of his spirit ancestors. ‘ The King can do no wrong ’ is an axiom which every Ashanti can well understand. Thus it was that he was accredited with almost supernatural powers ; a slap from the Chief would cause the recipient ‘ to become mad ’, hence a Chief must never strike a subject. In spite of the reverence and religious awe in which his person was held, his subjects had nevertheless very distinct ideas as to the manner in which he should exercise his authority. In Court, his role was and is that of a judge who sits and permits others to do most of the talking, he himself only interfering at times to correct some irregularity or to guide the case. An *Obene okyeame*, i. e. a Chief who takes upon himself the duties of his *Okyeame* (Spokesman and prosecutor), was and is a term of opprobrium all over Ashanti. A Chief’s duties and limitations are strictly defined by a whole series of instructions (which are publicly recited before him

¹ Perhaps a more euphemistic way of saying the ancestress was related to some bird or beast.

² See *Ashanti*, Chapters V–IX.

on the occasion of his enstoolment), of which the following are typical examples. ‘The *Birempon* and *Asafohene* will rise up, and through the *Okyeame* will say, *Ka kyere no se* :

Yempe Asekyere
Yempe Atendidie
Yempe Ayamonyono
Yempe Asodine
Yempe Kwaseabuo
Yempe Atim'sem
Yempe Kumasesem'
Yempe Ebe ba se, 'kwan nni ho, 'kwan nni ho
Yempe Apo
Yempe Popo.'

‘Tell him that :

We do not wish that he should disclose the origin of any person.

We do not wish that he should curse us.

We do not wish greediness.

We do not wish that his ears should be hard of hearing.

We do not wish that he should call people fools.

We do not wish that he should act on his own initiative (lit. out of his own head).

We do not wish things done as in Kumasi.

We do not wish that it should ever be that he should say “I have no time”, “I have no time”.

We do not wish personal abuse.

We do not wish personal violence.’

The ceremony of enstoolment will later be described in detail ; for our present purpose the most important of these instructions is the admonition never to act without the advice and concurrence of his councillors, who included the Queen Mother. Failure to accept such guidance and advice was a legitimate cause for destoolment. To all outward appearance and to superficial observers, who included the populace, the Chief was an autocrat. In reality every move and command which appeared to emanate from his mouth had been discussed in private and been previously agreed upon by his councillors, to whom every one in the tribe had access and to whom popular opinion on any subject was thus made known. Such, at any rate, was the ideal ; serious departure from this custom would eventually lead to destoolment. Although nominally the Ashanti Constitution was intended to

appear to be autocratic, in correct practice it was democratic to a degree. The person of a Chief was, moreover, invested with sanctity, just so long as he sat upon the Stool of his dead ancestors. This is the reason why there was a reaction the moment a Chief was destooled; when that happened, insults, abuse, and even personal violence, were used, and all this upon one who, the moment before, was invested with almost the sanctity of a god. On the Stool he was almost a god; off it, i. e. after the official ceremony of destoolment, he became an ordinary being, who at any rate might be soundly abused for his past misdeeds.

There is a rite which takes place on the death of one Chief and upon the installation of his successor to which I shall allude briefly in this place, although it forms a part of a series of ceremonies which will be described in full in a later chapter. It is impossible, I think, to witness or to read of this rite without realizing how intimate the association between the living and the dead must seem to be to the older Ashanti. When we read of it we begin to realize the position which a Chief occupied in former days, and still holds in the eyes of the older of his subjects. We can guess how much authority and respect he must be denied, once such a ceremony ceases to have religious significance to his people. This must be especially so when the admonition to 'render unto Caesar the things which are Caesar's' has not been inculcated in the teaching of a new religion which tends sometimes to cause the more unthinking African to regard what I now describe as nothing more than a barbarous and heathenish 'fetish' rite. This ceremony, which has not, I believe, hitherto been disclosed to the European inquirer, is as follows:

When a Chief dies, and after the customary ceremonies of dressing and preparing the body, and, in old days, the slaughter of attendants to wait upon him in the spirit world, the corpse, dressed in its most gorgeous attire, is set upon an *asipim* chair¹ or laid reclining on a couch in one of the *pato* (open rooms) which face the courtyard in an Ashanti compound.² Here a feast is prepared, attended by all the officers of state and the outlying *Birempon*. The whole paraphernalia of a state banquet is in evidence: the young *abenkwa* (attendants) hover around the dead body, fanning it; messengers go and come, bending over the corpse, whispering imaginary intelligence in its ear, and in imagination receiving orders which they rush off pretending to obey. Every kind of acceptable food is displayed before the corpse,

¹ See Fig. 277 in *Religion and Art in Ashanti*.

² See Fig. 3.

and the guests, who have brought their plates, make pretence of sharing in the feast. After this banquet with the dead is over, the Elders advance one by one, and standing before their late master, naked to the waist, unsheathe the ceremonial sword (*afona*) and swear an oath before him, declaiming: *Me ka Yaoada, me ka ntam kesie; se nyo Odomankoma Owuo na abe fa wo, na se dom ano na wufri mu se yie, nankra se' man yansa ba; ya me ka ntam kesie, me ka Yaoada*¹ ('I speak the forbidden name of Thursday, I mention the great forbidden word, and say that had it not been the Creator's Death who came and took you away, but had it been in the mouth of battle that you went forth like this, and had I and this Tribe not perished there with you, then had I violated the great forbidden word, then had I violated the forbidden name of Thursday').

Among those who make this declaration is the *Abadiakyiri* (i. e. the heir apparent, lit. the child who follows behind), before whom just such another declaration will presently be made. The link between the living and the dead must thus seem very real indeed.

Again, the enstoolment ceremony proper, which in many cases only a select few ever witness, consists in the new Chief being led forward to where the most important of the blackened Stools of his dead ancestors is placed. This Stool, as readers of *Ashanti* are aware, is the shrine in which a departed spirit rests. Upon it the new Chief is placed for a second, and lifted up; and the process is repeated three times. Then and not until then has he been 'enstooled'. From now onwards he is invested with all the sanctity and the power of the dead, until such time as he dies or is destooled, i. e. made to sever by force this spiritual connexion.

Such is the outline of ceremonies of considerable importance to the correct understanding of the relationship between Ashanti Chiefs and their subjects.

Succession to a Stool: A new Chief is generally chosen from that particular kindred branch of the clan to which the Stool belongs. There may be, as we have seen, many separate kindred groups all tracing descent from a common ancestress, but as a general principle the line from which the Chiefs are chosen is confined to one branch. There are exceptions, however, and sometimes a clear 'jump' is made and succession transferred from one kindred group to another of the same clan. Again, the Chieftainship may pass alternately from one branch to another, or even in rotation the heads of three or four dif-

¹ Or whatever the particular Divisional 'oath' may be.

ferent kindred groups holding the office in turn. Some further interesting exceptions even to the above irregularities will be noted when I come to give the genealogies of certain of the more important Stools, but I shall not enlarge upon this subject in this place, as it is with a typical normal constitution founded upon orthodox lines that we are here concerned. As in the case of succession to a 'house-father', there is not any strict adherence to the rule of primogeniture. The eldest son of the senior woman of the royal family may or may not succeed. Brother may succeed brother; nephew, uncle; grandson, grandfather;¹ and the younger may be chosen before the elder. Who then decides who shall be next Chief, assuming all these possible aspirants to the Stool? During the lifetime of a Chief there is generally a member of the royal house who has been marked out to succeed the reigning Chief on the death of the latter. He is the heir apparent and is called in Ashanti the *Badiakyiri*. His selection is, to all outward appearances, in the hands of the Chief and the Queen Mother. In one sense, therefore, it would appear that they select the successor. This, however, is not the case. There is in the vernacular one of these sayings or proverbs, which have all the force of legal maxims. It states, *Odebye nsi 'bene* (One of the royal blood does not place a Chief on a Stool). It is true that the *Abediakyiri* may and often does succeed to the Chief, but if such be the case, *it will only be because he has been selected independently by the votes of the majority of the Mpanyimfo, who must include the two officials called the Ko'ntire and Akwamu*. Nominally, it will be seen that it is the Queen Mother who does so, and for a long time I believed that her wishes in this matter were absolute, but I know now that such commands would not be constitutionally in order, and that although in every enstoolment it is she who publicly nominates the successor to the late Chief, she does so only after discussion, consultation, and agreement in private with the *Mpanyimfo*, who in turn take good care to find out the wishes of the majority of the populace. Democracy is again triumphant, though ready to allow autocracy to boast the semblance of power. This was always necessary if the central authority was to be upheld in its dealing with a somewhat wild and turbulent populace.

The persons who select a Chief are those who can destool him. We have thus two checks upon despotism. There is yet a third. It is perhaps hardly necessary to state that in Ashanti the Stool is greater than the Chief who sits upon it. This we know to our cost. The following

¹ When the latter has married his cross-cousin.

procedure, which I have already described in my last volume,¹ is a further effective restraint on the abuse of its position by a royal house. In every Division there are a group of officials whose title must never be mentioned during the lifetime of the Chief. These are the *Wirempeso*. The composition of this body varies considerably in various localities, as we shall see when an examination comes to be made of the separate Divisional Constitutions, but everywhere it has one aspect in common. A member of the kindred group which supplies the ruler may not be one of the *Wirempeso*. On the death of a Chief, the *Wirempeso* constitute themselves into an armed body, sweep down upon the ancestral Stool-house, and carry off the 'blackened' Stools, without which a new Chief cannot be legally estooled. I shall again refer to the subject in some detail later on in this volume, but sufficient has been said here to show the effective practical means at the disposal of the hereditary Councillors of the reigning house to counter the intrigues of ambitious Queen Mothers, or of persons of the royal blood who might be ready to force their individual claims to the Stool.

The Chief's *Mpanyimfo* take an oath of allegiance to serve him, but the Chief also takes an oath to his councillors to observe the unwritten laws of the Constitution. The oath, in the case of the elders, is as follows: Advancing towards the Chief, who is seated, the '*Safobene* withdraws the *Mponponsuo* (or other special ceremonial sword) from its sheath; he bends his head, which the Chief touches three times with the sole of his right foot. Standing upright before him, the subject now directs the point of the sword towards the Chief's breast and speaks as follows in a loud voice that all may hear: ²

Me ka — , me ka ntam kesie, me di Kyidom Hene na me fwe wo 'kyi ma wo, se die me mpanyimfo boa wo, se me ye wo fwe wo ti fwe wo kye, se me ka asem kyere wo na wo ntie, na se me fa abufu ko me fie na se mansan ama ma me ka eno ara bio, se wo hyia me anadwo, se wo hyia me awia, na se ma mma, ya me ka ntam kesie, me ka — .

'I speak the forbidden name of —, I speak the great forbidden word. I am the Chief of the rear-guard and I protect your back; as my Elders help me, so will I assist you. If I act towards you like one who says to a man, "Look at your head, look at your hat"; ³ if I give you advice and you do not heed it, and I get angry, and go to my

¹ See *Religion and Art in Ashanti*, pp. 146, 178.

² The actual words may vary slightly in the various Divisions.

³ Meaning one cannot look both ways at once.

house, and do not return and again give you the same advice ; if you summon me at night, if you summon me by day, and I do not come, then (I have incurred the penalty), for I have spoken the great forbidden word, I have mentioned the forbidden name of —.’¹

The Chief in his turn takes the following oath before his Elders : Standing before them, he unsheathes the ceremonial sword, the point of which he raises first to the sky, then lowers until it touches the ground.² He then holds the sword before him and speaks as follows :

Me ka —, me ka ntam kesie se nye aman mu pa me nananom ne nwo buye, na me ne nwo be buo, se afutuo nwo de ama me se me ntie a, ya me to ntam kesie, me to —.

‘ I speak the forbidden word —, I speak the great forbidden name. If I with you do not rule the people well as my forefathers and you ruled them, and if I do not listen to your advice, then I have incurred the penalty of speaking the great forbidden word, I have incurred the penalty of mentioning the forbidden name of —.’

These customary oaths having been taken by all the parties concerned, and after the Chief has been set upon the Stool in the manner described, he becomes a fully constituted ruler. At a later date, after the grouping of the various Divisions under one supreme head, the new Chief had still another ceremony to perform before he was considered as fully confirmed in his appointment from the point of view of the Central Government. He had now to take an oath of allegiance to the *Asante Hene* at Kumasi similar to that which he had received from his *Birempon* and *Mpanyimfo*. Until he had done so he was known as *Nkwankwa Hene*, and had not any status in the larger national organization. Having taken his oath before the King of Ashanti he became a full *Birempon* of that Monarch.

A Chief was, as we have seen, ostensibly an autocratic ruler ; in reality he was expected to do little or nothing without having previously consulted his councillors, who in turn conferred with the people in order to sound popular opinion. He was respected by all and feared by all in virtue of his close connexion with the spirit world. ‘ When a Chief opens his mouth in court he speaks with the power of the *’samanfo*, and should never be contradicted ; in consequence a Chief should never speak hastily. *Ka preko* (Say once) is a common title for a Chief.’

¹ See *Religion and Art in Ashanti*, Chapter XXII.

² Implying *Gye Nyame, gye Asase* (Save God and mother earth, I have no equal).

‘A Chief will keep his spirit ancestors informed of any important case and will ask for their assistance.’

Obene okomfo (a priest-king) is a common title for Chiefs. ‘A Chief when he sits in court is surrounded by all the *samanfo* (spirits).’ A good Chief was scrupulously careful to rule through his Elders and to allow all lesser Chiefs to manage their own affairs, and was equally careful not to weaken their power, and eventually his own authority, by attempting to centralize all the government of his Division; he dealt with the matters that arose outside the sphere of his direct control through the proper channel. Decentralization alone made good government possible; every one knew his task, which in many cases he had learned, by precept and example, almost from infancy. There was almost complete continuity in office; continuity and decentralization combined produced a system of government which will be seen to have given surprisingly satisfactory results when we come to consider that the elaborate machinery of the State was carried on by a wholly illiterate people.

The person next in order of importance in the Native State is the Queen Mother. Where we find an extra capable and ambitious woman and a weak Chief, we should not be far wrong in placing her first. In any case, the Queen Mother is generally ‘the whisper’ behind the Stool. One of these good ladies instigated a war against the British Government, and this campaign (among the Ashanti) was called after her. I refer to the *Asantewa* war (the 1900 rising), which took its name from Ya Asantewa, the Queen Mother of Ejesu.

The Anthropological Department in Ashanti may, I think, lay some claim to have been the first to voice the claims and to explain the position and influence of the Queen Mother in an Ashanti Division. Although still not having all the recognition I could wish, we at least now know of her existence, and she at last receives some small measure of notice in the form of semi-official attention. I would refer the readers of this volume to *Ashanti* (Chapter III), where the position and influence of Queen Mothers are more fully set out. Further particulars as to their status will also be found in the present work when I come to examine the *personnel* of the various Divisions in detail.

The next important official—or rather officials, for they generally appear bracketed together—are the *Ko’ntire*¹ and *Akwamu* Chiefs. The word *Ko’ntire* is probably derived from *ko* (fighting) and *tiri* (head), for he was commander of the army in the event of the Chief himself not

¹ Also spelled *Korenire*.

going to war. The *Akwamu Hene* is his *confrère* and second in command, the offices of these two being almost inseparably linked. In the latter title we have an interesting reminder of Osai Tutu's association with Akwamu. Originally, probably, the two senior advisers and supporters of the Chief, after the reorganization of Ashanti on a military basis they became the most important of the war captains. We have already seen the prominent political position which these officials occupy in connexion with the enstoolment of the Chief. Their presence is also essential in the Native tribunal, where they must sit side by side when any case of importance is being investigated. They, along with other 'Elders', take the oath of allegiance to the Chief, and the Chief also swears before them to observe the rules of the constitution. In most Divisions they are equal in rank, but the *Ko'ntire* is generally *primus inter pares*. The *Akwamu Hene* calls the *Ko'ntire Hene* '*M' adamfo*', a term the meaning of which I shall explain presently. The duties of these two individuals generally necessitate their presence in the capital town of the Division, but they may also, as we have seen, rule over their own villages in outlying districts. In a powerful and wealthy Native State, these two functionaries, like many lesser men, tended to become more and more powerful, until in Kumasi we witnessed the interesting evolution, or at any rate attempt at evolution, of these *Mpanyimfo* (Elders) into *Birempon* with respect to the *Asante Hene*,¹ which indeed they never were or could be.

In most Territorial Divisions, the political organization of which I have so far examined, the precedence of the holders of office has up to this point been identical. The rank of these who follow varies slightly in various localities, and the order in which the remainder are given must therefore be considered as arbitrary.

The next senior official may be that functionary whose generic title is the *Abusua Hene* (i.e. the Clan Chief), who locally will be given a more particular designation, being named after the royal clan, over sections of which it is his duty to preside. Thus in Kumasi he becomes the *Oyoko Hene*; in Mampon the *Beretuo Hene*; in Kumawu the *Aduana Hene*, and so on. His office affords an interesting example of a development which it is of more than merely academic interest to follow. Originally, as we have seen, the *Abusua Hene* was the ruler over a particular kindred group, and his authority was chiefly concerned with the affairs of that group. Later, as the

¹ With respect to the *Asante Hene* in his capacity as *Omanhene* of Kumasi, they might possibly be *Birempon*.

sphere of his administrative duties widened and his kin expanded, he came also to be ruler of other groups which were under his territorial jurisdiction. At some period—it is not now possible to trace the date—a member of the ruling clan, other than the Chief himself, was detailed to look after the interests of all the members of the particular kindred group which furnished the Chiefs. Hence we have the ‘Clan Chief’ as distinct from the ‘Head-Chief’. This ‘Clan Chief’ might not himself belong to the kindred group, the members of which were alone eligible to sit upon the Divisional Stool. The genius of this people thus evolved a functionary whose duties obviated the necessity for the Chief having to adjudicate in person on matters where his own kin were concerned. He would now do so only on appeal; he was thus saved the possible danger of being accused of nepotism in his dealings with his blood-relatives. The fact that the *Abusua Hene*, although belonging to the royal clan, was a member of another kindred group, and thus was not in the line of succession, relegated him very much to the position of an ordinary commoner.

The remaining members of the *Mpanyimfo* do not here call for any very lengthy notice. They comprised as a rule the following officials: The *Benkum Hene*, and *Nifa Hene*, the leaders of the left and right wing of the army respectively; the *Twafu Hene*, leader of the advance-guard; the *Adonten Hene*, commander of the main body; the *Ankobeia Hene*, leader of the personal body-guard of the Chief; *Kyidom Hene*, commander of the rear-guard, and finally the *Gyase Hene*.

The precedence of these functionaries depended largely upon historical events, which a study of each particular Stool history will alone disclose.¹ The majority were officers bearing military titles which designated the place they occupied in the old military organization. In certain Divisions some of these offices appeared to be held by *Birempon* instead of the *Mpanyimfo*.

The *Gyase Hene*, perhaps, holds the oldest, and in some ways the most interesting, post in the household of an Ashanti Chief. The origin of his office has already been traced; the etymology of the word, as we have seen, is still preserved for us in the name of the open compound which forms the courtyard of every Ashanti dwelling. The head of the folk who worked or played in this yard was the *Gyase* Head, and the persons over whom he exercised control were the

¹ South of Ashanti, I found the *Adonten*, *Nifa*, and *Benkum* Chiefs holding the positions of the *Ko'ntre* and *Akwamu*, the latter titles being almost unknown.

Gyasefo (*Gyase*-people). At the present day, the whole elaborate 'palace' organization, with the host of servants and minor officials who perform the numerous duties in the immediate vicinity of the Chief's person, are grouped under the *Gyase Hene*.¹ His Stool may differ in one important respect from that of other *Mpanyimfo*, for it is often a 'male' Stool, i. e. one to which son may succeed to father, or it may sometimes even be filled by nomination, the Chief appointing whom he wishes. This nominee is generally chosen from among the *Gyasefo* themselves. The *Gyase* Chief may have an understudy, the *Gyasewa* or lesser *Gyase* Chief. The minor officials under the *Gyase* and *Gyasewa Hene*, each in charge of a particular department of a Chief's household, may comprise, among others, the following: ²

- | | |
|-------------------------------------|----------------------------------------|
| (a) <i>Akyeame</i> | (Spokesmen). |
| (b) <i>Akonuasofo</i> | (Stool-carriers). ³ |
| (c) <i>Asokwafɔ</i> | (Drummers, horn-blowers). ⁴ |
| (d) <i>Akyinyekyimfo</i> | (Umbrella-carriers). |
| (e) <i>Barimfo</i> | (Caretakers of the Royal Mausoleum). |
| (f) <i>Agwareyefo</i> | (Bathroom attendants). |
| (g) <i>Akragwa'fo</i> | (Chief's 'soul-washers'). |
| (h) <i>Aboprafɔ</i> | (Elephant-tail switchers). |
| (i) <i>Papafɔfo</i> | (Fan-bearers). |
| (j) <i>Sodofɔ</i> | (Cooks). ⁵ |
| (k) <i>Asoamfo</i> | (Hammock-carriers). |
| (l) <i>Akokwafɔ</i> | (Floor-polishers). |
| (m) <i>Sana hene ne Afotuosanfo</i> | (Treasurers and sub-treasurers). |
| (n) <i>Adabra</i> | (Eunuchs). ⁶ |
| (o) <i>Nseniefɔ</i> | (Heralds). |
| (p) <i>Afonasofo</i> | (Sword-bearers). ⁷ |
| (q) <i>Atumtufuo</i> | (Gun-bearers). ⁸ |
| (r) <i>Akyemfo</i> | (Shield-bearers). |
| (s) <i>Kwadwumfo</i> | (Minstrels). ⁹ |
| (t) <i>Abrafɔ</i> | (Executioners). |

Some idea of the organization which has grown up from so simple a beginning may be gathered from the perusal of such a list. In the

¹ In some Divisions, it will be noted, several of such officials may come under another Elder other than the *Gyase Hene* or fall under the direct control of the Chief or Queen Mother.

² Each of these groups is known as a *sekuo*.

³ See *Religion and Art in Ashanti*, p. 129 n.

⁴ *Ibid.*, pp. 112, 114, 159.

⁵ *Ibid.*, p. 119.

⁶ *Ibid.*, p. 119 n.

⁷ *Ibid.*, p. 280.

⁸ *Ibid.*, p. 134.

⁹ *Ibid.*, pp. 129 n., 143, 181.

greater Divisions, the heads even of some of these *fekuo* (sections) tended to become lesser Chiefs, and thus the expansion from the lesser to the greater continually went on. There is little doubt that the *Gyasefo* were in olden times recruited from the slave class. A 'Stool' slave became one of the *Gyasefo*. The descendants of a *Gyase* woman were of course considered as *Gyasefo*, down the female line for all time; not only was this so, but the son of a *Gyase* man would ordinarily also enter the office to which his father belonged, irrespective of the position of his mother. This custom affords an interesting example of how a special line of work or craftsmanship tended to break down the rules governing matrilineal descent and to prepare the way for a patrilineal way of reckoning.

The advisers, councillors, and servants of a Paramount Chief have now been enumerated. In the following chapters I shall endeavour to outline their executive and administrative functions and their privileges and position with respect to their Head-Chief.

THE CONSTITUTION (*continued*)*Birempon and Adamfo.*

THE Head-Chief is nominally the chief Executive and Administrative Officer for the whole Territorial Division. He is also the supreme spiritual head. In all he does, however, he acts, as we have seen, with the advice and assistance of his council of Elders; even when the commands which he issues appear to emanate from himself as an autocratic ruler, such is never really the case. On the other hand, without such a Head-Chief, his body of councillors and their followers tend to become merely a rabble of rival factions, wholly independent of each other, and ceasing to be representative of any persons or things save their own immediate subjects and personal interests. There is hardly a connecting link, as we shall see presently, between one councillor and another, except the tie which joins them all to the Chief whom they serve in common. Many of the Elders under an important and powerful Stool may have their own tribunal and possess their own 'oath', and hence may hear all minor cases in which their own subjects are involved. An appeal from their courts will lie to the Head-Chief's tribunal, whose 'oath' the *Mpanyimfo* have no right to hear, unless authority to do so has been expressly delegated to them by the Head-Chief. These *Mpanyimfo* of the Divisional Head-Chief may also have their own local Treasuries and a certain number of their own functionaries, all on the model of the Head-Chief's court. I am not aware, however, that any *Opanyini* (Elder) had ever the powers of life and death, even over his own slaves. This was always the jealously guarded prerogative of the Head-Chief. Besides sitting in their own inferior tribunals to hear and to give judgement in ordinary cases confined to their subjects, and in addition to having certain executive powers in their own villages, Elders have to attend the Chief's court to listen to and to investigate the cases which are brought before this higher tribunal. Here the Head-Chief, assisted by the Queen Mother, presides as judge. In the event of disputes between the subjects of two *Mpanyimfo* or of two *Birempon* of the same Division, the case will be heard in the court of one or other, the venue being decided by the locality in which the 'oath was sworn'. If the

oath were the Divisional Head-Chief's oath, the case would generally be heard before him. The more important of the Elders of a Head-Chief, e. g. the *Ko'ntire* and *Akwamu*, have, owing to their special position near his person, generally the right of direct access to him at all times. Other persons, either owing to their lesser importance or because of the fact that they are not resident in the capital town of the Division, e. g. the *Birempon* or outlying *Mpanyimfo*, must be formally introduced into the Head-Chief's presence when requiring an audience of him. The demands of Court etiquette thus gave rise to the appointment of various *Adamfo* (lit. friends) at the Head-Chief's Court, who acted as intermediaries between him and his neighbouring *Birempon*. A correct interpretation of these two terms (*Birempon* and *Adamfo*) is essential to a clear understanding of the Native Constitution.

Birempon. The etymology of this word is doubtful. It may be derived from 'barima (a man), and pon (big), or its root may possibly be *bremo* (backbone) and *pon*. We have already seen how one or more lesser Divisions may lie within the boundaries of the larger Territorial Division, each with its own complete organization, i. e. with its own local Head-Chief, Queen Mother, Elders, and outlying villages. The chief of this Division within a Division is a *Birempon* with respect to the Head Divisional Chief. The reciprocal of *Birempon* is *M'abirima* (lit. 'my man'). The Territory ruled by a *Birempon* is for all practical purposes a complete self-contained, self-organized unit, in fact an exact replica on a smaller scale of the greater organization within which it lies. The Chief of this miniature state is, however, a subject (*nkoa*) of the greater Chief, and all the former's subjects are thus indirectly under the chief ruler. What this subordination actually implies, and the obligations it imposes upon them, will be discussed later. The Divisional Head-Chief, in all his dealings with such a 'Division within his Division', deals only with its Head, whose subjects are thus removed from being under the Divisional Head-Chief's direct control. An appeal by the subject of a *Birempon* will therefore lie to :

- (a) His immediate Chief, who may be an *Opanyini* (Elder) of the *Birempon*.
- (b) The *Birempon*.
- (c) The Divisional Head-Chief.

In addition to being a *Birempon* to a greater Chief, such a lesser Chief may sometimes be *Nifa*, *Benkum*, or *Adonten Hene* (right, left, main-body commander) to his Divisional Chief. This means that the

whole of the subjects of such a *Birempon*, in time of war, constitute a particular unit of the army. *Birempon* have not as a rule any regular place on the Council of the Head-Chief, that is, they are not strictly speaking reckoned among his Elders, unless summoned to discuss a matter concerning the whole Division, e.g. war, the funeral of the Head-Chief, or the appointment of his successor, &c. In all cases where a subject of the *Birempon* comes before the tribunal of the Head-Chief, the *Birempon* will be represented by one of his Elders, who will watch the case of his subject on his behalf.

Adamfo. Court etiquette demands that persons seeking an audience of the Chief should be introduced into his presence with the proper formalities. A *Birempon* may not walk into the Head-Chief's palace unannounced. The due observance of this point of ceremonial is provided for by the appointment of certain individuals whose duty it is to act as *liaison* officers between the Chief and those persons who desire to see him. In every Division certain of the *Mpanyimfo* are detailed to act as intermediaries in all dealings between the Head-Chief and his subordinate Chiefs. Such an Elder is called the *Adamfo* of the person for whom in all ceremonial or official dealings he acts as intermediary. This word is translated by the African interpreter as ‘ friend ’. A better and more accurate translation of the term *Adamfo*, in its present context, would be ‘ patron ’ or ‘ friend at Court ’, for such is exactly the function of this individual. One of the *Mpanyimfo*, e.g. *Okyeame* (Spokesman) or the *Ko'ntire Hene*, or another, is appointed as ‘ patron ’ or ‘ representative ’ at the Court for each *Birempon*, or within the circle of the Elders themselves one Elder may be made the *Adamfo* of another. In certain cases, the fact that a man is the *Adamfo* of another may appear to imply some inferiority in the status of the latter. The *Adamfo*, it is true, even calls his opposite number ‘ my man ’. Such is, however, generally far from being the case, and any demands for precedence or seniority based on the fact that one man claims to have been *Adamfo* of another at Court should not be entertained without other corroborative evidence.

A *Birempon* may be only a little less powerful than his Divisional Head-Chief. The latter's *Okyeame* (Spokesman), let us suppose, is appointed as *Adamfo* to this *Birempon*. This *Okyeame*, in the Division of a powerful Head-Chief (and still more when we come to consider the Kumasi Division during the régime of the *Asante Hene*), no doubt was a person of some importance. He had the ear of his Head-Chief or King, and no doubt possessed considerable influence with his royal master. He

was, however, only a servant of the royal Stool, and his wealth, power, and influence were based upon his close association with his Chief. With 'his man', the *Birempon*, it was far otherwise. He was often a great Chief, of only slightly lesser power and wealth than the Head-Chief whom he 'served'. He no doubt found it politic at times to curry favour with his 'friend at Court', who possibly could be very useful to him on occasions, but he would certainly not consider himself the inferior of his *Adamfo*, however much the *Adamfo* might be beguiled into imagining himself the social superior of 'his man'. The power of the *Birempon* was real, that of the *Adamfo* largely the reflected glory of his master. The term *Adamfo* in the above sense is, therefore, largely a courtesy title; its application to an individual inferred no legal rights on one side or disabilities on the other. An *Adamfo's* 'man' is in no way liable for his 'patron's' debts or actions; the *Adamfo* cannot claim any death duties (*ayibuadie*) from his estate; there is not any appeal to the *Adamfo* from the tribunal of the *Obarima*.

A typical Territorial Division and its component parts have now been described, and I think that what has been written can best be summarized in diagrammatical form (see Fig. 14).

The outer circle, A, represents a Territorial Division under a Head-Chief (*Omanbene*) and a Queen Mother, who are represented by the centre of this circle. Inside the circle A, and concentric with it, is another lesser circle, B, with figures 1, 2, 3, and 4 marked on its circumference. These are supposed to stand for four of the Head-Chief's Elders, who (with other *Mpanyimfo*) surround him and form the royal *entourage*. Just outside circle B, but not concentric with it, lie four smaller circles, D, E, F, and G. These circles represent smaller outlying villages which owe direct allegiance to the Head-Chief. Circle C surrounds all, and within it lies the hub, as it were, of the Territorial Division. Outside this circle C, but eccentric from it, lie four slightly smaller circles, marked A¹, A², A³, and A⁴, which represent four subdivisions of four *Birempon*, each of whom owes allegiance to the Head-Chief. Within these lesser circles A¹ to A⁴ lies an organization exactly similar, if on a somewhat smaller scale, to that which is embraced within the great circle, A. Each has its own local Head-Chief, councillors, villages under these councillors, and finally there are towns outside the circles C¹, C², &c., which are represented by the circles A⁵ to A⁸ and are under Chiefs of lesser importance than the *Birempon*; these are subject to him directly, and thus subject indirectly to the Head-Chief. With respect to the *Birempon* of circle A², the lesser Chiefs of A⁵ to A⁸

are in the nature of miniature *Birempon*. Let us now follow the lines leading from the centres of these circles and observe where they converge. One and all meet, some directly, others indirectly, in the centre of the circle A, which represents, as we know, the Head-Chief of the

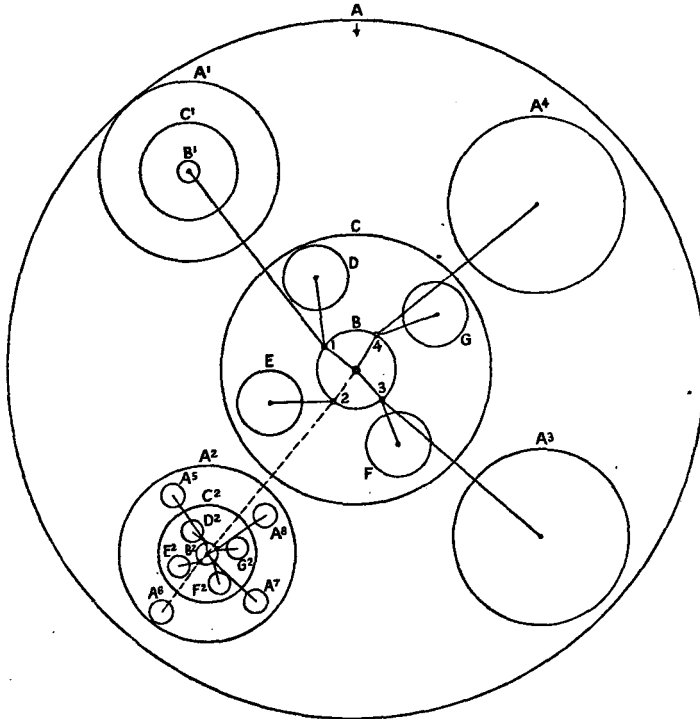


Fig. 14.

Division. The next condition to note are the points of contact on these lines of communication between the distant and lesser circles and the centre of the great circle. One such line of communication is shown by a dotted line in the diagram. It commences from the centre of the circle A⁶ and represents the Chief of a town directly under the *Birempon* of Division A². Commencing from the centre of A⁶, the line goes directly to a point on the circumference of the circle B², which is its first point of contact. This point represents one of the Elders of the Chief of the Division represented by the circle A². This

Elder is the *Adamfo* of the Chief who rules over A⁶. Thence the line passes straight to the centre of the circle A², i. e. to the *Birempon* of the Head-Chief. From here it leads to a point marked '2' on the circumference of the circle B. This point stands for one of the Elders of the Head-Chief, who is the *Adamfo* of the *Birempon* of circle A². Thence the line connects directly with the centre of circle A, i. e. with the Head-Chief of the whole Territorial Division. It should be observed that the only line of communication between the centre of a circle and that of any other circle lies by the way of the centre of the circle A. Remove this central point of common contact, and all that remains is a series of greater or smaller disconnected circles. To understand this diagram thoroughly is, I think, to possess the key to an understanding of the decentralized Constitution of Ashanti.

XIII

THE CONSTITUTION (*continued*)

The restrictions imposed upon the internal and external autonomy of the various Territorial Divisions by the acknowledgement of the Divisional Chief at Kumasi as Asante Hene (King of Ashanti).

I HAVE now endeavoured to trace how, after the overthrow of Denkyira, a group comprising some half-dozen of such Territorial Divisions as have just been described were welded together into a loose kind of Confederacy to form a Kingdom, thereby completing the process which had been continually in progress, of bringing lesser isolated groups within the jurisdiction of the greater. The acknowledgement of the Chief of Kumasi as King of Ashanti was exactly analogous with the trend of events which had brought about the inclusion of the *Birempon* under the separate Divisional leaders. The latter now ceased to be independent petty Kings, and their territory to be independent Native States, and they came to occupy a position with respect to the *Asante Hene* exactly similar to that occupied by their *Birempon vis-à-vis* themselves; the great Divisional Head-Chiefs now in turn became the *Birempon* of the central authority in Kumasi. To refer once more to my analogy of circles within circles, all that is necessary to enable us to visualize the change, diagrammatically, is to draw a new and still greater circle within which all other Territorial Divisions now lie, and to place one of the Divisions in its centre (see Fig. 15). This middle circle now represents the Territorial Division of Kumasi, and all the connecting lines now radiate from its centre, which represents the *Asante Hene*. Each centre of the surrounding eccentric circles now represents an *Omanbene*, Mampon, Juaben, Kokofu, &c. Circles A^2 to A^7 are the Territorial Divisions of the great *Birempon*, each of whom rules a State, no longer wholly independent, but in all other respects similar in organization to that found within the circle A^1 . The *Asante Hene* is also *Omanbene* of his own Territorial Division, which is bounded rigidly by the circumference of the circle A^1 , *within which he alone possesses anything like complete autonomy*. The figures 1-6 (the numbers are of course arbitrary) around the circumference of circle B represent the *Mpanyimfo* (Elders and councillors) of the *Asante Hene*. Circle B thus encloses the inner body, which

THE CONSTITUTION

comprised King, Queen Mother, and councillors; in other words, the Central Government of the Kingdom, which on occasions of national importance might be reinforced by the addition of the great *Birempon* to the advisory Council. Outside circle c, but eccentric from it, are

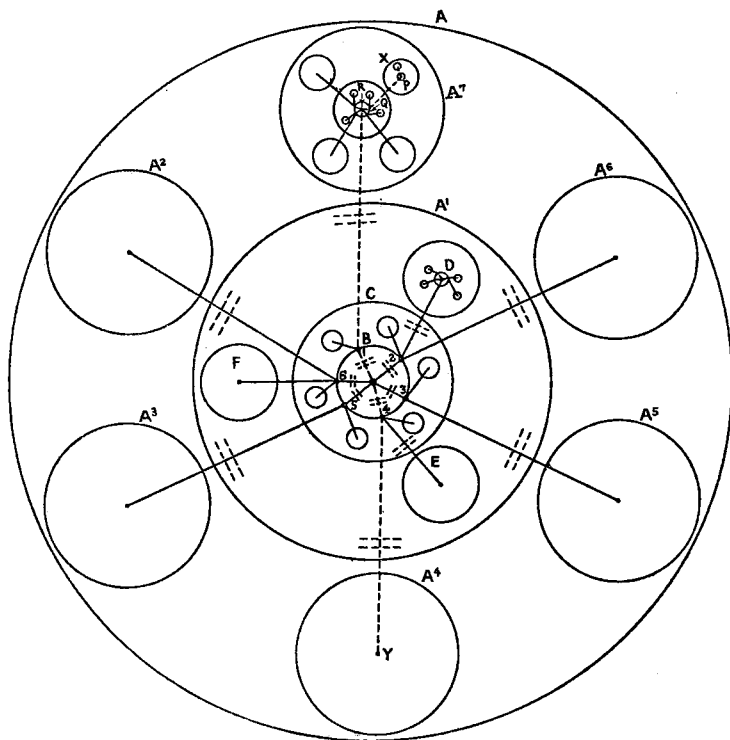


Fig. 15.

the lesser circles D, E, F, which when Kumasi was being considered as merely one of several Territorial Units became the territory of the Kumasi Chief's *Birempon*, but when viewed under the wider conception of Kumasi as the head of a Kingdom became relegated, in the national mind, to a position of subordinate importance—the title of *Birempon* then being held to refer to the heads of the greater Territorial Units, the *Amanbene*. An examination of the diagram will show the lines of communication and the points of contact between these scattered

units. These lines were the means by which the whole administrative and executive functions of the State were carried on. I again venture to suggest that were this diagram clearly understood, our Administration would avoid many of the pitfalls into which it is apt to stumble. I have shown in a dotted line the channel down which contact would ordinarily have been maintained in former times, between two points, x and y , and at the risk of being tedious I would again ask my readers to follow up this line in detail. The point x lies within the circle A^7 , which represents the Territorial Division of an *Omanbene*, who is a *Birempon* with respect to the *Asante Hene* (centre of the circle A). x is a sub-Chief of a greater Chief p , whom his Divisional Head-Chief, r , calls his *Birempon*. q is an Elder of this Head-Chief and incidentally *Adamfo* of p . x , let us suppose, had a serious dispute with y , who is *Omanbene* of another Territorial Division, A^4 ; the case has to be referred to the *Asante Hene*. x reports to p , his immediate superior, who reports to his *Adamfo*, q , who takes him before the Divisional Chief, r , who notifies the *Asante Hene* through his (r 's) *Adamfo* (No. 1 on the circumference of the circle B), who tells the King, who orders r 's *Adamfo*, No. 4, to summon y . Any other procedure, entailing the jumping over these contact points, would be deeply resented by all the persons concerned, and systematic attempts to ignore any of the intermediaries would lead to such dissatisfaction as eventually to throw out of gear the smooth working of the Administrative machine.

All lines now lead ultimately to Kumasi; every centre, from the minute point representing the house-father of a small kindred group, was now eventually linked up with that town, though following many diverse routes, with many points of contact on the way.

The next question for consideration is to discover exactly what this attempt at *centralization* implied, and what was the effect of linking up units which hitherto had been almost wholly isolated from each other so far as their internal affairs and government were concerned. First, each Territorial Division (A^2-A^7), hitherto unconnected, became indirectly linked from a common centre (the centre of the circle A). The centre of A , from being a mere *Omanbene* like all the rest, a position he continued to hold, now became King (*Asante Hene*); his *Mpanyimfo* (Elders), who had hitherto, like any others occupying a similar position, merely been the councillors of an *Omanbene*, now came to be regarded as the advisers of the King, and their prestige and power became considerably enlarged. From occupying positions of negligible importance with respect to all other *Amanbene*, many of

them were now appointed *Adamfo* of these *Amanbene*, and thus became persons with whom it was often politic to be on good terms. The immediate effect upon the great *Amanbene* was to reduce their status from that of wholly independent petty 'Kings' to a position, with regard to the new King, more or less analogous to that in which they had hitherto considered their *Birempon*, i. e. they in turn became the *Birempon* of the *Asante Hene* and directly subject to him, their subjects in turn coming indirectly under that monarch.

This subjection implied the following obligations :

(a) The taking of an oath of allegiance ¹ by all the *Amanbene* before the *Asante Hene*. The following was the procedure on such occasions. It is from a description given by an eyewitness who was in attendance on Atakora Kwaku Kuma when he took the oath before King Mensa Bonsu.

The King sat in the courtyard known as *Premoso* (the place of cannons) with all his *Nsafobene* and attendants. The bearer of the sacred *afona* (ceremonial sword) called *Mponponsuo* was sent to call the *Nkwankwa Hene* (i. e. the unconfirmed *Omanbene*), who was awaiting the summons in the room in the palace known as *dandwamu*. On his arrival before the assembly, the King's *Okyeame* (Spokesman) addressed him, saying : *Ma me biribi ma menka asem menkyere wo* (i. e. 'Give me something that I may tell you some matter'). The *Nkwankwa Hene* replied, 'How much?' The *Okyeame* said, *Asoanu* (gold-dust to the value of £4). The Chief replied, *Me sere wo fa* ('I beg you for half'). The *Okyeame* replied, *T'a gye* ('We have accepted'). The King then addressed his Spokesman, saying : *Womfa akonnua no mma no, na ommfa nye me dom, ommfa animensem, ommfa ene me ntwe manso me de kye no* ('Take this Stool and give it to him, but he must not take it to be my enemy, he must not take it to speak words against me, and I do not let him take it that he may pull against me in a dispute').

The *Okyeame* repeated these words to the Chief, and the *asenie* (herald) sprinkled white clay upon his back. The Chief now passed round the assembled courtiers from right to left, thanking them all, until he came again before the *Okyeame*, who asked him for a thank-offering of *mpereguan nsia* (£48). This, on request, was again reduced to half (*ntansa*). Various other *Aseda* were demanded and payment promised, e. g. 10s. to the Stool-carriers ; £1 6s. (*asia*) for the bearer of the *Mponponsuo* sword ; 7s. to the *oponomutoni* (doorkeeper) ; 7s. for

¹ This is known in the vernacular as *soaye* or *so'ye* and the verb *soa kyere ohene*.

the umbrella-carriers; 13s. for the heralds. Having agreed to these charges,¹ he approached the King, naked to the waist, and slipped his sandals before mounting the raised dais. He was supported round the waist by attendants. The sword-bearer of the *Mponponsuo* was seated on the left, the bearers of the *Bosommuru afonta* (ceremonial sword) upon the right. He now unsheathed the former sword, leaving the sheath in the sword-carrier's hands, immediately raising the point to the sky, then lowering it to the earth. He then placed the hand holding the sword behind his back and bent his head, upon which the King, who remained seated, lightly placed the sole of his left foot, saying as he did so: *Wo ye dom da, abosom nku wo* ('If you ever become my enemy may the gods slay you'). The Chief now stood erect, his left hand upon his heart, his right holding the sword, which he pointed at the breast of the King, who sat with his right hand raised, pointing the first two fingers at the man who was taking the oath. The Chief who was taking the oath first swore his own oath, then the great oath. In this case he said:

Me ka Yaoada, me ka ntam kesie, se mammoa wo me ne wo emmu oman yi, na se me twa wo nkontompo pen, se me ye wo dom da, se wo fre me anadwo, se wo fre me owia, na se mamma, ya me to ntam kesie me to Yaoada.

'I speak the forbidden name of Thursday, I mention the great forbidden name that if I do not help you to rule this nation; that if I ever bear false witness against you;² that if I ever make war upon you; that if you summon me by night, if you summon me by day, and I do not come,—then I have incurred the penalty of speaking the great forbidden word and of speaking the forbidden name of Thursday.'

During the oration he gesticulated with the sword, pointing and re-pointing it at the breast of the King. Having finished, he handed back the sword. The King shook hands with him,³ thanking him, and addressing him according to his *ntoro*.⁴

During the taking of the oath the Chief was dressed in an *Adinkira* cloth.⁵ He then descended the three steps and was received by his sandal-bearers carrying his golden sandals. Henceforth he would not be required to stand upon the ground with bare feet. All his drum-

¹ These payments secured the necessary witnesses.

² See Chapter XXXVI.

³ Hand must lock in hand (*anum da anumu*, 'five lie within five') is the Ashanti way of expressing this. To give the tips of the fingers is considered discourteous.

⁴ See *Ashanti*, Chapter II.

⁵ See *Religion and Art in Ashanti*, Chapter XXV.

mers, sword-bearers, umbrella-carriers, now awaited him and every one chanted the *bose* :

Osee ye !

Osee ye !

Tweduumpon Nyame e,

Ye da se o,

Ye da se amene o

Ye na ye ni o.

(*Osee ye ! osee ye !* God upon whom we lean and do not fall, we thank You, we thank You whose day is Saturday, here we are.)

The Chief, who was now no longer a *Nkwankwa Hene*, danced before them all.

It will be seen that, in substance, the oath was a military one. To employ the language of feudalism, 'the King had the *ban*; he could summon his vassal by day or night to come and fight for him'. The penalty for violation of the 'oath' was death. Ashanti Kings, like William I, apparently discovered a weakness in a system which, while empowering the overlord to summon his Chiefs, gave him no *direct* authority to call upon the vassals of those Chiefs, for in the Constitution of certain Stools there are well-authenticated records of the Central Authority having demanded a similar oath of fealty from the more powerful of the *Amanbene's Nsafobene* (war captains). Again in the parlance of feudalism: 'the King came to have not only the *ban*, but also the *arrière-ban*.'

(*b*) Besides the taking of the oath of fealty, the acknowledgement of the Kumasi *Hene* as King of Ashanti implied that his vassals held office, Stools, and land from the King, and could be removed by him.

(*c*) It implied that every subject had a right of appeal to the King's court; it made the 'great oath' of the Kumasi Division supreme; for, although the *Amanbene* were entitled to hear cases in which it was invoked, the prerogative to impose the sentence was jealously retained by the King. The punishment for its violation was originally death; later, the sentence might, in some cases, be modified by permitting the offender to 'buy his head'.

(*d*) It implied a curtailment of the power of the *Amanbene* to declare and wage war upon each other at their own pleasure.

(*e*) It restricted the right of the *Amanbene* to inflict capital punishment in case of certain offences, even where their own subjects were concerned.

(f) It implied the right to impose certain imposts (e. g. *aseda*, *muboma*, *ayibuadie*, *oman' tuo*, &c.) on the *Amanhene*.

The above may seem to be a somewhat formidable list of restrictions upon the autonomy of the *Amanhene*, but they look more formidable than they were in actual practice. The great Chiefs remained jealous, up to the last, of their privileges and powers, and were ever ready to take up arms if the Central Authority proved inclined to act in too despotic a manner. Its commands were obeyed and the restrictions imposed tolerated so long as these prerogatives of the *Asante Hene* were exercised according to established custom. The King of Ashanti, moreover, though overlord of each individual *Omanhene*, was in reality subject to them all when sitting as a court, for the Constitution allowed a final appeal from his court to a national tribunal, composed of all the great feudatory lords, with their councillors, and the King might himself be arraigned before them.¹

The acceptance of the Head of one Territorial Division as their King served to quell rivalries between *Omanhene* and *Omanhene*; it welded the Ashanti into a Nation which carried its conquests to north, east, and west; it satisfied the West African's love for a titular Head, and it restricted the powers and ambitions of the great Chiefs. Apart from these results, the change from a series of almost wholly isolated independent Native States, each with its own petty King, to a loose Confederacy under one Ruler, was achieved so much on the lines of the amalgamations already made familiar to all, the house-father growing into the Head of several kindred groups, and becoming the Chief, the Chief extending his authority over lesser groups and so on, that I doubt if the subtle change in the status of the proud *Amanhene* was much noticed by them at the time, any more than was the case when, in modern times, their King came to be banished. The *Amanhene's* Divisions at any rate, with one exception, suffered little disorganization in consequence. With the Kumasi Division it was otherwise; it lost not only a King but was deprived of its *Omanhene*.

My diagram (Fig. 15) will be of further assistance in understanding the state of affairs that resulted from the removal of the *Asante Hene* in 1895. On the chart will be noticed lines cutting across the main lines which link up the lesser circles with the centre of the largest

¹ An appeal from the King's Court to this national Tribunal was not heard at Bampanase or Apremoso, but at the house of the *Gyase Hene* at Aseyesu; the case was conducted by the *Akyeame* of all the assembled *Amanhene*, and judgement was pronounced through the *Ohyeame* of the Mampon *Hene*.

circle. These cross-lines represent the severance of the connexion between outlying Divisions or subdivisions, and Kumasi. Each of the great Territorial Units is now again isolated. These Divisions were, however, as we have seen, complete self-contained organizations in themselves, and severance of the line which linked them all with the *Asante Hene*, and thus indirectly with each other, in reality affected their internal affairs very little. All simply reverted momentarily to the *status quo ante* Feyiase, but the broken links were soon mended, for the chain was reformed, and the lines again led to Kumasi, this time to the representative of the British Government. The main effect of the change, in the eyes of the Ashanti, was to make each *Omanbene* again paramount; every one, as it were, 'went up one place', *Amanbene*, *Mpanyimfo*, and the *Amanbene's Birempon*, but the administrative machinery within the Divisions ran more or less exactly as heretofore. When we come to the Division represented by circle A^x the effect will be seen at a glance to have been wholly different. This circle represents the Kumasi Division. When the King of Ashanti was removed, this Division also lost its *Omanbene*. I have already stated that the *Omanbene* was the centre through which the administrative, judicial, and executive activities of a Division are ostensibly made to function. This Head was now removed; the lines leading from *Birempon* to *Adamfo*, and thence to the head Native Ruler, no longer led anywhere; the lines connecting the Elders with their Chief were left in the air. These results, which are graphically depicted on the chart, happened in reality. Elders became their own masters, and claimed titles such as *Birempon*, in respect to the new central authority, while the former *Birempon*, *vis-à-vis* the *Kumasi Omanbene*, laid claim to be *Amanbene*. The whole social organization of what had once been the most efficient of the Territorial Divisions now became more or less chaotic. I think this cannot be denied. The remedy is so obvious that I need hardly suggest it. It is the replacement of the centre of our Divisional circle.^x Here the Anthropologist must stand aside and give place to the Administrator. I shall pass on to discuss in the next chapter the system of taxation employed to raise revenue for such expenditure as was incurred by the State.

^x The above was written and embodied in a memorandum some six months before the filling of the vacant Kumasi Stool, and I am very proud to be able to state that the acting Governor, Sir James Crawford Maxwell, informed me that this important step was taken largely as the direct result of this memorandum.

THE CONSTITUTION (*continued*)*Sources of Revenue and System of Finance.*

THIS chapter is mainly concerned with describing how public money was obtained and expended in former times. I have confined my remarks to a few brief suggestions on the subject of the application of these principles to modern requirements. In the enumeration of certain main sources of revenue it cannot too often be insisted upon that, onerous and no doubt irksome as these taxes may sometimes have been, they nevertheless constituted the lesser impost levied by a Stool upon its subjects. By far the most onerous duty placed upon the Ashanti landholder in olden days does not appear in our schedule, i. e. the obligation imposed upon a subject to give life or limb, fighting in the service of his overlord, when called upon to do so.¹

The revenue of the Head-Stool of a Territorial Division in olden days was derived mainly from the following sources, which have been classified as far as possible in order of productiveness.

(a) *Death Duties (Ayibuadie)*: Bowdich mentions that the King of Ashanti was 'heir to the gold of every subject from the highest to the lowest',² and thus, according to Ashanti custom, had to contribute to the funeral custom 'to validate his claim'. This statement, however, requires considerable qualification. While it is correct to state that, theoretically, a Chief (or rather a Stool) would sooner or later become heir—within the strict limitation implied in the Ashanti meaning of the word—to all his subjects, the majority of such death duties were received by a Stool, indirectly. It has been observed that a Chief only has direct dealings with a minority of his subordinate Chiefs, e. g. with his own *Mpanyimfo* and with his own *Birempon*, and that these officials have numerous subjects of their own whom the Head-Chief only attempts to control through them. Let us suppose that a wealthy subject died, who happened to be under one of the *Mpanyimfo* of the Head-Chief's *Birempon*. The *Opanyini* would succeed to a specified amount of his subordinate's private personal

¹ I have dealt with this question elsewhere; see *Ashanti*, Chapter XXI.

² See *Mission to Ashantee*, p. 254.

movable assets, gold-dust, slaves, cloths, and such like. On the *Opanyini's* death, the *Birempon* would take a similar proportion of his estate. The *Birempon's* Head-Chief, i.e. the Head of the whole Territorial Division, would not get anything on these occasions. Later, however, when the *Birempon* himself died, the Head-Chief would benefit by receiving the death duties from his estate, which would thus include all that he, the *Birempon*, had collected and accumulated in death duties from his subjects. The potential wealth of Ashanti Chiefs might thus be very great, the amount of their immediately realizable securities very small. The late Mary Kingsley, whose writings on West Africa are remarkable for observation and intuition, wrote: 'In the capacity (eventually) to command these things his wealth lies. So take the whole together and you will see how you can have a very rich African, who could not possibly pay down £20, but a real millionaire for all that.' The unfairness of demanding great sums as war indemnities at very short notice, which had been the policy of some of our civil and military commanders in the wars against Ashanti, may thus be realized.¹

It is necessary to understand that when, in Ashanti, we speak of a Chief taking part of a man's property on death, only his personal self-acquired movable property is meant. Family property, in the possession of the deceased, which on his death reverted to the family, might not be touched. The proportion of the property of a dead man taken by a Chief varied in specified cases, and this will be noted when the Constitution of individual Stools comes under examination. In this chapter I am concerned with general principles rather than with the more minute details. *Ayibuadie* means literally 'something to cover over or help the funeral rite'. There is a word in the vernacular, *muhoma* (lit. that with which to bind the breasts), which has a significance very similar to *ayibuadie*. Instead of a Chief coming down upon the estate of a dead subject, i.e. sending his *Sana Hene* (Treasurer) to lock up his rooms and boxes until the value of the estate had been assessed, he might leave the amount to be paid in death duties to the discretion of the relatives of the deceased. The levy then assumed more the appearance of a voluntary contribution on their part, 'to bind the breast of the Chief', 'whose heart was sore' owing to the loss of his subject and friend. This method of allowing the death duty to be paid was a more delicate and tactful way of going about the collection of this tax than the other more forcible method, but it practically amounted to

¹ See Claridge, vol. ii, p. 420.

the same thing in the end. It must not be overlooked that the claim to receive *ayibuadie* or *muboma* involved some special obligations on the part of the recipient. Both these claims may be traced back to the original cell from which most of these more elaborate customs sprang. The house-father succeeded to the property of his dead kinsman, but he also had to see to it that he gave him a good and proper funeral. By a legal fiction, the Chief stood in a similar relationship to his subject, and by taking some of the latter's property on his death placed himself under the fictitious obligation of having to contribute to his funeral custom. By doing so he did not, however, become liable for the debts of the deceased.¹ A Chief would also take care to see that the balance struck between what came in from *ayibuadie* or *muboma* and what went out in funeral contributions (*nsa* or *nsawa*) was in his favour. There is yet another expression which is sometimes confused with the above, i.e. *awunyadie*. This term, I think, means the inheritance of property by the legal heir.

(b) *Trading (Batadie)*: A fruitful source of revenue in olden days was trading, in which some Stools had a kind of temporary monopoly. The main export trade to the North was in kola, the imports from that quarter being slaves, live stock, and shea butter. The chief exports to the littoral were slaves and gold-dust, and the imports, rum, guns and gunpowder, metal rods, salt, and soft goods.

The following is a short account of a trading expedition undertaken in the old days by the *Bata Hene* (trading Chief) of one of the *Amanbene*:

'Trading for the Stool was conducted by the following *fekuo* (groups), who were generally subjects of the *Gyase* Chief, i.e. the *Akyeremadefo* (drummers), the *Asokwafo* (horn-blowers), the *Asoamfo* (hammock-carriers) and the *Agwarefo* (bathroom attendants). About the month of November² in each year, the *Omanbene* sent these subjects, in charge of the *Ankobe Hene*, to Jamasi, Wiamaose, and Asaman to buy *besi* nuts (kola). A man's full load consisted of 2,000 nuts, which was called an *apakan* (load); a lighter load was 1,500 nuts. The

¹ *Ohene di adie na ohene ontua 'ka* (A Chief may succeed to property, but a Chief does not thereby become responsible for the (deceased's) debts).

² The following, so far as I have been able to ascertain, were the Ashanti names for the months of the year. The new year formerly began in September (or October) ? 'when the *Odwira* ceremony was held', but they state that King Kakari altered this to December. January, *Opepono*; February, *Gyefua*; March, *Dwengwan*, or *Agyenkwa* (lit. the Deliverer); April, *Fosuo*; May, *Fweankokonima*; June, *Ayewohomumu*; July, *Kwakwawia*; August, *Sanakese*; September, *Bompore*; October, *Ahineme*; November,

price of a full load varied from as much as a *nsoansafa* to a *nsoansa* of gold-dust (i. e. from 5*s.* to 10*s.*) according to the season's crop. This kola was carried to Salaga and retailed for from £1 to £2 a load. A slave in the Salaga market was worth 10,000 to 14,000 nuts.¹ I went once to Salaga with 40 *apakan*. They were carried by free men. It was no disgrace for a free man to carry a load while trading. Each carrier was allowed to carry as many extra nuts as he was able, attached to the Chief's load, and these he could trade on his own account. The extra bundle was known as *nitiri* (lit. place on top).² The *Omanbene* sent his heralds with us, carrying an *afona* (state sword) as an insignia of office to show we had been sent by the Chief. As soon as we had passed, these heralds closed the path until we had disposed of our kola, i. e. for about twenty days. The guards were stationed at Ejura and Attabubu. It was a law in olden times that all kola must first be exchanged for cowries (*sidie*), 6,000–12,000 for 2,000 nuts. After having exchanged the kola for cowries you bought with the latter what you had been commissioned to purchase. After the road was thrown open the heralds remained on duty and exacted a toll of twenty-five nuts on each load from all other traders, twenty for the *Omanbene*, five for themselves. There was not any tax on imports

Obubuo ; December, *Openima*. The year (*afehyia*) is divided into these twelve (*srane*) moons, and is further divided into periods of '40 days', as follows :

<i>Nnawotwe</i>	Lit. 8 days, i. e. a week of 7 days but counting inclusively, cf. French method.
<i>Daduananum</i>	" 15 "
<i>Adaduonu</i>	" 20 "
<i>Adaduasa</i>	" 30 "
<i>Adaduanan</i>	" 40 "

They then commence again with *nawotive*, but on the '40th day' call that *Aduduotwe*, lit. 80 days ; going back again they count as before for '40 days', when they call the period *noha toku*, which is the first half of the year. This last word does not appear to be Ashanti (*noha* probably stands for *nna oha*, 100 days). At some Chiefs' courts there was a special official detailed to check off the months, dropping a cowry shell into a bag each new moon. In Kumasi it was the *Gyase Hene* who was responsible. The first new moon after the *odwira* ceremony commenced the new year (*afe foforo*). I would also refer my readers to *Ashanti*, Chapter IX, where I gave a note on the Brong Calendar. The various *Foda* (sacred days) were dedicated to particular *abosom* (gods)—*Fo-dwo* to Ta Kora and his children ; *Fo-bena* to Ta Kobina ; *Fo-wukuo* to Apia, Akwaba, and Amenano ; *Fo-yao* to Ta Yao ; *Fo-fie* to Ta Kofi ; *Fo-meme* to Ta Kwame ; *Fo-kwesi* to Ta Kwesi, Kobi, Ateko, Obo Akora, and Oboana ; five days after *Kwa-bena* falls añ *Adai Kese*, and the day after *Kwa-bena* is *Muru-wukuo* or *Kuruwukuo*, the Brong *Adai*. (See *Ashanti*, Chapter IX.)

¹ Compare the price in Bowdich's time ; see *Mission to Ashantee*, p. 333.

² This was how the carriers were 'paid.'

from the north. The same group (*jekuo*) traded with "the Edge of the Sea" (i. e. the Coast), bringing back gin, powder, and lead bars, which they exchanged for gold-dust. The King of Ashanti had all the roads guarded, and all traders were detained until inquiries had been made about them, when they were allowed to pass, on payment of 3s. to 4s. worth of gold-dust. Northern Territory men were not permitted to trade south of Salaga. There was always competition to carry a Chief's kola, because thereby the carriers had access to the early market for any surplus which they chose to carry. All the profits from trading were paid into the Chief's Treasury.¹ A chief who bought slaves and sold them again on the Coast would have been destooled, for a Chief's slaves were *agyapadie* (heirlooms). The selling price of a male slave on the Coast was about a *pereguan ne asanu* (i. e. £12), but this would be paid in goods.²

Trading is, of course, no longer a monopoly of the Stools, and, with the exception of some Stool cocoa and kola farms, the produce from which goes to Stool finances, this source of revenue is now lost.

(c) *Aseda and Atitodie*: Another fruitful source of revenue was derived from what we would term 'Court Fines and Fees'. *Aseda* in this sense was the sum paid into the court by the party who had been found *innocent*; it was in the nature of a thank-offering, but also served the purpose of securing witnesses to attest to the judgement of the court should the result of the trial ever be questioned.² This was probably the reason that the *aseda sika* (thank-offering money) was always apportioned in the manner to be described presently.

Atitodie means literally 'that which buys the head'; it was 'blood-money', accepted by the Chief in certain cases in lieu of the death penalty. *Aseda*³ was a more or less fixed and arbitrary amount; *atitodie* was any sum which a Chief cared to demand; sometimes it would be as much as 100 *pereguan* (£800), and it was not, like the *Aseda*, divided among the *Mpanyimfo*, but was a perquisite of the Head-Chief. Court fines and fees, the modern equivalents of *Aseda* and *Atitodie*, are among the few remaining lucrative sources of revenue at the present day.

¹ An Ashanti Chief was not permitted to hold scales or to open a *fofuo* (see Figs. 1-2); he would have been fined by his *Sana Hene* (Treasurer) for doing so.

² See p. 24.

³ I would also refer the reader to the Chapter on 'Oaths' in *Religion and Art in Ashanti* for a further note on this subject.

(d) *Mining (Asikadie)*: In a Division where gold was found, mining was, as it is now, a valuable source of revenue. The actual tenant on whose land the gold pits were worked generally took one-third of the proceeds, the remainder going to the Head-Chief of the Division.

Besides the above there were a number of other ways of replenishing the exchequer on special occasions, e. g. *Ayituo*, a levy to cover the expenses of a Chief's funeral; *Asadie*, spoils taken in war, which had to be placed in a common pool and were eventually apportioned; *Fot'obo*, a levy on enstoolment of a new Chief; *Oman'tuo*, a national levy for some specific purpose; *Apea'tuo*, a war tax; *Abum'tuo*, treasure trove; *Asummoa* and *Asase'tuo*, levies of food-stuffs, game, and fish.¹

The system of decentralization, already noted, naturally was in vogue in the collection of revenue, as in other branches of the public service. Every Chief of any standing—Divisional Head-Chief, *Birempon*, and *Mpanyimfo*, who were small Chiefs in their own right—possessed his own local Treasury, under the official generally known as the *Sana Hene*. All the revenues eventually paid into the Head-Chief's Treasury had been collected through and by these sub-treasuries, each unit collecting only from those under its direct control and paying the lump sum into the treasury of its immediate overlord. Having decided upon the total amount required, the Head-Chief apportioned this sum among those who were liable to subscribe. I give here a concrete example of the collection of such a tax. First, I was informed that none of the Head-Chief's *Birempon* could have been called upon to contribute anything, had they not been consulted previously in the matter, and the debt, which had necessitated the levy, incurred with their consent. This, I think, shows how independent many of the units still remained, although in theory appearing to constitute a homogeneous Division. On the other hand, the Head-Stool in olden times would often be called upon to assist impecunious sub-Stools, because if it did not do so 'the lesser Chief might pawn himself and his town, villages, and subjects, to another master'.² The heaviest obligation was always on the shoulders of the superior.

The division of the tax was as follows: The total amount to be collected was divided into two equal shares—the *Omanbene's* Stool was made responsible for one half, the *Birempon* for the other.

¹ Further details of many of these taxes will be found under the chapters dealing with the separate Stools.

² See e. g. History of Asumegya, Chapter XVII.

The Head-Stool's contribution was now divided into five equal shares among the following :

- $\frac{1}{5}$ to the *Omanbene*.
 " " " *Ko'ntire Hene*.
 " " " *Akwamu Hene*.
 " " " *Adonten Hene*.
 " " " *Kyidom and Gyase*.

The *Omanbene's* fifth was again divided into two equal portions, for one of which the Queen Mother, heir apparent, and blood royals were made responsible, the Chief being responsible for the other half. The *Omanbene* now apportioned out the remaining share which was left to him into nine unequal parts among the heads of nine *feku* (groups of palace officials) who, in this case, came directly under him. In every single instance the Head, who was made responsible for the collection of a certain amount, would collect a little more than that amount, and would in reality not contribute anything personally, thus *actually making something out of the levy*. It was the *nkoa* (ordinary subjects) who paid¹ ultimately, not the *Omanbene*, *Birempon*, *Nsafobene* or *Odekuro* (Headman), except in so far as all might have realized that they were ultimately the poorer in proportion as the wealth of their subjects had been diminished.

It should be clearly understood that there was nothing illegal or dishonest in each Head making something for his Stool out of such a levy. To do so was their recognized perquisite and prerogative. It was a method of covering expenses in a country where direct payment for work done was unknown.²

The next question for consideration was the use made by a Stool of the revenues collected. Some of the taxes, as we have seen, were for specific purposes, e. g. to cover expenses of buying powder and arms, to pay for funeral expenses, or to make regalia. There were, however, many other calls upon the *fotuo* (purse) of the Stool. A considerable amount must have been expended upon hospitality. Food and drink

¹ 'A Chief may "eat things", but he does not pay a debt', is a well-known Ashanti proverb.

² I recollect, during the war, being at first rather startled when confronted with this custom, in connexion with contributions certain Chiefs were invited to make to Red Cross funds. Again, heavy fines imposed on a Head-Chief often do not affect that individual at all; the levy is merely passed on in the manner described, and the man whom the Government officer particularly wishes to punish may actually have gained by the penalty inflicted upon him. The sanction may, of course, ultimately take effect indirectly, in so far as his subjects, who have had to pay, may try to destool him.

were always available in a Chief's palace for any man, woman, or child who cared to claim it, including strangers. A drum was beaten about midday, the *adidi 'twene* (the dinner drum), when any one might enter the palace and eat his fill. The recipients of this hospitality did not need even to thank their host 'unless given palm wine'. It was not etiquette to wash one's hands after dining with a Chief. It is interesting to note that instead of being an honour, as with us, to be asked to dine with one's superior, such an invitation would in Ashanti be considered rather derogatory. Many of the food taxes, therefore, went in keeping open house, thus finding their way back again to the people who had supplied them. The persons who cooked this food were often the Chief's wives, which gives us a somewhat new idea of the position of women of the royal harem. Men cooks generally prepared the Chief's food. The germs of a Public Works Department already existed, e.g. the Chief's palace was always built and kept in good repair by the various Elders and their subjects, among whom the work was portioned out; ¹ paths were kept open, and rude bridges were made across streams by felling trees. Although the idea of work of any kind being remunerated by a fixed wage was, I am convinced, unknown in this part of Africa, ² every one had ultimately to be rewarded by the Chief in some indirect manner for their neighbourly services, and these presents had to be paid out of the Public Treasury.

A large proportion of the *Aseda* paid into court went to 'pay' those officials and palace attendants who had been present at the trial. The first point to notice in connexion with the sums formerly imposed by Native Tribunals (which we wrongly translate by 'fines') was that the sum demanded and paid was always some odd amount. 12s., 23s. 6d., £4 13s., £9 6s., and so on, i.e. in the gold-dust currency, was made up of two weights—10s. and 2s., £1 and 3s. 6d., £4 and 13s., £8 and £1 6s.³ The odd amounts were known in Ashanti as *matabo* or *kyekyerekon* (i.e. something stuck or tied 'on the neck' of the larger packet of gold-dust). *Sika kuntunsin nko aben fie* (A headless packet of gold-dust does not go to the Chief's palace). These little extra bundles were invariably the perquisites of the *Okyeame* (or *Akyeame*), upon whom fell by far the most onerous

¹ See Chapter VII.

² I do not think that the language even contained words to express the English 'to pay wages'; a Fanti term was borrowed later.

³ For simplicity I give these amounts in English sterling; they represent of course Ashanti weights with which the former currency, gold-dust, was weighed. See *Ashanti*, Chapter XXV.

duties in a Native Tribunal. The following was the method of division of *Aseda* amounting to £4 13s., paid by the *successful* litigant into the Chief's Treasury :¹

- 13s. went to the *Okyeame*.
- 3s. 6d. went to the Queen Mother.
- 2s. went to the females of the blood royal.
- 3s. divided between the Stool-carriers and the keepers of the mausoleum.
- 2s. to the sword-bearers.
- 4s. to the treasurers.
- 2s. to the children and the grandchildren of the Chief.
- 2s. to the gun-carriers.
- 3s. divided among any strangers or the general public who were present in court during the trial.

The balance was now divided into two—half went to the Chief, but out of this he had to give something to the heir apparent and to the Clan-Chief. The remaining half was then distributed as follows. It was divided into three equal shares :

- One-third went to be divided equally among *Ko'ntire*, *Akwamu*, *Twafu*, and *Gyase* Chiefs.
- One-third was divided equally among the *Benkum*, *Kyidom*, and *Ankobe* Chiefs.
- One-third went to the *Nifa Hene*.

All of these had again to divide their share among certain of their subjects. The *Okyeame*, in this particular case, was under the *Gyase Hene* and would receive his share from him, in addition to the 13s. he had already taken.

This is only one example in a particular Division of the sharing-out of *Aseda*, but it serves to show how such payments never really enriched the Chief or indeed any single individual, but were redistributed, sometimes in what to us would be considered almost negligible amounts, among Elders, palace attendants, and even strangers and hangers-on at the Chief's Court.

This was really the manner in which the Court officials were paid. Some of these officials, e. g. the more important of the Elders, had also their own villages and held their own courts, and would receive their share of such fees, not as Elders, but in their capacity of Chiefs, in their turn sharing out the remainder among their subordinates. The pro-

¹ The proportions and methods of distribution varied slightly in different Divisions.

minent feature of the whole system was that sums of money received in this manner were almost immediately redistributed among a large number of persons. Even that sum taken by the Head-Stool as its individual share was not long in finding its way back again among its subjects.

A Chief never paid for anything; weavers, metal workers, Stool carvers, while working for the Chief would feed at his expense, and before they left would receive *Aseda*, corresponding approximately to the market value of their wares.

The revenue collected was thus always circulating; even a powerful Stool was not really rich in capital upon which it could lay hands at a moment's notice. A Stool's wealth was potential and lay in the prosperity of its subjects. The idea of a Chief as being a man personally wealthy was unknown. A Stool might have a reserve fund—generally in connexion with the dead¹—but this capital did not belong to the individual who occupied the Stool. An admirable principle prevailed whereby everything a Chief brought with him when he came upon the Stool became sunk in the Stool property. If he were destooled, he could not take anything away without special permission, even what had been his own property before he became Chief. So strict was this rule that it applied even to the wives whom he had married before he became Chief.² In consequence of this law a Chief never regarded his tenure of office as a possible occasion in which he might enrich himself. A destooled Chief was generally allowed one wife, a young boy as servant, and a little gold-dust; he was then banished to some small village, and was on no account permitted to return to the capital town, on pain of death.

Not all the proceeds of litigation or all the revenue were shared out in the manner now described. A Stool would take for the Stool all the profits made in trading, all the death duties that directly accrued to it, all its particular share of mining royalties, as each lesser Stool would in turn have its own revenue from similar sources.

Blood-money (*aitodie*) was also retained by the Stool, and, unlike the *Aseda*, was not shared among the *Mpanyimfo*. Even in such cases, where a Stool ostensibly kept certain revenues for itself, i. e. to enrich the Stool, it was nevertheless always paying out. Generosity was an absolute *sine qua non* for an African potentate, and I doubt if the

¹ See *Religion and Art in Ashanti*, p. 128.

² There is a proverb quoted with reference to this law which runs: 'One does not place leaves inside the elephant's mouth and then take them out again.'

wisest and greatest who ever lived would have remained long upon a Stool had he not been generous almost to prodigality. This is the reason why few African Rulers appear to feel offended or ashamed to accept even insignificant amounts from Europeans; what they receive is almost immediately again given away.

It is a mistake to suppose that because the Ashanti were wholly illiterate, they did not make any attempt to keep more or less accurate accounts. The following is a description of how a Treasury was conducted in former times. A large box, known as the *Adaka kesie*, divided by wooden partitions into three compartments of equal size, was kept in the room in the 'palace' known as the *Dampon kesie*.¹ This box was in joint charge of the Chief and Head-treasurer. The key of the chest was in charge of three persons, the Chief, Head-treasurer, and the Chief of the Bed-chamber (the *Dabere Hene*); it was kept underneath the Chief's sleeping-mat. The three partitions of this box contained packets of gold-dust, each containing one *pereguan* (i. e. about £8). This chest represented a kind of 'capital account'. All moneys paid into the Treasury were weighed, made up into bundles of a *pereguan*, and deposited in it. There were at least three witnesses to every transaction, and a fourth, if necessary, in the person of the official who first received the payments. Nothing less than a *pereguan* was deposited in this box, and nothing less was withdrawn; the *Sana Hene* (Head-treasurer) accumulated receipts for lesser amounts in another box, for which his subordinates were responsible, until these sums amounted to a *pereguan*, which was then transferred to the *Adaka kesie* (big box).

With regard to payments from the chest, the following was the procedure. When any official at the Court came to the Treasurer to receive cash for some authorized expenditure, the Treasurer would go to another box called the *Apim Adaka* (Box of a thousand). The funds in this box were obtained from the *Adaka kesie*, and were maintained at a certain level by drawing from the latter when necessary. When a *pereguan* was taken from the *Adaka kesie* to replenish the *Apim Adaka*, a cowry shell was put in the former. This package, containing the £8 worth of gold-dust, was now made up into lesser packages, each containing 'small change', e. g. *soafa*, *dommafa*, *domma* (3s., 3s. 6d., 7s.), which were put away in their special divisions in the *Apim Adaka*, ready to be handed out to meet future requirements.

Payments from this 'current account' chest were similarly recorded

¹ See Chapter VII.

by the replacement of the amount withdrawn by a cowry shell. At the end of each day accounts were balanced. The secret of the accuracy of this system lay in the fact that, in the event of any discrepancy, every person concerned in any particular transaction could be called in. Again, the memory of these people for such details is extraordinary; any one who has ever had the paying out of Native labour gangs will often have been astonished at the more or less intricate calculations the workmen are able to make, where money, in which they personally have an interest, is concerned.

Decentralization, once again, with every minor cog working efficiently, and generations of continuity in office, son learning from and succeeding father,¹ resulted in a system which we should consider somewhat crude, but produced remarkably efficient results.² Every circle in the diagrams (Figs. 14-15) had its finance based somewhat on the lines that have now been described. Borrowing terms with which we are familiar, the Treasury of the *Asante Hene* might be called 'the Head-treasury', and the lesser Treasuries of the *Amanbene*, *Birempon*, and of the *Mpanyimfo* (if sufficiently important to have one) Sub-treasuries. All these Sub-treasuries were independent of each other, but all were indirectly under the Head-treasury. At any time when necessity arose, the Head-treasury would collect contributions to a national levy through the Sub-treasuries. Every section managed its own finance with a minimum of interference from the Central Authority, which all, however, acknowledged and to whose maintenance all contributed.

As long ago as 1921 I wrote as follows, with reference to the question of Indirect Rule: 'This, I believe, cannot be satisfactorily introduced unless based upon such sound principles as would ensure to the Stools of the Paramount Chiefs a steady and adequate revenue for the maintenance of their administration and dignity.' And again: 'I believe that they (the Ashanti) would willingly undertake their obligation to finance their Stools by some form of light taxation. They would do this the more readily if they knew that all these contributions would be subject to an audit and strict control.'

I had expressed the above opinions before I read the classic volume by Sir F. D. Lugard, in which I find the following: 'Without a tax

¹ See Chapter II.

² We are confronted with similarly surprising results in the sphere of Arts and Crafts, where good technique is obtained with the use of primitive appliances; see *Religion and Art in Ashanti*, Chapters XXIII-XXVIII.

there can be no Treasury and without a Treasury no real measure of self-rule.'¹

We have seen that the idea of taxation, to support the Stool, was a firmly established principle in Ashanti ; that it was accepted by all classes as the basis of their tenure of Stool lands ; and that Native Treasuries were everywhere in existence for handling such revenues as were collected. The Ashanti did not think in olden days of repudiating their obligation to subscribe towards the upkeep of the Native State. A quarter of a century ago we missed a chance of building up a Constitution on National lines, and every year we delay in doing something of this kind, the more difficult the task becomes. The rising generation is already prone to repudiate even the few surviving imposts levied upon it by Native Customary Law. A generation or less hence, any attempt to reimpose direct taxation on the old traditional basis would probably be a very difficult matter. I should be inclined to favour a consolidated levy, in place of many minor taxes. This, I believe, the Ashanti would acknowledge to be the just corollary of the cancellation of most of his former financial or feudatory obligations.

¹ *The Dual Mandate in Tropical Africa.*

THE CONSTITUTION (*continued*)*War and the Army.*

OF all the peoples in this part of West Africa, the Ashanti have probably acquired the reputation of being the bravest and most warlike. A short account of their military organization, which alone made possible their greater campaigns, and also the building up of the Constitution which has just been described, should therefore be of some interest. After the battle of Feyiase, in which the Denkyira were overthrown, we have seen how the Government of the Kingdom fell into the hands of persons who, both in name and in fact, were the leaders in the National army. This warlike bond, coupled with their common allegiance to the *Asante Hene*, was in fact the only tie which united the great feudatory lords (the *Amanbene*) to each other. In time of peace, for example, Mampon, Juaben, Bekwai, Adanse, Nkoranza, Offinsu, &c., were wholly independent *inter se*; in time of war the first-named assumed command, as leader of the right wing, not only of his own army, but also of the united forces of these Divisions, whose Chiefs called him *Adamfo*;¹ he called them *Me mmarema*. Immediately on cessation of hostilities, all again reverted to their *status quo ante*. The privilege of being Commander-in-Chief of the forces of another Territorial Division during a national campaign did not thus confer any right whatever of interference in the affairs of that Division, or imply any subordination, once the armies were disbanded, a point which is well worth emphasizing, in view of possible present-day claims to precedence based on the fact of a Chief having held such leadership in the past. Before proceeding farther, I give an extract from the late Rev. Carl Reindorf's *History of the Gold Coast and Asante*,² which is of particular value and interest :

‘ The Tshis alone have an organized order in their army. They have special captains appointed for the main divisions : the van, the right and left wings, and the rear. The Kings of Asante have not only to appoint captains over their army, but they have to organize it and also to increase it, as the occasion may be. Before a captain is appointed, the King has to collect recruits in readiness. They may be either captives in a recent war, or his own subjects

¹ See Chapter XII.

² See Chapter VIII, p. 119.

whom he bought as slaves when they failed to pay a certain sum imposed on them as a fine for an oath they had sworn, or they may have been bequeathed to him by a deceased chief or captain. Over a number of from 500 to 1,000 men thus obtained, the King appoints a captain, on which occasion a grand public meeting is held, and the body of men presented to the captain as his soldiers and slaves. Those subjects bought have to remain in their own towns, but the captives have to stay permanently in the town of the captain, whilst himself stays in the capital. Other presents are made to the captain by the King, a name is given to the band or *asafa*, and now the captain and his men are handed over to any of the generals of the five main divisions.¹

Reindorf then proceeds to give a list of the different 'bands' or *asafa*, the names of many of which still survive in every Territorial organization. In other words, the early wars of the Ashanti were, as he states, fought by slaves recruited both locally and from the fighting tribes of the North, who were organized and 'pushed' into the fighting line by their masters. The latter supplied the brain, the Staff work.

The above extract, read in conjunction with my remarks on pp. 45-46, may supply, I believe, the key to the riddle which must have puzzled so many students of West African history and psychology, i. e. the extraordinary difference in the fighting records of certain tribes stated originally to have been of a common stock.

The war organization of the various Divisions will presently be examined separately, when it will be noted that they varied in minor details. They were all modelled, however, on a standard pattern, which generally comprised the following units :

The *Akwansrafo* (Scouts). These were composed of hunters. In addition to guns, they also carried long sticks with wooden hooks on the end, with which, when they came in touch with the enemy, they shook the trees to draw their fire. It was considered very unlucky for the scouts to be killed. As soon as they had made the enemy disclose their position, the scouts would retire through the *Twafso* (advance-guard) and join the *Gyasefo* or other *fekuo* (company) to which they happened to belong.

*Twafso*¹ (advance-guard). They usually contained several men whose guns, instead of being loaded with bullets, were charged with 'medicine'. These were the *ahuraduruso*. The *Twafso* advanced in two or three lines; the first fired, then, standing fast to reload, the second line passed through them; they in turn fired, when the rear

¹ Derivation *twa*, to cut; they cleared ('cut') a path through the bush.

line passed through both, and became the first line. The Ashanti, unlike the Brong, did not allow any man to retire in order to reload. Reinforcements for the *Twafo* were drawn from the *Gyasefo*, *Ankobe*, and even the *Kyidom* (rear). Immediately behind the *Twafo* were Heralds and *Afonasofo* (sword-bearers) armed with whips, who flogged any one attempting to retire. Behind these, again, came the *Adonten* or main body, in the rear of which marched the Chief surrounded by his personal body-guard, the *Gyase* in front; the *Ankobe* behind.

The flanks were guarded by the *Nifafo* and *Benkumfo*, the right and left wings respectively. These bodies were constantly trying to out-flank the enemy. The rear-guard (*Kyidom*), in action, faced always to the rear. When the enemy were in flight, the rear-guard left its position and took part in the pursuit. Each of these divisions had what we should term its 'leader'. This word becomes in Ashanti *dompiefo* (lit. those who push the army). The significance of the title is clear and their duty was exactly what the etymology of the word implies; they encouraged and urged on the body under their command from the rear. These 'pushers' were generally *Adebye*, i. e. members of the royal blood who occupied minor Stools; they did not push the actual combatants, but exhorted the subordinate commanders of these, who were also in the rear of their men. 'One of the royal blood who did not occupy a Stool was expected to fight; if he were a Chief he urged on the fighters,' stated my informant. It would be an easy, but not accurate, inference from these statements to assume that the aristocratic Ashanti took good care not to expose himself to greater danger than was absolutely necessary. It seems demonstrably true, that positions which in battle we would consider the most honourable, because the most dangerous, were specially assigned to the rank and file, in this case largely to the descendants of men whose ancestors had been Ashanti slaves, many of whose more remote progenitors had also the fighting blood of the Dagomba, Dargati, "Fura Fura", Arab, or Fulani in their veins. When an engagement went against the army, the rank and file might scatter, but not their commanders. The last rallying-point was round the Stool, that is, the most important of 'the blackened Stools', which was always taken to war. All members of the aristocracy were expected to lay down their lives rather than this should fall into the hands of the enemy. When the battle was going against them, an Ashanti Chief would stand upon the Stool, an insult to his ancestral ghosts to fire their anger and make them fight more vigorously. As a last resort,

Chief and war captains would blow themselves up along with the regalia,¹ rather than fall into the hands of the enemy or violate the 'oath' which they had taken before setting out on the campaign. There is a well-known Ashanti saying which runs, *Fadie ne w'u a fanyinam ne owuo* (If it is a choice between dishonour and death, death is preferable), and again: *Me ko a, me to, me gwane me to, kampese me ko to dom ano* (If I go forward, I die; if I flee, I die; better go forward and die in the mouth of battle).²

On the eve of departure to a campaign, the *Nsafohene* took an oath before the Chief, which was generally somewhat as follows:

Me ka — me ka ntam kesie, osa yi wa yi me se menkoro yi, se me ko na se me de m'akyi kyere dom, se me soma korabo na se wanko na se manfa bo, na se me ko gwane, ya me to ntam kesie me to —

'I speak the forbidden name of — I speak the great forbidden name that, if I do not go to this war on which you have sent me forth, or if I go and show my back to the enemy, if I send a bullet and it falls short, and I do not follow it, and if I run away, then have I violated the great forbidden word, then have I violated the great forbidden name of —.'³

After the taking of such an oath, it was taboo to sleep again in the town where it was taken; the Chief and his army moving at once into a war camp (*bo sese*). A curious and interesting immunity from all the usual consequences of 'swearing an oath' was permitted during the actual campaign. Any one might then use these 'oaths' freely and even frivolously without incurring any legal penalty whatever. *Ye ko osa, na ya bra ntam nsem nni* ('When we go to war, we prohibit the investigation of any case arising out of the swearing of an oath'), or *Ya bine Asante Hene ntam adaka* ('We have closed the "oath" chest of the King of Ashanti').

Chiefs and soldiers ceased to cut the hair or to shave on war being declared. Ashanti fathers, whose wives were *enceinte*, when they set out to war would christen the unborn child by spitting three times on the belly of the pregnant woman and saying, 'If you come forth a male, your name is So-and-so; if a female, your name is So-and-so'. Each soldier was his own quarter-master, either himself carrying a *boto* (skin bag) containing dried plantains, cassava, beans, flour, ground

¹ Sometimes they would poison themselves; a *Safohene* often carried poison in his pouch for this purpose.

² Compare the well-known Zulu war-cry.

³ Here the particular Divisional 'oath' is mentioned.

peppers, or being accompanied by *asansafo* (persons walking empty-handed), i. e. not carrying a gun, e. g. young brothers who had not yet reached manhood or *nnonkofo* (slaves with tribal marks).¹ Foraging parties also went in search of food and the army lived as far as possible on the country which it invaded. *Asokwrafo* (Horn-blowers) and *Akyeremadefo* (Drummers) carried ammunition and the Chief's food. I think there was not any attempt at sanitation, with the result that standing camps must soon have become insanitary, resulting in the epidemics of dysentery and small-pox which often decimated Ashanti forces when in the field. Wives of the greater captains accompanied their husbands on a campaign. In one Division I was informed that the senior wife of the *Omanbene* carried the most important of the blackened Stools. 'Brave women carried water to the firing line.' Each army divisional leader had his own horn calls which rallied scattered units. These horns 'spoke' the messages after the manner of the 'talking drums'.² The *ntumpane* drums sounded insulting messages to incense the enemy, e.g.

Wa kum nnipa ma nnipa ye 'de ben? Wa kum nnipa ma nnipa ye saman. Aboa dompo se oda wo ase ne mmerebo. Nyamkompasakyi Kwaku Agai se oda wo ase, onyini ko dwo a, oad wo ase, ade ko kye anopanso a, oda wo ase, Akuranto, okyena ye be ku wo, anopa bema, bema, bema.

'He has killed men in order to make our men become, what? He has killed men to make them become ghosts. The animal, the marsh mongoose, declares he is very grateful for your liver. The Vulture, Kwaku Agai, says he thanks you very much; when the evening falls cool, he thanks you; when the day dawns, he thanks you, hailing you, *Akuranto*. To-morrow we shall kill you, very, very early in the morning.'

Abosom, i. e. the shrines of the lesser gods, and their priests, accompanied the army, and the *abosom* captured from the enemy were destroyed 'because they had helped the enemy'. The *sumankwrafo* (medicine men) also marched with the army and dressed wounds. A captured enemy general, if alive, was almost invariably killed, *after trial*. If he were killed, or had committed suicide, in battle, the trial took place just the same, and, on sentence being pronounced, the

¹ As opposed to the second generation of such persons who were unmarked and already considered themselves Ashanti. A marked slave might not carry a gun; he carried drums, state umbrellas, or food.

² See *Ashanti*, Chapter XXII.

formalities of decapitation were gone through exactly as if he were alive.¹ Had the enemy buried the body, it would be exhumed. The *Okyeame* would state the charge, High Treason (*Epo*), the corpse would be pronounced guilty, and then decapitated. The analogy to a real trial was carried even farther, for the victorious Chief, who was considered plaintiff in the case, would pay *Aseda*. The formula universally employed on pronouncing sentence on a dead enemy's general was as follows :

Se wamfa anma yamfa asopa yentie na wo ma aba bi so, na wo de bo Okyeame, na wo kum no anka wo di no aboa.

'Since you (had a quarrel with some one and) did not allow us to take good ears to hear the case, it is as if you had taken a stick and beat the *Okyeame* with it to kill him; thus have you dealt with him as if he were a beast.'

The body, after decapitation, was cut up and apportioned very much in the same way as that of an animal shot by a hunter, whom the law compelled to give certain portions of the beast to his superiors. The commander of the army took the head as his perquisite, and this would generally go to adorn the *Odwira Suman*,² or it might possibly be placed on one of the *fontomfrom* drums (see Fig. 16). The bones of the right leg went to the *Nifa Hene* (right wing Captain), those of the left leg to the *Benkum Hene* (left wing Captain). Wars waged at a distance were carefully planned, preparations sometimes extending over years, while stocks of powder and guns were procured from the Coast. The dry season was chosen, if possible, for a campaign. Strategy and deceit were of course legitimate weapons.³ A common practice was to cut down plantains, wrap these in cloths, light camp-fires, and retire, to entice the enemy to attack what they thought was the camp, when the army would take them in flank or rear. All loot had in theory to be pooled, when the Commander-in-Chief shared it out. A soldier who dared to have sexual intercourse with a captive girl was

¹ See also Chapter XXVI.

² See *Religion and Art in Ashanti*, Chapter XII.

³ As for example the well-known instance where the Nkoranzas persuaded the Tekimans to bury their guns. The Kwahu, a branch of the Ashanti Mampon, however, inform me that, before hostilities had actually commenced, the scouts of the rival armies met and on oath (i.e. either by invoking the 'great oath', or drinking the gods) disclosed to each other the exact position of their army and the day and time when they would advance. Not to do so was considered treacherous and like 'striking a man from behind'. Only after open hostilities had begun was surprise and strategy allowed in subsequent engagements.

liable to be killed—‘he had seduced the Chief’s wife’. There seemed to be some distinction, however, between prisoners made during the actual battle and those caught in retreat. The former were called *ogyam* (lit. those plucked from the fire), the latter *dommum* (lit. war prisoners). The former went into the general pool, the latter fell to the smaller pool of the particular Captain whose men had made the capture. The Ashanti have the strongest disinclination to record the defeat or death of any of their Chiefs in war. Stool histories are, on this account, full of all sorts of evasions. When we hear of a Chief going to war and disappearing into ‘a rock’ or ‘a river’ with all his Elders and Stool regalia, we may be pretty certain that he was killed, and that his army was defeated; fiction thus crowds upon fact in a manner that is disconcerting to the student in search of trustworthy information.¹ The punishment for cowardice in the presence of the enemy was generally death, but if commuted for a money payment, the man was dressed in woman’s waist-beads (*toma*), his hair dressed in the manner called *atiremmusem* (see Figs. 60–61), his eyebrows were shaved off (*kwasea-nkome*), and any man was at liberty to seduce the coward’s wife without the husband being able to claim adultery damages.

¹ I am all the more indebted therefore to certain Chiefs and Elders, who, often at the cost of mental suffering, have so generously disclosed the darker pages of their Stool histories.

THE HISTORY AND CONSTITUTION OF CERTAIN
TERRITORIAL DIVISIONS

Introductory.

I HAVE now endeavoured to draw a general picture of the Native Constitution of Ashanti, in peace and war. Before I proceed to discuss Akan Laws and Procedure, the facts which have now been epitomized will be tabulated in somewhat greater detail in an examination of the History and Constitution of seven important Stools, whose organization has been subjected to as detailed an investigation as circumstances and local conditions in each case rendered possible. The difficulties in the compilation of such data are very great. I find some of them elucidated with admirable clarity in a leader in *The Times*,¹ which, although referring to similar work in the rural communities in England, might, nevertheless, apply with almost equal truth to Ashanti. The following is an extract :

' He (i. e. the inquirer) knows the virtual impossibility of arriving at absolute truth in details, and this is particularly the case in the narrow sphere of village history. Even when there is no matter in dispute, contemporary evidence is far from infallible. In the Heralds' Visitations of the sixteenth and seventeenth centuries are many cases where an informant has made obvious mistakes in the names of his own living relatives, and the vivid recollections gathered to-day from the lips of some forefather of the hamlet are constantly found to be baseless gossip which time has hardened into firm belief. The Historian knows only too well that many of his facts are no more than hypotheses which the best available evidence has converted into strong probabilities, and that a number of them may require drastic revision. His scholar's conscience compels him to admit as much. . . . The necessary starting-point would appear to be the immediate production in each parish of a less ambitious work, setting out in simple form the salient facts of local history so far as they are known to the best authorities in the place.'

The inquirer in Ashanti labours under certain additional disadvantages, which are, however, here and there counterbalanced by other peculiar advantages not likely to be found in Europe. The Ashanti of

¹ *The Times*, 18 Jan. 1926.

to-day, under British Administration, is extraordinarily suspicious regarding inquiries of this nature, which he always feels must have as their motive the idea of a contemplated political shuffle, on the part of the Government, of the Territorial or Stool *status quo*. Indeed, where such inquiries are conducted in order to obtain evidence in a land dispute or to determine rights of succession, from my own long experience I should say the information so obtained is in many instances almost worthless. Again, the inquirer is constantly confronted with a natural reluctance on the part of the Ashanti to disclose the 'dishonourable' pages in the local histories, e. g. the slaying or defeats of Kings or Chiefs in battle. That such is the case need not surprise us now we know the origin of the so-called 'Oaths', which, briefly, are nothing more than the public repetition of such disasters. The village greybeard, in a country village in England, might delight to relate how his grandsire fought and died in some forlorn hope; the Ashanti 'ancient' would hardly dare to relate a similar event, lest the spirit of his dead ancestor should rise up and take revenge because his agony was thus recalled. Many of my informants, who, after weeks of close association and friendship, at last disclosed what to them were mournful secrets, would afterwards fast for several days. The mentality of some of my venerable friends and the difficulties which beset the inquirer are further well exemplified in the following. I had my quarters on one occasion in an Ashanti *pato*¹ which was about two hundred yards from the house of a very old man who, with others, came daily to sit in my yard and give me the local history. I suggested to him that my cook should prepare his midday meal, that he might rest and eat in my quarters and thus save himself the double journey to and from his house. He replied with some heat as follows: 'Since I was a young man I have eaten in the room under the floor of which my ancestor is buried, and in whose presence I have daily partaken of food, and I do not wish now to do otherwise.' Again, the difficulty of obtaining a correct Stool genealogy is immense. The causes of this are manifold. The rule which prohibits one person from giving the genealogy of another is still law to all the older Ashanti; it thus becomes necessary to have that individual present whose pedigree is being taken down. There are, moreover, skeletons in the cupboards of many Ashanti ruling houses—'medicine gourds in the bag,' as the Ashanti saying runs. For this and other reasons, the genealogical tables sometimes sent in to Government at the request of political

¹ See Chapter VII.

officers, and compiled by the Native tribunal clerks, are generally worthless documents.¹ Some of the pedigrees contained in the following pages necessitated weeks of labour. They are, I think, as accurate as it is possible to make them, although even now several may contain intentional or unintentional mistakes. These are a few of the disabilities which the field-worker in Ashanti has to overcome. To counterbalance these, the inquirer in that country has at his disposal (once complete confidence has been won between himself and his informants) memories which are quite phenomenal, and material which has been handed down with minute care from generation to generation. Coupled with this, is the gratifying fact that it is never impossible to make the older folk understand that this is the last hope of saving their priceless store of knowledge, which, if left unrecorded, will pass with them into the grave. The following chapters, therefore, while making no pretence to be anything but 'the salient facts', set out 'in simple form', in connexion with the Stool histories with which they deal, are nevertheless, I think, unique of their kind. They are given for the most part in the words of the venerable raconteurs, and are as accurate as goodwill, careful examination, and no little patience, have been able to make them. The Divisions will be taken in alphabetical order. First, the history of each Stool will be given, as nearly as possible in the words of the Elders who recounted it; secondly, the *personnel* of the Divisions, who were actually in office at the time that these inquiries were made, will be set down by name, with the clan and *ntoro* to which they belong, and with the towns, villages, and *fekuo* (companies) over which each has direct control. The *Birempon* of each Divisional Head-Chief will be also given. The former war organization will be then examined, and a plan given of the old battle formation; the horn calls of the various *Nsafobene* will be recorded: many of these calls are still in use. The Divisional 'oaths' will be next examined, their origins investigated, and the partition of the *Aseda* in 'oath' cases will be set down. This last-named information supplies trustworthy clues as to the relative position and status of the officials who are being considered. The jurisdiction of the Divisional Head-Chief, where the Kumasi great 'oath' was involved, the procedure in connexion with appeals, and other details in relation to 'oaths' will be examined. Sources of revenue in olden days will

¹ In this context, and as a good example of how easy it is for a new-comer, with only a slight knowledge of local conditions and difficulties, to be misled into supposing this task an easy one, see *Leg. Co. Debates*, 1927-8, para. 211, p. 216.

be next investigated. Under the next heading the former powers of the *Asante Hene* to interfere in the internal affairs of a Division will be tabulated. Finally, a series of interesting and for the most part hitherto unrecorded ceremonies, in connexion with the enstoolment or destoolment of Chiefs or Queen Mothers, will be described. A genealogical table is appended for each Divisional Head-Stool. While, as must inevitably be the case, there will be certain unavoidable repetitions throughout these Stool Histories, nevertheless the result of a method of investigation which has subjected the historical events and the Constitution of so many wholly disconnected Divisions to a uniform examination under identical tabulated headings may serve a useful purpose. It will enable us to collect a more exhaustive and trustworthy account than would be possible were the field of investigation curtailed. The very uniformity, which may at times be somewhat monotonous, is valuable proof of the authenticity of the statements recorded. The whole enables us to view, more or less in the concrete, what the previous chapters have recorded in a more abstract setting. It should be clearly understood, that while every endeavour has been made to obtain accurate and trustworthy information, complete accuracy is hardly possible of attainment.

HISTORY AND CONSTITUTION OF ASUMEGYA¹

THE first Chief who built the town of Asumegya was Kusi Aduaku, who came forth from the ground very long ago on a certain Monday night (*Nkyidwo*), followed by seven men, several women, a leopard, and a dog (see *Ashanti*, p. 123). Kusi Aduaku belonged to the *Aduana* clan and to the *Bosomtwe ntoro*. Kwadia Amanfi was Chief of Kumasi at this time. We do not know anything more about his reign, except that it was in his time that the *Aduana* clan scattered, branches founding Kumawu, Wam, Kwaso, Apomase, Gyakye, and Abodom, all these towns being founded by 'nephews' of Kusi Aduaku. The *Aduana* clan had several subdivisions [*phratries*, see *Ashanti*, p. 124]; Kumawu belonged to the *Aduana Ada*; Abodom and Gyakye, to the *Aduana Atwea*; Wam, Kwaso, Apomase, were pure *Aduana* (*Aduana pa*); the very fire our ancestors came up with from the ground is still in the possession of the Wam, and also the figure which the 'Samanfo' (spirit ancestors) brought with them.

Kusi Aduaku was succeeded by Onomaya Apao (lit. He who drinks and utters abuse). It was in his time that the Ashanti threw off their subjection to Denkyira.² All the villages we have named looked upon Asumegya as their parent village, and shared our funeral expenses, and also the *Aseda* on the enstoolment of our Chiefs. In the war against Denkyira, Onomaya Apao was given command of the left wing of the whole army, which comprised, besides the *Aduana* villages already named, the Chiefs and subjects of the following towns: Taffo, Apiedu, Hyeman, Kwaman, Asianimpon, Asekyera, Boaman, Asakyiri, Amofo, Attabubu, Kwahu, and Agogo. These twelve towns were under the Asumegya *Hene* only for the duration of the war; they called him *Adamfo*, and he addressed them as *Mعمارima* ('my men');³ they were actually subject to the *Asante Hene*, and only came under the captain of the left wing in the event

¹ Formerly one of the great *Amanto*, *Benkum Hene* (Commander of the left wing of the Ashanti National army), sacred to every Ashanti as containing the sacred grove at 'Santemanso' (see *Ashanti*, Chapter X), this Division has unhappily sunk into a position of minor importance owing to circumstances which need not here concern us. Asumegya is derived from two words, *Asuben* and *Agya* (lit. on the other side of the Asuben river).

² The date of this event was possibly about the end of the seventeenth century.

³ See Chapter XII.

of war. Long before the Denkyira campaign, when Asumegya had wished to fight some one, only the two rival Chiefs were actually engaged, the weapons of each being a sword and shield. As a reward for our services in the battle of Feyiase, the *Asante Hene* promised never to claim the children of Asumegya women, by the Kumasi *abenkwa*, as Kumasi subjects, or to make the sons of such persons follow their father's profession. The King of Ashanti also gave us land in Denkyira, where our people founded the villages of Dominase and Agyemasu. The latter is an *Aduana* Stool, the former belongs to the *Asona* clan, some of whom had been captured by us in a war. Before the Ntim Gyakari¹ war, the great Chiefs were Kumasi, Mampon, Asumegya, Aduaben, and Juaben. After that war, Bekwai, Kokofu, and Nsuta became powerful, because all their Chiefs were 'nephews' of the *Asante Hene*. Ntim Gyakari's body was divided as follows :

His head was given to the *Asante Hene* ; right leg-bones, to Mampon ; left leg-bones, to Asumegya ; the vertebrae to Aduaben. These three Stools were permitted by Kumasi to copy the regalia of Ntim Gyakari, e. g. his *fontomfrom* drums and horns, and were also, as a reward for their services, privileged to stand upon their sandals instead of being unshod, when in the presence of the King. The *Asante Hene* also sent a yearly offering to 'Santemanso, ' whence he came ', of a man, a woman, a cow, white calico, and rice. Onomaya Apao was also sent by Osai Tutu to suppress a rebellion in Denkyira which was headed by Boadu Akafu, a nephew of Ntim Gyakari. Onomaya Apao was succeeded by his nephew, Gyebi Kofi I, who was the son of Ya Tima. He accompanied Osai Tutu to the war against Akyem *Hene*, Fusu Apenten.² In this war the Ashanti King was killed, and the Asumegya suffered heavily. After Gyebi Kofi's return from the war, he obtained some powerful *dufa* (medicine), and on market day, which was on a Wednesday, when he saw certain persons who were really animals,³ he would seize them, bathe them in the medicine, and they would remain men and women ever after, and become his subjects. His town thus increased. He was, however, accused of having stolen these people, who were supposed to be the subjects of some one else.⁴ The case was referred to the King of Ashanti, who ordered *odawuru* (gongs) to be beaten in every town to find out if

¹ The King of Denkyira.

² His skull was on the Kumasi *odwira* ; see *Religion and Art in Ashanti*, p. 132.

³ See Chapter VIII.

⁴ This legend has given rise to the saying which is known all over Ashanti, ' *Gyebi*



FIG. 16. *Fontomfrom* drums, round which are set human crania



FIG. 17. *Odan mum*
A hut without windows or doors

any Chief's subjects were missing. It was found that no one had lost any. His own subjects, however, desired to destool him, so he destroyed all the regalia. His subjects then seized him, bound him, and built a house around him, which did not contain either doors or windows; such a house is known in Ashanti as *Odan mum*, lit. a dumb house (see Fig. 17). Here he was left; a certain palm-wine tapper, however, heard him groaning and reported to Kumasi. The King, Opoku Ware, caused his release, and ordered the execution of the majority of the *Mpanyimfo* (Elders). Gyebi was reinstated, but soon after died. He was succeeded by his brother, Gyebi Kuma. His sister, Safowa, once asked Gyebi Kuma to give her a cloth, and when he refused she slapped him and called him *Kwasea* ('fool').¹ Gyebi Kuma, to punish her, destroyed the remaining Stool regalia; he even burned the drums, but his subjects were afraid to protest because of the events in the previous reign. He died and was succeeded by his *wofase* (nephew), Opon Kofo, who came from the Dominase branch of the *Aduana*. This Chief used to travel about after dark. He would descend from his *apakan* (hammock), discard his fine cloths, dress in an old cloth, and go forward a long way in front of his drums, and when he came to a village he would listen outside the houses of his subjects to what was said when they heard the Chief's drums, afterwards killing those whom he had heard speaking against him. Our downfall was brought about by our bad Chiefs, for, after the killing of the Elders by Opoku Wase, we were afraid to rebel against them.

Opon Kofowas succeeded by his brother, Sakodieamim. He founded the village called *Kyekyewere* (lit. to make happy). The Stool was now very poor; all the *agyapadie* (heirlooms) had been destroyed or lost.² Sakodieamim was succeeded by his nephew, Owusu Ansa, son of Firima. He accompanied King Bonsu Panyin to Gyaman, and was in command of the *Benkumfo* (the left wing). He received the left leg-

akankanso, ono na oyi adwo odie (Gyebi, the Stinking one, used to practise *panyarring*). (For explanation of *panyarring* see Chapter XXXIV.)

¹ See Chapter XXVIII.

² Some of the *agyapadie* of Asumegya are said to have been found by a subject of Asansu, who took a share to the King, tied up in a *bede* (palm) leaf. To carry such a bundle through the streets of Kumasi was taboo, hence a saying arose which is common all over Ashanti: *Bede nna Kumase a, nye asumasi bede* (When we say that a bundle tied in palm leaves must not come to Kumasi, we do not mean So-and-so's bundle). It is commonly stated that after the defeat of Ntim Gyakari, the whole Ashanti nation contributed towards the grant of 'one thousand of everything' to give to Komfo Anotche (see Chapter XXIV), but that Asumegya refused to contribute, and in consequence Anotche is stated to have cursed them and to have predicted their decline.

bones of Edinkira, after the whereabouts of his body had been disclosed by his son Apao. Asumegya returned from this war with many captives. In this Chief's reign, one Tibu, a Chief of Denkyira, rose against the Ashanti. The Asumegya went to the war, to which the King of Ashanti did not himself go, his army being commanded by the *Ko'ntire Hene* (Bantama). In this war Mankata (Sir Charles M'Carthy) was killed.¹ Owusu Ansa died, and was succeeded by his brother, Kwame Dwekyei, who was the son of an *Omanbene* of Kokofu and of Safowa who had slapped the *Omanbene*. When he was enstooled, he was so conceited at being the son of an *odehye* (person of the blood royal) that he used to go about with a belt full of knives and wound people. He was destooled, and went to live in Kumasi, being handed over to one Ata Akuako, Kwaku Dua II's *Okyeame*. He was succeeded by his nephew, Kwaku Dome, son of Firima. This Chief made new *agyapadie* (regalia). He married 'a royal' of Bekwai, and his son was Osai Asibe, who later became *Omanbene* of Bekwai.² We went to the Fweasa, war against the Ewe [in what was later to become Togoland]. Kwaku Dome also accompanied Amankwatia (Bantama *Hene*) to the *Fanti'sa* (1874 war), again in command of the left wing. We defeated the Fanti. Following them down the Coast, we met the English, who advanced against us and we were defeated. King Kakari was destooled, and Mensa Bonsu was made *Asante Hene*. Juaben now declared its independence of Kumasi. Asumegya, Mampon, Nsuta, and Kokofu³ took the side of Mensa Bonsu, and with Kumasi marched against Juaben, who were finally defeated. Kwaku Dome was destooled by Mensa Bonsu; the cause of the dispute was as follows. The Queen Mother of Kumasi once sent the yearly present⁴ of a cow, rice, &c., to Santemanso by a slave-girl called Tiwa, who was a concubine of the King's; Kwaku Dome is said to have seduced her. This, coupled with the fact that Mensa Bonsu broke the promise made to Asumegya not to claim fowls, yams, &c., for the *Odwira* custom, caused the quarrel. He was succeeded by his brother, Kojo Agyeman, whose mother was Denta (*alias* Bimma). Soon after, all the *Amanbene* rose against Mensa Bonsu, who was destooled. Kwaku Dua II was put on the Stool, but only reigned forty days. Two rivals now claimed to be *Asante Hene*, Twereboanna (lit. 'The flint stone does not sleep') and Prempeh; the Stool was vacant for about three

¹ Sir Charles M'Carthy was killed at Insamanko on the 21st January 1824, not in 1828, as was given in *Religion and Art in Ashanti*.

² See Bekwai genealogy.

³ Also Bekwai.

⁴ See *Ashanti*, Chapter X, p. 124.

years. Asumegya now declared its independence, as did Deny ease, 'the pusher'¹ of the Kumasi *Ko'ntire* and *Akwamu*. Later, hearing that we were about to go to Kumasi, and fearing we were going to make terms, Deny ease seized our Chief and put him 'in log'.² Hence our 'oath' *epa*. The *Mpanyimfo* of Asumegya asked the help of Bekwai, and the Deny ease released our Chief, who went to Dominase, the village of his *Ko'ntire* Chief. We now went to war with Deny ease and were assisted by the towns of Peki and by Twedie, Tirede, and Yabe. We defeated Deny ease at Patase, but their Chief escaped. At this time Bekwai was preparing for war against Adanse, and did not help us. The Bekwai were driven back by the Adanse and we went to their help, and the Adanse were defeated at Amofo and were followed up and driven over the Pra. After we returned home, we went to Kumasi to see about the enstoolment of a new King. Asumegya, Bekwai, Ejisu, most of the Juaben and Kokofu, were for Prempeh. Nsuta and Mampon favoured the rival claimant, Twereboanna. The Bekwai and ourselves defeated Kokofu near the river Ada, and their Chief fled to Akyim; Prempeh was enstooled. Ejisu were at this time fighting against Mampon, and we went to their help, along with Bekwai. The Mampon were driven north to Attabubu. All Prempeh's enemies were now overcome. In return for our assistance we asked for the following rights:

- (1) Kumasi was not to demand *Ayibuadie* from the next of kin of the Asumegya Chief, or from the *Nsafobene*.
- (2) The villages of Agyemasu, Chechewere, and Batenko were to be returned to us.³

The Kumasi heir apparent 'drank the gods' that the King would keep his promise to carry out these terms.⁴ We gave Bekwai a man and a woman as *Aseda* for witnessing the above agreement. Prempeh now declared war on Nkoranza, and we went on the left wing; the Nkoranza were defeated. Returning from the war, we heard of a white man called 'Furom'⁵ who had come to Kumasi wishing to 'make a school' there. We, Bekwai, and Abodom advised the King

¹ See Chapter XV.

² This expression is used of fastening a prisoner to a log by means of an iron staple enclosing an arm or a leg.

³ These villages had been taken by Mensa Bonsu in the time of Owusu Ansa in payment of a debt incurred by Asumegya, arising out of ill treatment of a King's messenger in the village of Sefwi.

⁴ A big Chief may not himself 'drink the gods'; he does so by proxy.

⁵ Mr. Vroom. See Claridge, vol. ii, pp. 392 et seq.

to allow this, but he did not agree. On our return from Kumasi we heard that the English were at Prasu with an army. When Prempeh heard that they were coming to Kumasi, he sent them his two sons, but they still advanced and reached Esankwanta [on the old Cape Coast road]. We were now called to Kumasi, but did not go, but went to Esankwanta¹ with the Bekwai and Abodom. Here we each received 'the Flag'.² We also received 'a book' (a letter), but this has been stolen or lost with all other Stool-papers. After receiving the Flag, we supplied five hundred carriers³ to the English. We reached Kumasi on a Friday and stayed at Bantama. Prempeh was arrested on Monday.⁴ 'Stewart'⁵ now came to Kumasi, and we, Bekwai, and Abodom helped to build the fort, carrying stones. A year after receiving this Flag, Kojo Agyeman died. He was succeeded by his nephew, Kwaku Bosompim. He abdicated two years later and was succeeded by his brother, Kwabena Aboagyee, whose name was altered to Agyeman, in the hope that he would follow the good ways of that Chief. He was, however, later destooled for drunkenness, and was succeeded by Kobina Kakari, his brother.⁶

Personnel of Asumegya :

*Chief:*⁷ Kobina Kakari; Clan, *Aduana*; *Ntoro*, *Bosomtwe Aninie*.

Queen Mother: Abena Nyanta; Clan *Aduana*; *Ntoro*, *Bosomtwe Atwedie*.

Ko'ntire Hene : Kwesi Gyima ; Clan, *Asona* ; *Ntoro*, *Bosomtwe*.

Akwamu Hene : Kojo Dakwa ; Clan, *Sekyere* ; *Ntoro*, *Nketea*.

Gyase Hene : Kofi Fofie ; Clan *Aduana* ; *Ntoro*, *Adumakodie*.

Kyidom Hene : Akwesi Amankwa ; Clan, *Aduana* ; *Ntoro*, *Bosom-muru Asafodie*.

Ankobeaa Hene : Kwesi Nyako ; Clan, *Agona* ; *Ntoro*, ?

Twafo Hene : Kobina Kwatin ; Clan, *Akuona* ; *Ntoro*, *Bosomtwe*.

Abusua Hene : Kwame Kusi.

Villages directly under these officials :

The Chief has not any villages nor any *fekuo* (companies) directly under him, nor has the Queen Mother.

¹ See Claridge, vol. ii, p. 408.

² One of the Elders here asked permission to retire ; he returned in a few minutes with the actual Union Jack received on this occasion. See Claridge, vol. ii, p. 406.

³ The *Ko'ntire Hene* here rose up to state that he was one of these.

⁴ See Claridge, vol. ii, p. 411.

⁵ Capt. (later Sir) Donald Stewart.

⁶ See Figs. 18 to 21 for portraits of Kobina Kakari and Queen Mothers of *Asumegya* and *Asantemanso*.

⁷ He had not yet, when this was written, been 'confirmed' by the Government.

The *Ko'ntire Hene* rules directly over the village of Dominase ; in war he occupied the position of *Adonten Hene*.

Akwamu Hene rules the following villages directly : *Chechewere*, *Batinko*.

Gyase Hene : He does not rule any villages, but has the *sekuo* of *foto-safo* (treasurers) under him.

Kyidom : He rules Agyeman, and is over the *Akyeame*, who were formerly seven, now reduced to two.

Ankobe Hene : Has not any villages, but is over *Akonnuasofo* (Stool-carriers) and is in charge of the *Ahenemma akonnua*, Chief's children and grandchildren.

Twafo Hene : He rules the village of Sefwi.

Besides these officials there is the Queen Mother of 'Santemanso, *Abena Ekya* (see Fig. 20), who said :

' I hold the big spoon to feed the '*Samanfo* (spirits). Each year, the *Asante Hene* sent me one male and one female to serve 'Santemanso, also a cow, eggs, and rice. I sit with the Queen Mother of Ashanti and rank with her. On enstoolment, the Queen Mother of 'Santemanso was always presented to the *Asantie Hene*. I have to keep the path clear to the *asonyeso* (sacred grove) each Monday, for the ghosts do not care to tread even upon a leaf.'

Birempon : He has not now any *Birempon*.

War organization : The diagram on p. 138 shows the formation in battle.

The *Ankobe Chief* did not accompany the Chief to war, but, with the Queen Mother of 'Santemanso, remained to look after the town. His horn call is in consequence *Esa akyi eye ya* (To remain behind, when they have gone to war, is hard). The Chief appointed his sons 'to push' the *Ko'ntire* and *Akwamu*.

Horn and Drum Calls :

Chief : *Muntie die Kotoko ekeka fere* (Listen to what the Porcupines are saying with regard to —).

Minni manebere (I have not anywhere to branch off).

Ko'ntire Hene : *B'ako eya* (To be alone is sorrowful)

Drums : *Twerebo pagya* (Flint strikes fire).

Akwamu Hene : *Wu nim ewisia yo* (You know how to treat orphans).¹

Gyase Hene : *Me sere Nyame* (I beseech the Sky-god).

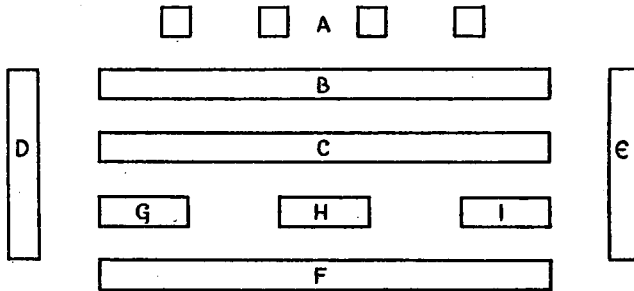
Kyidom : *Me pe ko mafwe* (I love to look for fighting).

¹ ' One of my ancestors, when he was left an orphan, was brought up by Gyebi.'

Asumegya 'oaths': The great 'oath' of Asumegya is *Wukuara* (Wednesday). The 'oath' had its origin in a defeat, in the Akyim war, in which Osai Tutu was slain. At Asumegya, no one may go to farm-work on a Wednesday, nor must the Chief travel on that day. *Me ka epa* (I mention the fetters), referring to the capture of Kojo Agyeman by the Chief of Denyese (see history).

Queen Mother's 'oaths': *Me ka amanebunu* (I mention the calamity), and *Me ka obema yafu* (I speak of the belly of the Queen Mother).

Ko'ntire Hene's 'oath': *Me ka 'panyini futuom'* (I mention the



A. *Akwansafo* (Scouts). B. *Twafo* under Chief of Sefwi. C. *Adonten*, main body, D. *Benkum* (Left wing) under *Akwamu Hene*. E. *Nifa* (Right wing) under the *Ko'ntire Hene*. F. *Kyidom* (Rear-guard) under the *Kyidom Hene*. G. *Abadiakyiri* (Heir apparent). H. *The Chief*. I. *Aduana Hene*.

empty house of my Elder), referring to the loss of most of his house in the Gyaman war.

Akwamu Hene's 'oath': *Me ka 'panyini amanebunu'* (I mention the calamity which befell my Elder), in the battle of Kantemansu.

Gyase Hene's 'oath': *Me ka 'wu gya, me ka mpete* (I say that only death remains, I speak the name of small-pox).

Kyidom Hene's 'oath': The same as that of the *Akwamu Hene*.

Ankobeia Hene's 'oath': *Me ka Yaoada* (I speak the name of Thursday); said to date from Onomaya Apao's reign, when one of the ancestors of the *Ankobeia* Chief did not receive a proper funeral owing to all his relations being absent at war.

Twafo Hene's 'oath': The same as that of the *Ko'ntire Hene*.

Oath Fees: The *Aseda* in olden times for the Chief's 'great oath' was from *soa ne domma* (£2 7s.) to *osuanu ne nsano* (£4 13s.); the 7s. and 13s. were *matabo* or *kyekyerekon*.¹ The guilty party was killed (with-

¹ See p. 114.

out having to obtain authority from the *Asante Hene*, or 'bought his head', also paying *akonnua sika* (gold-dust for the blackened Stools).

Division of Aseda : The £4 13s. was divided as follows :

13s. to the *Akyeame*.

8s. to the Queen Mother of Asumegya.

7s. to the *Abenkwa* ('palace' attendants).

The balance was then divided into two equal parts; half went to the Chief, half to the Elders who were present at the trial.¹

Kumasi 'great oath' cases and appeals to the Asante Hene : When the King of Ashanti's great 'oath' was sworn, (with certain exceptions) the Chief of Asumegya might hear the case. He must, however, at once report the result to the King, who would pass the sentence. Half of the *Aseda* in such cases went to the King. He would also take any 'blood-money' (*atitodie*), but would send some of it to the Chief of Asumegya. The Chief of Asumegya had, however, not any authority to try any of the following cases, even when his own subjects were the parties concerned :

- (1) Murder.
- (2) 'Blessing' the King (i. e. cursing the King), as the crime was euphemistically called, also sometimes expressed by, *ode ne nsa asi fam*, or, *bo obene dua* (i. e. He touched the earth with his finger, or, he clubbed the King with a stick).
- (3) Adultery with the wife of the Chief,² commonly known as *odwenso tuom* (urinating into a gourd cup).
- (4) Banishment from the clan (but only if the *ntam kese* (great 'oath') had been invoked).

Appeal to the Asante Hene : An appeal was lodged by swearing the Kumasi 'great oath' upon the *Okyeame*, who, as mouthpiece of the Chief, had given judgement. The only persons then concerned in the new trial were the party declared guilty and the *Okyeame* who had conducted the trial. Although judgement had been given, sentence had not been passed, so *atitodie* would not have been paid. Whatever the result of the appeal, the party originally declared innocent could not again be prosecuted, even if the first finding were reversed, the punishment, if the appeal were successful, falling upon the 'linguist' against whom the 'oath' had been sworn (the idea being, I think,

¹ No doubt to be again divided, but I omitted to ask among whom.

² The reason being, I was informed, that the *Asante Hene* would have to sacrifice to the *'Samanfo'* at *'Santemanso*. The cost of the sacrifice was paid by the adulterer's kindred, the fine being known as *Ashanso kohoro* (something for washing the knives).

that he must have been in collusion with the man in whose favour he had, in the first trial, given judgement, and thus violated the oath taken by all *Akyeame*). The unsuccessful appellant was almost invariably killed. 'Every *Omanbene*', added my informants, 'was authorized to hear great "oath" cases (i. e. the Kumasi great "oath"), but the Kumasi *Mpanyimfo* might not do so without special authority.'

Venue of oath trial : The case was decided in the territory of the Chief on whose land 'the oath' was sworn. If the subjects of two Chiefs were involved, the *Okyeame* of the Chief out of whose Division the case was being tried would represent that Chief's subject at the trial. 'A person must be present when an oath is sworn against him' to make the 'oath' effective. *Obi nka ntam ngu obrane atiko* (One does not swear an 'oath' at the back of a man's head) is how the Ashanti express this rule.

Sources of Revenue in olden times :

War : Plunder and slaves, after the King of Ashanti had taken his share.

Trading : A rich trade in kola with Salaga, 'after the King of Ashanti had opened the road'. The *Asokwrafo* (horn-blowers') section were the Chief's traders.

Ayibuadie : (Death duties) from the *Nsafobene*; cloths, gold-dust, &c., to amount of one half of deceased's personal property.

Aseda and Atitodie : Already explained.

Oman'tuo : A contribution of 3s. 6d. from each adult male, and 2s. from each adult female, on the enstoolment of a new Chief, 'Bo *Obene foruo* (to fill the Chief's bag).

Afribyiadie (lit. things for the new year), i. e. first-fruits: Twenty loads had to be sent to the King of Ashanti for his *odwira* ceremony.

Treasure Trove : If a valuable find, the King of Ashanti would have to be informed, and he would take what he wanted.

Nwafie : A yearly tribute in snails.

Game : A stranger killing an antelope on Asumegya land sends a hind leg (*sere*) to the Chief, a subject sends a foreleg (*basa*).

The power of the Asante Hene to interfere in the internal affairs of the Division :

The Chief had to take an oath of allegiance before the King of Ashanti.¹ The last Asumegya Chief to do so was Kojo Agyeman, before King Mensa Bonsu.

¹ The *Mpanyimfo* of Asumegya did not take an oath of allegiance before the *Asante Hene* on their enstoolment, but he was informed, and *Aseda*, 13s., was sent to him on such



FIG. 18. Kobina Kakari of Asumegya



FIG. 19. Kobina Kakari of Asumegya



FIG. 20. The Queen Mother of Asantemanso and custodian of the sacred grove



FIG. 21. The Queen Mother of Asumegya

The *Asante Hene* alone had the power to hear and inflict punishment in certain cases. The subjects of Asumegya had the right of appeal to the *Asante Hene*.

The *Asante Hene* claimed *muboma*, a man and woman (the latter one of the late Chief's wives), a cloth, of which he had a choice, and gold-dust. The *Asante Hene* had the right to summon the Asumegya Chief at any time. The Asumegya Chief would ask the *Asante Hene's* permission before going to a war on his own account.

Ceremony in connexion with the enstoolment of a Chief at Asumegya in olden times :

Immediately on the death of the Chief, the *Gyase Hene* would send for the *Ko'ntire* and *Akwamu Abene* and the other *Mpanyimfo* and seize the most important of the blackened Stools, which was taken by the *Wirempeso*, under the *Ankobeia Hene*, to a spot on the left-hand side of the Bekwai road, where a grass hut was built for it; the Stool, covered by a *nsa* cloth, was placed inside. The Queen Mothers of Asumegya and of 'Santemanso were immediately informed, and a messenger was sent to Kumasi to tell the *Asante Hene*, who sent back one of his Treasurers with a present of a velvet pillow, cloths, &c., for the dead; the messenger presented them on his arrival to the corpse, with the following words :

Me ne wo na ede emane yi, ade a nnipa pe, na Nyame so pe, ena nne na Nyame ebehyia wo, ena nne Asante Hene sua adie, sumie, ntama, sakyekyere, abirimpon nase, ne sika futuru, ne' guan, se mfa megya wo kwan.

'This is a sorrowful thing for me and you, but what man wishes the Sky-god also desires; thus to-day the Sky-god will meet you; therefore the King of Ashanti holds certain things (for you as gifts), a velvet pillow, a cloth, golden shells, golden anklets, gold-dust, and a sheep, saying I am to see you off on the journey.'

The gold is now poured into the ears of the corpse, and a little is sprinkled in the hollow of the zygomatic arch, the messenger continuing his address :

Mfa nkoto nsuo nnom. Onyina n'akyi: oko'sa, oma nni konim; oma Asante man nye yiye; mmawofo nwo mma, mmarima ko bata, nye sika, mma no kote nwu, mma n'ani mfura, mma n'aso nsi.

occasions. Before setting out to war, the commanders would take the war oath. The Asumegya Chief took his oath of allegiance with the *Mponponsuo* sword. 'In olden days the King of Ashanti addressed the Asumegya *Hene* as "Nana", as did all the great *Amanhene*.'

'Take it to buy water to drink. Stand behind him ; when he goes to war let him gain the victory ; let the Ashanti nation prosper ; let the bearers of children bear children ; let those who go trading get money ; do not permit his penis to die ; do not let his eye become covered over ; do not let his ears become stopped up.'

All the *Mpanyimfo* took an oath before the corpse. The *Ko'ntire Hene* did so first. He held the *afona* (ceremonial sword) called *Bosomtwe*. The oath was as follows :

Me ka Wukuara, me ka Ntam Kesie, se yadie na eboo wo ya fwe afwe yentimi na Odomankoma wuo abe fa wo, se ankra 'ko ano na nkana ye gyina na s'ankana manto menya wo, ya me to Ntam Kesie, me to Wukuara.

'I speak the forbidden name of Wednesday, I speak the great forbidden name, saying had it not been sickness that struck you down, —and we tended you and nursed you, but we could do naught, for the great Creator's death came and took you,—but had it been in the mouth of battle, and had I not stood fast and been the first to fall, then had I violated the great forbidden name, then had I violated the forbidden name of Wednesday.'

The body was buried in the middle of the night. The day after the burial, the *Mpanyimfo* assembled and the *Wirempefo* brought back the Stool which they had taken away ; on payment of about £8 in gold-dust, the Stool would be handed over to the *Ko'ntire Hene*, by whom it would be returned to its proper place in the Stool-house. During the time the *Wirempefo* had possession of the Stool, they might loot live stock and fowls as they wished, and they were licensed to sing insulting songs, abusing members of the blood royal, and even assaulting any of them whom they encountered.

Ankobe a oya !

Oya e !

Ye nim ko, yennim gwane.

Ye fire be ni o ?

Ye fire ne twe-nini ase.

Ankobe a oya !

Oya e !

We know how to fight, we don't know how to run away.

Whence did we come forth ?

We came forth from a male vagina.

All the *Mpanyimfo* would now have discussed the question of a

successor, and they would approach the Queen Mother through the *Ko'ntire Hene*, asking her to nominate one. She would request permission to talk it over with her kinsmen. In fact, the Elders had already discussed the matter with the Queen Mother, and told her whom they wished to be the next Chief; their nominee would be the one she will pretend to have chosen. 'We will always inform the Queen Mother beforehand which of the blood-royals we would accept as a Chief. The person she selects she already knows is the one whom we desire.' A choice having been made, the Queen Mother and the *Aduana Hene* came before the assembled people, and she addressed them, through the *Okyeame*, saying: *Adere bu a, ye bo'bi poma mu, ni nwoonfa me ba (me nua) asumasi na nfa onananom 'tuo* ('When a sickle breaks, we put a new shaft to it, so you must take my child (or my brother), So-and-so, and give him the gun of his grandsires'). The member of the royal family who was to be made Chief was now summoned, and when he came before them, the *Okyeame* said, 'Give me something that I may tell you something'. He would, as is customary, eventually promise to pay half the sum demanded of him. He was then told that the *Ko'ntire* and *Akwamu* Chiefs and the *Asumegya* people had given him So-and-so's gun, mentioning the name of the Chief whose Stool was taken by the *Wirempeso*. The Chief-elect would return thanks to the *Mpanyimfo* and the *Oman* (Tribe). The customary admonitions would then be recited through the *Okyeame*. In addition to those already given (see p. 82) were the following:

Yempe aboro (We do not wish any burying of property).¹

Yempe Obene a ogye asem to ne tiri mu (We do not wish a Chief who, when he knows of some matter, puts it away in his head).

The new Chief would then take his oath before his Elders. He bared his shoulder but did not take off his sandals. Grasping the *Bosomtwe Ofana* (state sword of that name), he stood before the *Ko'ntire* and *Akwamu* Chiefs and said:

Me ka Wukuara, me ka Ntam Kesie, se nye aman mu pa me nananom ne nwo buye na me ne nwo be buo, se afutuo nwo de ama me se me ntie a, ya mato Ntam Kesie, mato Wukuara.

'I mention the forbidden name of Wednesday, I mention the great forbidden name, that if I along with you do not rule this people well, as my forefathers and you ruled it, and if I do not listen to your advice, then have I incurred the penalty of speaking the great forbidden word,

¹ See Stool History, reign of Gyebi.

I have incurred the penalty of mentioning the forbidden name of Wednesday.'

Having taken this oath, the *Ko'ntire Hene* would lead him by the right hand and set him on the *asipim* chair, lowering him and raising him three times, before he finally became seated. The *Mpanyimfo* would now advance and take their oath of allegiance before him, in the following order ; *Twafo, Akwamu, Ko'ntire, Gyase, Aduana Hene, Ankobea, Abakomagwaso, Kyidom*. After receiving the oath of fealty, the new Chief was carried round the town to the accompaniment of the Ashanti national hymn, the *Bose*.¹ On the following day he would be shown all the *musuo die*, e.g. any *gyadua* (trees) and the abodes of any of the lesser gods, and the smoked Stools, upon which a sheep would be sacrificed. He would then visit 'Santemanso, resting on the way beneath an *odum* tree which had been dressed in white calico, and before which he would pour out wine and say :

Me na nne ye de me asi akonnuaso, me sere wo akyigyina pa, me sere wo kwaban tenten, me sere wo animonyam, emma me manfo empa me aba ma oman yi nye yiye.

'As for me, to-day they have placed me on this Stool ; I beg you to stand behind me with a good standing : I pray you for long life ; I pray you for honour ; do not allow my people to grow tired of me ; let this people prosper.'

He then proceeded to the sacred grove ; here a sheep was killed, and wine poured out for 'Santeman Kobina and for Bohemo, the Leopard, whose libation was poured with the left hand. The *Ankobea* Chief would have dressed all the trees with white calico. Some of the sacrifice was cooked and placed in the pots,² some was taken home for the Chief to eat ; he would then have eaten with his spirit ancestors, and what came out of his mouth thereafter were their words. The remainder of this sacrifice was divided among the *Mpanyimfo* and Queen Mother. The Leopard, in older times, used to lie beside the place of sacrifice and did not fear the people. About three weeks later, a cow would be killed at the same spot. After the Chief had wounded it, every one would fall upon it and take what he could get. If any one were accidentally cut it would not matter. The kidneys and liver of this cow were alone reserved for the '*Samanfo* (spirits). A day was next selected to place the new Chief upon one of the blackened Stools.

¹ See p. 104.

² See *Ashanti*, Chapter X, for an account of a very similar ceremony.

This ceremony took place in the night, in the presence of the *Mpanyimfo*, *Akonnuasofo* (Stool-carriers), and *Ahenkwa* (palace attendants) only. He only made pretence to sit upon it, and took great care that his private parts should not come into contact with it. Next morning a sheep and wine were given to the Stool.¹ Until a Chief had been enstooled in this manner he had not the real *sunsum* (spirit) of his ancestors.

About fifteen days after the *sora* day,² the new Chief, accompanied by his Elders, would be expected to go to Kumasi to take his oath of fealty before the *Asante Hene*. The King would, on that occasion, present him with the following presents: Two sheep, £4 13s. (in gold-dust), and seven bottles of rum. The Asumegya Chief would also present the King with certain articles which, although of no particular value, had each a special significance: ³ a few inches of white cotton, meaning that the donor's head was white, i. e. free from bad thoughts; a miniature ladder (about 6 in. long), which signified 'I lean upon you'; a handful of ground-nuts, which signified *Me twa wo nkatie, mentwa wo aburo* ('I plant ground-nuts for you [which will continue coming up year after year], not corn, which comes up only once'); a few particles of earth and a leaf of a creeper called *kagya*. There is a saying in Ashanti which runs, *Asie ne kagya eni aseda* ('A few particles of earth and a piece of *kagya* creeper, these constitute *Aseda*'). Before the Asumegya Chief took an oath to the *Asante Hene*, he was only a *Nkwankwa Hene*—an unconfirmed Chief—to that Monarch; henceforth he became one of his *Birempon*.

A Chief and his Elders chose the Queen Mother.

Destoolment of the Chief or Queen Mother:

The Elders informed me that the destoolment of a Chief would generally be carried out suddenly and without warning being given to him; owing to experience from their past history, they were always afraid that if a Chief knew he were about to be destooled, he might hide or destroy the Stool property. Proceedings to destool a Chief might (and still may) be inaugurated by any commoner, e. g. one

¹ The white Stool, upon which the late Chief used to sit and eat, and upon which his dead body was washed and dressed for burial, was not seized upon by the *Wirempeso*. It had been taken charge of by the *Akonnuasofo*, and had been blackened in the *sora dan* on the *sora da* (see *Religion and Art in Ashanti*, p. 164). At Asumegya the *sora* day was held not less than three days after the *ayiyi* (funeral) and might fall on a Thursday or a Saturday.

² See *Religion and Art in Ashanti*, p. 164.

³ The King will already have received *muhoma*.

whose wife the Chief may have seduced. He would conduct an insidious campaign among the populace, until public opinion compelled the Elders to act. The Chief would then be tried. If his accuser could not prove his case, he would, in olden times, almost certainly have been killed. If the Chief were found guilty he might possibly be given one, or even two, more chances. When destoolment was eventually decided upon, two courses were open to his people. The Chief might be enticed away from his 'palace', when he would be dragged out of his hammock, or he might have his Stool suddenly pulled from beneath him, so that his buttocks came in contact with the ground; he was also liable to be dragged on the ground; he was abused and slapped by the women and children. *Ya bo no pome; ya fwen ne to akonnua; ya tu no adie so, or akonnua so*, are common expressions, in the vernacular, for destooling a Chief.¹ A destooled Chief was not allowed to return to his house. Wearing only the cloth he had on when he was destooled, he was at once banished into a village; one wife and one boy were allowed to accompany him. Although, on destoolment, a Chief might be personally abused, no one might curse his ancestors. All his private property, which he had brought with him when he came to the Stool, became the Stool property. The 'Samanfo were immediately informed of a destoolment; wine and sheep were offered to them with the words:

Wo nana asumasi a ye ma no tena nwokyiri, wa ye sa yi, wa ye sa yi, nti ye tu no so, nwomoa yen, na yempe nripa papa na oma nwo biribi nni:

'Your grandchild So-and-so, whom we caused to stand behind you, has done such and such and such and such things; in consequence, we have removed him; you must help us to seek for a good man that he may give you something to eat.'

A Stool of a Chief who has been destooled is not blackened, nor is his name mentioned with those of other Chiefs at the *Adae* ceremonies. Wives who were also the subjects of a destooled Chief, with the exception of one, passed to his successor, unless they were prepared to compensate the new Chief, when he might permit them to return to their homes. The *Akonnua Yerenom* (Stool wives) were originally captives taken in war. Wives from a family which supplied the consorts of the first Chief are called *ayete* wives, and their family had always to replace these women when they die. The Chief might marry two sisters;

¹ They beat him, bump! they drag his buttocks from the Stool; they take him off the thing, off the Stool.

Genealogy of Chiefs of Asumegya

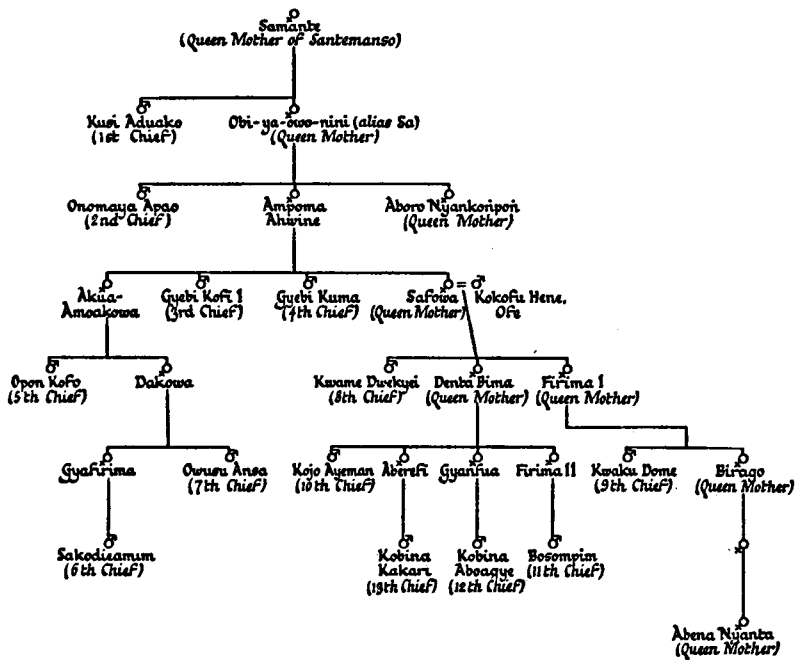


FIG. 22

this is called *Aben'awadie* (Chiefs' marriage); the Chief might also marry his mother-in-law, i. e. the widow of his mother's brother, whose daughter he may already have married.¹ A Queen Mother has never yet been destooled at Asumegya. A Queen Mother may, however, be destooled for trying to poison the Chief, or for giving him bad advice.²

¹ See Chapter IV.

² A genealogical table of the Chiefs and Queen Mothers of Asumegya is given in Fig. 22.

HISTORY AND CONSTITUTION OF BEKWAI

THE Bekwai originated from 'Santemanso and later went to Juaben. The head of the family, who afterwards settled at Bekwai, was Otutu Akate, son of Pimpimago Ba Panyin. At that time, the Chief of Juaben was one Adakwa, and when he died Otutu Akate laid claim to the Juaben Stool (an *Oyoko* Stool), but it was given to his elder half-brother, who was called Juaben Osai; he was the son of the elder of two sisters, although himself younger than Otutu Akate. We have been told by our fathers that in these days the Ashanti fought with swords and shields and stones. In consequence of a quarrel between two branches of the *Oyoko* clan, about a child who fell into a palm-oil pot, Otutu Akate left Juaben and returned to Asumegya with all his people, and thence passed on to Bekwai. There they met some of the Asona clan at a village called Akrokoto, and being the stronger, took their land. Soon after, Otutu Akate died, and was succeeded by Kofi 'Guayebofo,¹ son of Krowa Dwum. He accompanied the Ashanti King, Osai Tutu, to the war against Denkyira; at that time Bekwai had only *atuo aduasa* (i. e. thirty guns). In this campaign, the Chief of Bekwai was given the following villages which came under him: Asokore Mampon, Ahurin, Asokore. These villages formed one company, called *Pasoa*, directly under the Chief. They fought on the right wing under the *Nifa Hene*. After the victory of Feyiase, Bekwai ruled all the land as far as the Offin river; Asokore, and Asokore Mampon, however, ceased to be under Bekwai, but Ahurin continued to serve the Chief. Kofi 'Guayebofo ruled well until the Sky-god met him (i. e. until he died). He was succeeded by his younger brother, Yao Kofo. He accompanied Osai Tutu in the war against Domina, in which Domina Kusi was killed, and he also went to the war against Ame Yao² of Tekiman. Yao Kofo departed, and was succeeded by his *wofase* (nephew), Asentifo, son of Amankwa. This man, before he became Chief, had once killed a certain blacksmith, by name Kwatutu, and had then fled to Kumasi. There, owing to his royal blood (*Oyoko*) and fine appearance, he had been pardoned by

¹ See *Ashanti*, p. 98.

² *Ibid.*, pp. 178 and 179.

the King, who made him one of his *Akyemfo* (Shield-bearers), and later had allowed him to lead the Bekwai in the war against Akyim Anweanwea (Sandy Akyim), in place of the Chief of Bekwai, who had become an old man. In this war, the Bekwai captured a large amount of gold-dust, which, instead of being handed over,¹ was taken by the *Nsafobene*. Asentifo, who was not then Chief, reported this to the *Asante Hene*, who took it all from them. When, later, Asentifo became Chief, he regretted what he had done, so he made a drum like an *aperede*² which he named *Nim sa ka akyi* (Regrets are vain), referring to the loot about which he had informed the King. Asentifo bought the village of Adjaimpra³ for sixty *pereguan* (about £480) from Offinsu, which is still under Bekwai. Asentifo was succeeded by his nephew, Opoku Kwabom, son of Buaben (*Kwabom* = *Kwae-bom*, 'a flat rock in the forest'; he was so called from the shape of his head). He accompanied Opoku Ware (*Asante Hene*) to the war in Sefwi, and killed Abrimro, the Chief of Sefwi, and captured the *Aya Kese* and the *Kuruwa Kese*.⁴ Opoku Kwabom also fought against Akroma Apim of Nyane Duaso, defeating him and capturing his *ntumpane drums*. He was succeeded by his brother, Opoku Kwaku Yao. He was only eighty days upon the Stool when he died. He was succeeded by his brother, Opon Yao. He accompanied King Bonsu Panyin to the war against the Fanti and fought at Anamabo.⁵ He received the sobriquet of *Kofo* ('the fighter'). He was succeeded by Boakye Yam. This Chief accompanied the *Asante Hene* to the *Fanti'sa* (war against the Fanti) and died of small-pox in that campaign.⁶ His brother, Kwame Asare Bafo, succeeded to the Stool. There were not any wars in his reign; when he died, he was succeeded by his nephew, Kwame Asonane, son of Poma, who was a sister of Buaben. He was destooled, the complaint against him being that he was a

¹ See Chapter XV.

² See *Religion and Art in Ashanti*, p. 283.

³ Offinsu had rebelled against the *Asante Hene*, had been defeated, and had been fined a large sum; the following villages were sold to Bekwai to raise the amount: Asuoagya; Teterim (N. of Kumasi); Asenemaso (near Ejiso); Adanse-Odumase (near Oboase); Dome (near Adankrangya); Anweam and Amoamo (near Dome). All these villages were later taken by Opoku Ware as *ayibuadie*, but the last three were handed back to Bekwai by Mensa Bonsu.

⁴ For photographs and a description of the former, see *Religion and Art in Ashanti*; the latter was a cup bearing upon it the royal arms of Richard Cœur de Lion; the *Aya Kese* is now in the United Service Museum at Whitehall; the cup is in the British Museum. See also *Ashanti*, p. 314 n.

⁵ See Claridge, vol. ii, pp. 245-8.

⁶ I was afterwards informed that he blew himself up after the defeat of Koromantin.

tumfuro (glutton). He was succeeded by his nephew, Osai Kojo, son of Bima Da (*alias* Afua Bima). He accompanied Bonsu Panyin to Gyaman, where Adinkira was killed. King Bonsu Panyin died forty days after the victory over Adinkira and was succeeded by Osai Yao. Osai Kojo fought at Akantamasu. He also helped King Kwaku Dua I in a civil war against Juaben, in the reign of the Juaben Chief, Boaten. A battle was fought at Nkateso. The Bekwai captured all the Juaben *fontomfrom* drums and umbrellas. Osai Kojo was succeeded by Yao Opoku, son of Akua Sewa. In his reign the Denkyira revolted, but were defeated near the Offin and fled to Wasa. The Bekwai captured a Wasa Chief, by name Amana. Kwaku Dua I died during Yao Opoku's reign, and was succeeded by King Kakari.¹ The Bekwai, with all other Ashanti, went with him to the *Fanti'sa* (Fanti war). At the battle of Amofo² the Bekwai got the heads of seven Europeans. King Kakari was dethroned, and was succeeded by Mensa Bonsu. It is necessary now to refer to the History of Juaben. After the burning of Kumasi by Sir Garnet Wolseley, the only heir to the Juaben Stool was a young boy called Yao Sapon.³ A regent was appointed who was called Asafo Agai, a son, by an *Asona* woman, of the late Chief. He rebelled against Kumasi. The *Asante Hene* sent his *Okyeame*, one Boakyi Tintin, and a certain sword-bearer called Amankwa Kuma, to Bekwai to summon Yao Opoku, as he feared the latter was about to join Juaben. Bekwai had never yet risen against the Golden Stool. On arriving at Kumasi, the King informed Yao Opoku that Juaben had revolted. The Bekwai Chief then asked the King to allow him to call Juaben to come to Kumasi, saying if he refused that he, the Bekwai Chief, would then join the Kumasi forces. The Kumasi Chiefs would not agree to this, and declared war. Amankwatia, the *Ko'ntire Hene*, was in command. The Bekwai also placed their *Ko'ntire Hene*, Kobina Asiedu, in command of their forces; Mampon, Kokofu, and Nsuta, were also on the side of the King. The *Asante Hene* did not wish the Bekwai Chief to command in person, as he feared he would go over to the side of Juaben. He therefore remained in Kumasi, saying he would cut off the heads of any of the Kumasi *Nsafobene* who ran away. The army left Kumasi on a Thursday, and on Saturday the battle began near Juaben. The fight in some quarters went against the Kumasi army, and several of the commanders, among others Agyai

¹ Wrongly spelled Karikari in official documents.

² See Claridge, vol. ii, Chapter VII.

³ See independent confirmation of this in Juaben Stool history.

Kese (*Adom Hene*) and Asamankwanta (*Anata Hene*), killed themselves.¹ The right wing, however, was later victorious and entered the town, capturing everything, including the *fontomfrom* drums, which fell to Kokofu. The regent, Asafo Agyai, fled to Koforidua, and the youth, Yao Sapon, was enstooled by the Kumasi Chiefs. Yao Opoku was succeeded by his *wofase* (nephew), Osai Yao, son of Ya Pokua, a sister of the Queen Mother, Akua Sewa. The *Asante Hene* at this time was Mensa Bonsu. He had a reputation for cruelty. He also, it is alleged, demanded more than his ordinary tribute of gold from the mines of Mansu Nkwamta and the neighbouring villages which were under the Kumasi *Akwamu Hene*. These villages revolted, but none of the great Chiefs of Ashanti joined in the war, which was fought between Kumasi and the Mansu Nkwanta. The latter were successful, and after the fighting was over, Mensa Bonsu was living in Kumasi almost alone, none of the great *Amanhene* ever going there or acknowledging him, all claiming more or less complete independence. Osai Yao was destooled because he broke a promise that if certain persons who had run away on the death of the late Chief, fearing they would be sacrificed, would return, they would not be killed. He was succeeded by his uncle, Kakari, son of Korama Tenten, who had previously been passed over. King Mensa Bonsu was now destooled, and Kwaku Dua II became *Asante Hene*. He died within forty days. A quarrel now arose between Asumegyia and Denyease.² The Denyease captured the Chief of Asumegyia and 'put him in log'. The Asumegyia appealed to Bekwai to help them, which they did, fighting Denyease, Kokofu, Mansu Nkwanta, and Adanse, and defeating them all. From this time Asumegyia came under Bekwai.³ Kakari was succeeded by Yao Gyamfi, who was killed in a fight against Kokofu. He was succeeded by Kwaku Abrebrese, son of Akua Afiriye and nephew of Kakari. During all this time there was not any King in Kumasi. Ya Kya, the Queen Mother, was looking after the town. The Bekwai now went to her and said that all the King's enemies had been defeated, and that they wanted a King, Prempeh. There were two 'sisters', Ya Fere and Ya Kya, of whom Ya Fere was the elder. They had a common ancestress, Kwadu Yadom.

Two factions now arose; one wished to enstool Prempeh, the other side were for Atwereboanna. Bekwai, Ejiso, and Kumasi 'young men'

¹ Defeated captains would seat themselves in kegs of gunpowder, to which they would apply a light.

² See History of Asumegyia, which the above confirms.

³ This is denied by Asumegyia.

(*mmerante*) were on the side of Prempeh ; Kokofu, Mampon, Nsuta, and some of Juaben, were for Atwereboanna. Bekwai defeated Kokofu, and Prempeh was enstooled. After his enstoolment, he called upon Bekwai to help him to punish Mampon. The Mampon were defeated at Duromanso, and their Chief, Owusu Sekyere, fled to Attabubu. Soon after, ' Furom and Sarto ' (Vroom and Captain Donald Stewart) came to Kumasi. Abrebeso was made to ' drink the gods ' that he would not serve the white man, and was asked by the King to give him a man to send with a deputation who were going to Europe. He refused, but paid a share of the expenses of sending the envoys. It was then heard that an English army was marching on Kumasi. Bekwai was summoned to Kumasi but would not go, sending the King a message that he, Bekwai, ' was across the path '. He also accused the King of himself trafficking with the English in spite of making him (the Chief of Bekwai) drink the gods not to do so. This he said absolved him from his oath. The Bekwai met the English at Esankwanta, receiving a flag. Asumegya, Peki, Asansu, Manso, Abodom, Ofoase, Abankyim, Adankrangya, all now came under Bekwai ;¹ formerly all had served Kumasi.

Later, Prempeh was arrested and deported. The next Chief of Bekwai was Kwame Asibe, son of Firima. He was succeeded by Kwame Bonna, his brother, who was destooled for dealing in Mohammedan charms and in *suman* (fetishes). He was succeeded by Kwame Poku, his grandson.

Personnel of the Bekwai Division :

Chief : Kwame Poku ; Clan, *Oyoko* ; *Ntoro*, *Bosommuru*.
Queen Mother : Abena Kete ; Clan, *Oyoko* ; *Ntoro*, *Bosompra*.²
Abusua Hene : Kojo Berko ; Clan, *Oyoko* ; *Ntoro*, ?
Ko'ntire Hene : Kojo Kan ; Clan, *Asona* ; *Ntoro*, ?
Akwamu Hene : Kwaku Wereko ; Clan, *Asona* ; *Ntoro*, ?
Twafo Hene : Kofi Gu ; Clan, *Aduana* ; *Ntoro*, ?
Gyase Hene : Kobina Nti Amoa ; Clan, *Asona* ; *Ntoro*, ?
Kyidom Hene : Adu Akwesi ; Clan, *Asenie* ; *Ntoro*, ?

Villages and Fekuo (companies) directly under these officials :

' *The Chief* rules the following villages directly: Wamase, Dwemereso,

¹ Any such subordination is denied by Asumegya.

² She has since died.

Penipa, Adubirim, Biribiwoman, Heman, Patabo, Akwabetoso,¹ Nsutamamu.

The *Akonnuasoajo* (Stool-carriers) and *Barimfo* (mausoleum attendants) are also directly under the Chief.

The *Gyase Hene* hears all the trifling disputes from the subjects of the above; the Chief, all the more important cases.

The *Queen Mother* has not any villages directly under her, but rules all the *Barim* (Mausoleum) women. She may also, through the Chief, give orders to the *Asokwafo* (Horn-blowers). 'In olden times each of the *'Safobene* (Elders) used to send me one female *odebye* (free woman of the Stool blood) to serve me, and all women in the town were my subjects.'

Ko'ntire Hene: He has the following villages under him: Wioso (his capital town), Dwumakoro, Abesese, Pampaso, Akokosu, Ampabame, Heman, Adansemansu, Abowiye, Hu, Krobo, Madoma, Abankyimu. He has also subjects who reside in Kansere, a village under the *Gyase Hene*.²

The *Akwamu Hene* rules the following villages: Afoako (his capital town), Patase (in which also reside some subjects of the *Gyase Hene*), Aboabowa, Atase, Nkoduase, Gyakobu, Feankoma (the last two villages also containing some of the *Gyasefo*), Akasu, Donkoase, Obom, Odutuom, Bodoma, Kwaman, Tweapease, Sulyenso, Adwinase. Heralds and *adamfo* are also under the *Akwamu Hene*.

The *Oyoko Hene*: He rules two villages, Atobiase (his capital town) and Atotima. He looks after all the members of the ruling clan, and the Chief addresses him as *Nana*. He 'pushes' the *Ko'ntire Hene* in war, and the latter still calls him *M'adamfo*.³ In the Bekwai Division, the *Oyoko Hene's* presence is necessary in court when any important case is being heard, but not (or so I was informed) that of the *Ko'ntire* and *Akwamu* Chiefs. The Chief of the Divisional Stool may not be chosen from the *Oyoko Hene's* kindred-group, nor may the *Oyoko Hene* officiate for the Chief at the *Adae* ceremonies, but the Head-Chief might do so for the *Oyoko Hene's* Stools. The *Oyoko*

¹ The people of this village were never supposed to be seen by the Chief during his lifetime because to them fell the duty of attending to his corpse after death. They were never allowed to enter the capital, except on occasion of a death.

² A subject of one Chief, living in the village of another, is liable to be called upon to help in any public work, e. g. road mending or clearing, but is not called upon to contribute to any but his own Chief's Stool debts. In case of any litigation in another Chief's court, he is represented by some one from his own Division.

³ See Chapter XII.

Hene hears all cases in which members of the various *Oyoko* kindred groups are concerned, including those from the group from which the Chief is chosen.

Twafo Hene : His capital town is Bogorase ; he also possesses the following villages : Besiase, Dawu, Kajase, Hia, Tetirefu, Ankwanko, Nemereso, Nerebehye, Pepedan, Mmonsas, Asona, Danyame, Apitisu ; he has subjects in several other Chiefs' villages. The *Twafo Hene* is 'pushed' by Chief Kobena Adegya, an *Oyoko* (the *Adwa Hene*) ; he is also in command of the *fekuo* (group) of *sodofo* (cooks), under the head of whom again are the *kyimiekyimfo* (umbrella-carriers) and the *abrafo* (executioners). The latter are in this Division distinct from the *Adumfo*, who are under the *Akwamu Hene*.

Gyase Hene : The *Gyase Hene* rules over, directly or indirectly, Amponya (his capital town), Amponya Kuma, Adosowa, Domme, Moamo, Anweam (the last named he rules indirectly, it being directly subject to the *Ankobeas Hene*), Asekyesu, Akasanimu, Asereso (directly under *Abotikwa*), Sanfo, Kuma (both first directly under *Ankobeas*), Kansere (directly under Pinanko) ; Homase-Panyin, Homasewa, Kotokiso, Amamomu, Nyankyerene, Adoyease, Amerewa, Fenasu, Kye-kyeso, Babo (all of which are only indirectly under the *Gyase Hene*, being directly under the *Kyidom Hene*), and Ajaimpra (directly under the *Ankobeas Hene*). Besides all these villages, the *Gyase Hene* has the following *fekuo* directly under him : *Kyidom*, *Hyiawu*, *Ntifo*, *Asokwa*, *Ankobeas*, *Pinanko*, *Abotikwa*. Each of these companies have certain duties assigned to them.

Kyidom : They build one of the four *pato* rooms surrounding the *gyase* courtyard.¹ The remainder are built by the *Akwamu*, *Ko'ntire*, and *Twafo*. The *Kyidom* subjects were also the Chief's miners and gold-washers. With the *Ankobeas*, *Ntifo*, and *Asokwa*, they formed the rear-guard in the Bekwai army. Under the *Kyidom*, again, were the *akragwarefo* (soul-washers).

Hyiawu : They also build a certain part of the Chief's palace. Their name means lit. 'meet and die' ; they were once not distinguished from the *Gyasefo*, of whom they form a part, but a body of the latter who had greatly distinguished themselves in war were given this special title.² They have their own Head—the *Hyiawu Hene*—but he has not any court ; in war he goes in front of the *Gyase Hene*.

Ntifo : There is a saying at Bekwai, *Gyase Hene nni ho a, Ntifo wo ho, Ntifo nni ho a, Asamanfo wo ho* (When the *Gyase Hene* is not

¹ See Chapter VII.

² See Reindorf's *History*, p. 119.

there, then there is the *Ntifo Hene*, and when the *Ntifo* people are absent, there are still the '*Samanfo*', i. e. the *Ntifo Hene* acts for the *Gyase Chief*, in the absence of the latter. The *Ntifo Hene* is the soul-washer to the Chief and the *Ntifo* company supply messengers. The *Ntifo* Stool is sometimes called the *Asomasomagwa* (the Stool that is always sent anywhere). The *Ntifo* form part of the *Kyidom* (rear-guard). The *Ntifo Hene* has not any villages, nor has he any authority to hear cases. He is responsible for building part of the Chief's 'palace'.

Asokwafɔ (Horn-blowers), *Akyeremadefɔ* (Drummers): These *fekuɔ* of the *Gyase* comprise the following subdivisions, each with its own head; each company is named after the particular horn or drum which they use :

- (a) *Mmenbyenfo*.
- (b) *Ntaberafo*.
- (c) *Nkontwewwafɔ*.
- (d) *Nkofefɔ*.
- (e) *Asokobenfo*.
- (f) *Tatweafɔ*.
- (g) *Mentiabyenfo*.

The *Asokwafɔ* are responsible for roofing the harem. The *Nkofefɔ* are the Chief's firewood cutters. The *Mentiabyenfo* (with the *Mmediefɔ*) were the Chief's traders; they are also the sextons to the *Adebye*, with the exception of the Chief and Queen Mother, for whom the *Barimfo*, who are directly under the Chief, perform the same duty.

Akyeremadefɔ (Drummers):¹

- (a) *Fontomfromfo*.
- (b) *Ketefɔ*.
- (c) *Nkrawire ne Mpebifo*.
- (d) *Kukuadwefɔ*.
- (e) *Mpintini, Dono, and Gyamadudufɔ*.
- (f) *Nimsafɔ*.
- (g) *Ntumpanefɔ*.
- (h) *Etwiefɔ*.
- (i) *Kantamantofɔ*.
- (j) *Mmediefɔ*.

¹ See *Religion and Art in Ashanti*, Chapter XXVI, for illustrations and further particulars of many of these drums.

The *Asokwafo* and *Akyeremadefo*, although considered in a sense as free men (as are all descendants of slaves), instead of being fined for minor offences, used to be punished by being beaten.¹

The *Asokwa Hene* has neither oath nor court.

Ankobe : This *fekuo* includes the following sub-groups :

- (a) *Atum'tufo* (Gunners).
- (b) *Aboprafo* (Elephant-tail switchers).
- (c) *Asoamfo* (Hammock-carriers).

In this Division (as is usually the case) the *Ankobe* Chief (as the name implies) is never supposed to leave the Chief's side, accompanying him even when he goes to urinate. He does not go to war unless the Chief also does so.² The younger members of the blood-royal and the children of the Chief come under the *Ankobe Hene* for training and discipline. Like the other groups, they are responsible for the building and repair of part of the Chief's palace.

Pinankof : This *fekuo* comprises the following subdivisions :

- (a) *Fotuosaf* (Keepers of the gold weights and scales).
- (b) *Mpaboafuaf* (Sandal-bearers).
- (c) *Tasenfuafo* (Pipe-bearers).
- (d) *Nsafuafuaf* (Winecup-bearers).

The *Fotuosaf* are in charge of the Chief's weights and scales, and the big *fotuo* (bag), called *sana*, which contains every weight from *poa hu* to *pereguan oba*.³ They are also in charge of all the *agyapadie* (regalia), except the *mpungwa* (blackened Stools); the *Fotuosaf Hene* has neither court nor oath. The winecup-bearers also bathe the Chief; a Chief may not hold soap or a sponge in his own hand; they also build the Chief's *Nyame dan* (Sky-god room).⁴

Abotikwafo : They supply the escort for the Chief's Stools when he goes out or when he goes to war. They build the house for the blackened Stool in the war camp.

All the above *fekuo* are under the *Gyase Hene* and all are collectively known as *Abenkwa* (derivation *Abene-nkoa*, Chief's slaves), hence the *Gyase Hene* is often termed *Abenkwa Panyin* (the Elder of the *Abenkwa*). If any male *Abenkwa* marries a woman who is a subject of the Chief, and has a male child, the latter succeeds to the office of his

¹ The reason possibly being that all were originally slaves and that any fine would have had to be paid by their own master, i. e. the Stool.

² It became quite a customary procedure for Kings and Chiefs to send their armies on a campaign in charge of the *Ko'ntire Hene*.

³ See *Ashanti*, Chapter XXV.

⁴ See frontispiece, *Ashanti*.

father, but he does not succeed to his property or share in his father's debts. The *Gyase Hene's* duties include the supervision of all these *fekuo*; he should also report to the Chief night and morning and inquire after his health. He sits with the Chief and discusses impending cases. If a Chief bought a slave, he became Stool property and was enrolled among the *Gyasefo*. When a Chief dies, the *Gyase Hene* locks all the doors to safeguard the Stool property. At Bekwai his Stool is an *abusua' gwa* (One that descends through the female line). The *Gyase Hene* at Bekwai is not a *Wirempeni*.

Birempon: The following are the *Birempon* of this Division: Amofo, Abodom, Asansu, Peki No. 1, Peki No. 2, Mansoabodom, and Adankrangya. (Prior to 1895, Bekwai had not any *Birempon*; Amofo was formerly under the *Adum Hene*, Kumasi; Obodom was under the Kumasi *Gyasewa Hene*; Asansu was under the Kumasi *Adonten Hene*; Ofoase was under the *Dumakwai Hene*; Peki No. 1 was under the Kumasi *Ko'ntire Hene*; Peki No. 2 was under the Kumasi *Gyasewa Hene*.) Each of these *Birempon* has other villages under him, and an organization very similar to that of the Head Division.

Bekwai war organization: The diagram on the following page shows the war formation of the old army in battle.

'The black Stool of *Guayebofo* was taken to war, and carried by the Chief's senior wife.'

Horn and Drum calls:

The Chief's Horns: *Katakyi pe ko,*
Katakyi pe ko,
Wo pe ko, ko pa pa,
Eko ye, Adwo,
Eko ye, Adwo.

The hero loves a fight,
 The hero loves a fight,
 You love a fight, a good fight,
 Fighting is good, yes, Adwo.
 Fighting is good, yes, Adwo.

The *Oyoko Hene*: *Kae, kae die we sese me,*
Me were mfri O!

Remember, remember what you told me,
 I shall not forget.

The *Ko'ntire Hene* : *Yi adom e.*

Yi adom e.

He drives away the enemy.

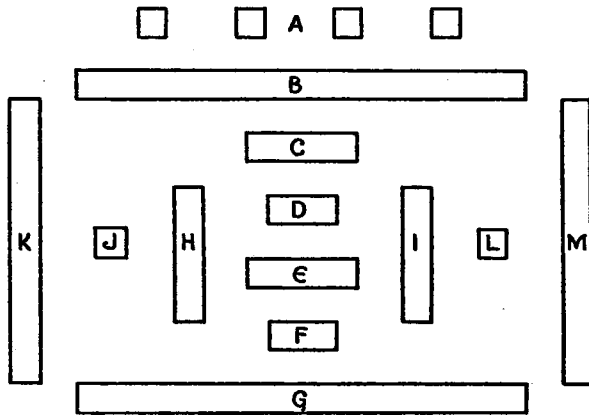
He drives away the enemy.

The *Akwamu Hene* : *Afumu e ! ko to oo.*

Afumu e ! ko to oo.

Afumu e (a name), fight and die.

Afumu e, fight and die.



A. *Akwansrafo* (Scouts). B. *Twafo* (Advance-guard). C. *Gyasefo*. D. *The Chief*. E. *Ankobeaso*. F. Chief's wives and camp followers. G. *Kyidom* (Rear-guard). H. *Tumtufo* (Gun-bearers). I. *Akyeremadefo* (Drummers). J. *Nkoduase* (a royal 'pusher' of the left wing). K. The *Benkumfo* (Left wing) under the *Akwamu Hene*. L. The *Oyoko Hene* ('Pusher' of the right wing). M. *Nifajo* (Right wing).

Twafo Hene : *Kotoko nwa go pe.*

Paraphrased, this means, 'We porcupines, when we are playing with you, we are all the time seeking a cause of dispute'.

Twa, twene me.

Cut it (the head) and throw it to me.

Gyase Hene : *Asem kete kete na eye me be.*

I am easily aroused.

Kyidom Hene : *Nwo boniaye.*

You are ungrateful.

The Drums' sound : *Kantamanto ! Kantamanto !*

You may violate an 'oath' without incurring any penalty.¹

Bekwai 'Oaths': The 'great oath'; of Bekwai is *Kwesida ne Mpete* (Sunday and Small-pox); Yao Kofo died on a Sunday, and Boakye Yam died of small-pox in a war against the Fanti.

Oyoko Hene's 'oath': He has not any special 'oath'; he may hear a case in which a subject has sworn the Chief's oath only with the permission of the Chief.

Ko'ntire Hene's 'Oath': *Wukuara* (Wednesday), stated to be the day on which the first *Ko'ntire Chief* died. He does not share *Aseda* with the Head-Chief. If the other party responds with the Head-Chief's oath, the case will either (a) be transferred to his court, or (b) heard in the *Ko'ntire Hene's* court (with the Chief's permission), the Head-Chief being represented by his *Okyeame*. The lesser oath is swallowed up in the greater; *Esono tia fidie so a, ena enfwei* ('When an elephant treads on a trap, it does not spring to') is the saying used to describe such a case. The *Ko'ntire Hene* will then receive only his customary share in the court 'fine', which he would have received had his oath not been sworn at all. Should one party swear the *Ko'ntire Hene's* oath, and another that of the *Akwamu Hene*, the case is heard in the former's court, the *Okyeame* of the *Akwamu Chief* being present, and the *Aseda* being shared equally.

Akwamu Hene's 'oath': *Ebenara* (Tuesday), referring, it is said, to the death of the first *Akwamu Chief*. The same rule, as is stated above, applies regarding the swearing of a mixed oath.

Twafo Hene's 'oath': *Yaoara* (Friday), commemorating the death of Adu Akwesi, a *Twafo Hene*, in the reign of Osai Kojo; he was killed in a war with Juaben. In the event of one litigant swearing this 'oath' and the other the *Akwamu Hene's 'oath'*, the case is heard in the *Ko'ntire Hene's* court (the *Ko'ntire* and *Akwamu* are 'brothers', but the *Ko'ntire* is the elder).

Gyase Hene's 'oath': *Ebenara* (Tuesday); it is distinguished from that of the *Akwamu Hene* by adding the words *Gyase Hene*, e.g. *me ka Gyase Hene Abenara*. If a mixed oath, comprising that of the *Gyase Hene* and of the *Twafo Hene*, is sworn, the case is heard in the *Twafo Hene's* court; if the 'oaths' were those of the *Gyase Hene* and the *Akwamu Hene*, the case would be heard before the *Ko'ntire*

¹ See Chapter XV.

Hene. The origin of the 'oath' is stated to have been the death of a certain *Gyase Hene* on a Tuesday.

The Heads of the numerous *fekuo* (groups) under the *Gyase Hene* have not any 'oath' of their own, all using the *Gyase Hene's* 'oath', and the case being tried before him. Every household has also its own small private family 'oaths', *Me ka nana nan, nsa, &c.* (I mention grandfather's leg, or finger), referring to some scar or wound caused by an accident. The small children are taught to observe these 'oaths' and are whipped for their violation. *Osa ne timi na ntam bi ayiye akese akese* ('War and power made certain oaths become great'), added my informant. Another family oath (which probably gives us a clue as to the derivation of the word *ntam*) is *Me tan nana* ('I hate grandfather').¹

Division of Aseda in 'oath' cases: The maximum *Aseda* in former times was £6 13s. of gold-dust; as in all other Divisions, it was paid by the party adjudged innocent. The guilty party was either executed, or later 'bought his head', paying also a fine known as *Akonnua sika* (Stool money) of £2 7s., £2 for a sheep for the blackened Stools and 7s. for the Stool carriers. The *Aseda* of £6 13s. was divided as follows:

The Queen Mother received 7s.

Die okyere nmadua (the one who arrested the parties) *ntaku anan* (2s.).

Obene mma (the Chief's children) *soafa* (3s.).

Sodofo (cooks) *ntaku anan* (2s.).

Opontuni (gatekeeper) *ntaku mienu* (1s.).

Kyimiemyimfo (umbrella-carriers) *ntaku mienu* (1s.).

Abadiakyiri (heir apparent) *ntaku anan* (2s.).

Adebye (certain of the male members of the blood royal) *ntaku anan* (2s.).

The balance was now divided into two equal parts, of which the Chief took half, the remaining half being divided among the following *Mpanyimfo*, in five equal shares; the *Oyoko Hene*, the *Ko'ntire Hene*, the *Akwamu Hene*, the *Twafo Hene*, and the *Gyase Hene*. Each of these would again have to share with others, e. g. the *Gyase* would share with the seven *fekuo* whose names have been given.

Kumasi great 'oath' cases and appeals to the Asante Hene: When the Kumasi great 'oath' was sworn by subjects of the Bekwai Chief, the case was heard before the Chief and judgement was given by him. A messenger was sent to the King at Kumasi with half the *Aseda*, the *matabo* also being equally divided. The guilty party would beg for

¹ See Chapter XXII, *Religion and Art in Ashanti*.

mercy, and his request would be reported to the King. If the *Asante Hene* wished his death, he would send his executioners to carry out the sentence : if he desired to claim *Atitodie* (blood-money), he would take the whole amount paid.¹

An appeal from the Bekwai Chief to the *Asante Hene* was made in the manner already described.

'Oath' between a subject of Bekwai and one of another Head-Chief: The place in which the 'oath' was sworn decided the venue of the trial. The Chief of the Division in which the case was not being heard would be represented by his *Okyeame*, and the Elder of the subject who was being tried would also attend to watch over his interests. In such cases, the *Aseda* was not equally divided, but only that part of it which fell to the share of the Chief in whose court the case was being investigated, half of this being sent to the other Chief. The local *Okyeame* and the local *Mpanyimfo* gave a share of their 'fees' to the visiting *Opanyini*.

Sources of Revenue in olden times :

War : The Chief took one half of the spoils.

Trading : Known as *Batadie* or *Agwadie*, the *Asokwafo* were the Chief's traders. They were sent to the Coast to buy cloth, beads, salt, and these articles were sent to Bontuku (now in the French Ivory Coast) and Salaga, and sold for cowries, with which were bought slaves, shea butter, *kyekye* (blue cloth woven with the indigenous cotton), and cotton thread. These articles were again retailed in Ashanti, and the profits made went to the Stool. Bekwai had not any trade in kola. These *Asokwafo* who traded for the Chief were never fined, but they might be whipped. They were not paid, but made their own profit on each transaction ; they often became rich.

Ayibuadie (Death duties) : The Chief only received these from his *Nsafohene*.

Aseda and Atitodie : This source of revenue has been dealt with already.

Oman'to : At the annual *Odwira* custom, there was a collection of

¹ My informant stated that the reason all the *Amanhene* have the right to hear cases in which the Kumasi great 'oath' is involved, is that this 'oath' is a National one ; it is the *Asantefo Ntam*. An appeal could also be made from the *Asante Hene's* court to a National tribunal, on which sat all the great *Amanhene*. This appeal was lodged by the guilty party swearing the great oath upon the King's *Okyeame*, saying : *Me ka ntam kesse se me na wo nni nkuro man anim mu* (I swear the great 'oath' that I and you must settle this dispute before the Ashanti Nation).

ntaku anan (2s.) from every adult male, and *ntaku mienu* (1s.) from every adult female. Food was also collected on this occasion.

Treasure Trove : If a very large sum was found, the *Asante Hene* had to be informed ; smaller amounts were kept by the Chief.

*Mining*¹ (*Asikadie*) : The Chief's miners were the people of *Akotokyiso*, under the *Kyidom Hene*. Every year, at the time of the *Odwira* ceremony, they brought the gold which they had found. The Chief might not make them 'drink the gods' that they had brought all the gold that they had discovered.

The power of the Asante Hene to interfere in the internal affairs of the Division : The *Asante Hene* could demand an oath² of allegiance from the Chief on the latter's enstoolment. The subjects of Bekwai had the right of appeal to the *Asante Hene*. The *Asante Hene*, on the death of a Chief of Bekwai, was given two of his wives, one man of the *fotuosafu fekuo* (company from which the treasurers are drawn), and one of the *Afonasoafu* (sword-carriers), cloths, and sometimes as much as ten *pereguan* (£80). A messenger, accompanied by a sword-bearer, was sent to Kumasi to announce the death. Once upon a time, the King used to come in person to attend 'his brother's' funeral, but this custom had fallen into abeyance since the reign of Bonsu Panyin, who once had come to Bekwai to attend the funeral of Asentifo, when a quarrel arose owing to the King claiming too much *ayibuadie* (death duty). After this event, it became customary for the King to be represented by his *Okyeame*. The *Akyeame* of the Kumasi *Nsafobene* also came to Bekwai to represent their masters.

Akyere (persons marked out for sacrifice) had already been killed in Kumasi and twelve more were sent to Bekwai along with the following presents :

Ten cases of gin, ten sheep, ten cloths (four silk, two velvet, two white cotton, two fancy prints *nkusa*), one velvet pillow, two *bonno* blankets, one loin-cloth, called *opontontra*, two *boadekana* mats, and gold-dust to the weight of a *ntansa* (£16), and finally some gold ornaments for putting on the ankles of the corpse (*Abirempon n'ase*). In

¹ With regard to gold mined on land not directly under the Head-Chief, the person actually in possession took one-third ; he gave two-thirds to his immediate Chief, who gave one-third to the Head-Chief.

² *Me ka Kwesida me ka Niam Kesie, nkanka na eka mmofra ne Mpanyiniso, ene ya ma me akawo wo nananom akyiri, se me ye wo dom da, se me ko to gya wo'su, se me hyia dom na manko mma na wo, na se me gwane 'dom no, se me ka 'sem me kyere wo na wantie, na se memma na ameka ankyere wo bio, se me ye wo fwe wo ti fwe kye, se wo hyia me awia na se mamma, ya me to Kwesida.* (See Chapter XIII.)

return the King was sent the presents already mentioned.¹ The £80 was collected by a public levy (*ayɛ̃ tuo*).

The *Asante Hene* alone had the right to hear certain cases which were regarded as of national importance owing to the violation of some taboo, e. g. cursing the King.

The Chief of Bekwai had to inform the *Asante Hene* if he wished to make war upon any of the neighbouring *Amanbene*, and receive his permission before doing so.

Bekwai state that they were given the peculiar privilege of not being required to hand over the sons of Bekwai women, by fathers who were the *Gyasefo* of the *Asante Hene*, to serve in that *fekuo* (company); also that the Chief of Bekwai had permission to execute murderers, if his own subjects.²

With regard to any hidden treasure or treasure trove, they state that it was sent to the King, who would take all the gold nuggets, but would return two-thirds of their weight in gold-dust to the Chief of Bekwai, who would give half to his Elders.

Account of the ceremony of enstoolment of a Chief at Bekwai in olden times: When the Chief died, the *Ko'ntire* and *Akwamu*, along with all the other *Mpanyimfo*, considered the question of his successor, and having done so, went to the Queen Mother and asked her to select one of the *Adebye* (royal family) as the new Chief. She would do so, but if they did not agree with her nominee they would tell her so. She would reply: 'You are the rulers of this land; whomsoever you think can carry a gun, name him.' The Queen Mother would agree to their selection, unless she knew of some physical disability in the candidate chosen. The *Oyoko Hene* was included among the *Mpanyimfo* who selected the Chief, because, although of the Chief's clan, he belonged to a family branch, the members of which might not sit upon the Stool. On the death of a Chief, the *Gyase Hene* became responsible for all the Stool property and was in sole charge of the

¹ The Bekwai Elders stated these gifts were not *ayibuadie*, but merely given 'to raise the King's buttocks' (*tu ne to*), i. e. to cause the King to rise from his seat in returning thanks. They were, in fact, no doubt the customary *muhoma*.

² I am rather doubtful about this. The punishment for all murderers was to dance the *Aloperé* (see Chapter IX, *Religion and Art in Ashanti*), and this punishment was the prerogative of the *Asante Hene*. They account, however, for these privileges by narrating the story of how Komfo Anotche had caused an iron rod, which formerly lay upon the brass pan which stood at Diakomfoase, to disappear, stating that in whatever Division it turned up, that Division should have special privileges. This iron rod, they state, was eventually found in the ground near an *Ofo* tree, which stood near the site of the present police station at Bekwai.

Abenkwa. The *Wirempeso* at Bekwai consisted of all the *Mpanyimfo*, with the exception of the *Oyoko Hene*. During the time the Stool was in charge of the *Wirempeso*, there was a general licence to kill fowls and sheep, 'and if one were not careful, one might oneself get killed'. An 'oath' was taken before the corpse in the manner which has already been described. The Chief-designate was known as the *Nkwankwa Hene*. The enstoolment ceremony (*Abensie*) took place on the *nnawotwe da*, i. e. the eighth day after the *ayiyo* (real funeral custom). The enstoolment took place at the spot formerly known as *Aben' bobaano* (in front of the King's doorway) (on which now stands the Bekwai Police Station). This was the old site of the 'palace' of the Bekwai Chiefs up to Boakye Yam's reign. Here, all the *Mpanyimfo* assembled and seated themselves. The *Ko'ntire* and *Akwamu Hene* sent their own *Okyeame* to the Stool *Okyeame* with a message that they were ready and awaiting the *Nkwankwa Hene*. This message was sent to the Queen Mother through the *Nsenea Hene* (Chief of the heralds), and through the *Afonasofo Hene* (Head of the sword-bearers). The Queen Mother would send back a message saying that the *Gyase Hene* might send for him. The Chief-designate arrived accompanied by his half-brothers by mothers not of the royal blood (*asemma*). He was dressed in an *Adinkira* cloth and had *ntwuma* (red clay) upon his shoulders. He arrived under a small umbrella, which was taken away as soon as he reached the assembly. He stood before the Stool *Okyeame*, to whom the *Ko'ntire* and *Akwamu* turned, and said: *Newonto aso nkyere Obema ne Oyoko Hene* ('Repeat to the Queen Mother and *Oyoko Hene* what we have already discussed and decided upon'). The *Okyeame* would then turn to them and say, *Nwo ma yen biribi na yanka asem kyere nwo* ('Give us something that we may tell you something'). A *pereguan* was demanded, and on request the amount was halved, as was the usual custom. The Stool *Okyeame* now transferred his staff of office to his left hand, to leave the right free for gesticulation,¹ and spoke as follows:

Ko'ntire ne Akwamu se me ma wo nti

Twafo se me ma wo nti

Gyase se me ma wo nti

Kyidom se me ma wo nti

Bekwai mma ne mmarima se ye ma wo nti.

Se adere bu a, ye bo bi poma m'. Nne wo wofa odae, wansorie, nti

¹ It was an insult to use the left hand for this purpose.

yemfa ne tuo ama wo. Nne Bekwai man ya ko agyina ye se wo na ye pe wo, ye se yenfo Aguyeboafu Akonnua ye de ma wo. Mfa mpe mma ; mfa nom mmorosa ; mfa nye adom ; ye ka asem kyere wo a, tie ; mfa nnidi wo mpanyimfo atem ; mfa oman ntosedie ; yempe aninguasie : ye hyira Akonnua so kuse ! kuse ! kuse ! ; Mpanyimfo se yede Akonnua kye wo.

(Because the *Ko'ntire* and *Akwamu* say I must give you the Stool.

Because the Advance-guard say I must give you the Stool.

Because the *Gyase* say I must give you the Stool.

Because the Rear-guard say I must give you the Stool.

Because the men and women of Bekwai say we must give you the Stool.

When a sickle breaks, we put a new shaft in it. To-day your uncle lay down and did not rise up, so we have brought his gun to give you. To-day the Bekwai people consulted together, and they say that you are their choice, they declare that we must give you the Stool of Aguyeboafu.

Do not take it and go after women.

Do not take it and drink spirits.

Do not take it and make (civil) war.

When we give you advice, listen to it ; do not take the Stool and abuse your Elders. Do not take it and gamble with the people. We do not wish shame. We bless the Stool, *Kuse ! Kuse ! Kuse !* The Elders say we are to take this Stool and give it to you.)

No sooner had the *Okyeame* finished this speech than the Chief of the heralds sprinkled white clay on the new Chief's shoulders, and every one shouted *E ! E ! E !* The Chief now passed along the assembled Elders—from right to left—greeting each in turn. He next stood before the *Ko'ntire* and *Akwamu Hene* and, drawing the *Afona* called *Bosomtwe* (with the customary actions which have been described elsewhere), he took the following oath before them :

Me sere Kwesida, me ka ; me sere Mpete, me ka ; me sere Ntam Kesie, me ka. Nne nwo Bekwai 'man nwo de me nannoam tuo ama me ; 'Guayeboafu nana ne me. Nne nwo de ne tuo ama me ; se nye amanmuo pa na me ne nwo be buo, se me de nana no kuro tosedie, se me de pe mma, se me Mpanimfo ka asem kyere me na mentie, se me de ye nwo dom ; se me ko gwane ; ya me to Ntam Kesie me to Kwesida ne Mpete.

I beg pardon of Sunday, the forbidden name of which I speak ; I implore Small-pox, the forbidden name of which I speak ; I supplicate

the great forbidden name, the name which I speak, saying that : To-day, you, the people of Bekwai, have taken my grandsire's gun which you have given to me ; I am the grandchild of Aguyebofo, whose gun you have this day given to me ; if it is not a good Government with which I govern you, or if I gamble with my grandsire's town ; if I go after women ; if I do not listen to the advice of my councillors ; if I make war against them ; if I run away ; then have I violated the great forbidden name, then have I violated the forbidden names of Sunday and of Small-pox.¹

This oath the Chief took standing before the *Ko'ntire* and *Akwamu* Chiefs as representatives of all the Elders. The Chief was now seated on the right hand of the Queen Mother, and the *Ahenkwa* brought out all the Stool regalia. The Stool *Okyeame* would now call upon the Queen Mother, the *Oyoko Hene*, and the *Gyase Hene* to give a thank-offering to the people. *Aseda*, amounting to forty *pereguan* (£320), would be asked, but on request the amount demanded would be reduced by half. Of this sum, £9 6s. was sent to the *Asante Hene*, and about £2 4s. to each of the *Amanhene* ;² the remainder was divided into five equal shares among the Bekwai *Mpanyimfo*.

It was then the turn of the *Mpanyimfo* to take their oath before the Chief. This they did in the following order : the *Twafu Hene*, the *Akwamu Hene*, the *Ko'ntire Hene*, the *Gyase Hene*,³ and the *Oyoko Hene*. After receiving this oath, the Chief would rise up and go to the house of the *Sana Hene* (treasurer), which would be his home for some weeks. On the afternoon of that day he would go round the town, paying a state call on each of the Elders. On the following day, he was taken to the Stool-house and shown the blackened Stools, to which he sacrificed two sheep. A sheep was also killed over the three cooking hearth-stones (*Bukyia*) (see Fig. 4) ; another sheep was sacrificed at the *Barim* (burial-place) both of the Chief and of the Queen Mother, and the *'Samansfo* (spirits) were informed of all that had taken place. Until the Chief had been set on the blackened Stools, he was not considered as fully enstooled. The ceremony took place at night on the *Sora da*,³ and was spoken of as *Nne na wa tena Akonnuaso*, or *Nne na wa foro kokrobo* ('To-day he has sat upon the Stool, or To-day he has climbed upon the big stone'). The King of Ashanti, it will be

¹ Similarly, on enstoolment of these *Amanhene*, Bekwai would receive a share of their *Aseda*.

² The heads of the various *fekuo* under the *Gyase Hene* took their oath to him ; every one of these sections would have to be given a present by the Chief before they would commence work.

³ See *Religion and Art in Ashanti*, p. 164.

recollected, had been sent *Aseda*. His acceptance of this signified his approval of the nominee of the Bekwai *oman* (tribe), but so far, in the eyes of the *Asante Hene*, the Bekwai Chief was still only considered a *Nkwankwa Hene* until he had taken an oath before him. This was generally done fifteen days after the 'eighty day' funeral custom. He was presented by his *Adamfo*, the *Asante Hene's Okyeame*. He took the oath which has been given elsewhere.¹ Any Bekwai *Nsafobene* who accompanied the Chief, and had not previously been to Kumasi and taken an oath before the King, would do so on this occasion. The enstoolment ceremony was now completed.

Enstoolment of a Queen Mother at Bekwai:² After the *Sora da* ceremony and 'the closing of the path'³ the *Mpanyimfo* would go to the Chief and ask him to give them a new Queen Mother, 'to give water and food to the old Queen Mothers'. The *Ko'ntire* and *Akwamu* and other Elders, and not the Chief or members of the blood royal, alone had the right to choose a new Queen Mother. The Elders would have noted the character of the royal women and would know whom to elect. The Chief would now call all his *abusua* (kindred) and inform them that the *Mpanyimfo* had chosen one of them, and he would select a day for the enstoolment ceremony. A first or second Monday following a *Kwesi Adae* (*Kwesidae nnawotiwie*, or *Kwesidae Dwoada*) would probably be selected. Every one assembled in the big *gyase* courtyard, and the Chief was seated in one of the *pato* rooms facing the yard. The white Stool of the late Queen Mother was in readiness, in charge of the *Barimfo*. The Queen Mother-elect was called and she came before the assembly; the *Okyeame* addressed her as follows: *Mpanyimfo ne Ohene se, yemfa Akonnua yi mma wo na to mmerewa aduane* ('The Elders and the Chief say we must take this Stool and give it to you, that you may cook food for the old women, i. e. the ghosts of the late Queen Mothers'). As in the case of the Chief, she was given advice (*ye ma no afutuo*) which includes the following:

Nnidi Mpanyimfo atem (Do not abuse the Elders).

Mmo krono (Do not steal).

Nni nkonkansa (Do not tittle-tattle).

Aseda (£80) was asked for, and £40 paid.⁴ She was set three times

¹ The Bekwai Elders state that the *Asante Hene* did not place the sole of his foot on the Bekwai Chief's head, as he did in the case of the other *Amanhene*.

² As told to me by the late Queen Mother, Abena Kete.

³ See *Religion and Art in Ashanti*, p. 165.

⁴ Part of this sum would be sent to *Kumasi* and to the other important Divisions, as in the case of the Chief's *Aseda*.

on her predecessor's Stool. After this ceremony, her predecessor's blackened Stools, which had been locked up in the Chief's Stool-house, were returned to their usual place. The following day, the usual sacrifices of sheep were made on the Stools, at the *Barim* (cemetery), and for the cooking-hearth. In the night, she would also be set on one of the blackened Stools, that of the late Queen Mother.

Destoolment of a Chief at Bekwai: A Chief might be destooled for neglecting to follow any of the admonitions that were publicly recited to him on the day of his enstoolment. He was, however, generally given two or three chances. A destooled Chief might not on any account take anything with him except what was handed to him by the *Mpanyimfo*. He might not even claim his own slaves privately acquired before he came on the Stool.

THE HISTORY AND CONSTITUTION
OF JUABEN¹

THE Juaben came originally from 'Santemanso. The first man to leave that place and to settle at *Juaben Mma* (Little Juaben) was Ampobin Afra.² From there he went to Kumasi with Kwabia Amanfi. At this time, all men were hunters. The Stools of Taffo and Amakum then owned all the land around Kumasi. Kwabia Amanfi fought against the Taffo Chief in single combat with sword and shield. Ampobin Afra died, and was succeeded by his brother, Nnam, who left Kumasi and went to live near Oti Kuro (Oti village) on the old Kumasi-Juaben road. He was succeeded by a nephew called Awere Tumfo (i.e. Awere, the blacksmith). In his time, the present town of Juaben was founded. A hunter called Boama Koko Boate (Boama Boate, the Red) was then living at Juaben. He was of the *Oyoko* clan. Awere Tumfo settled at Juaben with his 'brother' Boama Koko. A certain Chief, called Ntiamoa Amankuo, was the owner of this part of the country; he lived at Abosu; the hunter, Boama Koko Boate, used to hunt on his land. Awere Tumfo died at Juaben, and was succeeded by Kofi Agyakum. He in turn was succeeded by a nephew, Eto, who was a hunter. At this time every one was under Denkyira. Eto was succeeded by his nephew, Kwabi Ame Yao; his brother, Twumasi Ankra, succeeded him, and grew to be a very old man. He was succeeded by his brother, Dankwa Afrapo,³ who in turn was succeeded by Adakwa Yiadom. [Before the overthrow of Denkyira, Kumasi must already have begun to hold a certain ascendancy over other Chiefs. Tradition states that it was to Kumasi that the Denkyira King sent his demands for tribute. My informants state that the Kumasi Chief in fact did hold such a position of seniority in virtue of his position of 'uncle' to Bekwai, Kokofu, Juaben, and Nsuta.] Adakwa Yiadom is

¹ Juaben is said to be derived from *gua* and *ben* (lit. cut up for us); *ben* = *yes* in the Brong dialect: 'We were all originally hunters.'

² The Juaben claims that he was half-brother of Kwabia Amanfi.

³ It must be surmised that by this time these hunter Chiefs had become captains in command of fighting men, and that Osai Tutu was firmly established in Kumasi, for Dankwa Afrapo went to a war with Osai Tutu, which gave rise to the 'oath' *Kwadu Twum*.

famous as having been the first Ashanti Chief to refuse to pay the tribute demanded by Denkyira. At first, the tribute had consisted of simple services—the supply of firewood and such like—but the demands increased until they came to claim :

(a) The favourite wife of each Ashanti Chief to act as wet-nurse (*mmagyegyefo*) to the King of Denkyira's children.

(b) The filling with gold of the great brass pan that stood at Dikomfoase (near the site of the Post Office and Messrs. Swanzy's store in Kumasi). Three envoys came from Denkyira to claim this tribute. The Chief of Juaben had been summoned to Kumasi to discuss these demands, and at a public meeting he declared he would fill the pan with powder and lead, but not with gold-dust. Of the three envoys, one was killed, one had an ear cut off, and the third, a finger of his right hand. The two who were not killed were sent back to Denkyira. This was equivalent to a declaration of war. The Priest Anotche¹ prepared a medicine called *atim-aduuru* (medicine for power) in which every Ashanti Chief bathed. The leaves of which this medicine was composed were found only at Juaben. It was a Juaben man, Akusa Yadom, who, in the battle of Feyiase, captured the Denkyira King, Ntim Gyakari. When he was captured, he was sitting with golden fetters upon his ankles, playing *Wari*² with one of his wives. His boast had been that he could defeat the Ashanti, whom he called *Mfana mma* (children of slave-women), even when shackled. Akusa Yadom struck at Ntim Gyakari, but the blow was diverted by a massive gold bangle which the Ashanti call the *Barimfina*.³ Ntim Gyakari was taken to Kumasi and executed after a trial in which Osai Tutu, the *Asante Hene*, appeared as the plaintiff. When judgement was given against Ntim Gyakari,⁴ the *Asante Hene* and Juaben were found innocent and paid the customary *Aseda*. Ntim Gyakari was executed and his head was placed on the Kumasi *Odwira*.⁵ His right arm and thigh-bone were given to Juaben, but he did not place them on a drum, but put them into a pan, which was covered with an elephant's ear. The pan also contained *emme* and *summe* leaves⁶ and was displayed at the local *Odwira* ceremony. At the battle of Feyiase, the

¹ See Chapter XXIV.

² See *Religion and Art in Ashanti*, Chapter XXXII, for a full description of how this game is played.

³ I was informed that this bangle is now in the possession of the Akyim Abuakwa Stool, having been pawned by Asafo Agai.

⁴ See Chapter XV.

⁵ See *Religion and Art in Ashanti*, Chapter XII.

⁶ *Emme* (*Ocimum viride*) ; see *Religion and Art in Ashanti*, pp. 132, 173.

Juaben were on the right wing, and Chief Saka (?) of Mampon commanded the whole army.¹ It was from this time that power began to come to our Chiefs; they would order neighbouring towns and villages to come undefended, and if they refused, would attack them. The custom of blackening Stools of dead Chiefs began; *aperede* drums were used for the first time. Adakwa Yiadom was killed in a war against Boafo Awusa of Akyim.² He was succeeded by his brother, Osai Fwidié, who married a Queen Mother of Mampon, by name Saka. At this time, Opoku Ware was *Asante Hene*. Osai Fwidié fought against the Chief of Abosu, Ntiamoa Amankuo, one of the original owners of the land at Juaben, and Abosu came under Juaben. Osai Fwidié also fought against Birebewuo of Nsuoso and defeated and killed him, and captured his villages: Nsuoso, Fweremoase, and Mampoma (the last two, now deserted), Apimso (now under the *Oyoko Hene*), and Monsaagya (now deserted). Osai Fwidié went with Opoku Ware to Tekiman, when Ame Yao was captured; he also helped Opoku Ware in the Domina Kusi war.³ Osai Fwidié made the offices of *Twafo Hene* (commander of the advance-guard), *Afonasofo* (sword-bearers), *Akomfofo*, who are the *Aboprafo*, tail-switchers; he also made the first *fontomfom* and *prempoh* drums, and created the first post of *Sana Hene* (treasurer). He died at Juaben and shares one blackened Stool with Adakwa Yiadom. Osai Fwidié was succeeded by his nephew, Kofi Akrasi. In his time, the Juaben had heard of a Chief called Subiri of Bassa, who possessed a silver bowl and a gold belt (*afuduo*). Kofi Akrasi received permission from the *Asante Hene* to make war on Subiri; the *Adonten Hene* of Kumasi was sent with him. Subiri was captured, and the *dwete kудuo* (silver vessel) and gold belt were taken. The Bassa Chief was brought before the *Asante Hene* carrying the stone upon his head which was known as 'the truthful stone', meaning that Kofi Akrasi had sworn he would capture Subiri and that he had kept his promise. Subiri was later brought to Juaben, tried, and executed; his head was placed in the Juaben *Odwira*. Chief Kofi Akrasi's father was the Chief of Dwease (Asante Akyim); he presented his son with the village of Datibi, and also with one half of the people in another village called Dwease. Kofi Akrasi died; upon

¹ See Chapter XXII.

² The Elders conferred for nearly an hour before they would disclose this information.

³ The Domina formerly lived at Suntireso (now Bantama); Obiri Yaboa, one of the early Chiefs of Ashanti, fought with them and was killed. The Suntireso Chief, Atta, removed from Suntireso and went first to Bamperedease, but after the Domina Kusi campaign again removed to Domina.

his Stool rest his belt and a *dwele poma* (silver stick). Kofi Akrasi was succeeded by Akuamoa Kobina (alias Akuamoa Panyin). He was destooled for not following the advice of his Elders, and on account of his abusive tongue, and was succeeded by Fetua. This Chief had the bad habit of presenting villages to his mistresses; in this way we lost the village of Databi and our subjects in Dwease. Fetua was destooled, and Akuamoa Panyin put back on the Stool. He invented a new horn call, *Kotoko nwo be kae me* ('Porcupines, you will remember me'). He also made a drum which he named *Biribi 'ba* ('somebody's child'); he made the office of *Ankobeia Hene*; he went to war with the Mampon, who were at that time at Mampon Akrofonso under their Chief, Atakora Panyin. The Mampon left Mampon Akrofonso as a result of this war, and went to Mampon. The King of Ashanti intervened and stopped the fighting, and the prisoners captured on both sides were returned. Akuamoa Panyin's Stool is among the blackened Stools. He was succeeded by Sapon Sai, a nephew of the two previous Chiefs who were 'brothers'. He did not live long on the Stool, but was a good Chief. He was succeeded by Yaboa Kodie, who went to the war in which Mankata¹ was killed. He was succeeded by Juaben Kwesi Boaten; he accompanied Bonsu Panyin to the war against Gyaman, and also took part in the rising in Denkyira, under Kojo Tibu,² which followed the war in Gyaman. Kwesi Boaten also went with Osai Yao to the Akantamanso war. In this campaign, the Ashanti were fighting the Fanti, Akyim, Krobo, Accra, Krepi, Awuna, and Akwapim, who were assisted by the English. The Golden Stool was actually lost for a short time during a battle at Bawareso (near Dodowa?), when it fell into the hands of the Awuna and Ada. The Chief of Juaben is alleged to have met King Osai Yao, who was wounded and about to blow himself up, after the established custom of defeated Ashanti generals. The King informed Kwesi Boaten about the loss of the Stool, when the Juaben Chief volunteered to return for it. He did so, surprising some hundred of the enemy whom he found gazing in wonder at the Stool. On the return of the army to Kumasi, the Chief of Juaben was accused of having stolen a box containing a very large sum in gold-dust which the King alleged had been captured with the Stool. About the same time as this quarrel about the gold-

¹ Sir Charles M'Carthy, killed 1824.

² Kojo Tibo is said to have helped the Ashanti in the Gyaman war, but having learned their methods of fighting, he returned to Denkyira and raised a rebellion. He was a grandson (*nana*) of Ntim Gyakari.

dust, the King of Ashanti and the Chief of Juaben had a dispute about another matter. A certain man called Asumi, a native of Kubease and a subject of Juaben, surprised one of the Chief of Juaben's wives while she was bathing. She reported the matter, and the man fled to Kumasi to the King, begging him to save him, and declaring that when the affair happened it had not been intentional on his part, but that he had been seeking for a lost sheep, when he blundered in upon the wife of the Chief in her bath-room. The *Asante Hene* intervened, and the Chief of Juaben promised to spare his subject's life, but no sooner did Asumi return to Juaben than the Chief caused his head to be cut off. These two events led to a civil war between Juaben and the rest of Ashanti. The Juaben were defeated and the whole tribe fled, going to Kibbi, where they put themselves under the protection of Ofori Atta Panyin. While in exile at Kibbi, they heard of the death of Osai Yao and the enstoolment of King Kwaku Dua I. This monarch sent envoys to request the Juaben to return, but they sent back a message demanding the heads of the *Mpanyimfo* who had fought against them in Osai Yao's reign. This request was granted, and the heads of the following *Nsafohene* were sent to Kibbi—the *Ko'ntire* and *Akwamu*, *Dadeasoaba*, and the *Gyasewa Hene*, all of Kumasi, and the head of the *Ko'ntire Hene* of Kokofu. Before leaving to return to Ashanti, the Juaben 'drank the gods' with Atta Panyin that they would never disclose any private matters that might have come to their knowledge concerning the affairs of Kibbi. On the journey back to Ashanti, Kwesi Boaten died at a village called Saman in Akyim.¹ He was succeeded by a younger brother called Kofi Boaten, but he too died eighty days after enstoolment. There was now not any male heir to the Stool, so the Queen Mother, Ama Sewa, became Chief.² She ruled as Chief for about eight years, having use of the usual regalia; she officiated at all the *Adae* ceremonies; she ceased to be addressed as *Ohema* (Queen Mother) and was called *Juaben Hene* (Chief of Juaben) both by her own subjects and by the *Asante Hene*, before whom, wearing a belt of *sepow* knives, she took the oath of fealty; she attended the *Odwira* rite; she presided in court and guided the *Akyeame*; she rebuilt the town of Juaben. The husband of the famous Juaben Ama Sewa was the *Ankobe Hene*, but he

¹ He was buried there for about a year to allow time for the flesh to decompose and leave the skeleton bare.

² What now follows are some of the most interesting and curious pages in Ashanti local histories.

remained just an ordinary Elder. When Ama Sewa died, she was honoured by being buried in the *Barim* (mausoleum) of the Chiefs, and her Stool was placed in the male Stool house.¹ She was succeeded by her daughter, Afrakuma Panyin, who also ruled as a Chief. During her time, the *Asante Hene*, Kwaku Dua I, made war against the Northern Territories for the purpose of getting slaves; as the King did not himself go to the war, Afrakuma did not go; she sent Sakodie, the *Abesim Hene*, and the *Santan Hene* in her place. When she died, she was buried in the Chiefs' *Barim* and her Stool was placed with those of the Chiefs.² She was succeeded by her daughter³ (?) Akua Saponmma. Her husband was called Asafo Agyei; he was *Ko'ntire Hene* of Juaben and son of Juaben Boatén. Akua Saponmma bore three children. Two of these were Akosua Afrakuma and Akua Boatén.⁴ Akua Saponmma died, leaving these two infant girls (the third child had already died), and again there was not any male issue. Asafo Agyei, her husband, belonging to the *Asona* clan, was enstooled⁵ as Chief of Juaben. At first he was not enstooled with the proper formalities. His full enstoolment was brought about as follows: He was on the way to Kumasi, accompanied by the *Ko'ntire* and *Akwamu Hene*. They were in front, and immediately behind came the Stool as representing the Chief. On the road they met the *Asante Hene* (Kwaku Dua I) on his way to attend a funeral custom. The King was distressed to see the empty Stool, and insisted on Asafo Agyei being properly enstooled. This was done on the road between Kumasi and Kokofu. The two children of Asafo Agyei by his royal wife, Akua Sapon, were now the only hope of raising male issue to sit on the Juaben Stool. The *Oyoko Hene*, who had been a claimant for the Stool,

¹ This was only possible owing to the fact that she had passed the menopause.

² She too had passed the menopause before her death.

³ See Genealogy, Fig. 31.

⁴ She died in giving birth to this child, who became mother of the present *Omanhene*.

⁵ This seems a very unusual proceeding. The Juaben themselves explain it as follows: There were in fact males in Juaben of the royal clan, but not of the kindred-group from which the Chiefs were drawn. The *Oyoko Hene* indeed did claim the Stool, quoting two proverbs: *Oyuo da mframa ase*, and *Etsri wo ho a, yennfa akye nsoa kotogwe* ('It is only thanks to the wind that the black dnyker' ('gets plantain leaves to eat' is understood), and again, 'When the head is there, we do not place the hat on the knee'). No doubt the appointment of a Chief at that time was only looked upon as a temporary measure to tide over the period until one of the two surviving royal girls should give birth to a son. Political considerations therefore overcame tribal custom, and one of a different clan was actually enstooled rather than a member of the royal clan whose kindred group would then possibly have laid permanent claim to the Stool. Asafo Agyei appointed a son, by another wife who was a commoner, to the post of *Ko'ntire Hene*.

was accused of plotting to obtain it and was executed. After returning from Kokofu, the *Asante Hene* presented Asafo Agei with an *afona* (ceremonial sword), a powder-belt decorated with gold (*sika ntoa*), a gun also decorated with gold (*sika 'tuo*), and a fly-switch (*nku-ninkena*). After these marks of royal favour, the Elders were afraid to protest. He was enstooled upon the black Stool, and he officiated at the *Adae* ceremonies. Akosua Afrakuma now grew up and married Kobina Nketea, the *Odekuro* (head-man) of Kubease, and bore a son, Yao Sapon-Okum-Ankama. This child suddenly stopped growing, and the *Eno Hene* discovered that Asafo Agei, fearing he would lose the Stool when the child grew up, had procured Mohammedan charms to retard his growth. The *Eno Hene* reported this to the *Asante Hene*, Kakari; Asafo Agei retaliated by killing the *Eno Hene* and all his 'brothers' and 'sisters'. In Asafo Agei's time there was a war against Kokofu. Some of the Kokofu, on their return from the Gyamen war, had refused to march again against the Denkyira and had fled to Sodoro, a place near Winnebah. The *Asante Hene* had asked them to return and they had promised to do so if sent thirty *pereguan* (£240). This sum was forwarded and was kept by the Kokofu, who, however, still refused to return. The *Asante Hene* sent an army after them, but they fled to Accra. The next war in which Asafo Agei took part was against the Ewe. The *Asante Hene* did not command in person, but sent Adu Bofu, the *Gyasewa Hene*, in his place, and the Juaben *Hene* was represented by the *Abesim Hene*. In this war, the 'German' missionaries, Ramseyer and Kühne, were captured by the Ashanti. Amankwatia, the Kumasi *Ko'ntire Hene*, now swore the great 'oath' that he would march to the *Timponso*—the main road to Elmina. This war was sometimes called the *Timponso* war, sometimes the *Toto* war, from the sound of the English cannon. 'We came to within sight of Elmina castle', said my informant. When the English army advanced upon Kumasi, Kakari retired to Akwaboa, not far from Bantama. Kakari was destooled after General Wolseley retired from Kumasi, and was banished to Akropon; Mensa Bonsu was enstooled. The Juaben had neither been consulted about the destoolment of Kakari or the enstoolment of Mensa Bonsu, nor about the treaty signed at Fomina. They therefore communicated with their friends at Kibbi and received a 'Flag' through them. This, however, did not imply that we were under Kibbi, any more than the fact that Asumegya received a Flag along with Bekwai implied that Asumegya acknowledged Bekwai as their superior. The *Asante Hene* now sum-

moned Juaben *Hene* to ask why he had received this Flag. A civil war arose, in which Kumasi and all the other Divisions were against Juaben; the Kumasi forces were commanded by Awua, Bantama *Hene*; the Kokofu army, by Agyeman II; Mampon and Nsuta were not actually engaged, but were in favour of Kumasi. [The Juaben accused Ejisu and Kuntense of having promised to fight for Juaben, receiving guns from them, but later turning against them.] A battle took place near Juaben, near the site of the present rest-house, beginning in the evening and lasting late into the night. It was a moonlight night, added one of the Elders, with that insistence upon apparently unimportant detail which is so typical of them. The Juaben were at first so successful, that many of the Kumasi Captains blew themselves up; among those who did so were the following: Agai Kese, *Adum Hene*; Asamoia Nkwanta, *Ananta Hene*; Apia Agai, *Nsenia Hene*. The next morning—a Wednesday—the enemy returned with reinforcements, and the Juaben, running short of ammunition, were totally defeated and fled to Kibbi. Later, they were given land at Koforidua. The Stools were saved, and Asafo Agei also escaped. Yao Sapon, the young heir to the Juaben Stool, was captured, and also Akua Boatima; they were sent to Kumasi as prisoners. Akosua Afrakuma had fled with her father, Asafo Agei, to the Colony. Here she quarrelled with her father and reported to the British Government that he was plotting to make war against the King of Ashanti, and asked the Government to take charge of the Juaben blackened Stools until her son should be enstooled as Chief. Asafo Agei was banished to Lata (Lagos), where he died. Afrakuma died at Accra. Meanwhile, Akua Boatima had married again, this time an *Afonasoani* (sword-bearer) to the *Asante Hene*, by name Gyawohene; Yao Sapon was now growing up to be a man. The *Asante Hene* collected all the war prisoners he had captured in the campaign against Juaben, and gave them to Yao Sapon. Some Juaben were also returning from Kibbi, and they too were put under him. He was still in Kumasi. The *Asante Hene* informed Yao Sapon that he would not take his land at Juaben from him; Yao Sapon therefore sent one Yao Tawia to light a fire amid the ruins of Juaben that the ‘spirits might light their pipes, and to give them water to drink.’¹ Yao Tawia built a house on the site of the old town (where the house of the present Queen Mother now stands). Mensa Bonsu

¹ *So'gya ma nsamawfo meto ye tasen so, yenya nsuo enom.* Yao Tawia is still alive and lives with the Queen Mother.



FIG. 23. Kofi Boateng II
Juabon Hene



FIG. 24. Akosua Akyama
Juabon Obemā



FIG. 26. A Juaben *adebye* (Princess)



FIG. 25. Oyoko Hene of Juaben

enstooled Yao Sapon, but he continued to live in Kumasi.² Yao Sapon's mother, Afrakuma, now died; Mensa Bonsu was destooled, and Kwaku Dua II became *Asante Hene*. He lived only forty days after the ceremony, 'dying of small-pox'. A dispute now arose as to the successor to the Kumasi Stool. There were two rival claimants, Twereboanna and Prempeh. Yao Sapon was on the side of Prempeh. Kumasi itself was divided; all the *Mpanyimfo*, save the *Gyase Hene*, were for Prempeh. Outside Kumasi, Bekwai and Asumegya sided with Prempeh, while Kokofu, Mampon, Nsuta, Mansu Nkwanta, were on the side of Twereboanna. Prempeh's adherents attacked their enemies in detail. Kokofu was defeated and fled to Akyim; Mampon fled to Denkyira. The *Gyase Hene* of Kumasi, Saman Akyampon, was captured and executed. His head is at Juaben, 'because Juaben was representing the *Asante Hene* in the war'. Prempeh was enstooled. Yao Sapon now set out to return to Juaben. He reached Asokore Mampon, when he was attacked by the Mampon. Ejisu came to his help. He remained three years at Ejisu, being now in constant communication with the Juaben who had fled to Koforidua. From Ejisu he came to Aboabo. Here he remained about two years, passing from there to Konono, where he remained a year.³ He founded the village of Ahyiam (the meeting-place).³ Yao Sapon was at Ahyiam, when Prempeh sent him a message saying that the English wished to introduce something which they called 'schools' into Ashanti. Mampon and Ejisu were opposed to this, and Mampon made the historic reply that 'they could come and build one on his head but never on his land'. Meanwhile Prempeh was arrested and banished. The Juaben Chief was summoned to Kumasi, and ordered to return to Juaben. He asked that his Stools and subjects, that were still at the Coast, might be returned to him. The *Ankobe Hene* and an *Okyeame*, called Mensa, with attendants, were sent to Accra to bring back the Stools and the people. 'There were a great pile of blackened Stools in the Castle', said Kwame Ntikwa, an old slave who had helped to carry back the Stools; 'we picked out the four that belonged to Juaben from among them all, by the sound of their voices.' The skeletons of Kosua Afrakuma and of Asafo Agei were brought back at the same

² Some of the Elders state that Asafo Agei was dead before Yao Sapon was enstooled; this seems probable, as Asafo Agei was never destooled, as is proved by the fact that his Stool is among the blackened Stools of the Juaben Chiefs.

³ Upon my inquiring why he did not proceed directly to Juaben, I was informed that any one who has left or been driven from his town should return to it only by slow stages.

³ The present *Santian Hene* (see Fig. 28) informed me that he was born here.

time. During the five years between the banishment of Prempeh and the *Asantewa* (1900 rising), the town of Juaben was being rebuilt, and many of the Juaben who had gone to Koforidua were returning. When Governor Hodson made the demand for the Golden Stool, we were present. The Chiefs of Mampon, Juaben, Agona, Chief Totoe, Bantama (Osai Bonsu), and others were taken into the Fort. In consequence, state my informants, the subjects of these Chiefs took no active part for or against the English: 'A people cannot fight when their master is not there to advise them.' Kokofu, Ahafo, Adanse, Kwabere, and Ejisu fought the English. The Queen Mother of Ejisu, Ya Santewa, commanded the Ashanti army. Bekwai and Nkoranza were neutral. After the rising, several Stools were filled by the English, but not in conformity with Ashanti custom, e.g. Osai Bonsu to Bantama, Kwaku Dua, as *Atipim Hene*; the *Akyeame Hene* Stool to one of the *Asokwafo*. Yao Sapon incurred heavy debts in his attempts to get his people back from New Juaben. They would send messages to him saying they could not return until some debt they had incurred was paid. The Chief would advance the money and his subjects would not keep their promise to come back. He also expended large sums of money on Mohammedan charms to expedite their return. Yao Sapon died in 1906. The day he was buried there was an earthquake (*asasepusue*) in Ashanti. He was succeeded by Asare Amponsem, son of Akua Boatima, who was only forty days on the Stool.¹ He was succeeded by his brother Kofi Boaten, *alias* Kofi Serebo, *alias* Kofi Tuo, the present Chief.

Personnel of the Juaben Division :

Chief: Kofi Boaten II; Clan, *Oyoko*; *Ntoro*, *Nketea* (see Fig. 23).

Queen Mother: Akosua Akyama, *Ntoro*, ? (see Fig. 24).

Oyoko Hene: Kobina Akyeampon; Clan, *Oyoko*; *Ntoro*, *Bosompra* (see Fig. 25).

Ko'ntire Hene:² Kwame Boaten; Clan, *Oyoko*; *Ntoro*, ? The *Ko'ntire Hene* is *Adonten Hene* in war.

¹ His Stool has not yet been blackened, nor his funeral custom held.

² This official was not at Juaben when these inquiries were being conducted. Upon my remarking that it was not surely customary to have a *Ko'ntire Hene* drawn from the same clan as that of the Head Chief, I was informed that this Stool had originally been an *Ekuona* Stool, but that a certain *Ko'ntire* Chief, named Ampofu, had been degraded for alleged stealing of some Stool regalia on the death of a Chief. The Stool then remained vacant until it was filled by giving it to a man called Ntonimpa of the *Aduana* clan, who had originally been a war captive. He was given an *Oyoko* woman to marry and was succeeded by his son, who was an *Oyoko*. The son was in turn succeeded by an *Ohene 'ba*, Asafo Gyei, who has figured so largely in the history of Juaben. It seems clear that the law of

Akwamu Hene : Kofi Boaten ; Clan, *Anenie* ; *Ntoro*, *Bosompra*. He is, however, only acting as a kind of regent for the real *Akwamu* Chief, who is still at Koforidua. The Stool is really an *Ekuona* Stool, and descends through the female line.

Gyase Hene : Ananem ; Clan, ?, *Ntoro*, ? The present holder of the Stool is still at Prasu, to which he fled in one of the civil wars.

Kyidom Hene : Kobina Ware ; Clan, *Aduana* ; *Ntoro*, ? The real Chief of this Stool is at Koforidua (near New Juaben), and the present occupier of the Stool is really only acting for him.

Ankobeia Hene : Under the *Gyase Hene*.

Twafo Hene : The Stool is vacant ; the owner of it is still at Koforidua.

Villages directly or indirectly under these officials :

The Chief : He has not any villages under him save the capital, Juaben. The *Gyasefo* are his special subjects (*nkoa*). In olden times any slaves bought by the Chief, or the Stool's share of war captives, were put in the *Gyase* company. The Chief might in theory, therefore, claim *ayibuadie*¹ (death duties) from any *Gyase* subject.

The Queen Mother : She rules the following villages directly : Konono—this village was sold with all its inhabitants to a former Queen Mother by the *Oyoko Hene* for thirty *pereguan* (£240)—and Broferease (lit. beneath the papaya tree)—this was originally a village founded by slaves of the Queen Mother, who were destined or liable to be sacrificed at a Queen Mother's funeral custom. Their children and children's children were subject to the same fate. The village was under a Head-man, also an *Akyere*, who, in virtue of his position, was exempt from being selected for sacrifice. Very young *akyere*, with the exception only of those actually in attendance on a Queen Mother, were also spared. People in the village vied with one another to gain a name for being well-behaved and good subjects, as persons with such a reputation would not generally be chosen for death. The *Akyere* worked on the Queen Mother's farms. The Queen Mother has also subjects in Bakagya, a village belonging to the *Ankobeia Hene*.

The Oyoko Hene : He rules, or in some cases ruled, the following villages : Apimso, his capital town ; Monsaagya, Obooso, Fweremoase, Nsuoso, Mampoma ; all these are at present deserted, their inhabi-

matrilineal descent had completely broken down so far as succession to this Stool was concerned, and that it was filled by the successor nominated by the Chief.

¹ My informants here stated that *ayibuadie* is what one claims from the estate by right of being master ; *awunyadie*, what one inherits by right of blood relationship.

tants having fled to Koforidua after the civil war in which Juaben was defeated. The *Oyoko Hene* also rules the following villages indirectly (they are directly under the *Eno Hene*), i. e. Behinease, Efrantwo, Chechewere, Afowase. He has also subjects at Wiampoase, which is a village under Agona. He formerly owned the village of Oposu, near Kete-Kratchi. Under the *Oyoko Hene* are four small *Oyoko* Stool-Chiefs, each of whom have villages directly under them, and are thus indirectly under the *Oyoko Hene*, i. e. (a) the *Pianyinase Hene* (the people of Pianyinase were the original inhabitants of the land when the Juabens came from Santemanso). The *Pianyinase Hene* also rules Kwate, Odawu, Tobiase, Fwereso, Odonu. (b) The *Eno* Chief; his villages have already been given. (c) *Adwuampon Hene*; he rules Tweneduruase, Sofoase, and Bomfa. The land at Nyameani belongs to the *Oyoko* Chief, but all the people in the village are subjects of the *Ankobe* *Hene*.

Ko'ntire Hene : He rules the following villages : Juaso, Atia, Adam-purom, Kokodie (the village of his *Okyeame*). Pajamsu, near Kratchi, was formerly under the *Ko'ntire Hene*. The following villages, now deserted, the inhabitants having fled to Koforidua, belonged to him : Adaja, Montenaso, Aduman, Aburaso, Besiase, Amoakowa, Afwedegya, Akonyanma, Amanase. He has also subjects in Bomfa, the *Oyoko Hene's* village ; the following villages also belong to him : Domakwae Kese, Domakwae Kuma (now deserted), Asamenya No. 2. The Chief of Abesim is under the *Ko'ntire Hene* ; he rules the following villages, which are thus indirectly under the *Ko'ntire Hene* : Wioso, Abetenemu, Mafokurom, Abesewase, Ofoase, Fwintaro. The *Abesim Hene* has also subjects at Akyease, which belongs to the *Gyase Hene*. The *Santan Hene* is under the *Ko'ntire Hene*. The former has the following villages, which therefore come indirectly under the latter : Odumase Kese, Kete Kratchi (formerly), Panpamka, Afamanaso (now deserted), Adweaso (deserted), Mpataponoso (deserted), Akankasu (deserted). The following *fekuo* (companies) are also under the *Ko'ntire Hene* : the *Okyeame Hene*, who formerly owned the village of Trofe, in the Kratchi District ; the *Nietea Hene*, who in turn is over the *Barimfo* and *Nkonnuasofo*, who thus are twice removed from the direct control of the *Ko'ntire Hene*. The *Sumankwafo* (doctors) were also under the *Ko'ntire Hene*.

The *Twafo Hene* : The Stool is vacant, the successor to it being at Koforidua ; his villages, now deserted, were Kotoku, Kubease, Odumase, Kuma, Dome, Kagyase, and Mempeha ; the last is still

inhabited. The following *fekuo* were under the *Twafo Hene*: the *Sodofo* (cooks), the *Aseneben Hene* (lit. the sharp-arrow Chief); in war they marched before the *Twafo* and fired the *Aburaduru* guns (the medicine-sprinkling guns).

The Gyase Hene: He is over the following *fekuo* (companies), each of which again has its own Head: The *Brofo Hene*, with his village Koyiadom; the *Afonasofo* (sword-bearers)—the chief of these has not any village, they live in the capital; *Sana Hene* (treasurer), who has the following villages: Dome, Akutuase, Bohemo (all deserted). Directly under the *Sana Hene*, and thus indirectly under the *Gyase Hene*, are the soul-washers and the *dabere* (sleeping-room attendants). The *Abrafo* (executioners), the *Atum'tufo* (gun-bearers), the *Asoamfo* (hammock-carriers), and the *Asuminasofo* (midden-keepers) are also all under the *Gyase Hene*. The head of the last named of these had the training of the young members of the blood royal in his hands.¹ The *Gyase Hene* is responsible for the upbringing of the *Adabiakyiri* (the heir apparent). He teaches him to be modest and respectful. The *Atum'tufo* (gunners) are also under the *Gyase Hene*.

The Ankobea Hene: He is under the *Gyase Hene*, but has the following villages under him: Dome No. 2, Afreku, Bakagya, Begorase (deserted), Adumasa, Nnoboam, Chechewere No. 2, Bramoa (deserted). He also has subjects in the village of Nyameani. He is in charge of the *fekuo* (group) of *Ahoprafo* (elephant-tail switchers), who have a Head, called the *Akomfore Hene*. The *Adabra* (eunuchs) were also under the *Ankobea Hene*.

The Kyidom Hene: He formerly owned the village of Akanim, near Kratchi. The *fekuo* of *Asokwafo* (horn-blowers) and *Akyeremadefo* (drummers) are under this Chief, and also the two sub-Chiefs of Daman and Burase.

Birempon of Juaben: There were certain Chiefs under Juaben who had the right to be carried in *Apakan* (hammocks), and had *fontomfrom* drums of their own. Appeals from these Chiefs lay to the Chief of Juaben, but these lesser Chiefs had not direct access to the Head-Chief. They had first to report to, and be introduced by certain of the Head Chief's *Mpanyimfo*. The Head Chief called these lesser Chiefs his *Birempon*. The Elder who introduced the *Birempon* to the Head-Chief called the *Birempon* 'M'abarima' (my man), and the *Birempon* called the Elder his 'Adamsfo'. If the Head-Chief were

¹ In some Stools it is the *abrafo* (executioners) who are assigned this duty.

sending any order to a *Birempon*, he must pass it through that *Birempon's Adamfo*, and if the *Birempon* wished to communicate with the Head-Chief, he must do so through the same channel. If, however, the *Adamfo* of a *Birempon* attempted to give 'his man' any orders, not emanating from the Head-Chief, the *Birempon* would ignore such instructions. Everything a *Birempon* does, in his dealings with the Head-Chief, must pass through his *Adamfo*, even the giving or receiving of a present. If a *Birempon* did not like the Elder whom the Chief appointed as his *Adamfo*, he could ask for him to be changed. The following Chiefs were *Birempon* of Juaben: Juaso, *Adamfo* the *Ko'ntire Hene*; Odumase, *Adamfo* the *Santan Hene*; Kwaman, *Adamfo* one of the *Akyeame*; Adwuaampon, *Adamfo* the *Oyoko Hene*.

War organization: It was similar to that already described. In the national army Juaben marched on the right wing, behind Mampon.

Horn calls of Juaben: Chief's calls: *Nyempene Kasempere obu o, Akuamoa ye gye wo, y' Abina*. Nyempene River (beneath) the Kasempere Hill, come and help us; to *Akuamoa* we reply, *Y' Abina*, when you call us. (The *Ntabere* horns.)

Katakya, wo pe ko,

Wo pe ko pa pa.

Hero, you wish a good fight,

You wish a good fight. (The *Abentia* horns.)

Mate, Mate, Mate,

Kotoko Mate.

I have heard, I have heard, I have heard,

Porcupines, I have heard. (The *Abentia* horns.)

Afuru nwoma eka ya so.

The skin of my belly hides my sorrow.

The Oyoko Hene's horn calls: Wo goro a, fwe fwe me.

Look well at me before you take me as a playmate. (*Abentia* horns.)

Ko'ntire Hene's call: Ho! Ho! Ho! (Supposed to imitate the barking of a dog. A *Ko'ntire Hene* is called 'the watch-dog of the Chief'.)

Akwamu Hene's call: Me yi w'aye papa.

I shall be very grateful to you.

Gyase Hene's call: Saman dada O! torofo

Wo wo torofo,

Wo wo torofo.

Old ghost, you are a liar,

You are a liar,

You are a liar.

Kyidom Hene's call: Omanni eye de O!

It is sweet to be a famous person.

Juaben 'oaths': The great 'oath' of *Juaben* is *Kwadu Twom*; the *Aseda* was from £2 7s. (in gold-dust). The origin of this 'oath' is stated to be as follows:¹ In the time of Dankwa Afrafo, the *Juaben* had gone to war in the forests of Akyim. They were being very hard pressed and sent to Kumasi for help. The Kumasi *Adonten Hene*, Aduani Pim, was sent with an army to help them. Both the *Juaben* Chief and the *Adonten Hene* were killed. The defeated army subsisted on palm-nuts and banana leaves (hence oath of *Adonten Hene*, *Esan abe ne fida*, and the *Juaben* oath *Kwadu* (bananas) and *Twum* (catch)).

Queen Mother's 'oath': The Queen Mother has the old household oaths, e.g. *Me ka nana nan*, *Me tan nana*, *Me ka nana yafu*, which are used in her establishment alone.

Oyoko Hene's 'oath': *Ntwuma* (red mourning clay). The *Aseda* was *suru ne domafa* (£1 3s. 6d.); said to refer to the death of the mother of an *Oyoko* Chief, Nyama Amfie.

Ko'ntire Hene's 'oath': It has already been noted that this Stool is filled by a nominee of the Chief. The 'oath' of the Stool is based on the *Ntoro* food taboo of the Chief who happens to occupy it, e.g. if a *Bosomptra* man, the Stool 'oath' will be *Me ma nana die afasi* ('I make grandfather eat *afasie* yams'). The *Aseda* was £1 3s. 6d.

Akwamu Hene's 'oath': Also stated to be an 'oath' based on *Ntoro* taboos.

Gyase Hene's 'oath': *Bako* (alone), said to refer to the loss of all his subjects in a war.

Kyidom Hene's 'oath': I was unable to obtain this.

Division of Aseda: The £2 7s. *Aseda* was formerly divided as follows:

7s. for the *Okyeame*.

4s. (*brofa*) for the *Sana Hene* (treasurer).

1s. for the *Akonnuasofo* (Stool-carriers).

1s. for the *Kymiekyimfo* (umbrella-carriers).

1s. for the *Opontini* (gate-keeper).

3s. 6d. for the Queen Mother, whether she was present or not in Court. The remainder was divided into two equal parts, one of which went to the Chief; the other half was shared into three equal parts: One-third to the *Ko'ntire* and *Akwamu* Chiefs, one-third to the *Oyoko* Chief, one-third to the *Gyase* and *Kyidom*. The *Ko'ntire* and

¹ I think the etymology of the 'oath' as here given is possibly not the correct one.

Akwamu Chiefs again divided their shares, themselves taking one share between them, giving one-third to the *Santan* and *Abesim Hene*, and the remaining third to the Head *Okyeame* and the *Twafo Hene*. The *Twafo Hene* again divided his share into five equal parts, taking one himself, and dividing the remainder equally among the Head *Okyeame*, the *Nietea Hene*, the *Kubease Hene*, and the *Huradurufo*. The *Oyoko Hene* again divided his share into three parts; one-third he kept; the remaining two-thirds he divided again into three, giving one-third to the *Pinyase Hene*, one-third to the *Eno Hene*, the remaining third to the *Adwampon* and *Mpampana* Chiefs, who shared equally. The *Gyase* and *Kyidom*, after sharing equally, again distributed their share as follows: The *Gyase Hene* divided his share into two; half he kept; the other half he gave to be divided equally between the *Abadiakyiri* (heir apparent), the *Afonasofo* (sword-bearers), and the *Brofo* and *Ankobe* Heads, who shared equally. The *Kyidom Hene* took one-third of his share, gave one-third to the Heads of the *Asokwa* (horn-blowers) and *Akyeremade* (drummers), and the remaining one-third to the *Okyeame* who had charge of the *Oyokofo*. An *omantuo* (tax on the people) of, say, ten *pereguan* (£80) was allocated for collection as follows:

The Queen Mother would subscribe about one-tenth. The balance required was now divided into three equal shares; the *Ko'ntire* and *Akwamu* being responsible for the collection of one-third, the *Oyoko Hene* for one-third, and the *Kyidom* and *Gyase* for the remaining one-third. Each of these again would distribute the proportion which had fallen to them to be collected among the same persons and in the same ratio as the *Aseda*, the distribution of which has been described. The Chief, in this case, did not collect anything, because he had not any villages under him. Before such a levy would be made, the *Mpanyimfo* would have to be informed and would have agreed to the tax.

Kumasi great 'oath' cases: In the event of the two Juaben subjects swearing the great 'oath' of the *Asante Hene*—

(a) The case would be heard at Juaben without any special authority from the *Asante Hene* for doing so.

(b) Judgement might be given.

(c) Sentence might not be passed on the guilty party, but

(d) The *Asante Hene* would be informed of the result of the trial; half of the *Aseda* would be sent to him, with a report on the case. He would then pass sentence, either 'presenting the guilty party with the

“oath” (*ode ntam kye no*), i. e. accepting blood-money (*Atitodie*), or sentencing him to death. The *Atitodie* belonged to the King.

Venue of ‘oath’ trial: With regard to the Chief of Juaben’s own great ‘oath’, he both gave judgement and passed sentence of death without requiring any special authority from the King (except in certain specified cases which will be noted presently). In case of a mixed ‘oath’, that is, one between the subject of the Juaben Chief and, say, a subject of Kokofu, the place where the ‘oath’ was sworn decided the venue of the trial, unless the party swearing one of the oaths also swore that the ‘oath’ must be tried before a particular Chief, when the other Chief must be represented.¹ A *Safobene* of the Juaben Chief had not any authority to hear the Juaben Chief’s ‘oath’ unless specially authorized to do so.

Certain Kumasi great ‘oath’ cases which the Chief of Juaben might not hear: The Head Chief might not hear a case in which he and another Divisional Chief were involved. He might not hear a case which involved ‘blessing’ the King; he might not hear a case which concerned himself and one of his wives, who was the subject of another Chief.

In a quarrel between two of his powerful *Nsafobene*, the Chief of Juaben ‘would sit quietly and not say anything, and allow his big Chiefs to settle the matter’.²

Appeals to the Asanté Hene: Appeals were lodged in the manner already described. There was also a final appeal to the *Oman* (Nation); this was known as *Asekanten* (the judgement of the knife). The King was, however, at liberty to forbid such an appeal by ordering his *Okyeame*, before passing judgement, to raise his staff of office first to the sky, then lower its point to the ground.³ If, on an appeal from a lower to a higher court, the appellant won the case, he could only sue the *Okyeame* who in the first instance had given judgement against him. The litigant, in whose favour judgement had originally been given, might not, on the appeal being successful, be again proceeded against.

Sources of Revenue in olden times:

War: Plunder (*Asadie*); shared as already stated.

Trading: As already described, the *Asokwafo* and *Akyeremadefo*

¹ I cannot vouch for this statement as being correct.

² At Kokofu I was informed such cases were referred to the *Asanté Hene*.

³ Meaning, ‘save the Sky-god and the Earth goddess, there is none greater than I’. It is doubtful, I think, if the early Kings could have refused an appeal. With the growth of power, they may later have been in a position to do so. I have not, however, been able to obtain confirmation of this.

(horn-blowers and drummers' companies) supplied the Chief's traders' trade in kola; carriers paid themselves by carrying *nsitiri* as already described.¹

Ayibuadie (death duties): About one-half or less of a deceased *Nsafobene's* personal private property. In the case of a Chief claiming *ayibuadie* from a sub-Chief, the former was in a sense really claiming Stool property, but he would be careful never to touch *agyapadie*, such as *afona* (state swords), umbrellas, or drums. He might, however, take a gold ring or a gold bangle. The common *ayibuadie* were slaves, wives, cloths, gold-dust. On the death of an *ohene 'ba* (Chief's son), who, of course, cannot be of the royal blood, the *Abusua* (blood relatives) might not take away their kinsman's belongings, until the Chief had examined them and taken what he wanted. The taking of *ayibuadie* implied the obligation to contribute *nsa* (a present towards the funeral expenses).

Aseda and Atitodie: *Atitodie* was for the Stool. *Aseda* was shared as described. There were also fines for breaking a law, e.g. 'a Chief says people must not go to collect snails on a certain day'; the money taken for a breach of this law was called *mmara todie* (something taken for breaking a law).

Levy on Chief's enstoolment: The Elders state that such a tax was not collected in their Division. At the time of the *Odwira*, however, many people would give the Chief from a *domma* to a *suru* (7s. to £1) in gold-dust, to enable the Chief to buy sheep to sacrifice to his ancestors to ask them to bless the donors. At Juaben there was not any levy on crops, but certain villages would supply the Chief with yams, others with oil (e. g. Akutuase under the *Sana Hene*). A levy was made to cover expenses of buying gunpowder and guns for war (*apeatuo*).

Treasure Trove (Abumtuo): The finder was obliged to hand it over exactly as found; he might not even remove the earth adhering to the *kuduo* or other pot containing the treasure. The Chief gave the finder a share, but he need not share it with the Elders.

Mining (Asikadie): All nuggets were the property of the Chief. After being crushed, a portion was given to the finder; the remainder was shared equally between the Chief and the Elders.

Game: The Head-Chief received a *sere* (hind leg) of any large antelope killed. The person actually enjoying possession of the land on which the animal was killed was given this hind leg, which he passed on to the Head-Chief, whose Stool was and still is nominally owner of

¹ See Chapter XIV.

all the land. The Head-Chief would return him a portion of it. If the hunter were not a subject of the Chief on whose land he shot the animal, he would, in addition to the hind leg he handed over for the Head-Chief, give a foreleg (*basa*) to the *Asase wura*, the man in actual enjoyment of the land upon which the animal was killed.

The power of the Asante Hene to interfere with the internal affairs of the Division :

(a) The Chief of Juaben took an oath of allegiance before the *Asante Hene*, also the *Sanian*, *Eno*, and *Oyoko* Chiefs : 'because these three Stools came from 'Santemanso' was the somewhat ambiguous explanation given. An oath was also taken up on a captain setting out to war, a war oath (*osasoaiye*).¹ The *Asante Hene* alone had the right to hear certain cases, even when it was a Juaben subject who was involved, e. g. cursing the King.

(b) Right to appeal lay to the *Asante Hene*.

(c) Right of *Asante Hene* to claim *Ayibuadie*.

(d) Right of *Asante Hene* to summon the Juaben *Hene* to attend the *Odwira*.²

(e) The Chief of Juaben might not go to war on his own account, without obtaining permission from the *Asante Hene*.

(f) The *Asante Hene* had the power to close the road until his kola should have reached the early market.

(g) The *Asante Hene* would receive *Adidieseda* on the enstoolment of a new Chief ; he would ask for the twelve *pereguan*, but be content to receive six.

Ceremony in connexion with the enstoolment of a Chief at Juaben in olden times :

When the *Abusua* (kinsmen), gathered round the Chief, saw he was about to die, an *Okyeame* was sent for, to pour water down his throat. As soon as he was dead, the *Asafo*³ were summoned by the Queen Mother. On their arrival, they would send for the *Sana Hene* (head-treasurer) and the *Agwarefo* (bathroom attendants). The former

¹ See Chapter XV.

² There was a humorous custom in connexion with the Chief of Juaben's entry into Kumasi on these occasions. Upon reaching Denteso (the present Kumasi Zongo), the Juaben Chief would declare that he was quite unable to proceed farther. A messenger would be sent by the King to inquire the cause of the delay and he was given the message, *Se no se bame abu me kon* (Tell him that his royalty has broken my neck). The King then sent the messenger back with *nianu* (L16) and the message, *Yemfa me tene wo kon na bra* (Let me straighten your neck, now come).

³ A title often applied to the *Ko'ntire* and *Akwamu* Chiefs.

locked up all the doors of the *Nampon*,¹ the latter prepared hot water. The doors of the *Gyase Kesie* (courtyard) were also locked to prevent the escape of the young *Ahenkwa*, some of whom would be killed, those who were impudent being selected. The *Akonnuasofo Hene* (head of the Stool-carriers) was next ordered to bring the white Stool upon which the Chief had been accustomed to sit while 'washing his soul'. The *Abenemma* and *Abenana* (sons and grandsons of the Chief) were called in. The body was set upon the white Stool and washed down by the young 'princes' with the water prepared by the bathroom attendants. The corpse was washed three times with a new sponge. The *Dabere Hene* (chief of the bed-chamber) would bring a new *danta* (loincloth), in which, before dressing the body in it, he tied up *ntanu* (£16) in gold-dust. All this had taken place in the quarter of the 'palace' called the *Dabere kyiri* (behind the sleeping-place). The corpse was dressed in white, and either set on a chair or laid upon a couch. The Elders were sent for, and as each entered he bared his shoulder and saluted the corpse with *Nana mo ne ko* (Grandsire, hail to you in the fight). The Elders warned the Chief's children not to indulge in indiscriminate killing. Messengers (heralds and sword-bearers) were dispatched to Kumasi and all the other great Divisions to report the death. The *Wirempeso* now came to seize the Stools. They took the black Stool of Adakwa Yiadom and the white Stool used by the late Chief. The *Wirempeso* at Juaben were composed of the subjects of the *Santan* and *Abesim* Chiefs (subjects of the *Ko'ntire Hene*). Before taking the blackened Stool they would pour wine upon it and say: *Obene asumasi wa firim, nti oba yi omeye saman pa, wunyina akyi ma yenye ayiye, mma kasa kasa biara mma* ('Chief So-and-so has passed forth; therefore, when he comes, let him come as a kindly spirit; stand behind (us) so that we make proper funeral rites, and do not permit any quarrelling to arise'). A camp was made for the *Wirempeso* near Kofi Ame Yao's burial-place. The body was now removed to that quarter of the 'palace' called the *Abenase*,² where it was seated upon a chair. Here a barber came and shaved the head of the corpse and cut the nails. Immediately after performing this task he was killed. The state umbrellas were now held over the body, and it reclined thus surrounded by all the customary attendants and his wives, three or four of whom would be selected to be strangled later in their own quarters. Others of his wives, and also the young *ahenkwa*, would swear an 'oath' that they must be killed to accompany

¹ See Chapter VII.

² See Chapter VII and Fig. 8.

the Chief; the wives who sat around the corpse wept. Until now, everything had taken place behind the closed doors of the 'palace'.

The people outside would, however, have noticed the goings and comings to and from the 'palace', and many persons would begin to flee, not returning for forty days. The *Asokwafo* and the *Akyeremadefo* were sent for, and the Chief's death announced by drumming the name and *mmerane* (strong names or titles) of the late Chief, ending with the lament, *damirifa!*¹ The *Mpanyimfo* now sat around the corpse; the heads of each *fekuo* were asked to nominate one of their members to accompany the late Chief to the *Samandow* (land of ghosts). The *sodofa* (cooks) boiled eggs, a fowl, and *eto* (mashed yams), and these were given to the corpse with the injunction 'wash and eat'. A feast was prepared, of which all pretended to partake (except the *Ko'ntire* and *Akwamu* Chiefs).² The young executioners stood before the body recounting his deeds in battle (*Abrafo apaye*—as the proclamation of the executioners is called). The body was dressed for the banquet in its most costly attire, but every one else was wearing *Kuntunkuni* (mourning cloth) and was smeared with *ntwuma* (red clay). Dancing and drumming and singing went on day and night. The body lay thus for three to five days, until all the outlying Chiefs had come in. On the third day, the Elders took an oath before the dead body, each using his own *afona* (ceremonial sword). Advancing before the corpse the Elder spoke as follows:

Opanyini asumasi me, Hene, . . . Odomankoma 'wuo fa'adie a, oteasefo ngye, na se nkra dom anim a, na se 'nkra manto kane, nankra ato, ya me to ntam kesie.

'I am the Elder So-and-so and Chief of . . . When the Creator's Death holds something, one who is a dweller in the world of people does not take it from him, but had it been in front of the enemy, and had I not fallen first and died, then had I violated the great forbidden name.'

'As soon as you have said this, you commence wailing and lamenting,' stated one of the Elders who was relating these events. The heir apparent, who was under the *Gyase Hene's* supervision, also took this oath.³ When Juaben Sewa died, her funeral custom was carried out exactly as if she had been a Chief, and the foregoing oath was taken before her. When one of the more important *Asafo* (war captains)

¹ See *Ashanti*, Chapter XXII.

² See p. 114

³ This ceremony is still practised on such occasions.

died, the Chief would also make a declaration similar to the above before him. The actual burial took place in the middle of the night, and it was a 'very fearful' ceremony; some twenty young boys, smeared in white clay, were clubbed to death; their bodies were merely cast into the bush. The body of the Chief, which was buried in the *Saman dan* (room of the ghosts), was exhumed after a year, the bones cleaned, placed in a new coffin, and put in the *Edan Kesie*,¹ with the blackened Stool on top of the coffin. On the eighth day the fasting was broken, the order being given by *odawuru* (gong); the Queen Mother and the *Oyoko Hene* would, however, continue a less severe fast until the fifteenth day after the death. The interval between the eighth and fifteenth day was spent in discussing the selection of a new Chief, and in making arrangements for holding the real funeral custom (*ayie pa*) as opposed to the actual burial, which is sometimes known as *detie yie* (the earth funeral). The Stools had been all this time in the possession of the *Wirempeso*.

Selection of the new Chief: The *Mpanyimfo* (Elders) were really the persons who chose the new Chief; among them all, the *Ko'nire* and *Akwamu* Chiefs had the most power. To all outward appearance, it was the Queen Mother who made the selection, and in the majority of cases it was true that her nominee was the one chosen, but she might not oppose the wishes of the Elders. If she insisted on doing so, the Elders had the right to appoint whom they wished. They held the Stool which the *Wirempeso* had seized, without which the new Chief could not properly be enstooled. [This prerogative of the Elders was always a check on the arrogance and power of the kindred group from whom the Chief was selected, for, should occasion arise, they might select a Chief from a different branch of the clan.] The person to be enstooled was generally the heir apparent (*abadiakyire*). He would canvass for the Stool (*pere Akonnua*) along with other persons of the blood royal. The question of a successor having been settled in private between Queen Mother and Elders, the former would summon the *Oman* (tribe) to a public assembly. This meeting would take place about sundown at a spot called *Ahemabo*. Here, in the presence of all the people, the Queen Mother was publicly asked to name a successor to the late Chief. She did so, and the Elders, after pretending to consult together, agreed. The *Gyase Hene* was then sent to summon the Chief-designate. When he came before the assembly, he was introduced by the *Gyase Hene* to the *Mpanyimfo*. The *Gyase*

¹ See Fig. 3.

Hene then turned to the *Okyeame* and addressed him, saying: *M'abarima ne die ote abakuma 'gwa so na onua 'panyin odae a, wansore nti, osere ne nua 'tuo akuta* ('My man is he who sits on the royal Stool; as his elder brother has lain down and not risen up, he begs you for his brother's gun to hold'). The *Okyeame* repeated these words to the Elders, who replied: *Yen ne yen mma ne mmarima, nkoko ne 'gwan se ye som no* ('We, and our women, and men, and the fowls, and sheep, say we will serve him'). The *Okyeame* would then say to the *Gyase Hene*: *Ma me biribi menka 'sem bi menka kyere wo* ('Give me something in order that I may tell you something'). The *Gyase Hene* would reply *Kyere me* ('Tell me what it is you want'). The *Okyeame* would reply that he demanded a *ntanu* weight of gold-dust (i. e. £16). The *Gyase Hene* would demand this to be reduced by one-half. The *Okyeame* would then turn to the Chief and address him, saying: *Ye de kye wo* ('We present you with it'), and would then begin the customary admonitions:

Nni Mpanyimfo 'ye'.

Nni mmerante 'ye'.

Nkyere nnipa asie.

Ye so tie.

*Nye wo nkoa, ne wo abusuafo, ne wo mma,
basa basa.*

Ye ahobrasie.

Nseye agyapadie.

(Do not seduce the wives of your Elders.

Do not seduce the wives of your young men.

Do not disclose the origin whence your people came

Let your ears hear (our advice).

Do not act foolishly towards your subjects, or your clan, or your children.

Be humble.

Do not spoil the Stool heirlooms.)

After each admonition, the Chief would reply, *Ma pene so or ma te* ('I agree to that,' or 'I have heard'). The *Nsenia Hene* (chief herald) now came forward, and smeared white clay from the Chief's forehead, across the top of his head, and down to the back of his neck. The Chief would be dressed in a white *Adinkira* cloth.¹ He would then pass down the line of Elders, thanking each in turn. *Aseda* was

¹ See Chapter XXV, *Religion and Art in Ashanti*.

demanded, twelve *pereguan* (£96); this was reduced by half. The *Aseda* having been paid, the Chief would proceed to take his oath before the *Ko'ntire* and *Akwamu*, as representative of all the Elders. Upon stretching out his hand to unsheathe the *afona* (ceremonial sword), held by the sword-bearer, the latter would exclaim, *Ma me pereguan, ansa* ('Give me £8 first'). This was again reduced by one-half. The sword which the new Chief used in taking the oath was the *Bosom-muru afona*. He raised the point to the sky, then lowered it upon the ground, and then pointing it at the *Ko'ntire* and *Akwamu* Chiefs, who sat with the first two fingers of each hand pointing upwards, he spoke as follows :

Me ka ntam kesie miensa. Yiadom ne Osai Fwidie nana ne me ; Ako ne Akya ne Juaben Sewa nana ne me, me nua asumasi, Onyame afa ne ba pa ; nne Oman nyina de ne tuo ama me. Se nyo mmoapa, nananom di ye Omane yie na me yo bie, na se me byia dom na me de m'akyi akyere dom, ya me to ntam kesie miensa.

'I speak the three great forbidden names.¹ I am the "grandson" of Yiadom and of Osai Fwidie, of Ako, and Akya, and of Juaben Sewa, I am the "grandson". The Sky-god has taken his good son, my brother So-and-so; to-day the whole tribe has given me his gun. If I do not rule this people as my grandsires ruled it, and if, when I meet the enemy, I show them my back, then have I violated the three great forbidden names.'

Every one then sang *Ose Ye!*² and each returned to his own house. The Chief went back to his own house accompanied only by the *Gyase Hene* and the *Abenemma* and *Abenana*. Early next morning, the Elders would go to give him good morning, and a little later the Chief would make a circuit of the town accompanied by the Queen Mother. He was received by each Elder in front of his house. Before he paid these visits, a sheep had been sacrificed for the Stools, but the new Chief had sat in the courtyard of the *Barim gyase*, only the Queen Mother, the *Okyeame*, and the *Barim Hene* having entered the Stool-house, 'for he was not yet fit to meet the *'Samanko* (spirits)'. He sent them, however, the following message, which the *Okyeame* repeated :

Nnera na Mpanyimfo ye de Akonnua ma me. Ade akye anopa yi, ato se nniƆa didie na ye nom nsa, nti me 'gwan ni biako, fa ma Nsamanko.

¹ Perhaps *Memeneda*, *Koromantin*, and *Yaoara*.

² See p. 104.



FIG. 28. *Santon Hene*, Juaben



FIG. 27. An Elder of Juaben

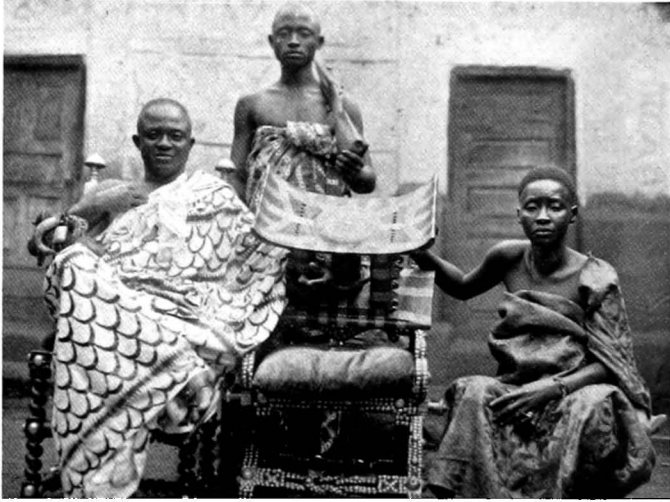


FIG. 29. *Juaben Hene* and *Ohemā*, with Stool



FIG. 30. *Juaben Hene* and *Ohemā* with *agyapadie* (Stool heirlooms)

'It was yesterday that the Elders took the Stool and gave it to me. In the morning, when it is dawn, it comes to pass that men eat and drink palm wine, so here is a sheep,² take it and give it to the spirits.'

The offering was given to the spirits with the customary request for long life, fertility of crops and men, and freedom from bodily ailments. In the evening of the same day, every one assembled again at the *Abemabo*. The *Wirempeso* now arrived with the Stools which had been in their charge. They took up a position opposite the Chief. A messenger was sent across to them with a demand that the Stools be returned. This they at first refused to do, but eventually agreed upon being promised *nianu* (£16), and the Stools were handed over and replaced in the Stool-house.² The white Stool of the late Chief had not yet been blackened; this would be done later by the Stool-carriers. The new Chief then took a seat on an *asipim* chair, on the right of the Queen Mother, and the Elders came forward one by one and took their oath of fealty before him. The *Twafo Hene* was the first to do so.³ [The oath taken by the Elders was very similar to that already given; it is, therefore, unnecessary to give it again in detail.] After the *Mpanyimfo* had taken their oath, they seated themselves, and wine was served out to all. Dancing and singing went on for a week. Monday was the first day of the ceremony, Tuesday was the day on which the Elders took their oath. On the following Monday a sheep and wine were sent to the *Barim Hene* with a message that the eighth day had arrived and that the new Chief wished to be introduced to the '*Samanfo*' (spirits). The *Barim Hene* would demand a payment of £8, and eventually half this sum would be given, and a similar amount to the Chief of the Stool-carriers. When the new Chief arrived at the *Barim*, the *Barim Hene* ordered him to remove his sandals and walk barefooted. The Chief would beg permission to

² The sheep sacrificed was shared as follows: A *sere* (hind leg) for the new Chief, a *basa* (foreleg) for the Queen Mother; the head, minus the lower jaw, to the *Ankobe Hene*; a foreleg for the *Okyeame*; the neck to the Stool-carriers, the lower jaw to the horn-blowers; lungs and heart to the Heralds; ribs to the *Barimfo*; the remainder was given to the spirits and after being exposed and 'eaten' by them was much prized, any one eating portions of it 'being blessed with children'.

³ Compare a very similar ceremony witnessed at Nsoko; see *Religion and Art in Ashanti*, p. 178.

³ He does not, needless to say, raise the sword to the sky or touch the ground with it. A newly elected Chief, before the ceremony of enstoolment has been completed, does not place his foot upon his subject's head. It is only later, after all the rites have been carried out, that he does so, when receiving the oath of fealty from some new *Safohene* who happened to succeed to a Stool, and had not previously taken the oath. The same rule was observed by the *Asante Hene*.

retain them, and on payment of *osua* (£2) was allowed to do so. The Chief, accompanied by the *Barim Hene*, the Head of the Stool-carriers, and the *Okyeame* then entered the *Edan Kesie* (great house¹), all slipping their cloths from the left shoulder as they did so. Before the wine was poured upon the Stools, some was sent to the heralds, who had remained outside in the *Barim gyase* (courtyard). The *Barim Hene* now stabbed the throat of the sheep, which was carried round all the blackened Stools to allow its blood to drip upon them; the following words were addressed to the spirits:

Nwo megye ogwan ni, wo nana asumasi na wa tena Akonnuasoo ; nne na wa ba ha obe bu w'anin, na ode 'gwan abre nwo ; nwongye nni, na nuonyina n'akyi akyigyina pa, na onyin nkye na omo akwakora na ne ti mfu dwenofita, na ne 'man nye yiye n'aba so ; oko, sa, oni nkonim ; Ohema ne n'adebye nkwa so ; Mpanyimfo nkwa so ; ne yere ne ne mma nkwasoo ; obiara ope Hene ne Oman yi bone, ma ede nye no.

'Come and receive a sheep to eat; your grandson So-and-so is seated on the Stool, and to-day he has come hither to behold your face, and has brought you a sheep that you may receive it and eat and stand behind him with a good standing; let him grow, and endure, and reach old age, so that his head may grow white, and let his Tribe prosper beneath his arm; when he goes to war, let him gain the victory. Life to the Queen Mother and his members of the blood royal, life to the Elders, life to his wives and children; should any one wish evil for the Chief and for his people, let that evil come upon himself.'

The sheep was then carried out and cut up in the courtyard (as is done at the *Ada* ceremonies),² the wine was poured out before the Stools and into the *dwete kudu* (see Fig. 30) which stood before the skeletons. The new Chief was standing holding an elephant tail, to signify that he is an *nkoa*, subject of the '*Samanfo* (spirits). Next, he was taken round and shown each Stool and told to whom it belonged, and shown each skeleton, and informed which of his ancestors it was. The *abosom* (lesser gods), who with their priests had all come into the capital, also had a sacrifice and wine given to them. The shrines of the following gods attended: *Abrafo Tano*, *Oyoko Atwere*, *Atia Tano*, *Kojo*, *Asampon Yoa*, *Asubonten*,³ *Dente*, *Mmerewasan Tano*, *Konono Ampontua*, *Tano Aboabi*, *Gyakahi*. They were informed of the enstoolment, and asked for their blessing, 'but the '*Samanfo* have more power than the gods; they are men, and the gods met them already on

¹ See *Religion and Art in Ashanti*, p. 118.

² See Figs. 24-5, 30-1 in *Ashanti*.

³ See *Ashanti*, Figs. 89-90.

the land'. On the death of a Chief, all the *nkomoa*¹ of the *abosom* flee away; a priest cannot become possessed until the purification of their shrines, which takes place after the new Chief is fully enstooled. Any *okomfo* (priest) becoming possessed before this rite had been performed would have been killed. All the power also leaves *suman*: *Asase asae, anoma nsu* ('The Earth is desolate, the birds do not sing'). After the ceremony in the Stool-house was over, the Chief returned to his own house; he had not as yet gone to live in the 'palace'.² In the middle of the night, the *Barim Hene* sent for the Chief to come to the *Edan Kesie*. He went there, attended by small boys holding *kanea pa* (i. e. the old Ashanti lamps with wicks floating on oil). The only persons in attendance were the *Barim Hene* and the *Akonnuasofo Hene*; not even the Queen Mother or the *Mpanyimfo* were allowed to be present. The *Barim* Chief now picked out the blackened Stool of *Yiadom*, and handed it to the Head Stool-carrier, who placed it on a strip of *nsa*³ cloth which had been spread upon the ground. The Stool-carrier then took up his position behind the Stool; the *Barim Hene*, standing in front of the Chief, placed his hands on his shoulders and lowered him upon the Stool, saying as he did so, *Nne na ye de wo tena Yiadom Nkonnuayaso* ('To-day we take you and set you on *Yiadom's* Stools'). He then raised him up, and lowered him again on the Stool, continuing: *Ma wo tiri nye yiye* ('Let your head be good'). Again he lifted him up, and again lowered him, saying: *Ma wo ko 'sa wo di 'konim nya adie abe fie* ('May you gain the victory when you go to war, and get things to bring home to the house'). A third time he set him lightly upon the Stool, and finally raised him, saying: *Ma wo kote nwu* ('May you not become impotent,' &c., &c.). After this rite the Chief returned home. The following day, all the *abosom* (shrines of the lesser gods), accompanied by their priests or priestesses, were carried to the palace and set down in the courtyard of the *gyase kesie*, each shrine being placed upon its own stool with its priest standing by in attendance. The Chief then presented two sheep to the senior priest, which, after Tano water had been sprinkled on the shrines, were held by the priests' attendants, while the *Okyeame* pricked the throat of each sheep, which was then carried, head down, along the rows of shrines, so that the blood might drip upon them. The following words were addressed to the gods by the *Okyeame*:

¹ See *Religion and Art in Ashanti*, p. 175.

² See p. 213, which shows the reasons for this custom.

³ See *Religion and Art in Ashanti*, p. 130.

Nne na yenya wura, na ode 'gwan yi se yenfa mo nwo abegye adi ; nwo gyina n'akyi akyigyina pa ; ne biribiara owo babi a mera, me ka ne nsa.

'To-day we have got a master, and he has brought this sheep, saying we must take it and sprinkle you with water, and that you must come and partake; you must stand behind him with a good standing; let that something which is somewhere return—the spirit which had fled on the death of the Chief—that I may again receive it.'

The priests then rose and took the following oath before the Chief:

Me ka niam kesie se nye akompa na me kom se enye die abosom obeka akyere me na me ka, nso me twa wo nkontompo, se me de nsa me kom, so me kom otan akom, se me tu aduru bone de to obosom yi ho, ya me to niam.

'I speak the great forbidden word,¹ that if it be not true possession with which I am possessed, that if it be not the words of the gods which I speak, or if I lie, or if I drink wine and become possessed with a possession of hatred, or if I pluck any evil medicine and place it upon the shrine, then have I violated the great forbidden word.'

The Chief's *'suman* (fetishes) were purified privately. Forty days after the Chief took the oath before the *Mpanyimfo*, he should proceed to Kumasi to take his oath before the *Asante Hene*.² As soon as he had done so he was no longer *Nkwankwa Hene*, he was *Juaben Hene*.

Destoolment of a Chief at Juaben: If a Chief agreed to be destooled, he was escorted out of the town accompanied by *fontomfrom* drums. When he handed over the Stool voluntarily, his buttocks were not bumped on the ground. Should a Chief raise any opposition, then he was roughly handled, and the Stool dragged from beneath him; he was abused, cursed, and flogged with impunity. A destooled Chief might not take away any property; everything he brought with him became Stool property. He was, however, given one wife and one male servant. He was banished, and never allowed to enter the capital, or to leave the village to which he was exiled. He was liable to be shot if he did so. The *Ko'ntire* and *Akwamu* Chiefs had most power to destool a Chief. The Queen Mother had not anything to do in the matter, and was herself liable to be destooled if she interfered, as was Afua Kobi on the destoolment of Mensa Bonsu. The wives of a destooled Chief might immediately commence to cohabit

¹ Meaning the local great 'oath'.

² The ceremony was similar to that already described.

with his successor, to whom they belonged. The new Chief might permit those wives who were old to retire, but they would have to find substitutes (*ayete*).¹ All the wives who were not subjects of the Chief might return to their homes, but they would first have to 'buy clay', which was put on their backs.² In old days, a destooled Chief became very humble; he was afraid of losing his head. The *Okyeame* and Queen Mother informed the *'Samanfo* (spirits). The *Wirempfo* did not seize the Stools unless on the death of a Chief. Before the appointment of a new Chief, the town was in charge of the Queen Mother and of the *Ko'ntire* and *Akwamu* Chiefs.

Destoolment of a Queen Mother : A Chief might not destool the Queen Mother without the authority of the *Mpanyimfo* (Elders).³

¹ White clay would be put on their backs, but payment for this would not have to be made; any children would remain in the Chief's house.

² A symbol of divorce.

³ See Fig. 31 for genealogy of Chiefs and Queen Mothers of Juaben.

THE HISTORY AND CONSTITUTION OF KOKOFU

THE first person of the *Oyoko* clan to come from the ground at 'Santemanso was Ankyewa Nyame. She came with her two sons, Twum and Antwi. She followed the *Aduana* people who came out of the same hole. Ankyewa Nyame had a daughter, Pinaman Panyin. Tentia Kwesi and Oti Akenten were her brothers. Pinaman Panyin gave birth to Atea. After leaving 'Santemanso, these people went to Omanso and then to Kokofu, where Pinaman Panyin became the first Queen Mother and Chief. Atea married a man named Amofa Datu from Asiase (near Kokofu) and gave birth to Mmua Brayiyé and Manu;¹ the latter was to become the mother of King Osai Tutu and of Gyami. Gyami became the first male Chief of Kokofu. When the *Oyoko* people first came from Omanso to settle at the place now called Kokofu, they found a certain hunter, by name Odabo, and his mother, Aberewa Pofi, in possession of the land. Pinaman Panyin requested permission to settle there and make a farm. She found, on trying to do so, that the weeds sprang up very quickly, and also that the soil was very red; hence she called the place Kokofu (red and weedy). Oti Akenten was a hunter; one day he was following a bush-cow (buffalo) and he came to a river, later called Subin, near to Kumasi, and there he met a man called Kwabia Amanfi already living there in a hunter's camp. Kwabia Amanfi asked Oti Akenten whence he came, and was told that his village was Kokofu. He asked to what clan he belonged, and was told the *Oyoko*. Kwabia Amanfi then stated that Oti Akenten was his kinsman. Oti Akenten lived with Kwabia Amanfi until Pinaman Panyin sent for him. He then returned to Kokofu and reported he had found 'an uncle' near Kumasi and wished to go to live with him. Pinaman Panyin gave him permission, and he returned, accompanied by his brother, Tentia Kwesi; the latter fell sick and died at Asereso. Oti Akenten continued his journey to Kumasi, and informed Kwabia Amanfi of the death of his brother. On the death

¹ Manu married Owusu Panyin and bore Osai Tutu and Nyako Kusiamoa, who was the mother of Opoku Ware. 'She made three *fontomfrom* drums; two she gave to Osai Tutu, and one to Agyaman.'

of Kwabia Amanfi, Oti Akenten succeeded him.¹ After his funeral custom, the Chief of Amakum sent a messenger to Oti Akenten inquiring why he had dared to bury his subject without first informing him. To settle the dispute, Oti Akenten and Akusa, the Chief of Amakum, fought with sword and shield. The former was victor, and Amakum came under Oti Akenten. He was succeeded by Obiri Yaboa. Gyami, who was a blacksmith, was offered the Kumasi Stool, but refused, as he declared he was too old to leave Kokofu. Gyami died, and was succeeded by Agyaman Ampromfi.² It was in his time that Denkyira was defeated; Agyaman Promfi fought in the war, his position being just in front of the Kumasi Chief (*ye di Hene a'ase*). Prior to the Denkyira war, Agyaman had already accompanied the Chief of Kumasi, Osai Tutu, to a war against Domina, whose Chief, Domina Kusi, later became the King's soul-washer. After the defeat of Denkyira, under Ntim Gyakari, Agyaman went to a war with Osai Tutu against Bogweseanso,³ and was rewarded by a gift of land which included the villages of Abosamsso, Batinko, Kwatche, Nsensenho, Homapura, Tabeso Kesie, Tabeso Kuma, Anweaso, and Afrensu, all of which are still under Kokofu. The remainder of the Bogweseanso land was given to Adanse and to Asekyiri; the last named was formerly under the *Asante Hene*, but is now under Kokofu. Agyaman also fought, under Osai Tutu, with the Chief of Kwadu Twum, Atrama, who had killed a Juaben member of the blood royal as he had had an intrigue with his (Atrama's) wife. Osai Tutu gave the Kokofu Atrama's town, the name of which was changed from Kwadu Twum to Akyempow, to avoid the use of the Juaben oath. (See Juaben History.) Agyaman also accompanied Osai Tutu [Opoko Ware?] to the war against Tekiman, and captured a shield which became one of the Stool heirlooms of Kokofu. Agyaman inaugurated the Stools of the Kokofu *Nsafobene*, save those of the *Ko'ntire*, *Akwamu*, and *Twafso*, which were created by Gyami. He was with Osai Tutu in the war against Akyim, when Osai Tutu died. He himself escaped and went with Opoko Ware, Osai Tutu's successor, against the Akyim, when the latter were

¹ It is, I believe, common knowledge to all well-informed Ashanti, but considered a great secret, that Kwabia Amanfi was not of the *Oyoko* clan, but was an *Aduana*; Oti Akenten should, therefore, not have succeeded him. Had he not done so, the whole face of Ashanti history would have been changed.

² His title (*mimerane*) was *Agyaman-oto-akyisi*; he was famous for his flanking movements in war.

³ Now under Adanse. The people of Bogweseanso fled to Akyim, in the Colony, returning in 1908, being given back that part of their land which had been given to Adanse, on condition that they served that Division.

defeated. Shortly after this he died. Agyaman Ampromfi's military position was that of *Tufo Hene* (chief of the gun-bearers) to Osai Tutu. The Chief of Kokofu used always to hold a gun and walk round the Golden Stool; his gun was known by the title of *Sen' tuo* (the gun by the side of ...). During Agyaman Ampromfi's time, a certain woman, called Ampobim Afra, had come to Kokofu from Adanse, with her son. She had stated that she belonged to the *Oyoko* clan. She and her son were taken into the household of the Queen Mother. Very soon after, some of the male *Adebye* (members of the royal family) began to die. The gods, who were consulted, reported that unless Ampobim Afra's son was given the Stool, all the Kokofu *Adebye* would surely die. Upon the death of Agyaman, the Stool was accordingly given to this woman's son. He was called Bayim Koatwa. No sooner was he enstooled, than the members of the blood royal ceased dying. Bayim Koatwa commenced, however, to steal the Stool property. He was a bad Chief; he used to kill people without any just cause. He lived, nevertheless, to be an old man, and was not destooled; he came to be known as Akora Bayim (old man Bayim). He also had a nickname *Antoatwa* (i. e. a man who had never fired a gun, but had nevertheless cut off people's heads). His Stool was blackened. At Kokofu we did not like to destool Chiefs. If you have a son, and he is a bad man, you do not kill him; moreover, we also feared his mother's *saman* (ghost). When Akora Bayim died, the Stool should have gone to Gyasi 'Ko, a son of Koko, who was a daughter of Mmua Brayi; failing that it should have gone to Agai Twum, the son of Atea, who was also a daughter of Mmua Brayi. Neither of these persons, however, succeeded, and the Stool was given to Kyei Kwame, son of Pinaman Kuma, who was a descendant of Pinaman Panyin. The reason for this was as follows: The Banna (Banda) war had broken out, and Kokofu had been ordered to send an army. Both Gyasi 'Ko and Agai Twum declared that they would not accept the Stool if they had to go to the war. Kyei Kwame at the time was only a young boy, and he was suffering from yaws (*due*). He nevertheless said he would go; he was enstooled and was carried to the war on a man's back. This war lasted three years.¹ On the return of the army, the Kokofu informed the *Asante Hene* that they did not wish any of the kindred group to which Atea or Koko belonged to sit on the Stool, but desired the succession to pass to the side of Pinaman Kuma. All the Elders took an oath that they would only serve the descendants of

¹ During a campaign, the beards of the soldiers were allowed to grow.

the last named. As a reward for his services in the Banna war, the *Asante Hene* presented the Chief of Kokofu with the Queen Mother of Banna's *mpintini* drums, and the Queen Mother of Kokofu¹ with her *adosowa* (work-basket). While the *Asante Hene* and the army were engaged in the Banna war, Ashanti was invaded by a woman Chief, called *Abrimro*, from Sefwi. She captured the Queen Mother of Bekwai and one of the *Adebye* of Kumasi. When the army returned from Banna, they followed up the invaders to Ahafo, recovering all the prisoners that had been taken, including the Queen Mother of Bekwai. In this campaign, a kind of prickly burr was carried back on the clothes and legs of the soldiers and soon spread all over Ashanti, where it became known as *Abrimro*. Kyei Kwame introduced the horns called *Abatan nso ye mma m'* (mother hen, look after your chickens). He was succeeded by Asare Bidiako, son of Birago Amma, a Queen Mother of Kokofu and a daughter of Pinaman Kuma. During his time we were weary of wars.² Kyei Kwame was succeeded by his brother, Offe Akwesim, whose 'strong name' was *Oko-gye-asuo*. In his time the great war against Gyaman was fought. The Gyaman were Mohammedans, and had entered into an alliance with Opoku Ware, who was very well disposed to all such, not to fight against Ashanti. The *Asante Hene* had given the King of Gyaman the title of *me ye* (my wife). After the death of Opoku Ware, the King of Gyaman had fashioned a Stool in imitation of the Golden Stool; this Bonsu Panyin, who had succeeded Opoku Ware, said he could not permit his 'wife' to do. The Ashanti prepared for the campaign for three years. The army was composed of the forces of Denkyira, Asin, Fanti from Salt Pond (who were used as carriers), and the fighting units of every Ashanti Territorial Division. The army reached Bontuku (now French Ivory Coast), which was destroyed. Edinkira, the Chief of Gyaman, was killed. There is a tradition that the Gyaman had hidden the head of their Chief in the belly of a woman, whose stomach they had cut open and, after inserting the head, had sewn up again, piling hundreds of corpses upon it. The secret of its whereabouts was said to have been disclosed by Apao, the son of Edinkira.

When the war was over, a tax was levied on all the Divisions which

¹ 'At this time there was only one Queen Mother for both Kumasi and Kokofu.'

² 'The King of Ashanti would not go to war without first consulting Kokofu.' This perhaps equally applies to any of the great *Amanhene* whose fighting men the *Asante Hene* wished to employ.

had taken a part, to pay for the arms and powder that they had used. An official, by name Apea, was appointed to instruct the Chiefs about its collection, and ever after a war tax became known as *Apea'ito*, i. e. Apea's tax. The commander of the Denkyira levies had been Kojo Kruku; he had lost one thousand men in the war, and he refused to pay the contribution demanded of him. He fled to Cape Coast and received the help of the English, whom at first we did not know we were fighting, until we encountered them with the Fanti at Esimanko, where we killed Mankata.¹ Mankata was shot by the Chief of Madoma, whose Stool is reported still to have his gun. Mankata's head was given to Amankwatia Panyin (the Kumasi *Ko'ntire Hene*). Bonsu Panyin did not go in person to this war, and he died while the army was still in the field. Osai Yao enstooled himself, and taking the Golden Stool, at once joined the Ashanti army. His haste was stated to have been due to the fear that Offe² of Kokofu would be chosen to succeed Bonsu Panyin. Osai Yao was defeated at Koromantin, and the Ashanti lost heavily; the army was again defeated at Akantamasu, near Accra, but gained a victory over the Fanti, Asin, and Akyim, at Onyinabirim. Offe was succeeded by his brother, Asare Duku, i. e. 'Asare, the eleventh child', son of Birago. He only lived about two years. He was succeeded by his nephew, Kwame Apiegyi, son of Firima Ototuo, Queen Mother of Kokofu. There was peace in his time, and the town of Kokofu increased in size; Kwame Apiegyi was destooled at the instigation of the *Asante Hene*, who thought he was plotting against him. He was banished to Offinsu. He was succeeded by Yao Berko, his brother. In his time, the Ashanti went to the *Fweasa* war (in Togoland). The Ashanti army was commanded by Adu Bofo, the *Gyasewa Hene*. The campaign lasted three years, and resulted in a great capture of slaves by the Ashanti. The Kokofu army was commanded by the *Akwamu Hene*. After this war, the *Fanti'sa* (1874) campaign broke out. The Ashanti army was commanded by Amankwatia and reached the outskirts of Elmina. The Kokofu were commanded by the *Ko'ntire Hene*. The Chiefs of Mampon and Asumegya were the only great Chiefs to go in person; when the *Asante Hene* did not go to a war, the great Divisional Chiefs were not compelled to go either. In this war the English were fighting against us. The Ashanti were defeated in three battles and driven back on Kumasi.

¹ Sir Chas. M'Carthy. This was in 1824. Esimanko is sometimes pronounced as if spelled Asamanko.

² He died of small-pox in the campaign.

A battle was fought at Adasu, when King Kakari retreated to Akropon near Kumasi. Juaben then commenced to intrigue against Kakari, who was destooled. Mensa Bonsu was put on the Stool. The Juaben, in spite of having drunk the gods with Kokofu to serve Mensa Bonsu, rebelled against him, and Kumasi and Asumegya made war on Juaben, and defeated them; they fled to Koforidua. The Juaben Chief at that time was Asafo Agei.¹ Bekwai, Mampon, and Nsuta were not actually engaged in the fighting. Yao Berko died and was succeeded by Kyei Kwame Kuma, son of Birago. He only lived one year after coming to the Stool, dying during the local *Odwira* ceremony when on his way to sprinkle the Stools.² His funeral was attended by the *Asante Hene* and all the *Amanhene*. He was succeeded by Osai Yao, who was destooled by the *Mpanyimfo*, who complained that he and the Queen Mother, Ata Birago, were overfond of disclosing the origin of some of their subjects (i. e. of referring to their descent from slaves). Ata Birago was also destooled, the charge against her being that she did not give good advice to the Chief. Both died very soon after their destoolment. Mensa Bonsu and Afua Kobi were also both destooled at Kumasi, the former for excessive cruelty, the latter for not advising her sons in a proper manner. Kumasi now sent for the Elders of Kokofu to come to Kumasi to enstool Kwaku Dua II, but, on the plea that they themselves had not any Chief, they refused to go. The Kumasi *Mpanyimfo* therefore themselves enstooled Kwaku Dua Kuma, but forty days later he died of small-pox. Bekwai at this time was fighting with Adanse about the villages of Odumase and Esankwanta. The *Gyase Hene* of Kumasi now came to Kokofu and persuaded the Kokofu to elect a Chief and Queen Mother to fill these Stools, which had now been vacant for about four years. Osai Asibe, brother of Osai Yao, was enstooled as Chief, and Ya Dufie as Queen Mother. Ya Dufie was the daughter of Otim. Kumasi was still without a Chief, and the town was in charge of the *Ko'ntire* and *Akwamu* Chiefs. There were two claimants for the Stool—"Twereboanna, son of Ya Fere; Kokofu, Mampon, Nsuta, Nkoranza, Ahafo, and the *Gyase Hene* at Kumasi wished him to be King; the remainder of the Kumasi *Mpanyimfo* with Bekwai favoured Prempeh. Bekwai fought Kokofu near the river Ada and defeated them, and burned the town of Kokofu, killing the Kokofu *Ko'ntire Hene*. At the same time the Kumasi forces were fighting against the *Gyase Hene* at Sewai, where he was defeated

¹ Confirmed by Juaben History. See Chapter XIX.

² See *Religion and Art in Ashanti*, p. 139.

and killed. The Mampon also were defeated and fled to Attabubu. The Kokofu now reorganized their forces and attacked Bekwai and defeated them, killing their Chief, Yao Gyamfi, who received a bullet in the stomach. The Bantama *Hene*, Awua, and the Kumasi *Nsenia Hene*, Boadi, were also killed and their heads cut off. Kumasi now appointed Ejisu *Hene* in command of an army, and they and Bekwai again attacked the Kokofu and defeated them, causing them to flee to Akyim. We were at Akyim when we heard of the capture and banishment of Prempeh. Osai Asebe died at Accra and was buried there, but his body was later exhumed and brought to Kokofu. The Kokofu returned from the coast after the banishment of the *Asante Hene*, and Asebi II was enstooled. The Kokofu fought against the English in the *Asantewa* (1900 rising) and Asebi II was banished (returning in Oct. 1924). Asebi II was succeeded by Kwame Asare, who was de-stooled by the English. Kofi Nti, his nephew, succeeded him. He built the 'palace' at present occupied by the Chief. He was succeeded by Kobina Apia, who was succeeded by his brother, Kofi Adu, the present Chief (see Fig. 32).

Personnel of the Kokofu Division :

Chief : Kofi Adu ; Clan, *Oyoko* ; *Ntoro*, *Bosommuru Asafodie*. His correct title is not *Omanbene*, but *Barima*, a title shared by the heir apparent to the Kumasi Stool. He addressed the *Asante Hene* as *Nana*. His hereditary duty was 'to hold the gun to guide the Golden Stool' (*Ofua santuo ode were Sika 'Gwa Kofi*).

The Queen Mother : Ajua Sewa.

Ko'ntire Hene : Adu Bobi (see Fig. 35) ; Clan, *Agona* ; *Ntoro*, *Bosommuru Asafodie*.

Akwamu Hene : Kwaku Abonone ; Clan, *Agona* ; *Ntoro*, ?

Oyoko Hene : Kojo Asiedu ; Clan, *Oyoko* ; *Ntoro*, *Akyim Aboadie*. This Stool is held by the descendants of the kindred group concerning which the Elders 'drank the gods' that they should never again occupy the head Stool.¹

Benkum Hene : (Leader of the left wing of the Kokofu army) Kwaku Da-Tano ; Clan, *Agona* ; *Ntoro*, *Bosomtwe*.

Nifa Hene : (Leader of the right wing in the Kokofu army) Kwame Adakwa ; Clan, *Oyoko* ; *Ntoro*, *Bosompra*.

Kyidom Hene : (Leader of the rear-guard) ; Clan, *Asenie* ; *Ntoro*, *Bosommuru*. (See Fig. 36.)

¹ Compare Kumawu History.



FIG. 32. *Kokofu Hene*, Kofi Adu



FIG. 33. *Asokwa Hene*, Kokofu

Ankobe *Hene* : This Stool is at present vacant. It is under the *Kyidom Hene*.

Gyase Hene : Kwaku Brube ; Clan, ? ; *Ntoro*, ?

Abadiakyi : The Heir apparent, Yao Bosie, brother of the present Chief.

Villages and Fekuo (companies) under these officials :

The Chief : He has not any villages directly under him, but the *fekuo* of *Asokwafo* (horn-blowers) are under his direct control.

The Queen Mother : The *Pinankwa Hene* is stated to be directly under the Queen Mother. In the event of war, he would remain behind and help to guide (*were*) the Queen Mother. She may still give him direct orders, and appeals from his court may still be heard in the Queen Mother's court.

The Pinankwa Chief : He has the following villages directly under him ; they are indirectly under the Queen Mother : Papase, Mono, Kesewa, Adome, Anweam, Aduam (his capital town).¹

My informants state that once upon a time Kokofu was ruled by its Queen Mothers, who later came to delegate their authority to their sons. 'The Queen Mother of Kokofu brought forth Kokofu and Kumasi' (referring to the fact that Manu was mother of the great Osai Tutu).

The Ko'ntire Hene : The following villages are directly under this official : Dagyanso, Akotokyim, Nsonoammoa, Adunyase, Adumase, Nkyekyeam, Nyinam, Amansu, Adeate, Yaopesa, Kyempow (deserted), Edwinodwinoase, Dwumakyi, Abomenaso. He has also subjects in the following villages : Asiase, Ahurin, and Apento, all under Bekwai ; Dwoamen, under the Kokofu *Akwamu Hene* ; Atwereso and Boagya, under the *Gyasewa Hene* of Kumasi.

Akwamu Hene : Under this official is the *Twafo Hene* (Kwame Subunu), who has the following villages directly under him ; they are thus only indirectly under the *Akwamu Hene* : Sebidie and Kotwea. Directly under the *Akwamu Hene* are Dwoamen, Anamrako, Kwani-niyao, Anweaso, Nkwantapon. He has also subjects in the following village : Isasoebia (a village of the *Gyasewa Hene*) of Kumasi. Indirectly under the *Akwamu Hene*, and directly under the *Twafo Hene*, are the *fekuo* of cooks (*sodofa*) and umbrella-carriers (*kyimie-kyimfo*). The *Ko'ntire* and *Akwamu* also hold the position of *Adonten Hene*.

¹ The *Kyidom Hene* has subjects living in this village.

The Oyoko Hene : The following are the villages under this Chief : Toamfom, Duase (the *Kyidom Hene* has some subjects in the last-named village).

The Benkum Hene : His villages are : Ankase, Agwafo, Obo, Patuda, Danso. He also commands the following *fekuo*, the *Barimfo* (Mausoleum attendants) and the Stool-carriers of the blackened Stools (the White-Stool carriers are under the *Ankobe Hene*).

Nifa Hene : His capital village is Dadease.¹

Kyidom Hene : His villages are : Amansim, Adakaburoso, Anunso, Mpatase ; he has subjects in the following villages, although the land on which they stand does not belong to him : Ntoraku, which belongs to the *Asakyire Hene* ; Pramsu, which belongs to the Kumasi *Dominase Hene* ; Duase, which belongs to the Kokofu *Oyoko Hene* ; Aduam, which belongs to the *Pinanko Hene*.

Ankobe Hene : He is under the *Kyidom Hene*. The Stool (at present vacant) had the following village under it: Onyinase ; and it had subjects in the following villages : Timiabu, Ahurin ; the land on which they stand belongs to Bekwai ;² Agyemasu, belonging to Bekwai ; Dayyanso, belonging to the Kokofu *Ko'ntire Hene*. The *Okyeame* and Stool-carriers of the White Stools are also under the *Ankobe Stool*.

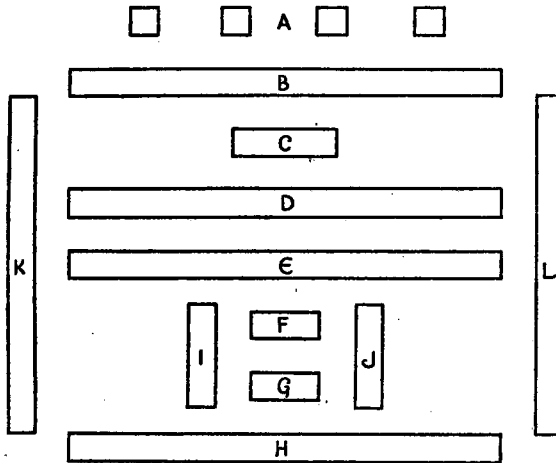
The *Gyase Hene* also comes under the *Kyidom Hene*. Under him come the *Gyasewa Hene*, the *Dabere Hene* (Chief of the Bed-Chamber) ; under whom again come the following *fekuo* : the *Aboprafo* (elephant-tail switchers), *Atum'tufo* (gunners), *Abrafo* (executioners), *Asoamfo* (hammock-carriers), *Afofuofo* (treasurers). The following Stool also comes under the *Gyase Hene*, i. e. that of the *Safobene* called Kobina Mobra. One of the Chief's *Okyeame* is also under the *Gyasewa Hene*. The following village is under the *Gyasewa Hene* : Beposo. Directly under the *Gyase Hene* are the Head *Okyeame* and two other *Akyeame*, the Heralds, *fontomfrom* drummers, and the *Afonasofo* (sword-bearers). The villages directly under the *Gyase Hene* are Mensase, Mono No. 2, Kokoben ; he has also subjects in the following villages : Ahurin and Dompaa, which belong to Bekwai ; Pantubom, which is under the Kokofu *Nifa Hene*. The *Abadiakyiri* (the heir apparent) has the following villages under him : Okuroase, Tapokyi, Adomanu, Bedomase.

Birempon of Kokofu : Kokofu has three towns directly under the Head-Chief, the Chiefs of which he calls his *Birempon*. All three

¹ I omitted to record the remainder.

² See Chapter XXXIII.

are modern acquisitions to the Division, having become subject to the Kokofu Stool during the civil war which resulted in the enstoolment of Prempeh.¹ These towns are (a) Asekyiri, which was formerly under the *Kyidom Hene* of Kumasi (the *Akyempim Hene*); (b) Asaman, which was formerly under the Kumasi *Adonten Hene*; and (c) *Aboso*, also formerly under the Kumasi *Adonten Hene*. All the Chiefs of these



A. *Akwansrafo* (Scouts). B. *Twafo*. (advance-guard). C. Heir apparent, who 'pushes' the *Twafo*. D. *Akwamu*. E. *Ko'ntire*. F. *Oyoko Hene*, who 'pushes' the *Ko'ntire* and *Akwamu* Chiefs. G. The Chief. H. The *Kyidom* (rear-guard.) I. The *Ankoba*. J. The *Gyase*. K. The left wing. L. The right wing.

three towns sided with Kokofu, breaking away from their allegiance to their former Chiefs, and fleeing with Asibe Panyin when the latter went to Akyim. These three Chiefs have also villages directly under them, the subjects of which have a right of appeal from their Chief to Kokofu. These sub-villages are, of (a), Abinkwakwa, Panyinamissa, Konkromase, Kotokoro, Mpaguom, Asibuokurom, Asamanma, and Beposo. The following are the sub-villages under (b): Asaman, Gyininidowa, Gyapon Adu, Bansa, Adumasa, Datiaso, Apao, Hantase, Yaase, Patiriamsa, Asuohoadwafo. Under (c) (Abosu) are: Suntireso, Abrodwum, Aprinkrase. The Chief of Ejisu has also some subjects in the last-named village.

¹ On the same occasion Kokofu lost the following villages: Madoma, Adwinoase, now under Adanse.

War organization of Kokofu: In the National army, the Kokofu contingent marched immediately in front of the *Asante Hene*, who himself occupied a position on the left of the *Adonten* (main body).

Horn calls of Kokofu:

The Chief: *Okropon'ba onyini Aserewa O* (The Eagle's child does not grow into an *Aserewa* bird.) *Esono nono na mabubu da da da da* (This is the elephant, I have destroyed it long, long, long, long ago). *Menkoto no, me ne no nko* (Let me go and meet him that he and I may fight). *Wo mmoboro se yamfo o o* (You are a miserable thing like the *yamfo*) (a kind of fish).

The Ko'ntire Hene: *Ye suro wo, ko ko ko* (They fear you, red, red, red) (i. e. very much).

Akwamu Hene: I was not able to record his call.

Oyoko Hene: I was unable to get his call.

Benkum Hene: *Egu a, ma no ngu* (When it is breaking, let it break).

Nifa Hene: *Osafo, fa nsa bra* (Wine-bearers, bring the wine).

Kyidom Hene: *Opanyin didi n'aso tokurom'* (An Elder makes a living by the holes in his ears), i. e. by settling disputes.

Gyase and Gyasewa: *Akoko bekye a, akroma mfa no* (After the fowl has grown up, the hawk cannot catch him).

Kokofu 'Oaths': The Kokofu great 'oath' is *Efara* and *Dwoara* (Friday and Monday). The explanation first given to me was that on these days the tribute (in firewood) to Denkyira used to be collected. Afterwards, however, the Elders confessed that this was not the real origin, the significance of the 'oath' being, they stated, as follows:

In the war against Banna (Banda), one of the *Odehye* (members of the blood royal) was killed on a Monday: Pinaman Panyin also died on a Monday; Gyami died on a Friday; Agyaman 'Promfi also fell ill on a Friday and died on a Monday. Friday and Monday are the Kokofu unlucky days. There is also a less important 'oath' used by the 'palace' attendants: *Me ka Barima atikwa* (I mention the Chief's shaven head), referring to some occasion, e. g. at a funeral rite on the *sora da*, when the Chief would shave his head. The Chief settles such cases himself; the person violating the 'oath' is whipped, instead of being fined. The Queen Mother has an 'oath' of quite modern significance, i. e. *Me ka Aban mu* (I speak of inside the Fort), referring to the 1900 rising, after which she and others were kept as prisoners in the Fort at Kumasi.

The Ko'ntire Hene's 'oath': *Wukuara* (Wednesday). A *Ko'ntire Hene* was killed in the war against Gyaman.



FIG. 34. An *Okyeame* of Kokofu



FIG. 35. *Ko'ntire Hene*, Kokofu



FIG. 36. *Kyidom Hene, Kokofu*

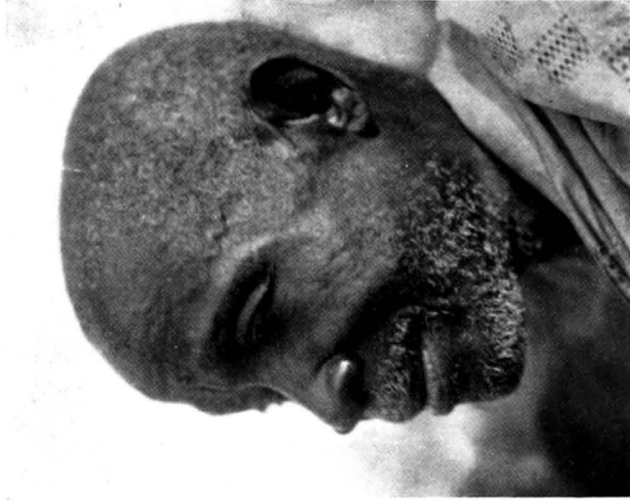


FIG. 37. *A Kokofu Fotusani*
(Treasurer)

Akwamu Hene: *Obuo* (The Bullet), referring to the wounding or killing of an *Akwamu* Chief at Winnebah.

The Twafo Hene: He has not any 'oath'.

Oyoko Hene: *Yaara* (Thursday). This 'oath' is said to date only from the time of Mensa Bonsu. On his destoolment, there was a faction who wished to restool Kakari, and one of the Kokofu *Oyoko* was among the persons who plotted to do so. He was alleged to have been caught by Asamoa Kyekye (the heir at that time to the *Adum* Stool) and strangled.¹ This happened on a Thursday.

The Benkum Hene: He uses the *Akwamu Hene's* oath, with the former's permission.

The Nifa Hene: *Wukuara* (Wednesday); two of the brothers of a former *Nifa Hene* were killed at Asamanko, when Sir Charles M'Carthy was killed.

Kyidom Hene: *Gwanbome* (Sheepskin rope). The origin of this 'oath' is stated to have been as follows: a nephew of one of the *Kyidom Hene* seduced the wife of the heir apparent. He was bound with a leather thong made out of sheepskin and taken before the Chief. He 'bought his head'. Later, on becoming *Kyidom Hene*, he instituted an 'oath' referring to this event.

The Ankobea Chief's 'oath': He uses that of the *Kyidom Hene*, as does also the *Gyase Hene*.

The Heir apparent's 'oath': *Obuo* (The Bullet); a former heir apparent was wounded at Kantemansu.

Division of Aseda: *Aseda* of £4 13s. was divided as follows: *The matabo* or *kyekyerekon*² was handed to the *Okyeame*. About £1 worth of gold-dust was next set aside, and one of the *Fotusafo* (treasurers) dipped a *sawa* (spoon)³ into the dust and took out about 1s. 6d. worth, which was handed to the Queen Mother. In like manner a small amount was withdrawn for the heir apparent. A third time the spoon was dipped into the dust, and this time the amount was placed in a cloth upon which the *fotuo* (leather-bag) rested. This amount was added to from time to time (from similar sources) until, after eight days, sufficient had accumulated, when it was shared between the Chief and the *Gyasewa Hene*. The balance of the £1 worth of gold-dust was shared among the elephant-tail switchers, the Stool-carriers, the executioners, the horn-blowers, and the young *abenkwa*

¹ I have heard it alleged that Kakari was killed on this occasion with his own chewing stick.

² See p. 114.
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³ See *Ashanti*, Fig. 113.

(attendants). The balance, £3, was now divided equally; the Chief took *dwoa* (£1 10s.); the remainder was divided into four equal parts. One-fourth went to the *Ko'ntire* and *Akwamu*, *Twafo*, and *Benkum* Chiefs; one-fourth was divided among the *Kyidom*, *Gyase*, and *Ankobe* Chiefs; one-fourth went to the *Oyoko Hene*; one-fourth to the *Akyeame*. The *Ko'ntire* and *Akwamu*, *Twafo*, and *Benkum* Chiefs' share was further divided as follows: The *Ko'ntire Hene* took one-third; the remaining two-thirds was shared equally between the *Akwamu*, *Twafo*, and *Benkum* Chiefs. The *Kyidom*, *Gyase*, and *Ankobe* divided their portion as follows: The whole amount was first divided into two equal parts; the *Kyidom* took one-half, the *Gyase* the other. The *Kyidom* again divided his share into five equal parts. One-fifth he took himself; one-fifth went to the *Ankobe*; one-fifth to the *Santan*; one-fifth to the *Apesemka* (drummers); and one-fifth to the *Gyasewa*. The *Gyase Hene* divided his share into seven equal parts, taking one-seventh himself.

Kumasi great 'oath' and appeals to the Asante Hene:

In olden times, the Chief of Kokofu might hear cases in which the Kumasi great 'oath' was involved; the *Aseda* was from £4 13s. to £18 12s., and half of this was always sent to the *Asante Hene*. The party found guilty was kept a prisoner by fastening him to a log pending sentence, which was delivered by the King of Ashanti. If *atitodie* (blood-money) were taken, it belonged to the King, but he might make the Chief of Kokofu a present of part of it. When the Chief of another Division swore the Kumasi 'oath' against the Chief of Kokofu or vice versa, the case had to be tried in Kumasi. When two of the Chief of Kokofu's important *Nsafobene* swore an 'oath'—even that of Kokofu—the case would be tried before the *Asante Hene*. The reason for this procedure was, it is stated, to avoid the estrangement that would result between the Chief of Kokofu and the Elder against whom he might give judgement. The Chief of Kokofu had not the right to hear any case which involved 'cursing the King' or a case arising out of alleged adultery with his wife. Appeals were lodged in the manner already described. There was also an appeal to the *Oman* (Nation). Other features of 'oaths' were in conformity with the procedure already described, which appears to have been common to all the Divisions.

Sources of Revenue in olden times:

War: All plunder taken in war, down to the most minute article, had to be handed over to the Chief. The penalty for not doing so

was death. All guns, powder, and lead supplied to the forces had to be paid for by those who used them (*apeato*). 'That was in payment of rent for the land they held from the Chief.' The spoils were later distributed by the Chief in the correct proportions.

Trading : This was carried on for the Stool by the *Asokwafo* (hornblowers' section). Its main functions were as already described.

Death Duties : The procedure was similar to that already explained.

Levy : There was a tax collected on the enstoolment of one Chief following the destoolment of his predecessor, called *ma'sotuo* (dispute tribute).

Ayiasesika : A levy to pay for a predecessor's funeral, sometimes known as *asekantuo* (to demonstrate gratitude for not having been killed at the funeral custom) ; a yearly thank-offering of crops at the time of the *Odwira* was also made : ¹ hidden treasure was dealt with as already described ; the *sere* (hind leg) of animals killed was presented to the Chief, and a *basa* (foreleg) to the *asase wuru* (occupier of the land) ; fish were brought in on fixed days from certain villages ; e. g. every Monday three hundred fish from Duase ; every Wednesday, Thursday, and Saturday three hundred fish from Anamanako, Ankase, and Obu, respectively.

The Power of the Asante Hene to interfere in the internal affairs of the Division :

Besides the right to intervene in the cases already stated, the *Asante Hene* demanded the customary oath of allegiance ² not only from the Head-Chief, but from the *Asafo* (*Ko'niire* and *Akwamu*). The right of appeal lay to his court. He had the privilege of claiming *ayibuadie*, himself attending the Chief's funeral, and 'sitting on the funeral mat'. The *ayibuadie* consisted of several of the late Chief's wives, an *abenkwa*

¹ These were presented to the accompanying salutation of *afrehyiapa o* (a good new year).

² The oath taken by the Kokofu Hene was as follows : *Me ka Fiara me ka Dwoara me ka niam hesie, me na ye de me atena Gyami Ahonnuaso ; se nye die nananom yeye na me yo bi ma boa wo ; se wo fre me owia, so wo fre me anadwo, se me twa wo nkontompo ; se me ho gwane se me ye wo dom ; ya me to niam hesie me to Fiara ne Dwoara*. The ceremonial sword used was the *Mpomponsuo*. The King placed his foot three times on the crown of the Kokofu Chief's head. A distinct and separate oath was also taken before setting out to war. Not only the Kokofu Chief, but each subordinate Commander took this oath, which was as follows : *Me ka Fiara, me ka Dwoara, me ka Niam hesie se osa yi wa yi me, se mekoro yi se me ho, na se me de m'akyi kyere dom ; se me soma korabo, na se wanko, na se me ho gwane, ya me to . . .* After taking such an oath, it was taboo to sleep again in the capital ; the army at once moved into a war camp. Chiefs of subordinate positions in the army did not use the *Mpomponsuo afo*, but one called *afwefwe 'ba* (the beating stick), which was used in battle to *pia* (push) the various commanders.

(boy attendant), a cloth, and gold trinkets. The Chief of Kokofu had not any right to execute any of his Elders without the permission of the King; he could, however, inflict the death penalty on any of his subjects of lesser importance. The Chief of Kokofu might not destool any of his Elders without the authority of the King. The *Asante Hene* might summon the Chief of Kokofu 'by day or by night'. The Kokofu Chief might not engage in war without the King's permission. The *Asante Hene* might destool the Kokofu *Hene* even against the wishes of the Kokofu *Mpanyimfo*.

Ceremonies in connexion with the enstoolment of a Chief at Kokofu in ancient times:

The *Wirempfo* at Kokofu consisted of the *Benkum* and *Twafo* Chiefs and their subjects; about the third day after the death of the Chief they came and took away one of the blackened Stools, sacrificing a sheep before lifting the Stool. They carried off this Stool to their camp, which was also called *Wirempfo*. Each day the *Wirempfo* would rush into the town looting fowls and sheep. They demanded roughly of the *Ko'ntire* and *Akwamu* when they proposed electing a new Chief. Meanwhile all the Elders had met and discussed the question of a successor. [The formalities were very similar to those already fully described, and I need not again enter into the details.] My informants ended up by saying: 'Europeans sometimes think that it was the Queen Mother who selected the new Chief. She may have appeared to do so, but it was the Elders who really made the choice.'

The King of Ashanti had been sent for immediately the Chief became very ill, and he would arrive sometimes before the burial. All the great Chiefs also came, including *Nkoranza* and *Tekiman*. About the third day after the death, an oath was taken before the corpse.¹ Each Elder who came before the corpse to take the oath first introduced himself to it, saying: 'I am So-and-so.' [The various preliminaries, preparatory to the new Chief taking an oath before the Elders, were very similar to what have previously been recorded, and it is unnecessary again to repeat them.] The Elders next took their oath, commencing with the *Twafo* and ending with the *Kyidom Hene*.² [An

¹ The oath is very similar to that already given. The exact words in the vernacular were as follows: *Me ka Fiara, me ka Dwocra me ka ntam hesie sebe Abrawo, se nye Odomankoma owuo na wo sua ade nkwa ngye na se nkra onipa biara ne oye adie te se yi a na se nkra manto hane ya . . . Sebe* is used in the above to excuse the use of the word *owuo* (death), which is not properly to be mentioned in the presence of superiors.

² Precedence in Ashanti, in this sense, is a sign of inferiority.

interesting variation which I noted in their oath was contained in the sentence: *Se wo yi me ye dom na se wo te se me gwane a, na se manfa me ti manto so a* ('If you appoint me to go to a war, and you hear that I have run away and not destroyed myself'). This refers to the obligation of a Commander to commit suicide if defeated.] After all had taken their oath, wine was served out. The *Nkwankwa Hene* (unconfirmed Chief) after the ceremony would go to reside with the *Gyasewa Hene*. He might not return either to his own house or take up his residence in the 'palace'. The latter place had first to be purified by killing a sheep and sprinkling its blood, mixed with sand and mashed yam and *summe* leaves, in each room. Another sheep was sacrificed on the cooking hearth. The words spoken on this occasion were as follows :

Efie kesie, ye ne yen Hene na owo ha, na wa firi mu, na ye de foforo asi, oba abetena ha, se oba a, emma asem bone biara nto no ; ye bo wo asuo o sunsum bone biara na ewo ha, firi ha fi.

'Great house, they and their Chief who dwelt here have passed forth, and we are going to place a new one (in his stead) ; he comes to reside here ; when he comes, do not let any evil befall him ; we sprinkle you with water ; whatever bad spirit is here, get hence, get hence.'

The following day, the usual ceremonial return calls were paid. An interesting rite was next described which had not been recorded in connexion with other enstoolments so far noted, although it may very possibly have taken place. It was as follows : On that day the *Barimfo* (Mausoleum attendants) took white calico and mashed plantains (*eto*) and dressed the *gyadua* (trees) in the town. A sheep was also sacrificed beneath the oldest *gyadua* (tree) and the *eto* placed on its roots while the following words were spoken :

Gye eto ne ogwan yi di, na boa Obene foforo yi ma no nkye, nya sika ; mma n'ani mfura ; mma n'aso nsi ; mma no kote nwu ; ma mmawofo nwo mma ; ma kuro yi die edan nsi da, edan nsi bo ; mma Obene mfom ; mma no manfo mpa n'aba.

'Receive this *eto* and sheep and partake, and help this new Chief and let him have long life ; let him get gold-dust ; do not allow his penis to die ; allow the bearers of children to bear children ; let houses stand where no house stands ; do not let the Chief commit mistakes ; do not permit his people to fall from him like branches.'²

² *Ceremonial planting of trees in Ashanti* : In olden times, if a Chief wished to settle some subjects in a new extension of the town, he would go there and plant a *gyadua* (tree) in the middle of the street. This tree appeared then to become a monument to the Chief

The following day, a sheep was sacrificed at the Stool-house and at the *Barim* (Mausoleum). (The *Wirempeso* had returned the Stool on the day on which the oath of allegiance had been taken.) All the departmental Heads in charge of the various Departments in the 'palace' would produce the articles for which they were personally responsible, and show them to the Chief upon payment by him of *asia* (£1 6s. 0d.) in gold-dust, e.g. the *Afonasofo* would produce the state swords; the *Kyimiekyimfo* would produce the umbrellas; the *Akonuasofo* the Stools; the *Akyeame* the staves of office. A day would be fixed upon (the *adaduotwe*), the eightieth after taking the oath, to proceed to Kumasi to take the oath of fealty to the *Asante Hene*. On the Chief's return to Kokofu, a funeral tax (*ayiaseka*) was levied, *nsano* (13s.) on each adult male, and *dommafa* (3s. 6d.) on each adult female.

and to serve as a record of the event. In course of time it was regarded as a potential dwelling-place of the spirit of the Chief who planted it. Again, 'An *obosom* (lesser god) might tell a Chief to dig a hole and put some "medicine" in it to protect the town, and this spot might be marked by a *gyadua*. An Ashanti army, on capturing a town, always cut down the *gyadua*, and before a Chief set out to war, he took an oath before them that he would never turn his back upon the enemy or allow a hostile army to enter his town and cut them down. The oath was as follows: *Me ka ntam kessie niensa se me kore yi se me ko me gwane ma yebebu nwo gu. Ya me to ntam* ("I speak the three great forbidden words, saying that if, where I am going, I should run away, so that they should come and break you, then have I violated the oath"). Sometimes, on the return of a victorious army, the head of one of the lesser captains of the defeated force would be buried at the foot of one of these trees. The following was the information given to me by Kwame Affram concerning these rites: 'If there is not a good shade tree in the town, you will not see the young men and elders sitting in the street. A new Chief, after his enstoolment, should plant a tree by which he will always be remembered. The hole in which the cutting is put may be dug by any one except the Chief, but the cutting to be planted should be put in by a stranger, because he who plants such a tree will surely die before such time as men come to sit beneath its shade. The Chief, with all his attendants, will go to the spot, and the *Okyeame* will place gold-dust in the hole and say: *Wo gyadua yi ye dua wo, ama nni pa ewo ha alena wo ase; nma obiara nwo ma kuro yi nyina* ("You, *gyadua*, we plant you in order that the people who are here may rest beneath you; do not let any one die, let the town grow"). When a Chief dies, the *Wirempeso* break the branches of the *gyadua* trees.' (This explains the ceremony I once witnessed at Nsoko; see *Religion and Art in Ashanti*, p. 181.) 'If any one cuts a branch of a *gyadua*, except on such an occasion, the fine is £25. If a branch is blown down by the wind or the tree uprooted, the Chief will himself lay a white cloth upon it and a sheep will be sacrificed to it. No one may use it for firewood. Its funeral custom will be held, mourning clothes will be put on, and *ntwuma* (red funeral clay), and the drums will beat *damirifa*. An enemy entering a town will cut down the *gyadua*, and when the enemy have gone, and the inhabitants return, they will plant them again. All the *gyadua* in the town of Kokofu were so destroyed in the time of Mensa Bonsu. They were replanted by Kwesi Krapa. At Kumawu, when a certain Chief was destooled for incest, every *gyadua* was dressed with small pieces of white calico and purified. A *gyadua* in peace has a *sunsum* (spirit) which keeps a town together; young men sit under its shade and serve the Chief, and *Anansesem* (spider stories) are related beneath it.' (See Fig. 39.)



FIG. 38. *Akyeam Hene*, Kokofu



FIG. 39. *Gyadua* (tree) showing stump of former tree that had been cut down by the enemies' forces

This tax was sometimes known as *asekantuo* (the knife tax), and was in the nature of a thank-offering for not having had one's head cut off. The tax, when collected, was paid to the skeletons to replace the money which had originally been borrowed from them. A day was now appointed (a Monday following a *Kwesi Adaye*) to set the Chief on the blackened Stool. He was accompanied to the *Barim* by the Queen Mother, the *Abadiakyiri* (heir apparent), the *Gyasewa Hene*, the Head of the Stool-carriers, and the *Nsenia Hene* (Chief Herald). Gyami's black Stool² was placed on a *nsa* cloth. The *Okyeame* addressed the Stool as follows :

Nana Gyami sebe Abrawo, ye se obi wu a obi ka, ne nne wo nana asumasi ye de wo Akonnua yi ama no, otena wo so yi ; onyini nkye, onya sika nye Oman yi, na bere so nye se wa bere so.

'Grandsire Gyami, your pardon² Abrawo, they say when some one dies, some one remains, and to-day your grandchild So-and-so has been given your Stool to sit with you ; let him grow and endure ; let him become rich ; and let his time be as your time was.'

The Chief was set on the Stool the customary three times. Immediately afterwards, a sheep was sacrificed upon it, and its flesh placed before this and the other Stools. The enstoolment ceremonies were now completed and the Chief was no longer a *Nkwankwa Hene* : he became *Kokofu Hene*.

Destoolment of a Chief at Kokofu :

Before a Chief was enstooled, he was informed of certain things which he must not do, and he promised to obey these injunctions. Any subject might lay a complaint before one of the Elders regarding the Chief's conduct, and if the complaint was well founded, the Elders would inform the Chief and he would be publicly admonished, and, if necessary, fined, e. g. if it was a charge of adultery he would be fined double the usual adultery fees (*ayefere*). The Chief was warned that for a second offence he was liable to be destooled. The Queen Mother was also told to admonish him. On the second offence, the Elders would report the matter to the *Asante Hene*, 'at Kokofu; the Elders might not destool the Chief without the authority of the King'. The King might, if it were only the second offence, intercede

¹ This Stool had also been taken to Kumasi when the Chief went there to take his oath before the King. It was wrapped in a black velvet bag, given to the King, who handed it back to the Kokofu Chief through the *Okyeame*, who said, 'The King of Ashanti says I am to give you this Stool'.

² Pardon asked for using the word *wu* (dies).

for the Chief, and he might be pardoned a second time. On a third offence being committed, the Elders would again report to the King of Ashanti, and ask him to send for the Chief. He would do so, disguising the real reason for the summons. On his arrival at Kumasi, the Elders would make a public accusation regarding his conduct, and if, after investigation, the charges were proved, they were given permission to take the Stool from him. This was immediately done, so that he fell upon the ground. A Kokofu Chief, owing to his close relationship with the King of Ashanti, was not assaulted in the manner that was the customary lot of destooled Chiefs.

A Queen Mother might be destooled for :

- (a) Giving bad advice to the Chief.
- (b) Telling the origin of her subjects.
- (c) Consulting the *abosom* (lesser gods) with intent to bring about the death of the Chief. At Kokofu, any complaint against the Queen Mother was passed through the *Pinanko Hene*, who informed the Chief and Elders.

Note on the Abantan 'Bo (The proud Stone) at Kokofu.

Near the house of the *Okyeame* is a rock stated to have been sanctified by Komfo Anotche, ' who buried an albino (*ofiri*) and a python (*onini*) within it. In this rock was also placed the remainder of the medicine used in sanctifying the Golden Stool. Komfo Anotche stated that this stone must stand for a symbol of the Golden Stool, and if that emblem were ever lost or stolen, the *sunsum* (spirit) of the Nation would enter this rock. He said it must never be stepped upon, and that any one doing so would be killed. An *Obene nana* (grandchild of the Chief) once did so in the reign of Kakari and was at once executed.' At the present day the fine for treading upon it is £25 and several sheep. The stone has a caretaker; and on the enstoolment of a Chief it is still customary to give *osua ne nsana* (£4 13s.) in gold-dust, of which 13s. is the *matabo* for the custodian, and the balance is sprinkled on the stone. A sheep is also sacrificed and its blood sprinkled on the stone, upon which white calico is spread. The following words are addressed to the stone : *Kuro yi gyinae ene wo, Akoda yi nne ye de no aiena Akonnya so, wa ma no adwenpa ma ode abu Oman yi. Asanteman nkwaso . . .* (' You are the standing (stone) of this town. To-day we have placed this infant on the Stool, you must give him good understanding and cause him to rule this Tribe. Long life to the Ashanti people', &c.). The *Asante Hene* used to send £9 6s. (£8 for the stone, and £1 6s. for its custodian) annually. Its caretaker is the Head *Okyeame*.¹

¹ A genealogy of the Chiefs and Queen Mothers of Kokofu is given in Fig. 40.

THE HISTORY AND CONSTITUTION
OF KUMAWU

THE Kumawu came forth from the ground at Asumegya 'Santemanso ; a dog came up first carrying fire in its mouth, then a frog [the totem of the *Aduana* clan],¹ then a worm, then a man and woman. The woman was Seni Fontom and the man her brother, Adoforowa. This was on a Sunday, and by Wednesday the people who accompanied them had ceased to come forth. We came with our Stool, and at first we settled on the land from which we had sprung, but as we increased in numbers we went to Adanse Ahensan, meeting at that place an *Odikuro* (Head-man) called Safo Odifie. Again we became too many for the land, and we went to Apienyinase [about fourteen miles from Kumasi]. Here we settled for some time, again moving on to a place called Ebira. There we remained for about three years. All this time, Seni Fontom and Adoforowa were still alive. Leaving the *Kyidom Hene* behind, we next went to Jamase (near Asokore) and from there to Bodomase. At Bodomase there was a leopard which used to kill some one every Sunday, so we sent off three hunters to search out a good land on which we could settle in peace. These hunters were called Anow,² Agyare, and Ba. They found the place where we are now living, and we all removed and settled there, leaving a few of our people behind us at Bodomase. Kumawu is called after a river of that name. The river was an *obosom* (lesser god) and we were advised by its priest to call the town after it. Adoforowa was our first Chief, and Seni Fontom was the first Queen Mother. Kumawu was built with seventy-seven streets.³ At that time there was a town near to Kumawu called Abankafo, which was inhabited by people who had come from near Attabubu,⁴ and they refused to serve us. Adoforowa fought with the Chief of Abankafo, who was called Akyea Kwafo, and defeated him in single combat. They fought with sword and shield. Akyea Kwafo was killed, and his Stool was given to one of his subjects. At this time we were under Denkyira, Kumasi was not yet founded,

¹ See Chapter VIII.

² The Anow river is stated to have been named after him.

³ The names of these have already been given ; see Chapter VII.

⁴ They would most probably have been Brong.

but Kokofu was already a town. Adoforowa (also called Ahye) died and was succeeded by Kojo Twe, who was a famous blacksmith. Seni Fontom was his mother. Nothing noteworthy happened in his time; he continued building the town, and when he died his Stool was placed among the black Stools. He was succeeded by his brother, Kojo Yaboa, who in turn was succeeded by his brother, Kofi Akwatia. Seni Fontom died in his time, a very old woman. Kofi Akwatia was in turn succeeded by his nephew, Kofi Fekai.¹ During Fekai's time, Kumasi had begun to assume a position of some importance. Asumegya was ruled by a Chief of the *Aduana* Clan and was *Adamfo* to Kumawu, who always send Asumegya *Aseda* on the enstoolment of a new Chief. The Asumegya, of all the Ashanti who came from the ground, alone remained at that spot whence they sprung. At this time, the Fweafo [Ewe, to give them the name by which they were made known by the Germans] were inhabitants of the Afram plain. Ajade was their town, and their Chief was Atada Ofinam,² whose head is now on our *odwira*. The Kumawu defeated him and drove the Fweafo across the river Fira (the Volta), and Kumawu took all their land, which was full of elephants. Kofi Fekai was, however, killed in the fighting, and was succeeded by his grandson, Kobina Kodja, who took command and won the final victory over the Fweafo. The Kumawu joined the Juaben, who were under their Chief, Adakwa Yiadom, in a war against Dukoman, in Kwawu, and defeated them and obtained many slaves.³ Kobina Kodja also took part in the fighting between Kumasi and Domina Kusi, when the Kumasi Chief, Obiri Yaboa, was killed. He also went to the war against Akyim in which the great Osai Tutu died. Komfo Anotche had said that Osai Tutu must never die in Kumasi, so when he became ill, he was taken with the army to a war against Akyim, and when he died his body in a coffin was still carried with the army. The coffin was struck many times with bullets, and this gave rise to the best known of his titles of honour (*mmerane*), which is *Dankagye abo* (coffin, receiver of bullets). It was in the time of Kobina Kodja that Ntim Gyakari, the King of Denkyira, sent demands for increased tribute. The favourite wife of

¹ Given as Kojo Fekan in the genealogy; see Fig. 50.

² A metal vessel of remarkable workmanship was captured from Atada Ofinam. It is known as the '*abammo* pot'. Once a year it is cleaned and polished and carried round the town, followed by all the women who have borne twins. Every person who meets it must present it with a gift. (See Figs. 41-2.)

³ Apparently Denkyira, which was nominally overlord of Ashanti at this time, did not interfere with the petty wars carried on by her vassal states.



FIG. 41. *Abammo* pot

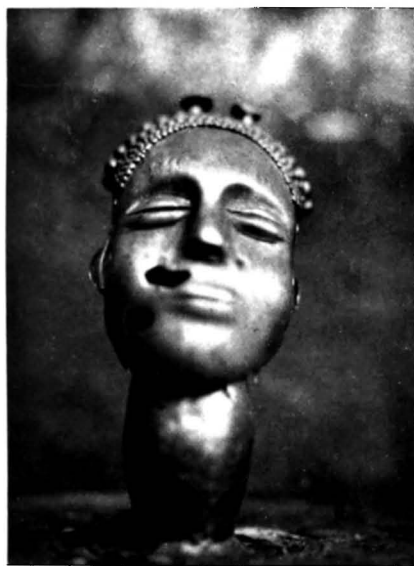


FIG. 42. Central head on lid of *abammo* pot

Ntim Gyakari, by name Burube, had given birth to a son, and the King had demanded sisters of all the more important Ashanti Chiefs to be sent to Denkyira to act as *afana* (slave women) for his wife. The Denkyira also demanded the filling with gold-dust of the *Aya Kese*, that stood at Diakomfoase. The Chief of Juaben was the first to refuse these demands.¹ The heralds from the Denkyira King were mutilated and sent back empty-handed. It was about three years later that war came, and meanwhile the Ashanti were buying powder, lead bars, and guns from the *Kankan Abrofo* (the Dutch). The priest Anotche, who had come with Osai Tutu from Akwamu, now prepared 'medicine' for the war. He made medicine for the *akosena* (war pots) and sprinkled all the soldiers with it. He organized the army as follows :

The left wing he put under Asumegya along with Kumawu and Taffo ; the right wing consisted of Ejisu, Juaben, Offinsu ; the *Adonten* (main body) under Boahen Anatuo, Chief of Mampon, who was also in command of the whole army ; with him were Amakum and the Kumasi *Adonten Hene* ; the *Kyidom* (rear-guard) were commanded by Osai Tutu and consisted of the Kumasi forces and Nsuta, Bekwai, and Kokofu. Juaben at this time was already powerful and independent, but Nsuta, Bekwai, and Kokofu were important only as being related to the Chief of Kumasi. None of the greater Ashanti Chiefs was then subject to Kumasi. Komfo Anotche had insisted, in order to ensure success in the impending war, that Mampon must be in supreme command of the whole of the various independent units. He also declared that it would be necessary for one of the Chiefs to drink a certain medicine, but stated that the one to do so would be one of the first to fall in battle. Kobina Kodia volunteered. He was asked what special privileges he would like to claim as a reward for his self-sacrifice, and he said he would ask that his *abusua* (descendants in the female line) should ever be exempt from capital punishment. The Ashanti army gathered at Kumasi, where news was brought that the Denkyira invading army had reached a village called Adunku (on the road from Asumegya to Cape Coast). The Chief of Adunku fled to Kumasi with the news. At Pamso the enemy were engaged, but the Ashanti fell back to Gyakye, where another small fight took place, and again they fell back on Abonten. The main Ashanti army eventually met the invading army at Sareso, near Feyiase. The battle lasted three days. It began on a Saturday ; Kobina Kodia fell on the

¹ Confirming what has already been written.

Monday following. The Juaben captured Ntim Gyakari. The power of Denkyira now became vested in Kumasi. The other great Chiefs in future had to attend the annual *Odwira* custom in person, and the Kumasi Chief began to claim half the *Aseda* arising out of cases heard in other Divisions, in which the Kumasi 'oath' was involved. The *Adebye* Stools, i. e. Kokofu, Bekwai, Nsuta, began to assume greater importance, owing to the blood-relationship of their Chiefs to the Head-Chief in Kumasi, who now assumed the title of *Asante Hene* (King of Ashanti). The body of Kobina Kodia was brought back to Kokofu. The successor to the Stool, Kobina Asumadu, was very young, so a clansman called Akuako Tenten acted as Chief until the rightful heir grew up. Asumadu came on the Stool later. He made war on a Chief called Mantana of Basa, a Brong, who owned all the land up to the Sene River. Mantana was killed and his head cut off.¹ Asumadu died, and was succeeded by his nephew, Kwame Kyere. He went with Opoku Ware to a war in Kibbi and captured and killed the Queen Mother,² Dokua, and her brother, Owusu Akyim Tententen. While the Ashanti army was absent on this campaign, the country was invaded by Brumuankama of Wasaw. He entered Kumasi and captured women and children. The Ashanti followed him, however, and rescued all the prisoners and captured much gold and many slaves. Kwame Kyere also went with Opoku Ware to a war against Ogyawa Awere, Chief of Asante Akyim, whom he drove to Nsoayem near Akyim Soadru. Kumawu next had a quarrel with Juaso and captured and killed their Chief, Moli. In the time of Kwame Kyere, the *afona* (ceremonial sword called *Asantrofi*) was made.³ Kwame Kyere married a Queen Mother of Juaben and had a son called Akuamoa, who became Chief of Juaben (see history of that Division). Kwame Kyere gave three villages to this son, Suruman Kurom (sometimes known as Asuogya), Abenaso, and Bajamsu (near Kratchi), which had been acquired in the war against Basa. Kyere died at Kumawu and was succeeded by Kodia Koko, his nephew. He died of small-pox in a war against Kon [the Western Gonja?], to which he went with Opoku

¹ The Chief states that until comparatively recently Kumawu received half the Sene river ferry tolls.

² This gave rise to the saying: *Na me som Dokua na wa hu me?* 'Did I serve Dokua that you should (want to) kill me?'

³ There is a saying about the *Asantrofi* (the nightjar), a gold model of which rests upon the hilt of the sword, which runs, *Asantrofi anoma, wa fa me, wa fa musuo, wo gya me, wo gyae sadie*, 'The Santrofi bird (says) if you take me, you have taken bad luck; if you leave me, you have left good luck'.

Ware. He was succeeded by his brother, Kwame Basowa, who fought against Ame Yao at Tekiman. Kwame Basowa was killed in the war against Apo¹ [Dahomey?], in which the Kumasi *Adonten Hene* and the Chief of Juaben (Dankwa) also were killed, giving rise to the 'oaths' of *Sanbe* (*Sabe*) and *Kwadu Twum*. In this war the soldiers of the enemy were women (the Amazons of Dahomey?), but we² were ashamed to confess this and said we were fighting against 'Samanfo' (spirits) to excuse our defeat. The bodies of the Chiefs killed were not recovered; Kwame Basowa's Stool is among the blackened Stools. He was succeeded by Kwame Gyesawo, who was a contemporary of Kusi Bodom. In his time the Kumawu fought against Kwawu in order to get their salt-pans. Kwame Gyesawo was destooled, and his brother Akwatrafani (he was called after a god of that name) came upon the Stool. He accompanied the *Asante Hene*, Osai Kojo, to the war against Banda, whose Chief was Worosa. Akwatrafani was a coward (*adufo*); he ran away and the *Asante Hene* fined him £1,000. He would have been killed but for the promise made in the time of Kodia. He was destooled, and Kwame Gyesawo was enstooled. After he died, Yao Babo became Chief. He went with King Mensa Bonsu to the *Fanti'sa* (Fanti war), in which the King received the title of *Bonsu* (whale). Many Fanti prisoners were captured whose descendants are subjects of Kumawu to this day. Following this war, came the campaign against Gyaman, in which Edinkira was killed. Bonsu Panyin became ill on this campaign, but did not die until three years later [Ashanti traditions generally record that the King died forty days after his return from the Gyaman war]. When the army returned from Gyaman, the Chief of Denkyira, who had taken part in the campaign—fighting on the left wing of the Ashanti army—revolted and fled to the Coast. The Ashanti followed and were defeated at Kantemasu. In this war we encountered the English at Kumso, and killed Mankata.³ King Bonsu Panyin died while the war was still being fought and was succeeded by Osai Yao, who led the Ashanti. It was in this campaign that the Golden Stool was nearly lost.⁴ Among the Ashanti Chiefs who were killed were Yao Sekyere of Mampon, and the Chief of Nsuta. King Osai Yao was himself

¹ It will be noted that the Juaben give this disastrous war as having been fought 'in the forest of Akyim'.

² An Ashanti Chief, in recounting events which may have taken place hundreds of years before he was born, in which an ancestor took part, will speak of these happenings in the first person as if he himself had been an actor in the drama.

³ Sir Charles M'Carthy, who was killed in 1824.

⁴ See Chapter XIX.

wounded seven times. Yao Dabo died ; his Stool was placed among the blackened Stools. He was succeeded by his *nana* (grandson), Kwesi Asabre, who was enstooled by King Kwaku Dua I. The Kumawu went to the *Fweasa* (war in Togoland), but Kwesi Asabre did not go in command. In that war the missionaries Ramseyer and Kühne were captured. Asabre died while his army was still away at the war. His Stool was blackened, and he was succeeded by his nephew, Kwesi Krapa. In his time was fought the Toto war (the 1874 campaign). He did not go in person, because the King of Ashanti was not in command. We were defeated and driven back to Kumasi. Owing to the cowardice of Kakari, Kumawu, Juaben, Effiduase, and Asokore threw off allegiance to Kumasi. Three years later, Kakari was destooled. Kumawu, Ejisu, Juaben, and Offinsu defeated the Mampon, who fled to Attabubu. We next, with the help of Ejisu, attacked Kokofu and defeated them, forcing them to flee to Akoresu in Akyim. Prempeh was then enstooled. Nkoranza now refused to serve him, and the Chief of Kumawu, Krapa, with the Chiefs of Juaben and Amankwatia of Kumasi, went with an army and defeated Efa, the Nkoranza Chief, and captured many prisoners who were killed at the funeral custom held for Kwaku Dua II. The English now came to ask that 'a school' might be built in Kumasi.¹ All Ashanti, save Bekwai and Kumawu, refused this request. We were then accused of being afraid, and ordered 'to lick the bottom of the Golden Stool' (*tafere Sika 'Gwa to*) and state that we would not sign any treaty with the English without the permission of the *Asante Hene*. This resulted in both the Chiefs of Bekwai² and Kumawu being destooled. Kwame Afram was enstooled. He was later destooled, and a man called Kwaku Boaten, who had no connexion with the royal clan, was made Chief. The Stool had a debt of £700 which this man, who was a stranger, said he would pay. Kwaku Boaten was destooled³ and was succeeded by Kobina Kodia, who, although of the *Aduana* clan, came from a branch of it other than that which usually supplied the Chiefs. He was destooled for incest. The *Ko'ntire Hene* purified the Stools. Kwame Afram⁴ was recalled and was re-enstooled in August 1925⁵ (see Fig. 43).

¹ It is a curious fact how, among the illiterate and older Ashanti, this 'request' is always stated to have been the cause of the expedition leading up to the banishment of Prempeh.

² Abrebrese ; see History of Bekwai.

³ His Stool was not blackened.

⁴ Kwame Afram calls himself 'Son of the Afram river', 'the Stool and the Afram are owners of the town'.

⁵ A ceremony at which I had the honour to be present.

Personnel of Kumawu Division :

Chief:¹ Kwame Afram, Clan, *Aduana* : *Ntoro, Nketea* (see Fig. 44).

Queen Mother : Ajua Sewa (see Fig. 46).

Ko'ntire Hene : Kwesi Onwam. The Stool is an *abusua* (*Beretuo*) Stool.

Akwamu Hene : Kobina Asumadu. The Stool is an *Asona* clan Stool, but, owing to all the members of the royal house being very young, an *Aduana* man at present is acting as Chief.

Gyase Hene : Vacant. This is not an *abusua* Stool; the Chief may appoint whom he wishes.

Ankobeia Hene : Kwaku Aboagye. This is an *Asona* clan Stool.

Kyidom Hene : Kwaku Menka. This is an *Asenie* Stool.

Aduana Hene : Kwesi Odwira.

Nifa Hene : Kojo Banno ; an *Asona* clan Stool.

Benkum Hene : Kwaku Dua Ntonto ; an *Aduana* clan Stool.

Twafo Hene : Yao Fofie ; an *Aduana* clan Stool.

Villages and Fekuo (companies) directly or indirectly under these officials :

The Chief : He has not any villages directly under his control ; the *fekuo* of *Abrafo* (executioners) are directly under him ; the Head of these sits on an *abusua* Stool (*Atwea*).

The Queen Mother : All the women in towns and villages under Kumawu are theoretically under the Queen Mother, but in practice they pass any serious complaint through their own local Chief, and thence to the Head-Chief.

Ko'ntire Hene : I was informed he had not any villages directly under his control.² The *Twafo Hene* is under the *Ko'ntire Hene*.

Akwamu Hene : He has a village called Wono. The *Ko'ntire Hene* is *Adamfo* of the *Akwamu Hene*.

The Gyase Hene : He has the following villages : Tamatete, Bosoro, Abedimensabi (in war the inhabitants of the last named fought under the *Kyidom Hene*), and Domaben ; the last was formerly a village inhabited by *akyere* (slaves destined for sacrifice) and is now deserted. The following *fekuo* (companies) are under the *Gyase Hene* : The *Sana*

¹ He states his correct title is *Barima*, a title conferred on all Chiefs of Kumawu since the self-sacrifice of Kobina Kodia.

² The *Ko'ntire Hene*, I was informed, formerly possessed the following villages : Twumahen, Abutiaso, Atobiase, Teteaban No. 2, Subontie, Abumasu, Abebusua, Obodono ; the inhabitants of these villages were either killed, died of small-pox, or fled with the Juaben to Koforidua. The land on which they stood still belongs to the *Ko'ntire* Stool.

Hene (Treasurer) and his subjects—the Stool is an *Abusua* Stool (*Aduana*); the *Dabere Hene* (Bed-chamber Chief), a *Bertuo* Stool; *Nkotokua Hene* (a subdivision of the Treasurers), an *Aduana* Stool; *Nkonnuasofo Hene* (Stool-carriers), a *Beretuo* Stool; *Barim Hene* (Mausoleum), a *Beretuo* Stool; *Asokwa Hene* (Horn-blowers), this is a 'male' Stool, i. e. the Chief need not necessarily be a descendant through the female line of any particular kindred group; *Afotuosasofo Hene* (subdivision of Treasurers), an *Aduana* Stool; *Kyimiekyimfo Hene* (Umbrella-carriers), a male non-hereditary Stool; the *Nsenia Hene* (Heralds), a male non-hereditary Stool; *Akyeremade Hene* (Drummers), also a male Stool; the *Aboprafo* (Elephant-tail switchers), who are the younger sons and grandsons of the Chief; *Nsumankwafo* (doctors). The *Abadiakyiri* (heir apparent) also comes under the *Gyase Hene* for discipline and supervision. The *Akyeame* are also really under the *Gyase Hene*, although their *Adamfo* is the *Kyidom Hene*; *Pepease* is the village of the *Okyeame Hene*.

The Ankobea Hene: He owns the following villages: *Asuasu*, *Akosua-Timpon*, *Kokubo*. Under him are the Heads and subjects of the following *fekuo* (companies): (a) The *Tum'tufo* (Gun-bearers), the Head of whom sits on an *Oyoko abusua* Stool; the *Tum'tufo Hene's* village is *Nteteaban*, which is thus indirectly under the *Ankobea Hene*; (b) the *Afonasofo* (Sword-bearers), an *Aduana abusua* Stool; (c) the *Soamfo* (Hammock-men), an *Asona abusua* Stool.

Aduana Hene: His village is *Bodwease*.

The Nifa Hene: His villages are: *Bodomase*, *Abase*, and *Aninagya*.

The Benkum Hene: He has the following villages: *Worasu*, *Abenasu*, *Soroman* (called after an *obosom* (god) of that name).

The Twafu Hene: His village is *Abrofirim*; the *Sodofu* (cooks) are under him.¹

Birempon of Kumawu: Formerly the Chiefs of the following towns were subject to *Kumawu*: *Kwaman*, an *Aduana* Stool, now under *Juaben*; *Agogo*, which was lost to *Kumawu* in *King Osai Kojo's* time, when it came under the *Kumasi Gyase Hene*. *Agogo* is now under *Bompata*; *Kotosu* was lost to *Kumawu* 'in the time of Mr. Fuller';² it is now under *Bantama*.

¹ Besides these cooks there is a family belonging to the *Aduana* clan whose duty it is to cook the food given to the dead Chief or Queen Mother (the *saman aduane*), and to wash the dead body.

² Sir Francis Fuller, K.B.E., C.M.G., formerly Chief Commissioner of Ashanti.



FIG. 43. Kwame Afram taking the oath before the Elders,
on his enstoolment

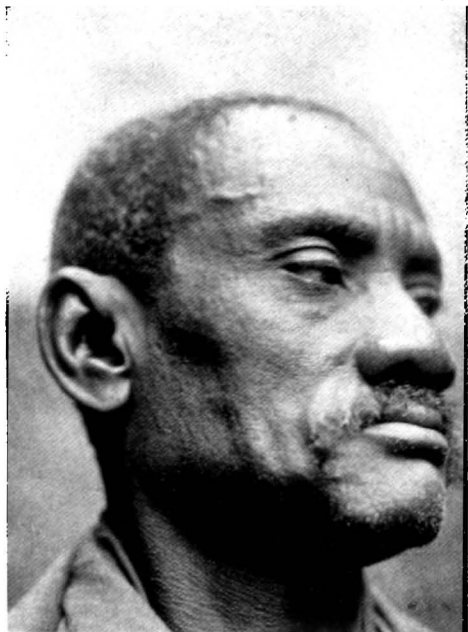


FIG. 44. Kwame Afram, *Kumawu Hene*

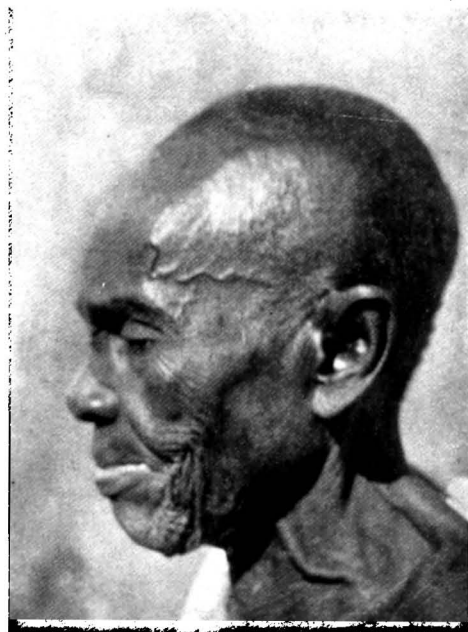
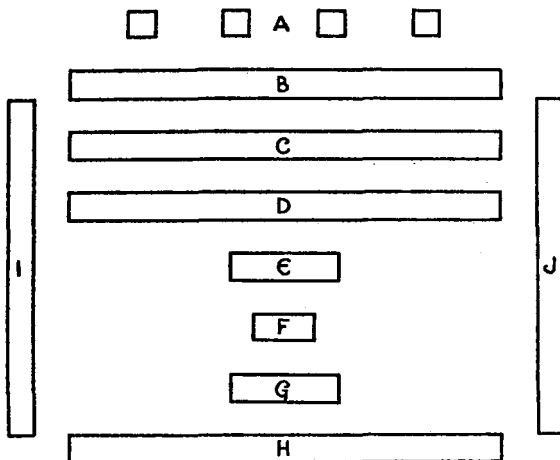


FIG. 45. Ya Ampona
Mother of Kwame Afram and Queen Mother of Kumawu

Kumawu war organization :

When functioning as a unit in the National army, the Kumawu forces marched on the left wing under Asumegyia. When acting as an independent army, the military formation was as follows :



A. The *Okwansrafo* (Scouts). B. *Twafo* (advance-guard) ; this body also contains men who fire 'the medicine-sprinkling guns' (*ahwradurufo*). C. The *Akwamu*, who are really part of the *Adonten*, marching in front of the *Ko'ntire Hene*. D. The *Adonten* (main body), with whom is the *Ko'ntire Hene*. E. The *Gyasefo*. F. The Chief, who 'pushes' the whole army, hence his position near the rear. G. The *Ankobe*. He only accompanied the army when the Chief was himself in command, otherwise he remained behind with the Chief as the title implies (*Ankobe*—he does not go elsewhere). H. The *Kyidom* (rear-guard). I. *Benkum* (left wing). J. *Nifa* (right wing).

Horn calls of Kumawu : The Chief's calls : *Asante Kotoko wo be kae me* (Ashanti Porcupines, you will remember me). *Katakye wo pe ko pa pa* (The hero loves a good fight). *Ka kae die wo sese me, me were m'firi* (Remember what you kept saying to me, I have not forgotten). *Kotoko otan eye ya pa pa* (The hate of the Porcupine is a very bitter thing). *Onipa bone, wo se nne'* (Bad man you say to-day . . .).¹

Okyeame Hene : *Ampate Aburam,*² *menya ko ni* (Ampate Aburam, war is my food).

Ankobe Hene : *B'ako eye ya o* (To be alone is sorrowful).

¹ Meaning, you say to-day (you will fight with me, or to-day you will kill me).

² Ampate Aburam was the *Okyeame* who was on the Stool when Ntim Gyakari-was tried.

Kyidom Hene : *Dodow nkye sa* (Many soon come to an end).

Nifa Hene : *Ade kyekye kye a, amane* (meaning obscure).

Benkum Hene : *Affram Kesie, onipa oni aye* (Great Affram river, man is ungrateful).

Kumawu 'Oaths' : The great 'oath' of Kumawu is *Kwesiara* (Sunday); the *Aseda* for this in olden times was from *asoanu ne nsano* in gold-dust (£4 13s. od.). Its origin is stated to have been the death of Adoforowa. Another oath is, *Me ka Ajade* (I speak the word Ajade), referring to the death of Kojo Fekan in the war against the Ewe on the Affram plains. A third oath is *Feyiase*, referring to the battle in which Kobina Kodia was killed. Yet another oath is *Me tan asumasi* (I hate So-and-so), mentioning some dead Chief. The Chief has also a small oath, *Me ka Barima akora* (I mention *Barima's* old man), which is used by the 'palace' attendants. The Chief will settle such trifling cases when having his bath. The Queen Mother has the usual household 'oath', *Me ka nana nan* (I mention grandfather's leg). The Queen Mother must be present in the Chief's court when important 'oath' cases are being heard.

Ko'ntire Hene's Oath : *Banda*, referring to the death of a former *Ko'ntire Hene* (Kobina Dako) in a war against *Banda*; the *Aseda* was *suru ne dommafa* (£1 2s. 6d.). (The *ex-Ko'ntire Hene* at this point interrupted the speaker to say that nowadays no one would bother to use this oath, as any 'small boy' might now use even the great 'oath' of Kumasi.)

Akwamu Hene : I was unable to find out his 'oath', as the Chief was absent.

Gyase Hene : As the Stool was vacant, I was unable to ascertain its 'oath'.

Ankobeia Hene : The Chief was absent, so I did not obtain the 'oath'.

Kyidom Hene : *Futuo* (a vacant house).

Aduana Hene : Has not any 'oath' as far as I could ascertain.

Nifa Hene : *Fiara* (Friday); an ancestor was killed on that day in the war on the Affram plains.

Benkum Hene : *Woromra*, said to refer to the defeat and death of a former *Benkum Hene* in *Kakari's* reign at *Woromra*, near *Daboya*, on the *Volta*.

The Twafu Hene : His 'oath' is really only a household one, but is interesting. It is *Me ka Affram so tia* (I speak the name of the Affram river's short hoe). The following is the explanation of this curious

'oath': 'The river Afram is the Stool of the *Twafu Hene*; on entoolment he jumps into the river; the Afram supplies us with fish, but in the dry season people dig with hoes and divert the water which lies in the pools that they may catch the fish; the river does not like this, hence my oath.'

Division of Aseda in Head-Chief's 'oath' cases: Aseda (£4 13s. od.) in former days was divided as follows: 13s. to the *Okyeame*; 3s. 6d. (*dommafa*) to the Queen Mother; 2s. to female *adebye*; 3s. between the Stool-carriers and the Mausoleum attendants; 2s. to the sword-bearers. The *Sanafo* (treasurers) would then address the Chief, saying, 'Cover your eyes, in order that we may steal',¹ when they would extract about 4s. of gold-dust as their perquisite. 2s. went to the *Ahenenama* and *Ahen'ana* (Chief's children and grandchildren); 2s. to the gun-bearers; 3s. to the *damuefufufo* (strangers) who happened to be at the court. The balance was then divided into two parts: one half went to the Chief, who gave 3s. to the heir apparent and 3s. to the 'clan' Chief; the remaining half was divided into three equal parts: one-third went to the *Benkum*, *Kyidom*, and *Ankobe* Chiefs; one-third to the *Ko'ntire*, *Akwamu*, *Twafu*, and *Gyase* Chiefs; and the rest to the *Nifa Hene*. These officials would again share with their subordinates.

Kumasi great 'oath' cases and appeals to the Asante Hene:

'If two of my subjects swore the Kumasi great "oath" I had the power to hear such a case and to give judgement. I would then send £2 7s. od. of the *Aseda* to the *Asante Hene* by my *Okyeame*, who would give him a report of the case. The King would then pass sentence on the guilty person, either taking *atitodie* (blood-money) or ordering the culprit to be killed. When such an oath was sworn by one of my subjects and by a subject of, say, Juaben on my land, I would hear the case, and the Chief of Juaben would send his *Okyeame* to represent him. Half of the *Aseda* would be sent to the *Asante Hene* as before, but of my own share I would send one-third to the Chief of Juaben. My Elders had not any jurisdiction either to hear Kumasi or my own great "oath" cases. The latter they might hear if I gave them special permission. In my own oath cases, I had power to inflict the death penalty only where my own subjects were involved. No one might kill some other Chief's subject without first consulting his master; to do so was murder. Great "oath" cases between myself and another Chief were heard before the *Asante Hene*; the *Aseda* was £16 (*ntanu*).

¹ See Chapter XXX.

I myself heard all cases between my own Elders. Cases between myself and one of my wives I referred for settlement to the *Ko'ntire* and *Akwamu* Chiefs. Any one "cursing" the King might only be killed by the *Asante Hene*. Appeals formerly lay from my own court to the *Asante Hene*, by the appellant swearing an "oath" against the *Okyeame* who had delivered judgement against him. If, on appeal, judgement was reversed, the party who had previously won the case was informed. The *Okyeame* who had given judgement in the first case was arrested and became responsible; he would be fined because he had broken the oath which all the *Akyeame* take on assuming office, an oath to hear cases justly; his kinsmen would beg the Chief to use his influence with the party who had first won the case, to return any person or thing which the first judgement had awarded him. The *Aseda* which such a person had already paid was not returned to him, but on the other hand he did not stand in any danger of his life, for he might neither be killed nor could *atitodie* (blood-money) be demanded of him. "Oaths" in former times were not permitted to be sworn about trifling things. Any one doing so was liable to be punished by being made to dance before the King and sing, *Agya w'adwom me sibere sie na aye me yie* (Father, alas! the mushrooms¹ from my ant-hill have brought this upon me).²

Sources of Kumawu Revenue in olden times:

War: *Asadie* (spoils), both captives and loot, had to be brought before the Chief. He would then take half, and hand the remainder to the captain of the soldiers who had made the capture, who would retain a proportion for himself and distribute the rest among his men. In the case of capture made by the *Gyasefo*, the Chief took all. The Chief of Kumawu was exempt from having to share war spoils with the *Asante Hene*, a privilege which is stated also to have been accorded to Juaben. *Apeato*, a levy to pay for powder and guns, was imposed after a campaign was over in order to refill the Stool chest.

Trading: One of the *Asokwa* (horn-blowers' section) was in charge of the Chief's traders. He was known as the *Batafo Hene*. Each Elder, once a year, supplied the Chief with four men who came under the *Bata* Chief to go on trading expeditions. The principal trade was in kola. This product grew on the land held by the *Akwamu* Chief and the *Gyase Hene*. The Chief claimed one-third of the *Akwamu Hene's*

¹ It was forbidden to use an oath about mushrooms. Ridicule was the sanction in such a case; see Chapter XXXV.

crop, but took the whole of that of the *Gyase Hene*, to whom, however, he would make a present of a *pereguan* (£8). This kola was traded at Salaga in the manner already described. The Chief states that Kumawu kola was exempt from any levy by the *Asante Hene's* officials, who usually guarded the trade route, because Kumawu was one of three Stools, all originally carved out of the same block, the remaining two being Agona and Kumasi.¹ Slaves purchased at Salaga become hammock-carriers, or if females, floor-polishers or washerwomen; they were given land and their descendants formed whole villages. Such villages could be sold *en bloc*, when the inhabitants became the subjects of the purchaser. Trade with the Coast was carried on as already described. The Elders also traded on their own account. All the men engaged in trading for the Chief or Elders reimbursed themselves by carrying a small extra load (*nsitiri*), which they fastened upon their master's bundle, and traded with on their own account.

Death duties (Ayibuadie): The Chief claimed *ayibuadie* from those subjects who served him directly. He could claim all private property on death of any *gyase* who was descended down the female line from a *gyase* female slave. In the case of the descendant of a *gyase* man who had married a free woman (but a subject of the Chief), a male would enter that company to which his father had belonged, but at his death the Chief would claim only one half of his private belongings, the other half going to his own kindred. The Chief of Kumawu also claimed about two-thirds of the private property of the Heads of the following *fekuo* (the remaining third went to the Stool of the deceased), the *Atum'tufo*, *Asoamfo*, *Asokwafo*, *Barimfo*, *Obofo*, *Samanfo*, *Sodofo*. He received from his *Mpanyimfo* (on their death) a voluntary contribution made by the successor which was known as *muhoma*, and generally consisted of one of the deceased's wives, a male servant, a cloth, and some gold-dust. The taking of *ayibuadie* or *muhoma* implied an obligation to contribute towards the funeral expenses and to present gifts to the dead. In the case of a wealthy man, from whose estate a considerable amount had been received in death duties, this contribution might consist of a velvet pillow (*agopekyi*), a silk *danta* (loin-cloth), in the folds of which was wrapped a *suru* of gold-dust (£1); 10s. worth of gold-dust, to mix with the fat which was used to rub down the corpse; the coffin (which it has now become the custom for the children to buy); two or three

¹ See Chapter XXIV, where Kumawu is not mentioned as having received one of these Stools.

cloths, which were buried with the body ; a sheep and about 10s. in gold-dust towards the funeral expenses. In the case of a poor man, the death duties from whose estate would be a small amount, the Chief would give a sheep and a cheap cloth, ' lest if he did not give anything, the dead should report him to the 'Samanfo (spirits)'. [These obligations are still often observed, possibly from a superstitious dread of reprisals on the part of the dead ; the corresponding right to demand *ayibuadie*, or to expect *muhoma*, has on the other hand almost entirely lapsed, and this state of affairs is often given as one of the reasons for the impoverished state of Stool finances.] The Chief also informed me of another interesting possible source of revenue in olden times of which I had not previously been aware, though it is possible the custom was not confined to one Division.¹ When the Chief had a son or daughter (*by a wife who was at the same time his own subject*), and that child died, the Chief succeeded to all his or her private property and not the child's *abusua* (kindred group) as would ordinarily be the case. Only a Head-Chief had this right, not the lesser Chiefs—the *Mpanyimfo*. This rule also applied to the children of the *Kyidom Hene*, because he was known as the 'son' of the Chief.

Levies : *Fotobo*, a tax levied on the enstoolment of a new Chief to replenish the treasury, from 3s. a head, in the case of ordinary subjects, to £1 to £2 in the case of the *Nsafobene*. Stool regalia were made from the proceeds of this levy, and the funds so raised might not be used for other purposes. There was also an annual levy of 6s. on each adult male, and of 2s. on each adult female, to buy guns and powder for hunters and to pay for ordinary funeral expenses.² The *Mpanyimfo* on their enstoolment also paid *Aseda* to the Head Chief, £4 13s. od. for a *Ko'ntire Hene* and £2 7s. od. for every other Elder. There was also a fee charged for 'drinking the gods'. *Atitodie* (blood-money) went entirely to the head Stool and, unlike the *Aseda* in 'oath' cases, had not to be distributed. *Atitodie* was used by the Chief to give presents to the young *Abenkwa* (palace attendants). This was instead of wages, which were unknown. The young *Abenkwa* also received gifts from their own families, who thus kept in friendly touch with them. There was also an annual gift of first-fruits, made by individual subjects to the Head-Chief and not necessarily through their own immediate Chief. All such presents were used at the *Apa-*

¹ I have found that a similar custom existed at Juaben, see Chapter XIX, and Mampon, see Chapter XXII.

² *Ayituo* or *Ayiasesika* was also collected on the death of the Head-Chief.

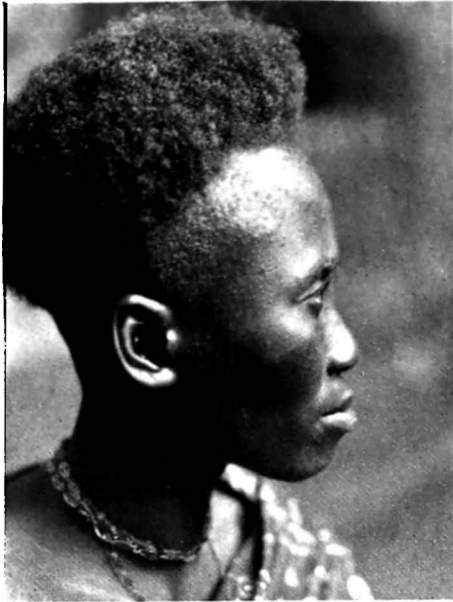


FIG. 46. Ajuja Sewa, daughter of ex-King Prempeh and Queen Mother of Kumawu



FIG. 47. Kodja, an ex-Ko'ntire *Hene* of Kumawu



FIG. 48. Ya Duna, granddaughter of Ya Ampona
(see Fig. 45)

fram (*Odwira*) custom. Palm oil was also given free to the Chief, and half of all snails collected. Rice was also given annually, and new rice had first to be 'eaten' by the spirits before being partaken of by the Chief or Stool-carriers, or Mausoleum attendants. Fish and crabs were also presented to the Chief. Of game, the 'ground' tusk, 'ground' ear, and 'ground' foreleg of an elephant, and the tail, belonged to the Chief, and of an antelope, the *basa* (foreleg). If an elephant were shot by a *gyase* subject, the Chief would take all [a further proof of the servile status of the *Gyasefo*]. A *Kotoko* (a porcupine) was royal game and must be sent entire to the Chief (*Kotoko, nkoa nni*, A subject (slave) does not eat a porcupine) (see Fig. 49). Treasure trove had to be sent to the Chief exactly as found.

Power of the Asante Hene to interfere in the internal affairs of the Division :

The usual restrictions already noted in other Stool Constitutions were in force here. The Kumawu Chief had not any right to execute a murderer, even if he were his own slave. In all cases of alleged adultery with the Chief's wife the *Asante Hene* acted as judge. The *Asante Hene* had the power to destool the Chief or even his *Mpanyimfo*. On the other hand, the Kumawu Chief claimed that he had certain privileges [some of these were shared in common with all Divisional Head-Chiefs]. These rights were : Absolute power of life and death over his own subjects [save for the exceptions already noted]. In the case of a subject of another Head-Chief, whom he wished to kill, he must inform the culprit's Chief before he did so ; the other Chief would also have been represented at the trial. An *Opanyini* had not any power to kill his own subject, even if he were his slave. The Head-Chief alone might say 'I have the knife' (*Me wo sekan*). The Chief of Kumawu states he had the right to try cases of expulsion from the clan and *atwebenefie*¹ cases. A sub-Chief might not sacrifice even his own *akyere* (slave destined for sacrifice) without authority from the Head-Chief, and a sum of £2 7s. od. was charged for the executioner's fee. 'Executioners are now very poor people,' naively remarked my informant. A member of the Kumawu royal Stool might not be killed, even by the *Asante Hene*.² *Me ne Asante Hene eni boto m' fwe* (The *Asante Hene* had not any right to look into my bag), meaning that spoils of war were not divided between them, and that the King had to be content with *muboma*, and could not insist on making an

¹ See Chapter XXVII.

² The reason for this has already been given ; see p. 219.

inventory of the private property of a dead Chief, with a view of claiming an exact proportion of *ayibuadie* (death duties).

Ceremonies in connexion with the entoolment of a Chief in Kumawu in ancient times :

When the Chief became very ill, he was constantly attended by the *Ko'ntire*, *Akwamu*, and *Gyase* Chiefs, and by the *nsumankwafo* (fetish-doctors). He might call his councillors around him, and tell them he knew that he and the Sky-god were about to meet. He might swear the great 'oath' that he had obeyed all the admonitions (*afutuo*) given to him on entering on his office of Chief. He would name favourite wives and *Abenkwa* (young attendants) whom he wished to be killed to accompany him. Many others would themselves swear the great 'oath' before him that they would go with him. A Chief might know he was about to die by observing that the last of the three lumps of *nufa* (balls of medicine) which he had swallowed long ago had been passed, either in his stools or vomit.¹ A Chief might also call his Elders around him and bequeath some of his private belongings to his sons. He might have increased the Stool property by trading, in which occupation his sons had assisted. His dying wishes, as expressed in these *nsamansie* (things set aside by the ghost), would be observed within reason by his Elders after the death. When he was about to breathe his last, he was given water by one of the *Gyasefo*; a woman was not permitted to perform this last service, although his *adehye awadie*² wives were in attendance. The *abosom* (lesser gods) would have been consulted; no one dared say, 'The King is going to die', although they might state, 'The house is going to fall' or 'The great tree is about to be uprooted'. Young *Abenkwa* were called to the 'palace' on pretence of giving them some message, and when they came forward they were seized and locked up. Others, guessing what was about to happen, might run away or throw themselves on the knees of some other Chief, or hide in the bush until after the funeral custom had been held. That was the reason that the death of a Chief was never immediately made public. The bodies of the young *Abenkwa* who were killed were sometimes buried beneath the *apa* (rack) upon which the coffin was placed. The body of the Chief was bathed by the bathroom attendants, the *Aduana Hene* and the *abusua* (kinsmen). The Queen Mother and the *Ko'ntire* and *Akwamu*

¹ A Chief's stools and vomit were subjected to careful examination in order to find out if he had passed any of the medicine balls (*nufa*) he had once swallowed; 'from seven days to a year after passing the last ball, he will surely die'.

² See Chapter IV.

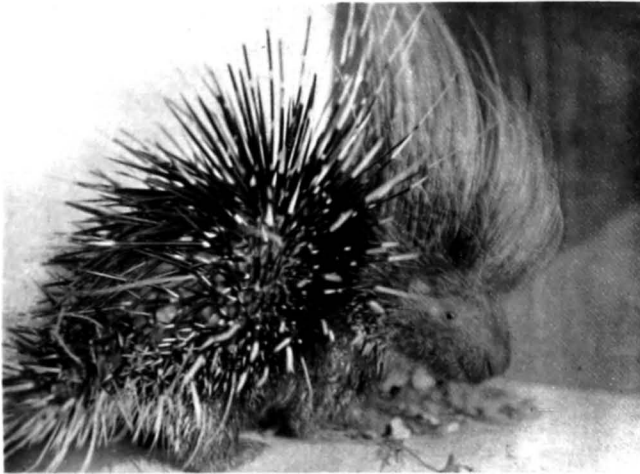


FIG. 49. *Asante Kotoko*

selected the persons who were to be killed. The wives who were to die were dressed in white, smeared with white clay, and decked in gold ornaments; they were not required to fast, but would sit beside the body, fanning it. They were strangled on the day on which the corpse was buried.¹ The *Sana Hene* (head-treasurer) would unlock his box and take out the gold trinkets, and adorn the corpse with these. They were not lost to the Stool, for they remained with the skeleton, and might be borrowed and worn by the new Chief. The body was next dressed and set upright, with all the 'palace' attendants occupying their accustomed places around it. A feast was prepared, but those present made only a pretence of eating. On the day fixed for the burial, the *Mpanyimfo* took their oath to the body.² The corpse was carried to the *Barim* during the night and was buried temporarily, that the flesh might be removed from the bones. On the *Sora da*, the *Wirempeso* took the Stools, at the same time looting everywhere. The *Wirempeso* at Kumawu were (and are) the *Ko'ntire* and *Akwamu*, *Twafo*, and *Gyase*. They seized the most important of the black Stools, and one white Stool belonging to the late Chief. Their camp was on the Odamase road. On the Chief's death, the *Abadiakyiri* (his apparent) assumed charge of the *mmerante* (young men) and of the *Abenkwa*. The day following the *nawotwe da* (eighth day funeral custom), gongs were beaten and the public crier declared on oath that all persons who had fled, fearing that they would be killed, might return in safety.

Selection of the new Chief: [The information given on this point confirmed the statements of my previous informants, and was to the effect that the *Asafo* (*Ko'ntire* and *Akwamu* Chiefs) had the last word in the choice of a successor.] In olden times we selected a Chief who could fight; that is why his selection lay chiefly in the hands of the war captains, *Ko'ntire* and *Akwamu*. The successor would generally be the heir apparent. He would take his oath before the Elders about fifteen days after the death, possibly on a Monday following a *Kwesii Adaye*. The *Aseda* was paid on a Tuesday, and on the Thursday following they would take their oath of allegiance before him. The blackened Stool was brought to the market-place, where the oath was taken, and placed on a *nsa* cloth, immediately in front of an *asipim*

¹ Their clansmen were permitted to recover the bodies and bury them.

² The form of oath has already been given. The King of Ashanti also sent his *Okyeame* to represent him with a message to the corpse that 'had it been some other Chief who had killed him, he, the King, would have come with an army and avenged his death'.

chair, upon which the Chief sat when he placed his left foot upon the crown of the heads of his Elders, who bowed before him, taking the oath. The *Wirempfo* had returned the Stools on payment of £4 13s. in gold-dust. The white Stool of the late Chief had been blackened by the *Barimfo* and the Stool-carriers. A new Chief was a *Nkwankwa Hene* in his own Division until after the above-mentioned ceremony, when, in so far as his own subjects were concerned, he became a full Chief, but until he had taken his oath before the *Asante Hene*, he was still a *Nkwankwa Hene* to that Monarch and to other Head-Chiefs of the Divisions. The *Aseda* sent to the King and other *Amanhene* was by way of announcing the enstoolment in their courts and served as a record of the event.

Destoolment of a Chief: The *Ko'ntire* and *Akwamu* would lay any complaints regarding the conduct of a Chief before the rest of the Elders; theirs was the power to destool. All property, even his privately possessed articles, became merged in the Stool property. *Yenmu abahan nbye esono anom'na ye yi* (One does not break off leaves, place them in the mouth of an elephant, and then take them out again). A Chief might be destooled for blindness, leprosy, madness,¹ or fits, or other serious bodily infirmity, but not for impotency. A Chief destooled for any of these reasons would be treated kindly, allowed to choose the village where he wished to live, to take all his wives (save *ayete* consorts), and would be sent a *suru* (£1) and meat every *Adae*. Kwame Affram states that in old days abdication was unknown; 'to be a Chief is to become the servant of the *'Samanfo* (spirits) and one could not refuse to be that'.²

¹ A mad man or woman used sometimes to be fastened by a staple to a *'be ten ten* (tall palm-tree) and left to die.

² A genealogy of the Chiefs and Queen Mothers of Kumawu is given in Fig. 50.

THE HISTORY AND CONSTITUTION
OF MAMPON ¹

TWO clans, *Beretuo* and *Tana*, lived at Adanse (at which place they had come forth from the ground ²) under a Chief called Kwakye Panyin. When he died, he was succeeded by Māniampon. He removed from Adanse Ahensan owing to a dispute with the Akrokyere Adanse, and went to settle at Behinease. The Chief of Kumasi at that time was Osai Tutu. He asked Maniampon to help him in a war against Taffo, who owned all the land near Kumasi, and against Doma, Ekase, and Amakum.³ At this time, all the Ashanti were subject to Denkyira. There were five big Chiefs in Ashanti who were known as the *Amanituo num* (the five groups of people), Kumasi, Mampon, Asumegya, Juaben-Ajuampon, and Aduaben. All these paid tribute, in the form of various menial services, to the King of Denkyira; one supplied firewood, another yams, another *baba* fibre (for lavatory and toilet purposes), another red clay, and so on. Maniampon, owing to the help he gave Osai Tutu in the wars mentioned above, received the title of *Amaniampon, ye de akobo gyegyey no tata* ('Amaniampon, whom bullets taught how to walk'). Finding that they were hemmed in at Behinase by Juaben and Nsuta, who were at Juabenmma, and by

¹ Owing to a somewhat complicated system of succession, whereby this Stool was occupied at various times by descendants of several different kindred groups, it was sometimes found difficult to obtain an authentic history of past events; the natural tendency was to suppress all allusions to persons and happenings not connected with the line at present occupying the Stool. Again, some of these Chiefs appear to have belonged to the *Tana* clan, others to its second moiety, the *Beretuo*. These various family branches appear to be known locally as follows: (a) the *Babiru* line (Apa); (b) the *Wiridu* line, also sometimes called the Owusu Sekyere line; (c) the *Botase* line, that of the present occupier of the Stool. There may even be yet another branch, *Kwadiakurum*, but some state this is only another name for the Botase line. Asafo Yao, again, is said to have come from a branch called *Sivutiriasse*. All Ashanti, at any rate, appear to recognize some irregularity in the Mampon Stool succession, for there are many sayings current about it; e. g. *Akuamoā Akomniya die akwakuo, otwene twene* (Akuamoā's Stool is like the Colobus monkey, it jumps all over the place), and again, *Mamponso se 'Yenno, ntoaso mprenu'* (The Mampon people say, 'We do not cultivate twice in the same spot'). See genealogy, Figs. 67-8.

² Another version states that they came down from the sky.

³ Some of the Amakum fled to Nkoranza, and later, in the reign of Opoku Ware, under their Chief Boaso Pim, helped Kumasi to defeat Ame Yao of Tekiman. Nkoranza was given the land of the Mo, and served Kumasi directly.

Asumegya, the Mampon moved on and settled at a place called Mampon Akrofonso. In Maniampon's time the Chief of Apa, called Ba Panyin, made war against Brong at Ejura, under their Chief called Kurubu Akuma, and was defeated and killed. Ba Panyin's younger brother appealed to Maniampon for help; the Chief of Ejura was defeated, but escaped by turning into an Elephant.¹ Maniampon, fearing that the Apa Chief, who was a member of the royal house of Mampon, would seize the land at Ejura, appointed one of his *Safobene*, Bonsie, to go and live at Ejura. Maniampon was succeeded by Boahinanantuo. It was in his time that the Ashanti overthrew Denkyira. The Chief of Juaben brought about the war by refusing the demands of Denkyira for increased tribute. The Denkyira were defeated at Feyiase. Boahinanantuo commanded the whole national army, at the express command of the priest Anotche; he was wounded in the stomach, and died later near the granite rock about twelve miles south of Kumasi.² Boahinanantuo is spoken of as having died from the praise of his valour in battle (*Boahinanantuo a nkamfo ekum*). Boahinanantuo is alleged to have been the first of the *Beretuo* to occupy the Stool; the three preceding Chiefs are stated to have been descendants of the great ancestress, Asiama Guahyia, who, it is said, was a member of the *Tana* clan, a moiety of which the other half was the *Beretuo*.³ As a result of the victory at Feyiase, Osai Tutu became *Asante Hene* (King of Ashanti). Akuamoa Panyin succeeded Boahinanantuo. He was the first Mampon Chief to sit on the Silver Stool, which was given to Mampon by the *Asante Hene* as a reward for the services of Boahinanantuo, with the injunction *Me so tiri, woso so nya* (I hold the head, do you also hold the feet), i. e. of the Nation.⁴ (The original Stool

¹ This elephant, which is supposed to be the reincarnation of the Chief, is said still to roam the district, and is well known to many of my hunter friends.

² The face of this granite outcrop is covered with curious boat-shaped grooves, which may possibly have been caused by the rubbing down of stone celts. (See Fig. 51.)

³ See Chapter VIII. This is vehemently denied in certain quarters, but is, I am personally inclined to believe, a correct statement of the facts. The legend concerning these events is as follows: When the Mampon were coming up from the ground at Adanse, the *Tana* came forth first, followed by a daughter of the *Beretuo* Queen Mother. An executioner came out next with a *Kantan* (iron necklace) around his neck, upon which every one shouted, *Biribi beba nne* (To-day something is going to happen). The Queen Mother of the *Beretuo*, who was just about to come forth, immediately returned into the ground and was never seen again. Boahinanantuo is alleged to have been descended from this *Beretuo* princess, and the *Tana* Queen Mother to have been Asiama Guahyia.

⁴ The Ashanti compared the Nation to a load, or to a man who was being carried; the King was said to support the head, the *Ko'ntire Hene* the feet. In Kumasi, when the *Asante Hene* in his capacity of Chief of Kumasi was spoken of, he was said



FIG. 51. Granite rock with grooves on surface

is stated to have been lost in the time of Atakora Kwame.) All this time, the Mampon were still at Mampon Akrofonso, but Akuamoa Panyin is reported to have visited Mampon and even to have commenced to build the town. Akuamoa Panyin went with Osai Tutu to the war against Akyim Abuakwa, in which Osai Tutu died or was killed. Akuamoa Panyin brought back the army after Osai Tutu's death and received in consequence the title of *Odi Nwisa Hene* (King of the Orphans). He was himself wounded in the campaign, but recovered to fight under Opoku Ware in the wars against Tekiman, against Abo, Chief of Gyaman, and in the second war against Akyim, when 'Fusu Hene Aparenten was killed. Akuamoa died (some say of wounds) and was buried at Mampon Akrofonso, where his *Barim* (mausoleum) still stands. Before his death, he had also made war on his own account against the Guans, to avenge the death of a nephew who had been killed by a Guan Chief, Bankadugyatram. In this war the *Wiase Hene* and the Chief of Yendi, Gyengyenrurudu, were on the side of the Guan Chief. The Beposo, who had come from Offinsu, helped Akuamoa in this war, and were rewarded by a gift of land.¹ Akuamoa Panyin also founded three Stools, the *Adonten*, *Ko'ntire*, and *Akwamu*, upon which he placed his sons, Oti Panyin, Oti Mienu, and Oti Amensa, at the same time giving each one thousand guns. Akuamoa Panyin was succeeded by Atakora Panyin, who moved from Mampon Akrofonso and came to settle at the present Mampon. He accompanied Opoku Ware to war against Akyim, against Pobi Asumani. Atakora Panyin married Aberefi Ya, the Queen Mother of Ashanti. He was destooled because he became blind, and was succeeded by Asumgyima, who was also known as Mampon Asumgyima and Asumgyima Penemo. He was the father of Kwadu Yadom, who became the mother of no less than four Ashanti Kings and of Ama Sewa. In his time, the Nsuta came from Juaben Mma to Aduman and asked the Mampon for land. Mampon referred them to Beposo, who gave them

to carry the head, while the *Bantama* (*Ko'ntire* Chief) supported the feet. When his position as *Asante Hene* was mentioned he carried the head, while Mampon supported the feet. There is another saying, *Oman te se hesua, efiri ato, asai* (The Nation is like an egg, if it falls it breaks).

¹ The Chief of Beposo, Boama Kobi, who had lately removed from Nkobin, volunteered to help Akuamoa Panyin in this war, and one of the Beposo royal house was killed. It was a custom in Ashanti that if any Chief, who was not under an obligation to do so, assisted another in war, he should be given seven *pereguan* (£56) and some beads (*kyekyere kona*). Instead of this present, the Mampon Chief made Beposo a present of land, some of which was later given by them to Nsuta. The Beposo Chief has the courtesy title of 'wife of the Chief of Mampon', which is said to date from the time of Feyiase.

some of the land which they had received from Mampon in the time of Akuamoia Panyin. Asumgyima died and was buried in the *Barim*. He was succeeded by Safo Kantanka. He married the Queen Mother of Nsuta, Akwawe Dokono; the Queen Mother of Kumawu, Dwentiwa; the Queen Mother of Juaben, Pankyie; the Queen Mother of Ashanti, Aberefi Ya (his uncle's widow), and he also married her daughter Kwadu Yadom.¹ Safo Kantanka sided with the Nsuta Chief, Waye, in the civil war between Waye and Oduru;² in the fighting no less than seven Mampon *Gyase* Chiefs were killed in succession; the result was that the Stool ceased to be a clan Stool, and was filled by nominees (not of any particular clan) of the Chief. [A certain amount of mystery overhangs the final events of Safo Kantanka's reign; probably legend and facts were deliberately intermingled to obscure some unpleasant episode that resulted in his death.] The story as recorded in traditional history is as follows: Safo Kantanka went to war against the Dagomba, and reached a certain village where he saw a *dan mum* (hut without windows or doors, see Fig. 17). A voice from within said, 'What do you want?' Safo Kantanka replied, 'Gold-dust'. The person inside then handed him a bag of dust wrapped in an *Oyokoman*³ cloth, which Safo Kantanka immediately recognized as being the identical cloth which had been buried with his mother. The Chief then realized he had reached the *Samandow* (land of spirits). On his journey back to Mampon, he died of small-pox. He was buried temporarily at Abase, and the skeleton was later brought to Ejura and finally to Mampon, where it was buried in the present *Barim*.⁴ He was succeeded by his nephew, Pepra Asiase, and not by the brother of Pepra Asiase, who was called Atakora Kwame, and should have been the next Chief. War now broke out between Mampon and Nsuta, and a battle was fought near the stream called Aburukotua, near Mampon, in which Pepra Asiase was killed.⁵ He was succeeded by Atakora Kwame, who, after he became Chief, went to war against the Anwa (Dagomba?), and captured a town about five days north of Yendi, called Namomsi. The Juaben, who at this time ruled most of the land near Kratchi, claimed this town as being under them. The Juaben and Mampon fought near Namomsi. The Mampon defeated Juaben, capturing the Chief's *foto* (leather bags used by the treasurers)

¹ See foot-note, p. 29.

² See History of Nsuta.

³ See Fig. 132, No. 104, *Religion and Art in Ashanti*.

⁴ See *Ashanti*, Chapter XI.

⁵ See Nsuta History. A Chief who was killed and beheaded by an enemy did not have his Stool blackened and placed in the ancestral Stool-house.

and their *nkrawiri* and *prempɛh* drums. The Chief of Juaben tried to escape mounted on a cow, and this gave rise to the saying: *Wa ma Opanyin de kotromua aka nantwie* ('He made the Elder touch a cow with his fist'). Mampon released the Chief of Juaben because of the tie existing between them. The *Asante Hene* now intervened and took the side of Juaben, and gave them Namomsi. Jamasi and Effiduase rose against Mampon, and the Mampon Chief fled to Abama, near Amantin, taking with him all the *Agyapadie* (Stool heirlooms), including the Silver Stool. A civil war now arose; Atakora Kwame fled to the Poro river (Pru on our maps), into which he threw himself with the Stool regalia. The Stool now passed again to the *Tana* branch, being given to Owusu Sekyere Panyin. He was a magician (*wa bin*). [The events of his time are obscured in a haze of myth, probably created to hide real events distasteful to his successors.] When Jamasi and Effiduase, who had rebelled, chased him to Yegi, he turned into a cat. He finally disappeared by entering a hole in the rock near Bohem (known as *Boakora Bom*). His drums and *ntabera* horns are still sometimes heard on an *Adae*. He was succeeded by Safo Yao, who came from a different line and was a Beretuo. He accompanied Bonsu Panyin to the *Fanti kan* war and fought at Anamabo.¹ The King of Ashanti now accused Safo Yao of plotting with Amoako Ata, a Chief of Denkyira, and is stated to have ordered Jamasi and Effiduase to attack the Mampon. Safo Yao fled to Nama with his *Gyase Hene*. Here he was attacked and killed. The King of Ashanti now took the town of Amantin from Mampon and gave it to his own *Nsumankwa Hene*.² Safo Yao was succeeded by Atakora Kwaku, who is stated to have been of the *Beretuo* clan, but to have come from the *Botase* branch.³ Atakora Kwaku went to the war against Gyaman,

¹ 15 and 16 June, 1806.

² *Mampon Tributary States and Towns*: The Mampon state that Amantin, Attabubu, Prang, Yegi, Salaga, Yende, Tamale, and the Dagomba country, were all once subject to them. Every year, at the *Apafram (Odwira)* custom, the Chiefs of these places used to send Guinea grain, fowls, sheep, a tusk of every elephant killed, and *sere bo* (whetstones). This had been the custom from the time of Akuamoah Panyin. The Mampon account for the loss of these tributary States in the following manner. They state that Kwadu Yedom, the wife of Safo Kantanka, had lent her husband a large sum of money which he was unable to repay; Kumasi therefore took possession of these places. Attabubu was placed under the *Breman Hene* (an *Oyoko* Stool); Yende, under one of the *Gyase* (the *Ananta Hene*); Prang, under the *Ankobeah Hene*; Yegi, under Buabasa (the *Gyasewa Hene*); Salaga, under the Head of the Stool-carriers. Some of these later again came to be considered as within the Mampon Division.

³ I had considerable difficulty, at this point, in obtaining information upon which I felt I could rely, and I think my informants were reluctant to disclose all the facts, fearing,

when Edinkira was killed. Returning from that campaign, he later went with Osai Yao, who had succeeded Bonsu Panyin, to quell the rebellion raised by Tibu (alias Kojo Akuruku?). In this campaign, the Golden Stool was nearly lost and Mankata (Sir Charles M'Carthy) was killed (1824). The Ashanti suffered a severe defeat at Akantamansu, the Chiefs of Nsuta (Yao Sekyere), Mampon (Atakora Kwaku), and the Dominase *Hene* of Kumasi being killed, and the *Asante Hene* being wounded seven times. He was succeeded by Oduro Firikyí, who came from yet another branch—the *Babiru* line. His nickname was *Animunyampe* (Stern face). He fought with Juaben Boaten and defeated him. This victory gave rise to the saying: *Ye de prempɛh asi nsoa ; ye de nkrawiri asi agynso ; ye de sana abo sana so* ('We took their *prempɛh* drums and used them as fish traps ; we put their *nkrawiri* drums under the dripping eaves ; we piled their *sana* (treasury-bags) on top of our own'). Oduro Firikyí was destooled on account of his ferocity, and was succeeded by Abonyawa Kojo, a *Tana*, from the line known as *Wiredu*. He is alleged to have been a bad character (*ne suban nye*), and is stated to have been killed by the Mampon at an *Adae* ceremony. The *Asante Hene* punished the Elders who were guilty of this act, killing the *Gyase Hene*, the *Ko'ntire Hene*, the *Okyeame*, and the Jamasi Chief. These events gave rise to a saying which has become known all over Ashanti : *Fanyinam Oduro* (Oduro was preferable), which is now used in the sense of 'I prefer this to that'. Kwame Gyima, a *Beretuo* of the *Botase* line, succeeded Abonyawa Kojo. He only ruled forty days, when he was alleged to have been killed by a *saman* (ghost). Oduro Firikyí was recalled and re-entooled ; he died while he was Chief. He was succeeded by Kwabena Dwumo, a *Beretuo* of the *Kodiekurum* branch of the family. In his time, the Mampon went to war against a Chief called Agyeman Nkonto of Akyim. He also took part in the *Fweasa* [war against the Ewe, in what was later Togoland ; 1869]. He himself commanded the Mampon in the war against the Asins and Fanti. One of my informants who had taken part in this campaign here interposed to state : 'One day at Abakrampa¹ we lost one thousand men, and we then discovered that the enemy were led by the English. A prisoner we captured and questioned told us the English were fighting against us because Ramsar and Bonna and a white woman, Esuan, had been

perhaps that these might adversely effect the claim of certain persons to the Stool on some future occasion.

¹ Abakrampa was, according to Claridge, fought on 5 and 6 November, 1873.

kept as prisoners by us.¹ At Amofo, near Bekwai, the Ashanti were defeated, and later Kumasi was burned.² [During the events that followed, King Kakari was destooled and Mensa Bonsu enstooled.] Kwabena Dwumo fought on the side of Kumasi against Juaben, which had revolted; the Juaben were defeated. After this war, Kwabena Dwumo remained some seven years in Kumasi, until he became blind. The town of Mampon was left in charge of one of the *Adebye*—he who ‘pushed’ the *Akwamu Hene* in war (the *Siwutiriase Hene*). Atakora Kwaku succeeded Kwabena Dwumo. He came from the *Botase* side of the royal clan. He died after being a year on the Stool. He was succeeded by Osai Bonsu, but as he did not go to Kumasi to take the oath of allegiance, the *Asante Hene* caused him to be destooled, and Kwame Adwetewa (from the *Babiru* branch) was enstooled. He in turn was destooled at the instigation of the Mampon *Adonten Hene* (the Ejura Chief), and was succeeded by Yao Boakye (a *Tana* from the *Wiredu* branch). He in turn was destooled by the *Adonten Hene*,³ and Owusu Sekyere II succeeded to the Stool. He was defeated by Ejisu in the war which arose out of the enstoolment of Prempeh. Mampon was in favour of Atwereboanna. Owusu Sekyere⁴ fled to Attabubu, and Kwame Osokye became Chief. He fought against Nkoranza, which had revolted against Prempeh. He was banished to the Seychelles, where he died. Owusu Sekyere was recalled and re-enstooled, and on his death was succeeded by the present Chief, Osai Bonsu. (See Fig. 52.)

Personnel of the Mampon Division :

The Chief : Osai Bonsu ; clan, *Beretuo* ; *Ntoro*, *Bosummuru*.

The Queen Mother : Afua Sapon, *Ntoro*, *Bosompra*. (See Fig. 53.)

The Beretuo Hene : *Kobina Gyima*.

The Adonten Hene : Kojo Brenya ; clan, *Asona* ; an *Adebye* Stool.

The Ko'ntire Hene : Kwaku Ampatakym.

The Akwamu Hene : Kofi Akyigyina ; clan, *Agona*. (See Fig. 54.)

The Kyidom Hene : Mamsin Atta ; clan, *Asenie* ; an *Adebye* Stool.

The Gyase Hene : Kwesi Burube ; clan, *Oyoko*.

¹ The Rev. F. A. Ramseyer, a missionary; M. Bonnat, the French factor of the mission; Esuan may have been the name the Ashanti gave Mrs. Ramseyer. They, along with Mr. Kühne, had been captured in 1869 by the Ashanti. See Claridge, vol. i, p. 579.

² 6 February, 1874; Amofo was fought on 31 January, 1874.

³ The Mampon *Adonten Hene* was also a *Birempon* and was the *Adamsfo* of the *Ko'ntire* and *Akwamu* Chiefs. His position seemed to be analogous to that once held by the *Adonten Hene* of Kumasi before the status of that Stool was reduced by one of the Ashanti Kings.

⁴ He also fought with Kumawu.

The Ankobea Hene : (I omitted to note his name.) It is a male Stool.

The *Nifa* and *Benkum* Chiefs are *Birempon*.

Villages and Fekuo (companies) under these officials :

The Chief :¹ He has the following villages : Nokwareasa (near Ejura), where his *agwarefo* (bathroom attendants) reside ; Kotobra and Kodiekurum (near Kumasi). At Kotobra resides a company whose duty it is to sit beside the body of a dead Chief and fan away the flies, and to cook in the *sora* hut.² These people must never see the Chief eating, and must not come to the capital unless they have a court case. They are known as *Bebufo*.

The Queen Mother : She states that the *Barim Kesiefo* (attendants of the large Mausoleum) are under her direct control, also the *Abrafo* (company of executioners).³

The Adonten Hene : In this Division the *Adonten Hene* is the senior *Opanyin*, apparently taking precedence over even the *Ko'ntire* and *Akwamu* Chiefs. He is also one of the Mampon *Birempon*, which perhaps accounts for this anomaly. The Stools of *Adonten*, *Ko'ntire*, and *Akwamu* were originally founded for the three sons of one of the Mampon Chiefs—the three Oti (see History).

The *Adonten Hene* has the following villages : Ejura (his Capital), Boyen, Asomen, Nkrease, Babaso, Abutamso,⁴ Yoko, Kukutia, Nkuntase, Nkwantorodo, Mensiedu, Nsuansa, Oyon. The 'pusher' of the *Adonten Hene* was the *Apa Hene*, an *Odebye*. (In olden times, my informants state, the Kumasi *Adonten Hene* was also senior to *Ko'ntire* and *Akwamu*, until reduced by the King for an offence.)

The Ko'ntire Hene : He owns the following villages : Botoku, Brengo Kesie, Brengo Kuma, Chechewere, Mampon Akrofonso, Dadease, Fwidiem, Adugwan. (In the last named, the inhabitants are

¹ The Chief of Mampon held the post of *Nifa Hene* (Commander of the right wing) in the Ashanti National army. (At Feyiase, as we have seen, he was in supreme command.) In the National army the following Chiefs came under him on the right wing : Juaben, Abohyen (i. e. the Kumasi *Oyoko*), the *Akwamu Hene* of Kumasi, Bekwai, Asokore (now in the Mampon Division), Adanse (Formina), Nkoranza, Offinsu, Ejisu (Dweso), Odumase, Abakasa, and Bonwere. All of the above (with the exception of Juaben and Abohyen), 'when they cut off heads, brought them to Mampon', i. e. placed their loot and captives taken in battle before Mampon. Juaben and Abohyen, the Mampon state, took theirs before the King of Ashanti, if he happened to be in command, otherwise to the *Bantama Hene*, i. e. the Kumasi *Ko'ntire Hene*. All call the Mampon *Hene*, *Adamsfo*.

² See *Religion and Art in Ashanti*, p. 164.

³ I think they are really under the *Gyasewa Hene*, although the Queen Mother may be able to give orders directly to the females of this *fekuo*.

⁴ Also contains bathroom attendants directly under the Head-Chief.

chiefly subjects of the *Gyase Hene*, who in consequence hears all disputes save those in connexion with land, when he and the *Ko'ntire Hene* hear the case jointly.) The *Ko'ntire Hene* has also subjects in Asem,¹ where the land belongs to the *Gyase Hene*, and in Chiremfaso, which belongs to the *Kyidom Hene*. The Stools of *Ko'ntire* and *Akwamu* are always set side by side, *Akwamu* sitting on the right hand of *Ko'ntire*, but on the march *Akwamu* went in front. The *Botase Hene* (K. Gyima) is 'pusher'² of the *Ko'ntire Hene*. Either a son or a nephew might succeed to this Stool, but it was apparently originally an *Adebye* Stool (*Asona*), until Pentempina, a son of the Chief, succeeded, as there was not at the time any male of the clan. Pentempina was succeeded by his 'brother' Boatin. After his death, the Stool again came into the *Asona* clan. The Akrofonso *Barim* is under the *Ko'ntire Hene*.

Akwamu Hene : The following are his villages : Benim, Nkubeta, Bepoyease, Patiransa, Bosofuo, Daho, Daman, Nwoase, Dinkyin, Boben. The Head *Okyeame* of Mampon and one other are under the *Akwamu Hene* ; the remainder of the *Akyeame* are under the *Gyase Hene*. The present *Akwamu Hene* belongs to the *Agona* clan, but the Stool does not appear always to have been an *Adebye* Stool, as two former Chiefs at least have belonged to other clans, e. g. Mensa Nkotoa was an *Asona*, Kobina Atim was an *Oyoko*. Nevertheless all the black Stools are in one Stool-house and there is a common *Barim* for the Chiefs. 'The Stool is greater than the clan.'³ The *Ko'ntire* and *Akwamu* divide presents equally. *Akwamu* calls *Ko'ntire* his *Adamsfo*. *Ko'ntire* and *Akwamu* at Mampon are not *Wirempeso*. The Heralds and the sword-bearers are under the *Akwamu*.

Kyidom Hene : This is an *Adebye Stool*.⁴ His villages are as follows : Besease, Chiremfaso (in which are also subjects of the *Ko'ntire Hene*), Nyinampon,⁵ Beresua Kuma, Adontiasse, Bosomkyekeye, Kokoben, Kyeredufa. The *Kyidom Hene* is one of the *Wirempeso*. He also appears to be in charge of the town on the death of the Chief, pending the entoolment of a successor. The following *sekuo* are under the

¹ Asem, in olden times, was divided into four separate quarters, all with different names. They were Aboaboso, Kukubi, Bamfoa, and Asem.

² See Chapter XV.

³ This is not the case with the *Ko'ntire* Chiefs, who are said to be buried in their own clan burial-ground.

⁴ One non-clansman has, however, occupied the Stool, i. e. Antiedu, an *Okyeame* who was an *Oyoko*.

⁵ The Nyinampon people were formerly known as the *nkaneasofo* (torch-bearers), and were, I believe, once under the *Ankobease Hene*. *Nyinampon Hene* is called *Atipim Hene*.

Kyidom Hene : The Stool-carriers,¹ the *Domakwa Hene*, who is in charge of the Mausoleum attendants, the Minstrels (*Kwadwumfo*), the Umbrella-carriers, and the Hammock-men. The *Kyidom* and *Gyase* share Stool debts.

Gyase Hene : He is under the *Kyidom Hene* ; it is no longer an *Adehye* Stool. Members of almost every clan have at various times sat on the Stool. In olden days, my informants state, the dead Chiefs were buried in a common *Barim*, which was a house, but the bodies are now claimed by the clan, and buried in the clan cemetery. He has the following villages : Beresua Kesie, Penentin, Asem, Krobo, Nintin, Nkwanta, Mpenya, Anoben, Biribiwase. The following *fekuo* (companies) are under the *Gyase* : The *Afotuosafu* (treasurers) ; the *Asokwafu* and *Akyeremadefu* (horn-blowers and drummers) ; the *Atum'tufu* (gun-bearers) ; the *Barimfo*, of the great *Barim* ; *Abrafo* (the executioners, under the *Gyasewa Hene*) ; the *Aboprafo* (elephant-tail switchers) live in the *Ahenfie* ('palace'), and so appear nominally to be under the *Gyase*, but they are really subjects of the *Ankobeia Hene*, as are the soul-washers (*Okwagwareni*). The *Akyemfo* (shield-bearers) formerly resided at Brengo and Biribiwase, and were under the *Gyasewa Hene*. They were allowed all manner of privileges and considerable licence was accorded to them. They were said not even to have removed their sandals or head-gear (*abotim*) before the King. 'You are as proud as a shield-bearer' is a well-known Ashanti saying. All these *fekuo* are commanded by Heads, who sit on what are known as *mmamma'gua*, i. e. the successor is generally the son of the previous Head's elder brother, or the Stool may be filled by a nominee of the Chief. The issue of all *Gyase* females became *Gyesefo* ; the son of a *Gyase* male, irrespective of the status of the mother, became a *Gyase* subject, but in case of daughter by a free woman, she might be claimed by her clan.

The Ankobeia Hene : This Stool is filled by a nominee of the Chief, irrespective of his clan. The Stool is stated to have been instituted by Oduro. The *Ankobeia Hene* has not any villages of his own, but has subjects at Abupuwa (a village under Agona). The following *fekuo* are under the *Ankobeia* : *Mpaboafuafu* (sandal-bearers)—who serve him through the *Akonfore Hene*—*Mawere*, *Apente*, *Namensuro*, *Awisa Mawere*. All these Stools are filled by nominees of the Chief, and appear to be reserved for his sons and grandsons. *Apente*, *Namensuro*,

¹ They are, I believe, first directly under the *Twahyefo Hene*, who is under the *Domakwa*, who is under the *Kyidom*.



FIG. 52. Osai Bonsu, *Mampon Hene*



FIG. 53. Afua Sapon, *Queen Mother of Mampon*

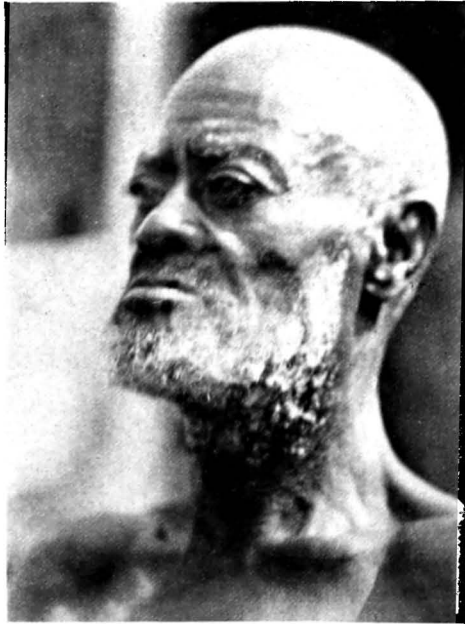


FIG. 54. Kofi Akyigyina (*Mampon Akwamu Hene*)

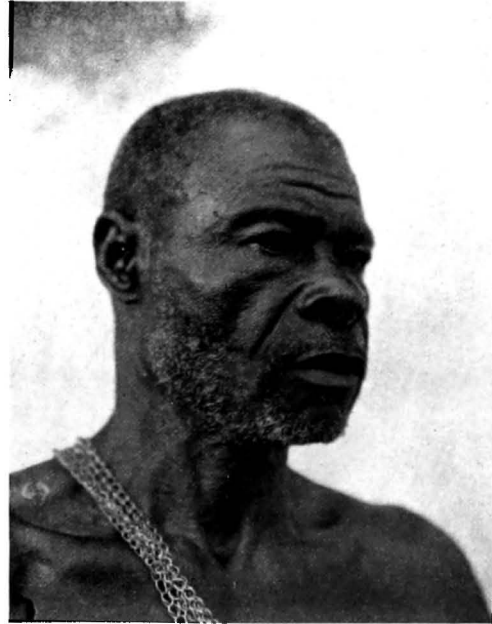


FIG. 55. Kwame Sapon, *Mampon Obene 'ba*

&c., have, I believe, their parallel in Kumasi, where they were known as *Abenkwa Kesie*. Sometimes troublesome men were given these Stools in the hope that office would sober them down and make them loyal subjects. In Mampon, all the above-named share a debt with the Chief. The *Ankobeia Hene* is a *Wirempeni*. The *Apente Hene* is in charge of the *sodofo* (cooks); the *Namensuro* is in charge of the wine.¹

The Nifa Hene: At Mampon the *Nifa Hene* (right-wing Commander) is also a *Birempon*; he is the Chief of Effiduase.

The Benkum Hene (left-wing Commander) is also a *Birempon*, the Chief of Jamasi.

Birempon of Mampon: The Mampon Chief has the following *Birempon*: Effiduase and Asokore, Jamasi, Ejura. Each of these have many villages under them.² None of these villages has any dealings with the Head-Chief of the Division, save through their own Chief. Beposo and Apa are also Chiefs who might be termed *Birempon*. Beposo was formerly under Ofinsu. Mampon calls Beposo Chief, 'wife'.³ Effiduase and Jamasi are *Beretuo* Stools; Asokore, an *Ekuona* Stool; Beposo, an *Asona* Stool. Asokore Chief was formerly a *Safobene* to the *Asante Hene* and in war came under Mampon on the right wing. Later on, incurring a debt, the Chief, after the custom common in those times, sold himself, towns, villages, and subjects, to the *Nanta Hene* in Kumasi. Then, after European intervention, Asokore was first put under Juaben, but finally came under Mampon during Mr. (later Sir Francis) Fuller's administration. Apa also formerly served Kumasi directly, having, it is alleged, been pawned for £800 to the Queen Mother, Adoma. Apa Chief is a member of the Mampon Royal House, and eligible to sit on the Mampon Stool. The Chief of Apa was always a 'brother' of the Mampon Chief.⁴

War organization:

The *Adonten*, *Akwamu*, and *Ko'ntire* Chiefs themselves marched in rear of the *Adonten*. The *Twafo* comprised the villages of Daman,

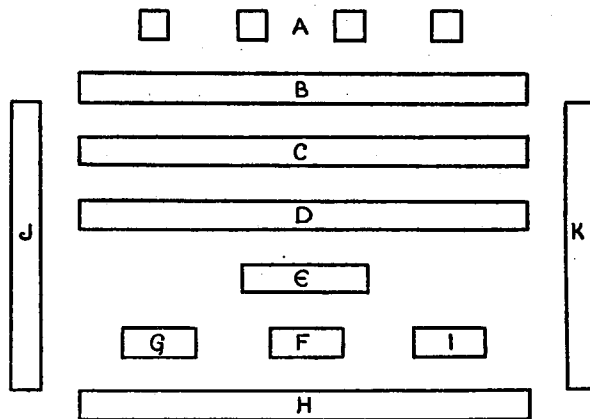
¹ The *Birempon*, *Ko'ntire*, *Akwamu*, *Kyidom* and *Gyase* all take their oath on the *Bosompra Afona*, while the *Ankobeia* and Heads of the *sekuo* (companies) use the ceremonial sword called *Adagya* (the naked one, i. e. without a sheath).

² Jamasi has seven villages, which is the same number as Agona, giving rise to the saying, *Jamasi nson, Agona nson* (Jamasi seven, Agona seven). The Jamasi villages are Tabere, Dawu, Amenase, Dome, Obanim, Yonso, Wono.

³ There was a curious custom in Ashanti whereby certain Chiefs 'married' other Chiefs; e. g. the *Asante Hene* was the 'husband' of the *Akwamu Hene*, Attabubu Chief was 'wife' of the Nsuta Chief, Bantama *Hene* was 'wife' of the *Dominase Hene*, to give but a few examples.

⁴ Compare Kokofu and Kumasi.

Nwase, Nkubeta, and Dinkyin. In time of peace, the Chief was not permitted to see the Heads of these villages, while he was eating ; if he happened to do so, he must put away the food. Behind the *Twafu* marched heralds and sword-bearers, flogging with whips any one who retired. The 'pusher' of the *Twafu* was the *Siwitiriase Hene*. The *Ko'ntire*, who were immediately behind the *Twafu*, advanced to



A. The Scouts. B. *Twafu* (who are *Akwamu* subjects). C. *Ko'ntire* subjects. D. *Adonten* (Ejura). E. *Gyase*. F. The Head-Chief. G. *Apente, Namensuro, Akonfore, &c.* H. The *Kyidom* (rear-guard). I. *Ankobe*. J. *Benkum* (left wing), *Jamasi*. K. *Nifa* (right wing), *Effiduase*.

reinforce them 'when they were tired of fighting'. The *Botase Hene* was 'pusher' of the *Ko'ntire*. The *Adonten*, who came next, were 'pushed' by the *Apa Hene*. The *Gyase* would not enter the fight unless the day was going against the army. The Head Chief was surrounded by his body-guard; in front were the *Gyase*; on his right, the *Ankobe*; on his left, *Apente, Namensuro, Akonfore*; at his rear were the *Kyidom*. The composition of the *Nifafo* (right wing) in the National army has already been given. The *Benkumfo* (left wing), the *Adonten* (main body), the *Kyidom* (rear-guard) were composed of the following :

The *Benkumfo* consisted of *Asumegya* (in command), *Kumawu, Taffo, Domina, Nsuta, Attabubu*, and the *Ananta, Gyase, Gyasewa*, and *Benkum* forces of *Kumasi*. The *Adonten* comprised *Amakum* (in command), *Asansu, Asaman, Abankyim*, and the *Kumasi Ko'ntire* ;



FIG. 56. A daughter of the late Chief of Mampon,
Owusu Sekyere



FIG. 57. Yao Berko of Mampon, son of King Kakari
of Ashanti



FIG. 59. Profile

Aprade Hene, Mampon



FIG. 58. Full face

the *Kyidom*, the *Akyeremade Hene* (in command), *Dominase*, *Akuropon*, *Domakwa*, and the *Hia Hene* (Kumasi).

Horn Calls: *The Chief*: *Kotoko Safo e!*; *Kotoko Safo e!*¹ *Asante Kotoko Safo e!* (Porcupine Safo e! Porcupine Safo e! Ashanti Porcupine Safo e!).

The Adonten Hene: *Otan me, fa wonko, fa wo kokrobodo we* (He hates me, you have no relatives, take your mother's privates and chew them).

Ko'ntire Hene: *Bako aya o* (To be alone is sorrowful). *Eko da, me to adomfi*² (On the day of battle, I shall die in the midst of the enemy).

Akwamu Hene: *Owu o! ma hu o!* (Death, I have seen you).

Kyidom Hene: *Nnipa tan wo a, da woho so* (When a man hates you, you have a care).

Gyase Hene: *Sasa oya* (A ghost is sorrowful).

Ankobeia Hene: *Ye kyire me, yeno me* (They hate me, they do not love me).

Mampon 'Oaths': The great 'oath' of Mampon is *Ƴaara* (Thursday). It is said to owe its origin to the defeat of the Ashanti by Kakari Apao, in the war against Akyim, when Osai Tutu died or was killed, and Mampon Akuamoia Panyin was wounded.

Adonten Hene: *Me ka Opanyin nko* (I mention that the Elder was left alone), i. e. that all his kin had died.

Ko'ntire Hene: His 'oath' is similar to that of the *Adonten Hene*.

Akwamu Hene: *Me ka Panyin ne nan wabo* (I speak of the broken leg of the Elder). Said to date from the 1874 campaign, when a former *Akwamu Hene* was wounded in the leg.

Kyidom Hene: As that of *Adonten*.

Gyase Hene: *Me ka gyan* (I mention the arrow). A former *Gyase Hene* was killed in a campaign against the Northern Territory tribes, in the time of Atakora Kwame.

Ankobeia Hene: *Me ka damfo nan* (I mention my 'patron's' leg).

Effiduase and Jamasi: Their 'oath' is *ntwuma* (red mourning clay), and is stated to refer to the same disaster as that recorded in the Mampon 'oath'.

Asokore and Beposo: Their 'oath' is *Wukuara* (Wednesday). The origin is stated to be a disastrous campaign against the Guans. (See History.)

Division of Aseda in olden times: The *Aseda* for the Mampon great 'oath' might amount to as much as *pereguan asia* in gold-dust, i. e.

¹ Safo Kantanka, one of the former Chiefs of Mampon.

£9 6s. od. It was portioned out as follows: The *Okyeame* took the *matabo*, in this case *asia*, £1 6s. od.; *Afofoasofo* (treasurers), 8s.; *Obema* (Queen Mother), 8s.; the heir apparent, 8s.; Stool-carriers, 6s.; *Ankobe* and *Atipim*, 3s. between them; Effiduase, Jamasi, and Asokore, 13s. each, but only if they were present at the trial; *Beposo* 10s. and *Apa* 7s. (also only if in court). The balance was then halved; one half went to the Head-Chief, the remainder was shared between the *Nsafobene*—one-fourth to the *Ko'ntire*, one-fourth to the *Akwamu*, one-fourth between the *Kyidom* and *Gyase*, and one-fourth to the *Adonten Hene* (to the last named only if present at the trial).²

Kumasi great 'oath' and appeals to the Asante Hene: The procedure at Mampon was identical with that already described in the previous Stool Histories.

Sources of Revenue in olden times:

War: The revenue from this source exhibited all the usual features already described.

Trading: The description in Chapter XIV refers to Mampon.

Death duties (Ayibuadie and Muboma): The Chief was heir to all the private property of a deceased *Gyase*² subject whose mother was a *Gyase* woman, otherwise he took one half, the other half going to the dead person's *abusua* (kindred). In the case of his *Asafo*, immediately on his death, he sent the Treasurers to lock up all the boxes of the deceased, and after the funeral custom the successor to the Stool would hand over about a *ntanu* of gold-dust, i. e. about £16, one of the deceased's wives, and a cloth, to the Head-Chief.³ The same rule also applied on the death of the *Birempon*, the Chief in this case taking about one-third of his gold-dust. The Chief was also heir to any of his own sons' or grandsons' private property. In return for *ayibuadie*, the Chief would make the usual funeral gifts.⁴ These contributions,

² A sheep taken as a fine was divided up in a very similar way. The *Akyeame* were entitled to the breast (*oyan*), the *Ko'ntire* and *Akwamu* to the right foreleg and shoulders (*basa*); any *Birempon* present, to a hind leg (*sere*); the umbrella-carriers and treasurers to the meat on the left and right (under the stomach) respectively; one hind leg for the Chief and part of the lungs and liver; the Mausoleum attendants receive a foreleg, one kidney, the tail, some meat off the neck, half the skin, and some of the lungs; the heralds, part of the lungs; the *Gyase*, the ribs on the right side (called *gwabe*), those on the left were the portion of the *Apenie Hene*; the Queen Mother, the loins (*sis*); the Stool-carriers, the neck; the *Asokwafo* (horn-blowers), the jaw.

³ As also any of the *Namensuro* subjects.

⁴ Conversely when the Head Chief died the *Ko'ntire* and *Akwamu* each inherited one of his wives.

⁵ A Chief, to whom the death of any subject has been reported, might give *nsa* (a contribution to the funeral expenses), but the *abusua* of the deceased would be expected

which implied a fictitious blood relationship, did not imply any liability on the part of the Chief for the debts of the deceased (*oheme di adie, na ontua ka*). The Chief also succeeded to all the private property of any subject sentenced to death and executed. The same rule applied to any person whom the Chief banished (*asutwa*).

Levies : There were the annual levies to pay for the funeral expenses of a Head-Chief, but the *Birempon* did not contribute directly, as each held his own funeral custom for the Head-Chief in his own Division, for which he was wholly responsible. This levy was sometimes called *meko tuo* (pepper levy). It was collected by the imposition of a tax of about 13s. on each adult male, and about 5s. on each adult female. Very old women, women who had borne ten children, or who were the mothers of Chiefs, were exempt. The origin of the expression *meko tuo* was explained as follows : 'Your master has died, you were not killed, now you are going to partake of soup again.' Treasure trove and taxes levied to pay for war were dealt with as already described. First-fruits were brought to the Chief by all subjects, but not by *Birempon's* subjects, who would take them to their immediate Head-Chief, i. e. to the *Birempon*. First-fruits were known as *adwesase* (which literally means 'Palm kernels of the earth'). It was a capital offence for any one to steal first-fruits before some had been presented to the Head-Chief; the crime was known as *tu adwesase* (to pluck *adwesase*). First-fruits are also known as *aduanthane* (literally, first food).

Other possible sources of revenue were as already described in previous chapters.

Power of the Asante Hene to interfere in the internal affairs of the Division :

The limitations on the internal autonomy of this Division imposed by Kumasi were those already fully described ; the Mampon Division did not present any new features.

Ceremonies in connexion with the enstoolment and destoolment of a Chief in olden times.

When Kobina Dwumo had been on the Stool about fifty years, he began to become blind. Atakora Kwaku reported the matter to the *Asante Hene*. The King sent his *Okyeame* to the old man with a message that he had better abdicate (*twe neho*). He informed Kobina

to make a return present which would more than reimburse him for any expenditure he had incurred. This return present was known as 'raising the buttocks of the Chief' (*ye tu no to*).

Dwumo that he might choose any village to which he wished to retire, and that he might take away anything he wanted save Stool property. Kobina Dwumo summoned his Treasurers to bring his *fotuo* (leather bags) (see Figs. 1-2) and *sika adaka* (money chest). In these he found twelve *pereguan* (£96), and he took half, leaving half to the Stool. He took his cloth¹ and *danta* (loin-cloth). He got into his hammock and was carried to Hanapanase, accompanied by all the *Gyasefo*. All this happened in Kumasi, where the old man had been summoned by the King.

There were now three claimants for the Stool, one on the Apa (*Babiru*) side, one from the *Wiridu* (*Tana*) branch, and the third from the side of the present Chief, *Botase*. The *Asante Hene* sent for the rival families to explain their respective claims. He found that all appeared to have equal rights, so he called on the ex-Chief to suggest his successor. When he came before the King, he gave him a proverb: *Die wakum tafirifa, na wa fa ne mpaboa* (He who has killed the leper, let him take his sandals). Atakora (a *Botase*), who had reported his blindness to the King, was therefore chosen. He took his oath (already described) before the King and was enstooled, without any further ceremony, at Mampon. This was only because at that time Mampon was divided as to the person who should be Chief, otherwise the usual ceremony would have taken place.

Account of the enstoolment of Owusu Sekyere's successor :

The very day upon which Owusu Sekyere died (a Sunday), he had summoned his Elders and informed them that he was very sick. He told them that he wished to see them all at his court on the Monday. That afternoon he sent his *Nsumankwafu* (fetish doctors) to Apea and Ateko (two gods), and to the Tano god at Bosofuo, to ask them about his illness. All these gods informed him that the *'Samanso* (spirits) were angry with him because he had taken them with him on a journey which he had lately made, without giving them the usual notice² (*Wa de yen ko, wankra yen*). Owusu Sekyere died that very night. The *Gyase Hene* sent for the Queen Mother and *Mpanyimfo* (*Ko'ntire* and *Akwamu* and *Adonten*, &c.), and reported the time and day of his death.³ The Elders then asked for a keg of gunpowder⁴ to fire a fare-

¹ A Chief who was being destooled was always permitted to retain the cloth which he was wearing on the last day he held office.

² Before a Chief travels, he should first give wine and a sheep to the spirits and allow three days to elapse before setting out.

³ To die in the heat of the day is considered bad; to die in the morning or evening is considered proper.



FIG. 60

A Mampon Princess



FIG. 61



FIG. 62. A Babiru Princess of Mampon



FIG. 63. A Mampon Okyeame



FIG. 62. A Babiru Princess of Mampon



FIG. 63. A Mampon Okyeame

well to the body', and to prevent the *saman* (ghost) hearing all that was said. 'The noise makes the ghost deaf.' The *Gyase Hene* then said, *Nwonfa me Nkonnya me sere nko* ('Bring my Stools that I may pass away'). The black Stools were then taken to the bush (on the Da-dease road) where the *Wirempeso* huts were made. One hut was made for each Stool, one for the *Wirempeso*¹ themselves, and one for the *Barimfo*. The white Stool, upon which the corpse had been washed, was also taken. This Stool became the black Stool of the late Chief. Stools are blackened with a mixture of gold-dust, eggs, and soot from the rafters of the Stool-carriers' rooms. The *Gyase Hene* now became *Wirempeso Hene*, but the title could never be given to him except on the death of a Chief; he also assumed charge of the town. The various claimants for the Stool, from the *Botase*, *Wiridu*, and *Babiru* branches, all now laid claim (*pere*) to the Stool, saying: *Me sere nana tuo* ('I beg for grandsire's gun'). The *Birempon* had been summoned immediately the death of the Chief had been made public. The most important and powerful people were now the *Wirempeso*. The various candidates went about canvassing and promising people money in the event of their becoming Chief. The *Awiamfo* (ordinary commoner) had some say in the choice of a successor, for they had a shrewd idea of the characters of the candidates. Before a Chief dies, he may nominate his own successor, but his nominee need not necessarily be selected. The Queen Mother and the *Adonten*, *Ko'ntire*, and *Akwamu* Chiefs then assembled at the house of the senior *Birempon* (Effiduase). He acted as spokesman during the discussion, but the real power lay with the *Adonten*, *Ko'ntire*, and *Akwamu* Chiefs. The names and characters of the candidates were discussed—the claimants themselves were not present. One Elder would rise and say that So-and-so was a miser, or too small, and not of good appearance, or had some disease, or was impudent (*ogwe*), or a fool (*ogyimfo*), or a gambler (*seretoni*), lit. thrower of cowries, or a thief (*okromfo*), or a rake (*bapfo*), or a boaster of his rank (*adehyesem*). All that was said and done at this meeting was of a confidential nature. A successor to the late Chief was eventually chosen. A public meeting was next held, which was attended by the whole Division, including the rival claimants. The *Ko'ntire* and *Akwamu* rose up simultaneously, and the *Ko'ntire Hene* made a speech stating the name of the new Chief-elect and informing the disappointed candidates exactly why they had been passed over. The selected candidate now became *Nkwankwa Hene* and was put in

¹ The *Wirempeso* at Mampon are: *Kyidom*, *Gyase*, *Domakwa*, *Atipim*.

charge of the funeral rites. He, along with the *Birempon* and Elders, next proceeded to where the body of the late Chief was lying in state and took the customary oath before it. The *Nkwankwa Hene* took the oath last of all, saying: 'They have taken your gun and given it to me; if I do not rule this people well, or had you died in battle and had I and this people not died with you, but had left you and run away, then had I violated the forbidden name of Thursday, then had I violated the great forbidden name.'¹ The Chief-elect then sat down on a leather cushion (*ate*) and dispensed drink to the assembly. Every one now set up a loud lamentation. Next day, at midnight, the body was buried. In olden times, the gun-bearers escorting the body carried guns charged with bullets, and any person they met would have been shot. The body was taken to the *Barim* (mausoleum), accompanied by the drummers and minstrels (*kwadwumfo*), just as if the Chief were alive and paying a ceremonial visit. The *Nkwankwa Hene* accompanied the body; he was stripped to the waist and carried 'the gun'. Next morning every one went to salute the *Nkwankwa Hene*, who was still living in his own house. Drink was served out to all. A day was now appointed to hold the *ayiyo* (funeral custom). On that day the *Nkwankwa Hene* would sit under a tree, upon the funeral mat, and receive the *nsa* (funeral presents). Representatives of all the other great Chiefs were present, only the Nsuta Chief came in person, as Nsuta and Mampon 'drink the same water', i. e. are situated near each other. In Mampon the presents given by a Chief to those who bring funeral gifts are received beforehand; in Kumasi, after the *nsa* has been received Nsuta was given £8, and his funeral contribution was £1 (*nsa*), a velvet pillow, six cloths, a *nsa* blanket, and, in old days, an *akyere* (slave for sacrifice); £8 was given in place of this, a case of gin, and £1 to buy a sheep. After this, gongs were beaten and a proclamation made that every one might wash (i. e. might break his fast). Next day was the *sora da* (day of rising). On that day the *Wirempeso* returned the Stools, with the exception of the new blackened Stool, which was placed in the *sora* hut along with the other articles.² Sheep were killed in the *sora* hut, and some of the meat was placed on the grave. The Monday following the *sora da*, which was generally held on :

¹ Against the bed, where the corpse lay, were leaning the seven *afona* (ceremonial swords). Some of these are *abosomafana* (shrines of the gods), some are *kra* or *noro afana*. All the senior Elders, commencing with the *Akwamu Hene* (because he was *Twafo Hene*) took their oath, using the *Bosompra afona*; next the *Ankobe Hene*, who used an ordinary *afona*; and finally, the *Birempon*, who also used the *Bosompra afona*.

² See *Religion and Art in Ashanti*, p. 164.



FIG. 64. 'The Shrines of the gods were set each upon its Stool'



FIG. 65. Shrines of *abosom* assembled to celebrate the enstoolment of a new Chief



FIG. 66. Priest and shrine attending ceremony at enstoolment of a new Chief

Thursday, was chosen for the *Nkwankwa Hene* to take the oath. The oath at Mampon was taken outside the house of the *Ko'ntire Hene* (at the spot known as *Kyenkuduase*). Here every one assembled to await the Chief. He was summoned by the Chief of the *Bosompra* ceremonial sword. The Queen Mother was seated, surrounded by the Elders. When the Chief arrived, he remained standing. The *Birempon* and Elders next rose and, through the *Okyeame*, addressed him, saying: 'Tell him we do not want him to disclose the origin of his subjects; tell him we do not want a greedy person; tell him we do not want some one hard of hearing; tell him we do not want things done as in Kumasi. There are several other candidates we might have chosen, but we have selected you. Rule us kindly, and we shall serve you kindly. We do not wish extortion; we do not wish floggings.' The new Chief responded from time to time with *Ma te* (I have heard).¹ The Chief then advanced and took his oath before the *Ko'ntire* and *Akwamu*.² After he had taken the oath, the heralds sprinkled white clay on his back and he passed in front of his seated Elders, thanking each in turn. He was then led to a vacant chair on the right of the Queen Mother, escorted by an old *Tana* woman, and supported round the waist by the *Ko'ntire* and *Akwamu* Chiefs. He was placed upon and raised from the chair twice, and the third time seated upon it. The *Birempon* and Elders next came forward to take their oath. At Mampon, the first person to do so was always the Chief of Daman, who took his oath with an ordinary cutlass, because he was one of the *Twafu*. He was followed by the *Nwase* Chief. The remainder took the oath in the following order: Krobo, Nkubeta, Dinkyin, using an *afona*; all these were members of the *Twafu* (advance-guard); next, the Chiefs of Bosofuo, Daho, Benim, and finally, the *Akwamu Hene*. Next followed the Elder of Siwutiriase, who was an *odebye* (member of the royal family) under the *Akwamu*. Following these, came the subjects of the *Ko'ntire Hene*: Chechewere, Mampon-Akrofonso, Brengo, Botoku, and, last of all, the *Ko'ntire Hene* himself. Next came the *Adonten Hene*, but the heads of the villages under him did not take any oath. Next came the *Gyasewa Hene*, then Nintin. The various *fekuo* came in this order: the *Nkotokua*, *Sana*, *Tum'ufu*, *Akomfore*, *Namensuro*, *Mawere*, *Apente*, and the *Ankobe* and *Gyase* Chiefs. *Botase Hene* and *Apa*, both members of the royal clan, next took the

¹ There is a saying common all over Ashanti, *Ma te, ma te, yemfa nyo ahenie*, or *Ma te, ma te, yemfa mmu man* ('I have heard, I have heard, does not alone make a good ruler').

² This oath has already been given.

oath. Then came the *Kyidom* subjects, headed by the *Akonnuasoaj Hene*; next, Chiremfasu, Nyinampon, and last of all the *Kyidoi Hene*. The ceremony lasted from the afternoon until the first cock crow (*Akokinini kan*). On the following Thursday, the Chief, in full dress, attended by all his retinue of drummers, umbrella-carriers, minstrels, and sword-bearers, paid a ceremonial visit to his Elders at their own homes, where they received him in the open in front of their houses. The Chief again thanked them and took the oath before each one individually. Each in turn, after the visit, rose and swelled his retinue.¹

There are certain trees in every town called *gyadua*, which have been planted by our ancestors. When the Chief and his followers reached such a tree, he would stand before it and take an oath, saying *Ye yi me se menfwe kuro yi so, se manfwe wo so fwe pa ya me to Yaoad me to niam kesie* ('They have chosen me to look after this town; if I do not look well after you, then have I violated the name of Thursday, then have I violated the great forbidden name'). The tree was hung with white calico. In olden days, if a *gyadua* fell down, several *sumnum* pots² were inverted and placed beside it, and a human sacrifice might be made to it. Sometimes when this happened, all the gods would shake. A *gyadua* is the resting-place of *mnoatia* (fairies), *bayif* (witches), and *abosom* (gods) and of such '*Samanfo* (human spirits) as can fly. As the Chief walked round the town, he was accompanied by women singing *Ose Ye*. After this ceremony, he entered the palace to take up his residence there. All the *abosom* (shrines of the gods) and their priests now assembled in the *Gyase kesie*,³ when the gods took their oath to the Chief through the mouths of their priests. They used the gods' *afona* in taking the oath (which was to the effect that they, the gods, would assist the Chief to rule his people). After this oath had been taken, the shrines of the gods were set each upon its stool (see Figs. 64-64), and the Chief passed among them, sprinkling them with water and requesting, as he did so, that they would stand behind him and prevent sickness and evil from falling upon him. A sheep was also given to the priests. The Chief was now recognized by his own subjects as Chief of Mampon, but not as such by the *Asanti Hene*, until he had taken his oath before that monarch.⁵

¹ Each Elder presented him on this occasion with a sheep for the blackened stools.

² See *Religion and Art in Ashanti*, Fig. 1.

³ See Fig. 3.

⁴ These photographs were taken at a similar ceremony which I witnessed at Kumawu.

⁵ This ceremony has already been fully described.

Destoolment of a Chief: In olden times, any one who plotted to destool a Chief without just cause was killed. If a Chief's subjects were unanimous about his destoolment, the *Ko'ntire* and *Akwamu* were informed. The Chief was summoned to appear before a court of all his Elders. He might refuse to attend. If the *Gyasefo* were on the side of the people, the latter would rush into the 'palace'. If they were on the side of the Chief, the people would await an occasion when the Chief came out, when they would seize him and bump his buttocks on the ground (*ye de ne to asi fam*). After suffering this indignity, he was no longer a Chief.¹ A destoolment was carried out very quickly, and after it had taken place the ex-Chief was not permitted to return to his 'palace', lest he should hide any of the Stool property. (Destoolments were not, as is so often stated, uncommon in olden days. Some nine or ten of the Chiefs of Mampon were, I believe, destooled.) A Chief, when retired on account of old age or bodily infirmity, was said to *tenan kyen* (i. e. sit by the side of the new Chief). In reality, however, he retired to some village, but might be consulted from time to time.²

¹ If a Chief's buttocks ever touched the ground, even accidentally, it was considered a very serious matter, and would call for the sacrifice of many sheep. If such an event were caused by the careless placing of a chair or Stool by a Stool-carrier, that person in olden times would have been killed immediately; 'even if he had three heads, all would have been cut off'.

² Figs. 67-8 give the genealogies of the *Tana* and *Beretuo* Chiefs and Queen Mothers who have occupied the Mampon Stool.

THE HISTORY AND CONSTITUTION
OF NSUTA

KOKOFU, Nsuta, and Kumasi Stools had a common ancestor: Ekuru (Apori), who came from the ground at Asumegya 'Santemanso. She bore Yita and Anchewa Nyame. Kumasi and Kokofu descended from Anchewa Nyame, and are *Oyoko*; Nsuta is descended from Yita and later became *Dako*. The *Aduana* clan also came from Asumegya 'Santemanso. They first went to settle at Juaben Mma. Anchewa Nyame remained at Asumegya 'Santemanso. A stream between the settlements of the people who were later to become *Dako* and *Oyoko*, called the *Asuo Adwin* (Adwin water). One family [the latter-day *Dako*] chose Dansu Abiam, a son of Yita, as its head and carved a Stool and gave it to him. At that time there were no other distinctions of rank. All people were just *nɔɔpa* (human beings). Dansu Abiam created *Mpanyimfo* (Elders). Anchewa Nyame bore a female child called Kwadu [my informants were not quite sure of the name] who gave birth to Akyampon Tenten, who was the first *Asante Hene*;¹ that is why the Kings of Ashanti always address the Nsuta *Hene* as 'Uncle'. When Dansu Abiam was still at Juaben Mma, many people joined him, some coming even from Denkyira and he became powerful. The people who were later to be known as *Dako* removed from Juaben Mma, leaving a brother of Dansu Abiam named Gyebi, to look after the *abosom*, and came to Ekase, near Kumasi where there was a powerful Chief called Owusu Ehyia, whom Dansu Abiam fought and captured. Akyampon Tenten advised Dansu Abiam to pass on, but he replied: *Me da me ko* ('I shall rest and pass on'). Akyampon Tenten in turn said: *Me yo, ma ko* ('I shall do what I have to do, and pass on'). From these sayings arose the clan names of *Dako* and *Yoko*.² Akyampon Tenten eventually passed on, and seeing a tree called Kumnini, camped beneath it; Dansu Abiam remained with him there. All the land in the neighbourhood of what was later to become Kumasi was owned at this time by the Chief of Ta

¹ My informants perhaps mean he was the first descendant of the group who were later to become Kings of Ashanti.

² This derivation of these clan names is not likely to be the correct one; the story accounting for them is probably an aetiological legend.

Kwaku Domfo, who refused to give the *Oyoko* land on which to settle; he was killed. Dansu Abiam had met his kinsman on the spot where Kumasi now stands, and he told him he could not settle there as his people were too numerous. He went on and reached a place between Juaben and Asaman called Aduman. Here Dansu Abiam died. He was succeeded by Adu Akyampon, his nephew, son of Amen Adwo. He too lived and died at Aduman. Boama Dako succeeded Akyampon Tenten at Kumasi. Adu Akyampon died and was succeeded by his brother, Tabi Akyampon, who removed from Aduman because of quarrels with the Juaben. He left some of his *abusua* (kinsmen) at Aduman, and from them are descended the Asaman and Konya Stools. Tabi Himani came to where there were twin rivers (*Nsu 'ta*). The spot had already been discovered by a hunter, Yao Bensin. He had reported on the place, where he had found elephant and buffalo, and Tabi sent his younger brother, Kwante Bofuo, to look at the land. Kwante Bofuo had found that it was near Beposo. Tabi and his people came to the land of the twin rivers. The Mampon, at this time, were at Mampon-Akrofonso, and Beposo was independent. We bought the land from Bampiedu, the Beposo Chief, for one hundred and ten *pereguan* and some beads called *kyekyere kuna*.¹ Tabi built the town of Nsuta where it now stands. In his time the Mampon had removed from Mampon-Akrofonso and gone to settle at Mampon. Tabi died and was succeeded by his brother, Tutu Koko. The Nsuta great 'oath' *Fiara* (Friday) dates from his time. Tutu Koko was succeeded by Nti Beko, whose mother was Kwatima Aburam. He made war against the Brong. The war arose in the following manner: In the time of Tabi some of the Nsuta had gone to Droma (not far from Kintampo) and settled there. They were hunters and used to send meat to Nsuta. Nti Beko, when he became Chief, had ordered them to capture a young elephant alive and they had refused. The Droma were joined by the Brong of Ejura under Kurubuakuma. The Nsuta were defeated and many of the *Adebye* (members of the royal family) killed. They returned again, however, and defeated the Brong; the Ejura Chief turned himself into an elephant; the Droma Chief, Akasepe, was killed, and many of the Droma fled to Kumasi. Nti Beko died, and was succeeded by his brother, Asa Botwe. He lived peacefully and died at Nsuta, and was succeeded by Agyin Frim-

¹ After considerable discussion it was stated that this weight of money was paid in the currency then in use, i. e. *nabuo* (iron money), not in the later currency, which was gold-dust. It is in fact very improbable that any sale actually took place; see Chapter XXXIII.

pon, whose mother was Kumawu. Gold-dust became the currency in his time. One son of Agyin Frimpon, Bereto Panyin, became Chief of Offinsu, hence *Nsuta Hene* to this day is known as *agya* (father of Offinsu ; another son, Berefo Bunyina, became Jamsai Chief, and a third, Berefo Kuma, became Chief of Banko. Agyin Frimpon accompanied Obiri Yaboa to the war against Domina in which Obiri Yaboa was killed. Agyin Frimpon was captured along with his mother Kumawu. The Chief of Kumawu, Koterefeni, was also captured. They all escaped with the help of a Kumawu hunter, and went to Kumasi. Later, the Chief of Kumawu killed this hunter, as he feared he would boast about what he had done ; this gave rise to the saying *Boniaye to se Kumawu Koterefeni* (' Ungrateful as Kumawu Koterefeni ').

After the death of Obiri Yaboa, the Stool at Kumasi became vacant and Osai Tutu, who was at that time in Akwamu, was sent for. He came with Komfo Anotche.¹ The Domina were defeated, but their Chief, Kyerema Sikafo, instead of being killed, was made soul-washer to Osai Tutu. Agyin Frimpon was succeeded by Oduru Panyin. He had once acted as *Okyeame* to Osai Tutu ; his staff, called the *Abusu poma*, is still in the possession of the *Gyakyee Hene*, who was *Adamfo* of Nsuta at Kumasi. He had the privilege of sleeping in the *mmed* room² in the King's ' palace ' at Kumasi, a privilege held ever since by Nsuta Chiefs. Up to this time, Nsuta, like all the rest of Ashanti was subject to Denkyira ; the Nsuta paid a tribute of *ntwuma*, red clay. [The Elders went on to state how demands for increased tribute in gold-dust and favourite wives came to be made, and how the Juaber Chief, Osai Fwodie, precipitated the war, thus confirming what has been recorded in previous histories.] At the battle of Feyiase, the Nsuta occupied a position on the left of Kumasi *Adonten Hene* (*Benkum nawase*). The Nsuta captured the Head of the Denkyira Horn-blowers, and his descendants are in Nsuta to-day. Oduru Panyin also went to the war against Akyim, and to Tekiman with Opoku Ware to fight against Ame Yao. There, many Brong prisoners were captured whose descendants are still at Nsuta. About this time there was a Chief called Atada Affram³ who lived in the Affram plains. Kumawu, Kwaman and Agogo, who were all ' brothers ' (*Aduana*), united and went to war against him. Oduru Panyin's father was Chief of Agogo, and a

¹ See Chapter XXIV, where this statement is confirmed.

² See *Religion and Art in Ashanti*, p. 239.

³ In Kumawu History this name was given as Atada Ofinam ; see p. 218.

he had been at the war for three years, Oduru Panyin went in search of him. Atada Afram eventually fled and drowned himself in the Volta. Nsuta was given his *ntabera* horns, as part of the spoils, and also obtained permission for its subjects to settle on the Afram plains. That is how Nsuta comes, at the present day, to have subjects in Apapasu, Kyekyebon, Kyeyiase, Birim, Anyinofi, Asabusu. We also were given privileges about hunting which we still enjoy. It was in Oduru Panyin's time that real power came; thus the Stool of Nsuta is known as *Oduru ne Agyin Frimpon Akonnua* (i. e. Oduru and Agyin Frimpon's Stool). Oduru Panyin made the *aperede* drums and other regalia. One of Oduru Panyin's sons became Chief of Agona; another son, Kwatin Pete, became Kumasi *Adonten Hene*; hence both Agona and the Kumasi *Adonten Hene* call Nsuta *Agya* ('father') to this day. Oduru Panyin was succeeded by his nephew, Oduru Kuma, the son of Esa Adeao. He was Chief for only one year, when he was killed at an *Adae*. The cause of his death was as follows: There were three families from whom a successor to the Stool might have been picked, i. e. descendants of the Queen Mother, Boahema Piesie, from whom Agyin Frimpon was descended; Adwutewa Bie, whose grandsons were Nti Beko and Asa Botwe; Akuma Dankari's side, from which Oduru Panyin came. Agyin Frimpon had a nephew called Waye. After the death of Oduru Panyin, Waye and Oduru Kuma both claimed the Stool. Oduru Kuma was enstooled. On an *Akwesi Adae*,¹ Waye attacked and shot him while he was riding in his hammock. At this time Abena Siabura was Queen Mother. A civil war now broke out. Siabura set out for Kumasi with the body of the dead Chief to take it to show the *Asante Hene* (Kusi Bodom?), but she buried it at Effiduase 'as it stank'. She proceeded alone to Kumasi, and remained there three years to try and raise an army. Meanwhile Waye ruled the town of Nsuta, having killed the head Stool-carrier, Akatakyi, and obtained possession of the Stools. This fresh outrage was reported to Kumasi. The King of Ashanti sent an army; Waye was defeated and killed. The Queen Mother, in return for the help of Kumasi, gave up the following villages to the *Asante Hene*: Dekyemso, Boakuroam, Duase, Kono, Adwumakase, Aseremaso, Safo, Domakwae. Kumasi, Juaben, and Nsuta Elders now 'drank the gods' that the descendants of Boahema Piesie should never again occupy the Stool.² A gun was

¹ See *Ashanti*, Chapter VII.

² The *Brofo Hene*, who recently laid claim to the Nsuta Stool, came, I believe, from the family alleged thus to have been debarred from the succession.

loaded with a *bodom* bead and fired into the sky. The ceremony took place in Kumasi at Dwabirim (the site of the present post office) Oduru Kuma died, and was succeeded by his nephew, Amankwa whose mother was Dinkyere Amado. A subject of the Mampon Chief (Pepra Asiase) came to Nsuta and abused the Chief. This caused quarrel, and the Nsuta Elders all swore the Nsuta 'oath' that they would bring Pepra's head. Pepra Asiase was captured and killed. His head is on the Nsuta *odwira*¹ and a gold mask of his face is on the *Bosommuru afona* (ceremonial sword). The *Asante Hene* now intervened and stopped the war. Amankwa accompanied Osai Kojo to the war against Bana (Banda) in which Worosa was killed, hence the call of the *ntabera* horns of Nsuta which say, *Menya bwan ko fwe Bana ban? Hwan na o me se?* ('Whom shall I get to go and look at Bana's fortress? Who is my equal?'). The Head of the *Okyeame* of Bana is also on the Nsuta *odwira*. The Juaben *Hene*, Osai Fwidié, went to Basa (near Kratchi) to fight with Basa Subire, and was captured and put in a *da'mum* (a hut without doors and windows (see Fig. 17)). His whole army retreated, leaving him a prisoner. The Nsuta Chief, hearing of this went with an army to Basa, and captured the Chief. The dead body of the Juaben *Hene* was found in the *da'mum* hut, the floor littered with banana skins with which he had been fed through the roof. His bones were brought back. The Juaben demanded the bones and skull of the Bana Chief to place on their *odwira*, but these Nsuta refused to give up. War would have resulted, had not the *Asante Hene* intervened. Subiri's head is in possession of Juaben to this day. Amankwa had twin sisters, Ata Panyin and Ata Biom (Ata Kuma).² Now Amankwa used to eat food prepared at the house of the Queen Mother Siabura. One day a lump of *dufa* (medicine) was found in the food Siabura was accused of trying to poison the Chief. She denied that she had done so, and fled to Kumasi, taking with her the umbrella top called *akokobatan ne ne mma* ('The hen and her chickens'); that was how this emblem came into possession of the Kings of Ashanti. The *Asante Hene* sent help, and a battle, which lasted seven days, was

¹ See *Religion and Art in Ashanti*, Chapter XII.

² Later, they were given in the genealogy as being his nieces. (See Fig. 83.)

³ This emblem was among the exhibits shown in the 1924 Exhibition at Wembley being, so far as I recollect, among the collection of Sir Cecil Armitage. The crest of Nsuta was later altered (in the reign of Adu Agyei) to that at present in use; about this there is the well-known saying, *Oyoko ne Dako afoa atam enam* (There is no division between the *Oyoko* and *Dako* clans; they are like the *afoa* fruit). (Atam would describe the division of an orange.)

fought near Nsuta. Amankwa, along with the *Gyase Hene*, disappeared into the ground near the site of the Scottish Mission School. A stone marked the spot until it was removed by the missionaries. Amankwa's Stool is among the blackened Stools. He was succeeded by Gyamfi, a son of Atta Kuma.¹ He fought with Mampon, whose Chief, Atakora Panyin, wished to avenge the death of Pepra Asiase. We fought between Bonkurom and Mampon, and Atakora Panyin was killed and his head is on our *odwira* to this day. Atakora Panyin was succeeded by Owusu Sekyere Panyin, who offended Kusi Bodum, the *Asante Hene*, who appointed the Nsuta Chief to punish him. The Mampon Chief fled and entered a rock. Gyamfi was succeeded by Adu Agyei, son of Ata Panyin. He was already an old man when enstooled, and did not go to any war. He was succeeded by Yao Sekyere, his nephew and son of Gyamfua Kwabon. Yao Sekyere's *mmerane* (title) was *Aworokoama* ('Hand the war over to him'). He was Chief during the reign of Bonsu Panyin. When Bonsu Panyin went to the Fanti war, Adu Agyei did not accompany him because of his age. The Nsuta had in consequence been commanded by Yao Sekyere, who at the time was an *odebye* (member of the royal family). The *abediakyiri* (heir apparent) Peprim had been one, but he had refused to go to the war, so, on the death of Adu Agyei, Yao Sekyere had been given the Stool. Yao Sekyere also went with Bonsu Panyin to the Gyaman war. After that campaign he went to war against the Ewe, to punish the villages of Akonya² and Awusuta, which, although his subjects, had refused to accompany him to the Gyaman war. Fwea Brefo, the Chief of Awusuta, was killed. On the way back from this campaign, the Nsuta were met by a messenger who told them of the rebellion of Tibu,³ the Denkyira Chief. Yao Sekyere passed straight to Kumasi, where King Mensa Bonsu was lying ill. The Nsuta Chief asked for the *Pompomsuo* sword, that he might bring Tibu's head; but Mensa Bonsu would not give it to him, as he said all his Elders were away on the campaign. Mensa Bonsu died, and Osai Yao succeeded him. The Nsuta Chief and Osai Yao then went to the war, in which Mankata (Sir Charles M'Carthy) had already been killed. Osai Yao reached as far as Cape Coast, from which he was driven. Yao Sekyere was later killed at Akantemansu. He was succeeded by Kwesi Mafo. He

¹ The son of the elder sister would have succeeded in the ordinary course of events, but he was passed over as his mother, Ata Panyin, had not been on the side of the Queen Mother in the late civil war.

² Akonya had been bought from the Agogo Chief in the time of Ofori Krobon.

³ Whom the Nsuta called Kojo Akurukuru.

was on the Stool during the reign of Kwaku Dua II. He did not go to any war in person, but sent his army against the Akumpifo (the Asikuma war). Mafo died at Nsuta and was succeeded by his younger brother, Kobina Kokuru. Kakari was *Asante Hene* in his time. The Nsuta sent an army to the *Fweasa* (war against the Ewe), but the Chief was not in command. In this campaign the Basle missionaries were captured.¹ The Nsuta were still away at the war when Kokuru died. He was succeeded by Kofi Asianowa.² He went with Amankwatia, the Kumasi *Ko'ntire Hene*, to the *Toto* war (the 1874 campaign). The Ashanti were fleeing, when, on a certain Sunday, they reached the Aporapon river. The Nsuta army may not march on a Sunday, and thus escaped a severe battle in which the remainder of the Ashanti forces became engaged. King Kakari, on the return of his defeated army, accused his generals of cowardice, but he too ran away and was destooled, and Kumasi was burned by the English.³ Mensa Bonsu was now enstooled, but Juaben claimed complete independence and refused to serve him. The Juaben tried to induce Nsuta to revolt, saying: 'An uncle does not serve his nephew.' We remained neutral. Juaben were defeated. Asianowa 'drank the gods' that he would serve Mensa Bonsu. He went to Kumasi, where he remained about three years and died there. His body was brought to Nsuta and the *Asante Hene* celebrated his funeral custom. He was succeeded by Yao Akoma, son of Gyama Poku. He was loyal to Mensa Bonsu, and was on his way to Kumasi, when Mensa Bonsu was destooled. The Kumasi *Mpanyimfo* now sent a message to Nsuta, saying that they wished to re-enstool Kakari. The Nsuta consulted the Mohammedans, who stated that if Kakwu Dua were enstooled he would die within forty days, but that if Kakari were chosen, he would reign for seven years and the Ashanti Nation would prosper. Kakari was at that time at Breman, where he was attacked by some of the Kumasi forces; Agona and Nsuta set out to his assistance. They were met on the way by the Kumasi *Gyasewa Hene*, the *Sana Hene*, and one of the Kumasi royal family called Akanase Poku. In a fight which followed, all these persons were killed. Kumasi then sent a force to fight Nsuta and Agona, who, to avoid capture, blew themselves up along with the regalia.

¹ Ramseyer and Kühne.

² Named after an *obosom* (god).

³ 6 February 1874. At this point one of the old men who were relating these events said: 'The English are very foolish in war; when they capture prisoners they use them to fetch water, and bury you if you happen to get killed. At a later date I was once fighting on the side of the English and was whipped by Armitage (later Sir Cecil Armitage) for cutting off the jaw of one of our enemies.'

About three hundred men perished in this manner. Kwaku Dente, son of Abena Siabura II, was the next Chief. 'Kakari was lost' (*wayera*);¹ Kwaku Dua II was enstooled, but died within forty days. Prempeh and Atwereboanna both now claimed the Stool. Nsuta was on the side of Atwereboanna, because Ya Kya had refused to listen to their advice regarding Kakari and had enstooled Kwaku Dua II. Kokofu *Hene* was also in favour of Atwereboanna, as were Mampon, Kwaberefo (a Kumasi village), Agona, and Kumasi 'young men'. Juaben, Bekwai, Asumegya, Ejisu, Kumawu, Offinsu, and the rest of Kumasi favoured Prempeh's enstoolment. Kumasi fought and defeated Kokofu, Mampon, and Kwabere, and drove them to the north. Ya Kya (the Queen Mother of Ashanti) later sent to them to say that the Golden Stool would not 'eat' while its uncle was in exile. The Nsuta sent back a message to say that they would return, but that they wished to know what were the intentions of Kumasi regarding Mampon. Ya Kya then told the Nsuta that it was only Nsuta they wanted, and that a new Chief would be enstooled at Mampon. While these negotiations were still in progress, Kwaku Dente died at the village of Komkrompe, near Attabubu. He was succeeded by Kobina Adu Agyei, whose mother was Ya Kyim. He was enstooled at Komkrompe. He sent a message to Prempeh stating that unless the villages of Dida, Kyebe, and Gyakye were returned to Nsuta, he would not return. He also stipulated that Prempeh should, 'drink the gods' not to do him any harm. This was done [by proxy, as was customary]; the *Bosommuru Hene*, Kwaku Aboagye, represented the King and Abena Denta, while Kwaku Sekyere represented the Chief of Nsuta. Adu Agyei returned to Nsuta and thence to Kumasi, where he arrived on a Saturday; on the following Monday Prempeh was enstooled and on that day 'climbed the *mmeda*'.² The Nsuta Chief took his oath and returned home. He rebuilt his town. The Nsuta Chief was not in Kumasi when Prempeh was arrested; the English came and gave us a flag and 'we handed over the knife'.³ When Adu Agyei died, a dispute arose about the Stool. The *Ko'ntire* and *Akwamu* Chiefs wished to enstool Adu Biowuo, the late Chief's younger brother. The other candidate was a man called Kobina Ntem, who traced descent from Boahema Piesie. He therefore belonged to the family which had been barred from succession to the Stool. He went to Kumasi to get

¹ See foot-note, p. 209.

² See *Religion and Art in Ashanti*, p. 239.

³ i. e. waived the right to inflict capital punishment.

the help of the English. Adu Biowuo was enstooled, but the English would not confirm him, and gave the Stool to Yao Mafo, a son of Adwoa Gyamfua. He was in the Fort during the 1900 rising. He died on the way to Accra, and was succeeded by his younger brother, Kobina Bruku. He was on the Stool for about five years, when he was destooled for drunkenness. He was succeeded by Kwesi Tin, who was destooled for a similar offence, and was succeeded by the present Chief, Kwame Gyima. (See Figs. 69-70.)

Personnel of the Nsuta Division :

The Chief : Kwame Gyima, clan *Dako* ; *Ntoro*, *Bosomtwe*.

The Queen Mother : Akosua Nni Kra ; *Ntoro*, *Nketea*. She is the Chief's mother's sister's daughter. (See Fig. 71.)

The Ko'ntire Hene : Yao Agei (see Fig. 81), clan *Asenie* ; *Ntoro*, *Bosompra* ; the present occupier of this Stool is the son of the late Chief, ' as there was not any *odebye* eligible '. He is also *Adonten Hene*.

Akwamu Hene : Kobina Aduani, clan *Agona* ; *Ntoro*, *Bosommuru*. His *Adamfo* is the *Ko'ntire Hene*.

Kyidom Hene : Kofi Dogo (see Fig. 82), clan *Aduana* ; *Ntoro*, *Bosompra* ; the Stool descends in the female line, i. e. is an *Adebye* Stool.

The Twafu Hene : Kofi Adwedai, clan *Agona* ; *Ntoro*, *Bosomtwe* ; the Stool is an *Adebye* Stool. The Queen Mother is his *Adamfo*.

The Clan Chief : Also called the *Adebye Hene* and *Brofo Hene* ; clan *Dako* ; *Ntoro*, *Bosomtwe*.

Akyeame Hene : Also known as *Kyemso Hene*, Kofi Tawia, clan ? ; *Ntoro*, *Bosomtwe* ; an *Adebye* Stool.

Gyase Hene : Kwame Agyei (see Fig. 74), clan ? ; *Ntoro*, *Boadie* ; an *Adebye* Stool.

Villages and Fekuo (companies) under the above officials :

The Chief has not any villages directly under his own control. The *Gyasefo* and *Barimfo* however serve him indirectly (i. e. through their Head). In the event of war, the *Gyase* comes under the *Kyidom Hene* (Commander of the rear-guard) and calls him *Adamfo*.

The Queen Mother : She owns the following villages : Dida (the inhabitants of which are the Queen Mother's *Barimfo* (mausoleum attendants)), Kyerease, Kyekyebonso, and Asuboasu (the inhabitants of which are her hunters), Bogyease (this village, I was informed, now claims to come under Kumawu). The Queen Mother has also subjects in the villages of Atonsu and Bima, which do not however belong to her.



FIG. 69. Kwame Gyima, *Nsuta Hene*



FIG. 70. *Nsuta Hene*, with leopard cub

18
L. H. ...
S. ...
...



FIG. 71. Akosua Nni Kra
Queen Mother of Nsuta

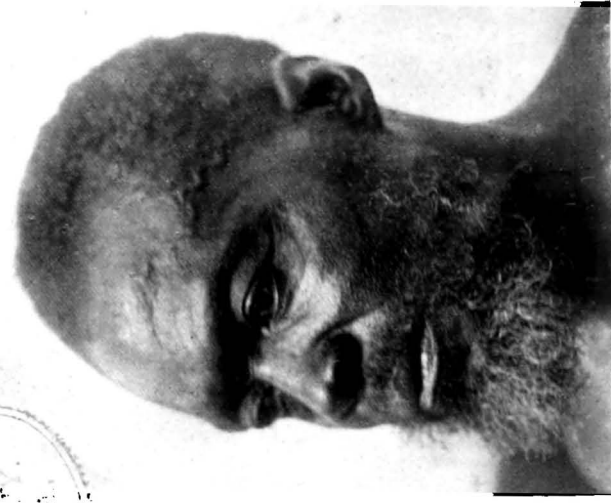


FIG. 72. Gyakye Hene, Nsuta

The Ko'ntire Hene : His villages are Anansu and Dadease ; the heralds are under him.

The Akwamu Hene : He has the following villages : Agyeitiase and Atwea (the Chief of Atwea calls *Akwamu Hene* 'Adamfo' ; he went in front of him in war, but does not share in *Akwamu* Stool debts). The *Afonasofo* (sword-bearers) are under the *Akwamu Hene*.

The Kyidom Hene : His village is Tadieasu. The Chief of Domakwa calls the *Kyidom Hene* 'Adamfo', but does not contribute towards a *Kyidom* Stool debt, though in the event of a Divisional levy he would pay his contribution through that Stool. The *Domakwa Hene* is in charge of the *Sodofu* (cooks) ; the *Atum'tufu* (gun-bearers) were, in olden times, under the *Kyidom Hene*, but were later—in the time of Yao Sekyere—put under the *Gyase* Chief. At the present moment there is a dispute between the *Gyase* and *Kyidom* as to their position. The *Abrafo* (executioners) were under the *Kyidom*.

The Twafo Hene : His village is Atonsu. He is *Adamfo* to the Head of the Stool-carriers, the Head of the Horn-blowers, and the Head of the mausoleum, but they have not to contribute to a *Twafo* Stool debt, although they would pay any contribution to a Divisional levy through the Stool Treasury of their *Adamfo*.

The Clan Chief : The *Brofo Hene*. His villages are Abonkosu, Apentuase, Kuroyi. The *abadiakyiri* (heir apparent) calls him *Adamfo*. Danso and Daduako are under the *abadiakyiri*.

Akyeame Hene : Villages, Nkwabenemu and Kwaem. The *Kyimi-ekyimfo Hene* (Head of the umbrella-carriers) calls the *Akyeame Hene Adamfo*.

The Gyase Hene : Kwakye Dida is his village. Under the *Gyase Hene* is the *Gyasewa Hene* (a male Stool), who is directly in charge of the following *fekuo* (companies) : (a) *Akyrermadefo* (Drummers), who include groups specially trained to play the various drums (*aperedefo*, *mpebi* and *nkrawirifo*, *ntumpanefo*, *fontomfromfo*). (b) The *Sanafu* (Treasurers) ; (c) the *Bosommuru Hene* ; (d) the *Asoamfo* (hammock-carriers) ; under the *Asoamfo Hene* are the *agwareyefo* (bathroom attendants) ; (e) the *Aboprafo* (elephant-tail switchers), who are the sons and grandsons of the Chief ; (f) the *Akomsore*, who are the torch-holders and also guard the most important of the blackened Stools ; (g) the *Atenfo*, who carry torches made out of faggots of palm branches, called *atene* ; (h) the *Asebefo*, performers of the dance of that name, which is danced at funerals, and formerly also at the *odwira* ceremony ; (i) the *Apesemakafu* (whose Head is next in line of succession after the

abadiakyiri; *Apesemaka* is also a dance; (j) *Atipinfo*, whose duty it is to wash the body of the dead Chief; (k) the *Kwadwumfo* (minstrels); (l) the *Ankamadowafo*, whose duty it was to guard the road to Attabubu, and to refuse passage to all persons who could not explain their business satisfactorily.

The Ankobea Hene: He calls the *Gyase Hene* his *Adamfo*. At Nsuta, this Stool (the *Gyase*) has become one of considerable importance. Unlike most *Gyase* Stools, it is filled by Chiefs who follow each other in a uniform line of succession, instead of being merely nominees of the Head-Chief. At Nsuta the *Gyase Hene* actually calls himself 'a *Birempon*' of the Head-Chief.

Birempon of Nsuta: The *Birempon* of Nsuta, in the customary sense of the term, are: The Chief of Asaman, who is also *Nifa Hene*; the Chief of Ntonsu, who is *Benkum Hene*; the Chief of Ayadwase, and the *Gyakye Hene*. The Chiefs of all these Stools are members of the *Dako* clan. Their *Adamfo* are, respectively, the *Akyeame Hene*, the *Ko'ntire Hene*, the *Brofo Hene* (see Fig. 84), and the *Gyase Hene*. The Chiefs of Banko and Sekyere, who were once under Kumasi, have been placed by the Government under Nsuta, and may therefore be included among the *Birempon* of this Stool.

War organization:¹ In the National army, Nsuta occupied the position known as *Benkum nawase*, i. e. they were under the command of Asumegya on the left wing, and on the left of the *Asante Hene*. The Nsuta Chief held a gun known as *Santuo* or *Abakuma tuo*, a sign that he was related to the Royal House of Kumasi. On p. 267 is a plan of the battle formation of the Nsuta army when acting as an independent unit.

When Nsuta and Kumasi were on a campaign, Nsuta would not fight on a Sunday unless the *Asante Hene* gave him a boy and sheep for the Stool, 'because his *Ntoro* was Bosomtwe'.

Nsuta 'Oaths': The Nsuta great 'oath' is *Duruman*, the *Aseda* for which was from £2 7s. od. (*soa ne domma*). *Duruman* is a village between Nkoranza and Kintampo. The 'oath' refers to the campaign in which the Nsuta army was defeated in the time of Nti Beko (see History of the Division).

Fiara (Friday) is another Chief's 'oath'. It is said to date from the time of Tutu Koko, who, defeated by the Fweafo (Ewe), fled to Kwahu. The Chief has also a household oath (*ohene akora*), which is

¹ I omitted to record the Horn calls of the various commanders.



FIG. 73. *Sana Hene, Nsuta*



FIG. 74. *Gyase Hene, Nsuta*



FIG. 75. *Asokwa Hene*, Nsuta



FIG. 76. Chief of Stool-carriers, Nsuta



FIG. 77. An elephant-tail switcher at the Nsuta court

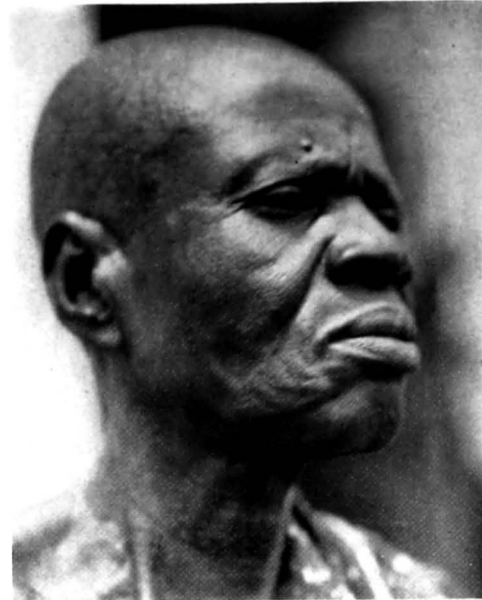


FIG. 78. Queen Mother of the Adebri Stool (Nsuta)

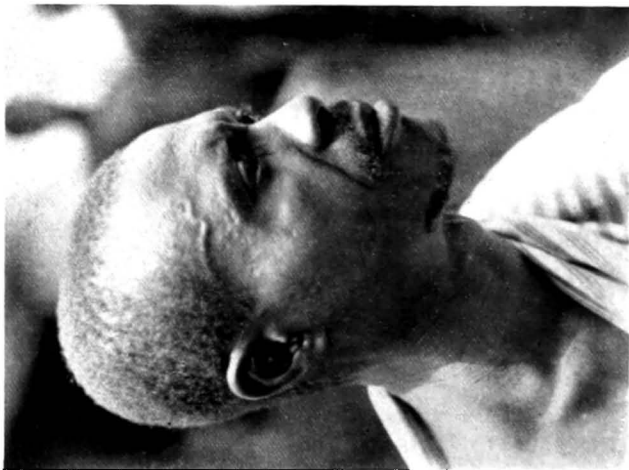


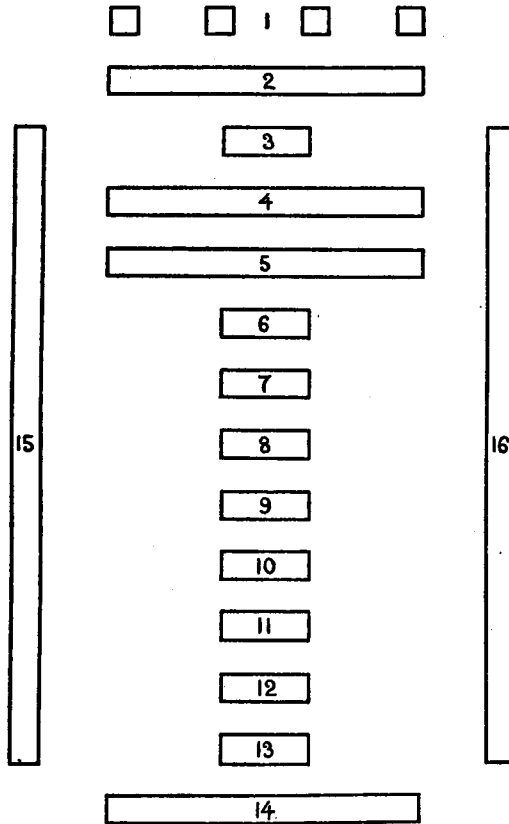
FIG. 79. *Domakewa Hene, Nauta*



FIG. 80. *Atipim Hene, Nauta*

OF NSUTA

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1. The scouts, composed of the villagers of Adutwam. 2. The *Twafo* (advance-guard), comprising Atonsu, Kyebi, the *Barimfo*, and men of Danso. 3. The *Brofo Hene*, who is 'pusher' of the *Twafo*; with him march the *Abadiakyiri* (heir apparent) and the Chiefs of Mpantuase and Kuroyi. 4. The *Akwamu Hene*, with Atwae and Ageitiase. 5. The *Ko'ntire Hene*, who is *Adonten* (commander of the main body); with him are Anansu and Dadease. 6. The *Akyeame Hene*, with the villagers of Kyemso, Konya, Juaben Mma, Nkwabenemu, and Kwaem. 7. The *Sana Hene*, with Duamo. 8. The 'pusher' of the *Sana Hene*, the *Nsenia Hene*. 9. 'Pusher' of the *Nsenia Hene*, the *Asokwa Hene*. (See Fig. 75.) 10. The Head of the Stool-carriers with the Stool. 11. Akomfore and Atene Chiefs. 12. The Chief, with whom, as a special body-guard, is the *Gyasewa*, with all his *feku* save the *Sana Hene*.¹ 13. The *Gyasefo*. 14. The *Kyidom* (rear-guard), including Domakwa. 15. The left wing, Ntonsu, with whom is the *Gyakyeh Hene*. (See Fig. 72.) 16. The right wing (*Asaman Hene*), with Ayagyase.

¹ 'Because the *fotuo* (leather bags) must be in front of the Chief.'

used by the 'palace' attendants, and the punishment for its violation was a whipping and *aseda* of a bottle of gin.

There is an oath *me ian nana asumasi* (I hate grandsire So-and-so), which was almost wholly proscribed, only being permitted to be used by the Chief on going to war, when it might be invoked to swear that, did the war captain who used it not return with the head of his enemy, then he had committed the terrible offence implied in the 'oath'.

The Queen Mother's 'oath': She had, and still has, the household 'oaths' which have already been recorded.

The Ko'ntire Hene's 'oath': *Bereso* (lit. upon the palm leaves). Its origin was as follows: The *Ko'ntire Hene* is Chief of the *Wirempefo* (who at Nsuta comprise *Ko'ntire*, *Akwamu*, *Kyidom*, *Twafo*, *Akyeame Hene*, *Akonnuasofo Hene*, *Asokwa*, and *Akyeremade*). When in the hut built in the 'bush' to house the blackened Stools and the *Wirempefo*, he sleeps on palm leaves (*bere so*). The *Akwamu Hene* has the same 'oath'.

Kyidom Hene's 'oath': *Tikwa* (lit. shaven head). At the building of the *Wirempe* camp, the *Kyidom Hene* had to carry sticks for building the huts, on his head.

Brofo Hene's 'oath': *Amanebunu* (a sorrowful event).

Twafo Hene's 'oath': *Kwesiar*a (Sunday). (I did not obtain information as to its exact significance.)

Akyeame Hene's 'oath': *Amanebunu*. (See above, *Brofo Hene*.)

Gyase Hene's 'oath': *Ntoa* (a powder-belt?). It refers to the disaster mentioned in the Nsuta History in the reign of Amankwa.

Gyasewa Hene's 'oath': *Futuom* (an empty house).

Division of Head Chief's aseda in 'oath' cases in olden times:

The £2 7s. od. was divided as follows: *Matabo*,¹ 7s. for the *okyeame*; about 1s. 6d. for the Queen Mother; 1s. for the Stool-carriers; 9d. for the *Okyeame*; 1s. for the *Sana Hene*; 1s. 6d. for Juaben Mma *Hene*; 9d. for children and grandchildren of the Chief; 1s. for the gate-keeper and umbrella-carriers; 9d. for the young *Adebye* (members of the royal blood). All these amounts had just been guessed at, being collected from the pile of gold-dust on the finger-nail of the Treasurer. The balance of the dust was now weighed, and divided into two equal parts;² one half went to the Stool, i. e. the Chief, the

¹ See p. 114.

² If any of the *Birempon* were actually present at the trial the division would be into three parts: one to the Stool, one to the *Birempon*, and one to the *Mpanyimfo*.



FIG. 81. *Ko'ntire Hene, Nsuta*



FIG. 82. *Kyidom Hene, Nsuta*



FIG. 85. *Agona Hene*



FIG. 84. *Brofo Hene, Nsuta*

other half was given to the *Ko'ntire Hene*, who, after removing a pinch with his *sawa* (spoon used for gold-dust), divided the remainder into seven equal shares, which were distributed among the *Ko'ntire*, *Akwamu*, *Okyeame Hene*, *Kyidom*, *Gyase*, *Brofo* and *Twafɔ* Chiefs. Each of these, again, would divide his particular share among his own immediate dependents.

Under the remaining various headings, *Nsuta and Kumasi great 'oath' cases; Appeals to the Asante Hene; Sources of Revenue; Enstoolment and destoolment ceremonies*, an examination of these subjects did not disclose any new or unusual features requiring special notice; one and all exhibited the common features with which previous Stool Histories have now made us familiar.

Other Stool Histories: In the course of my last fifteen months' tour in Ashanti, I also examined, on the spot, the History and Constitution of Nkoranza, Tekiman, Wam, and Banda. Even in these more remote areas—remote, that is, from the capital Kumasi—I found everywhere confirmation and repetition of the main features of the Historical and Constitutional surveys which have now been presented. Further repetition, though possibly interesting to any one who happened to be an official in these parts, would, I fear, unduly strain the patience of the general reader. I have therefore decided to omit them from the present volume, contenting myself with the inclusion of the photographs of many of the Chiefs and Elders, both men and women, whose names are household words in these parts. These, and the other portraits contained in this volume, will serve, I hope, as a kind of National picture gallery (incomplete, of course, for there are many regrettable omissions) of some of the men and women who helped by their courage, devotion, and administrative ability, to weld their countrymen into the Nation whose laws and Constitution are described in this volume.¹

¹ Fig. 83 gives a genealogy of Nsuta Chiefs and Queen Mothers.

KOMFO ANOTCHE¹

BEFORE I finish what is perhaps more of an historical than a legal record, and pass on to an examination of Ashanti Law and Procedure, I will endeavour, as it may be of interest, to fill a gap in the annals of this people which every student of Ashanti History, whether European or African, must often have wished to bridge.

Every nation has possessed some great man whose life and work have profoundly influenced the future of the race; to this general axiom Ashanti is no exception. Osai Tutu, the first Chief of Kumasi to become *Asante Hene*, occupies a proud position among Ashanti National heroes, but I think that no Ashanti, with a knowledge of his own traditional history, would contradict me, were I to give first place among many great Ashanti men and women to the 'priest' Anotche, or *Komfo* Anotche, as he is generally called even by Europeans. Sir Francis Fuller, a former Chief Commissioner of Ashanti, has described him as 'the Cardinal Wolsey' of Ashanti. Many educated Ashanti have, without irreverent intent, spoken of him to me as 'the Ashanti Christ'. I think it is not an exaggeration to state that Ashanti, which I have endeavoured to describe in this and in my previous volumes, was largely of his making, in its national and religious movements. Komfo Anotche lived and died more than two hundred years ago, and his life, work, and death are so much obscured by myth and interwoven with legend as to render an attempt at an authentic biography somewhat difficult. His direct descendants² are, however, still alive. One of them occupies an important Divisional Stool, that of Agona. I thought, therefore, that I could not do better than go to this Chief for the information for which I sought. It is to Kojo Apao (see Fig. 85), Chief of the Agona Division, that I am indebted for the following account of his ancestor's life, and also for permission to attend the interesting ceremony at Agona Akyempim, which will presently be described. As in the case of the Stool histories which have preceded this chapter, I will give the story of Komfo Anotche's life as nearly as possible in the words of his descendant, the

¹ Also sometimes spelled Anotchi and Anokyi.

² Through the female line.

narrative being recounted in the vernacular, of which the following is a free translation :

Kwame Frimpon Anotche Kotowbere¹ was the son of a Amea Gyata, who had come forth from a spot in Adanse called the *Bona Bom* (the *Bona* rock). Amena Gyata died in Adanse, leaving a daughter, Nana Dufie Gyampontima, and a son, Dampite, who later became a priest. Amea Gyata belonged to the *Asenie* clan. This clan later left Adanse and went to 'Santemanso, and later again to Nkuruoso (near Bonwere). Various members of the *Asenie* clan founded Stools which afterwards became famous. Thus, Adu founded Aduaben ; Akosa Yadom founded Amakum ; Sa Kodie Date founded Agona Akyempim, near the present town of Agona. Anotche was born at Adanse Akrokyere, and was the second son of Dwirawiri Kwa (an *Asenie* woman) and of an Adanse man called Kyei Birie. Dwirawiri Kwa was the daughter of Nana Dufie Gyampontima. Adu Twumu-wu had married a man called Twumasi Amponsem, who was a brother of Owusu Panyin, who was the husband of Manu, the mother of Osai Tutu.² Anotche's elder brother was Yamo, who also became a priest. He was killed along with Obiri Yaboa in the Domina war. Anotche was stated to have been born already holding two lumps of *nufa* (medicine made into balls or cones) and a *bodua* (cow's tail) in his hand. As a child he would disappear for days at a time ; he once jumped and stood on a flower called *Fwentema*. When still a youth, he commenced to travel. [In these wanderings, legends grew up around the places he visited, these spots being 'cursed' or 'blessed' according to the reception given to him.]

At Effiduase lived a weaver, called Babu, whom Anotche informed that he would die three days after he had finished a cloth which he was weaving at that time. To delay the completion of his task, Babu used to pass his shuttle through the shed only once or twice each year.³ At Ntonso he was using the village latrine, and was abused by the villagers for fouling one of the cross-sticks. He invoked a curse upon the town and foretold that quarrels would arise whenever it became necessary to make a new latrine. The Ntonso villagers there-

¹ *Kotowbere* means literally '(to whom) they weary of kneeling'.

² Komfo Anotche and the great Osai Tutu were thus related, an interesting and hitherto unrecorded fact in Ashanti history.

³ The subterfuge of this African Penelope gave rise to the Ashanti saying which is used to designate the work of any one who is inordinately slow at any task : *Wo nyon Babu atama nyon* (You are weaving a cloth in the manner of Babu's weaving). For an account of Ashanti weaving see *Religion and Art in Ashanti*, Chapter XXIV.

fore invented a new kind of latrine which did not necessitate much constant renovation. At Apa the villagers laughed at him when he wished them to adopt the god *Aboasu* as one of their deities, and he caused all the subsequent generations to be born with thin lips and protruding teeth. The blacksmiths of Fumasua, a village near Kumasi, once refused to forge him an *adere* (sickle), and he prophesied that the villagers would always be toilers at the forge and never grow rich. At that time when Komfo Anotche was growing to manhood, Osai Tutu was in Denkyira, where he had been sent as an elephant-tail switcher to Amponsem, the King of Denkyira. Here Osai Tutu had had an intrigue with a woman called, Ako Abena, a sister of Amponsem, and wife of one of the Elders of Denkyira. The child later born to Ako Abena, of whom the father was alleged to be Osai Tutu, became the famous Ntim Gyakari. Osai Tutu, as the result of the discovery of this intrigue, had to flee for his life. He went to Akwamu, where his spiritual father resided—the god Tutu—whom Manu, Osai Tutu's mother, had consulted before his birth. Meanwhile, Anotche had wandered to Akwapim,¹ and visited Awukugua and Apiride and learned all about medicines, amulets, and charms.

Osai Tutu met Anotche in Akwamu. The latter was a prisoner, having committed some offence for which he had been fastened to a log. Osai Tutu obtained his release. At this time Obiri Yaboa was on the *Oyoko* Stool at Kumasi, and had gone to war with the Domina. He was killed in the fighting that ensued, as was also Anotche's brother, Yamo. Osai Tutu was summoned from Akwamu to come to Kumasi. The Chief of Akwamu gave him thirty men from Annum to accompany him. These men were under Annum Asamo, who became the first *Adum Hene* of Kumasi. After Osai Tutu had set out, the Chief of Akwamu regretted having allowed him to depart, and sent after him; the party was overtaken while crossing the Volta in a canoe. The canoe men ceased paddling, when Osai Tutu seized one of them and cut off his head, casting it into the rapids.² This enabled them to escape. Osai Tutu was enstooled at Kumasi, and Komfo Anotche succeeded his brother, Yamo. The powerful Chiefs at this time were Kyereme Sikafo—the Domina Chief who had killed Obiri Yaboa—and the head of the *Asenie*, the Amakum Chief. The villages of Bekwai,

¹ This probably gave rise to the report sometimes heard, that Anotche was an Akwapim man.

² This was the origin of the phrase used by executioners when declaiming before the *Asante Hene*: *Kantankrankyi Ayebofo wo twa bi ato fweam'ani* (Double-edged sword, the Helper, you have cut off some one's head, and it fell on the face of the rapids).

Nsuta, Kokofu, Juaben, and Kontenase were all ruled by *Oyoko*, and were thus already bound to Osai Tutu by the common tie of blood. [What Komfo Anotche now achieved was the amalgamation of the other clans—*Beretuo*, *Asona* (Offinsu and Ejisu), and *Asenie* (Amakum)—under Osai Tutu, to fight the Dominas, whose Chief was an *Aduana*. So remarkable did this achievement seem to the Ashanti, who were accustomed to the isolation and strict independence of the numerous petty Chiefs, that they ascribed the feat to Anotche's magical powers.] He accomplished this unity by means of his medicines. The hitherto independent Chiefs met at Amoako, and were given palm wine to drink mixed with medicine, the mixture being afterwards known as *ngyegyesa*. Their combined forces met Kyereme Sikafo's at Toperemanukwanta [near the site of the old W.A.F.F. officers' mess at Kumasi] and defeated them, killing the Domina *Adonten Hene*, *Akyerekokogyan*. Instead of killing the Domina Chief, as was the Ashanti custom with the defeated general of the enemies' forces, Komfo Anotche decreed that he should be appointed soul-washer to Osai Tutu, presenting him with a gold plate (*dwinie*) as his badge of office to suspend round the neck by pine-apple fibre.¹ This victory against the Domina had been achieved in the following manner. Before the commencement of the campaign, the army leaders told Komfo Anotche that his brother had promised them the victory in the previous war, which had ended in their defeat and in the death of Obiri Yaboa, and they demanded a sign from Anotche that they would be victorious. Komfo Anotche therefore bade Amankwatia, who had followed Osai Tutu from Akwamu, to stand at Diakomfoase,² where he told him he would meet a leopard. He ordered Amankwatia to lead the leopard by its left paw and bring it to him. Amankwatia did as he was told, met a leopard, and led it to Anotche by the left paw. Osai Tutu then cut off its head. Its skin was made into a hat for Amankwatia, and he was given the title of *Ko'ntire Hene* (Commander of the fighters). The skull of the leopard was buried at Toperemanukwanta. Anotche then asked Osai Tutu for one of his 'sons'. He was given one Saben, a son of Obiri Yaboa. A shield was made and given to him, and he was told that so long as the front of the shield was presented towards the enemy, they would retreat. Saben was also informed that the taboo of the shield was palm wine. Anotche then ordered Osai Tutu to make *afona* (swords) and hand them out to his commanders, and he decreed

¹ See *Ashanti*, Fig. 52, and p. 143.

² See *Religion and Art in Ashanti*, Fig. 45, and p. 113.

the form of an oath that they should take. This is how the taking of an oath before going to a war was instituted. Komfo Anotche himself took one of the swords and, standing before Osai Tutu, swore *Me ka Osai 'se, se me boa wo ama wakyere Kyereme Sikafo, na menko n gwane . . .* (I speak the name of the father of Osai, that I will help you to catch Kyereme Sikafo, and that if I do not fight but run away, then have I violated the oath). All the commanders took a similar oath. The fighting lasted seven days, and the combatants had not anything to eat. One day, Ohene 'ba Saben saw a woman carrying a pot of palm wine. He forgot all about the taboo, and drank, and turned the face of his shield away from the enemy, who rallied and turned upon the Ashanti, who retreated to Apeboso [near the site of the present Scottish Mission Church in Kumasi]. Anotche was accused of having deceived the Ashanti, but was able to show how Saben had violated the taboo. All the swords that had been made were now cast, by Anotche's order into the stream called Awomfana [now drained; it formerly flowed near the present W.A.F.F. lines]; new swords were forged and the oaths again taken. Saben was warned that he would be killed in the fighting. This was the origin of the horn call, 'Whatever happens Saben will die'. The Ashanti (as related above) were now victorious. Komfo Anotche now set out to make the Golden Stool. He had found that, when united under one Head, the Ashanti were strong. A test was made to find out who this Head should be. Komfo Anotche took three cuttings of a tree called *Kumnini* (kill the python). One was caused to be planted at Juaben, one at Kumawu, and the third at Kumasi. Those at Kumawu and Juaben died, that at Kumasi grew. Hence Kumasi¹ was chosen as the new Head. Anotche next buried gold, silver, brass, copper, lead, and iron bars at the spot known as Dwabirim [where the post office now stands], thus making the new power to stand firm. Kyereme Sikafo's *obosom* (god) was Tano, and Anotche captured its spirit and put it in a brass pan and appointed one Dansu as its custodian. Anotche also buried a python under the *sumpere* (raised earthen platform) upon which Osai Tutu sat on great occasions. Osai Tutu now exercised a certain authority over other Chiefs, and compelled them to come to Kumasi if called upon. The third Domina war now arose. Kyereme Sikafo had died, and had been succeeded by his nephew, Domina Kusi. He rebelled against Osai Tutu and was defeated. He was not killed, as is so commonly stated, but was sent to Asokore Mampon, where Anotche had cause

¹ Kumasi was formerly known as 'Kwaman'.

a temple to be built, to be a priest to the Sky-god (*Nyame*). This temple has now fallen down. Domina Kusi had two sisters, Ofuwa and Asiedua, both of whom Komfo Anotche married. Asiedua gave birth to Agyapa, and Ofuwa to Beresiama. This was before the third Domina war. Komfo Anotche had not yet come to Agona; his village was Nkuruoso, near Asokore Mampon. At this time the Taffo were very powerful; they had not taken any part in the Domina wars; their *ntabera* horns and *fontomfrom* drums could be heard in Kumasi. Osai Tutu demanded that these instruments should be handed over, and when the Taffo refused, attacked and defeated them, capturing their Chief, Safo Akonton, who was killed. His brother, Koroboa,¹ was put on his Stool. This is how *fontomfrom* drums and *ntabera* horns first came to Kumasi. After the defeat of the Taffo, Osai Tutu heard of the great wealth of the Chief of Sefwi, Brumankama. He sent to Denkyira to get powder and guns from Ntim Gyakari, who was now King of Denkyira.² Ntim Gyakari refused, saying that Brumankama could breathe fire from his mouth and was like a *sasabonsam*.³ Komfo Anotche advised Osai Tutu to go to Sefwi with his own army. This he did; Brumankama was defeated. Among the loot captured were many articles of European manufacture, the *aya kese* and *dwete kuruwa*, and the *kuruwa kese*,⁴ which were brought to Kumasi. Brumankama's successor, Akesantifo, was enstooled and 'drank the gods' to serve Osai Tutu. One of the *Asafo* Chiefs, the *Akwamu Hene*, was appointed his *Adamsfo*. The King of Denkyira now increased his demands for tribute. [Originally, as we have seen, the form this tribute took was the supplying of such simple articles as were in everyday use among a primitive people, i. e. firewood, red clay, *baba* fibre, and the performance of menial services. We can thus trace the progress in wealth and in civilization that had already been made in Ashanti, which resulted in these primitive levies being changed to demands more in keeping with the new era of advancement which had undoubtedly been in progress in Ashanti for possibly some hundred years before the final overthrow of Denkyira.] When the envoys from Denkyira arrived with these demands Komfo Anotche caused Osai Tutu to summon all the outlying Chiefs who had taken part in the

¹ Koroboa was later made a Stool-carrier to the Golden Stool. The genius of Komfo Anotche in conciliating captured enemies, and giving them important positions near the King, is seen in this as in the previous cases of the Domina Chiefs.

² According to this traditional history, Osai Tutu's own son.

³ See *Religion and Art in Ashanti*, Fig. 19.

⁴ See foot-note, p. 314, *Ashanti*.

Domina wars, to come to Kumasi. Meanwhile he procured some medicine which he mixed with palm wine. A great meeting was held. Osai Tutu sat on the *sumpere* (raised mound) beneath which the python was buried. The messengers from Ntim Gyakari stood before them and renewed their demands. They were answered by a shout *Xentua o, pa fwi!* (We shall not pay, *pa fwi!*)¹ The Juaben *Hene*, Adakwa Yiadom, picked up an *afona* called Domfonsan, and struck Berebere (or Abebrese), wounding him and cutting off one of his ears. The messengers were sent back to Denkyira. All the people now asked Komfo Anotche what they should do. He said he would help them, provided he was given one thousand of everything in the world. To this they agreed. Anotche said they must prepare for three years, and meantime not make any other wars. Guns and powder were brought from Korankye Abo (now Grand Bassam). Meanwhile Anotche went to Denkyira, where he turned into a red-skinned girl and sat in the market selling fish. Ntim Gyakari's servants saw her, and reported to their master that they had seen a beautiful fair-skinned girl in the market selling fish. The fish Anotche was selling he had mixed with medicine so that the heart of any one who ate them would become like that of a woman. Ntim Gyakari took the fish seller as his concubine, and while he was asleep Anotche took his heart and then escaped and returned to Kumasi. Komfo Anotche next told Osai Tutu to find a stool carver. A man from the village of Asekyerewa was sent for, and he was ordered to make two Stools. A log of wood was cut into two; that part which had grown nearest to the roots was made into a Stool for Osai Tutu, the other half into a Stool for Komfo Anotche. Osai Tutu's Stool was called Osai Tutu Amoampon; Komfo Anotche's, Anotche Amoampon. After the Stools had been carved, Anotche became possessed and danced. Something descended from the sky which Komfo Anotche caught.² This, and the heart of Ntim Gyakari, which had become ashes, were put into the central part of the Stool, and the Chief Kuroboa of Taffo was appointed as its carrier.

An albino was now set upon the Stool. Komfo Anotche struck him upon the head, and he disappeared into the Stool. At the same time Anotche made the following laws :

(a) Albinos were not to be sacrificed to the Stool.

¹ *Pa fwi!* is an exclamation always used by town criers at the termination of their proclamation. See *Ashanti*, p. 158, n.

² See another version of the origin of the Stool itself in *ibid.*, Chapter XXIII.

(b) All albinos were to be sent to Kumasi to become Stool-carriers of the new Stool.

(c) An albino or light-skinned man was never to sit on the Stool.

Anotche ordered seven bells to be made to hang on the Stool, three of gold, one of silver, one of copper, one of iron, and one of brass, which he said represented seven Kings who would all be powerful; after whose time the power of Ashanti would wane. Of the 'medicine' which had been used in the making of the Stool, he took what remained, and mixing it with copper, distributed pieces to all Chiefs who possessed blackened Stools, thus sharing with all some of the power which lay in the Stool. Anotche also told Osai Tutu that some one must be selected to command the army in the coming war. Boahinasantuo, Chief of Mampon, was selected.¹ He had a sister (Saka?) who was barren. Anotche bade her go to the stream called Oda and take some sand. This sand he mixed with medicine and gave to the woman, bidding her sprinkle it on a mat, upon which he told her to lie face downwards for seven days, after which she would conceive. This woman eventually bore Mamiampou, who was the child of the Oda.² Anotche now asked for a volunteer who would be the first to die in the impending battle. Kodia, of Kumawu, came forward. He asked what he should receive in return, and was promised that members of his royal clan would for ever be exempt from capital punishment, and he also was given the land up to the Volta.

Again, Anotche asked for a man who would allow himself to be cut into pieces, that each wound he received might save the life of an Ashanti in battle. Duku Pim, the Ejisu *Hene*, volunteered. He, like Kodia of Kumawu, was promised that his descendants would never be killed. Komfo Anotche also ordered Osai Tutu to give one of his own half-brothers who must die in the war. Bobie, the Chief of Bonwere, was chosen. His descendants, besides being exempt from capital punishment, were to be given the right to use *oyoko man* cloth on their umbrellas.³ A national army was organized with the important military posts held by the greater Chiefs. During the battle with the Denkyira army, Anotche climbed a *kyenkyen* tree along with his son, Agyapa, leaving the impress of his sandals upon the tree. Anotche looked down on Ntim Gyakari and saw him playing *Wari*⁴ with one

¹ Anotche predicted he would die seven days after the battle.

² Mampon Chiefs until recently used always to present a sheep to Agona when they passed that town on the way to Kumasi.

³ See *Religion and Art in Ashanti*, Fig. 132, No. 104.

⁴ See *ibid.*, Chapter XXXII.

of his wives: golden fetters were around his ankles. Anotche also made a silk cotton tree to expand and spread out like a fence to receive the enemies' fire. The Denkyira also had a famous priest on their side, called Kyerekye, and one pitted his magic against the other. Anotche had tied a knot in an elephant's tusk and sent it to Kyerekye¹ to untie. (See Fig. 86.) Ntim Gyakari was exhorted by his *kwadwumfo* (minstrels), whose noses he had cut off to enable them to sing the more sweetly, and whose flesh he had scraped from their arms that they might clash their arm bones together in time to their music, while they sang *Ako Abena Bansua oyi kwan ba Kotoko Ntim* ('Ako Abena the son of the *Bansua* bird who clears the path, Kotoko Ntim'). The Juaben captured Ntim Gyakari; the spot is marked to this day by a kola tree which bears white nuts (*Bese Hene*), which sprang from a kola nut which Ntim was chewing when he was captured. After Ntim Gyakari's death, his nephew, Boadu Akafu, was enstooled, after 'drinking the gods' that he would serve Osai Tutu. The *Okyeame*, known as the *Gyakye Hene*, was appointed as his *Adamfo*. Komfo Anotche was now given one thousand of everything; all Ashanti contributed save Juaben, who claimed exemption on the plea that they killed Ntim Gyakari, until Anotche sent a cadaver ant, which entered the ear of the Chief of Juaben and whispered, 'Bring the award of the priest Anotche'. Kumasi at this time was very swampy. Anotche, by his magic, drained the Suben river. Its real name was Agyempansu, but Anotche changed the name to Suben, calling it after the stream which flows near 'Santemanso. Anotche now requested permission to return to his village at Agona Akyempim. Agyapa,² his son, remained at Kumasi with Osai Tutu. After the battle of Feyiase, a famine in salt arose, owing to the closing of the Coast roads. Komfo Anotche said the shortage could be stopped by the sacrifice of an albino.³ One was accordingly killed at the spot in Kumasi known as *Aboraso*. A hut was built here, and a young girl, who had not yet had her menses, was set to live in it as a custodian and to cook food for the spirit of the albino. She had the right to exact a toll on all market produce entering Kumasi. Her face was smeared with white clay.⁴ Anotche removed to Agona Akyempim

¹ Hence the horn call, *Me ni Kyerekye so* (I make excrement upon Kyerekye).

² He was given the village of Ahyeresua, which stood near the site of the present Wesleyan College.

³ But see p. 276.

⁴ The descendants of this woman actually sat here until 1895, and the last person to do so appeared before me, when I took the photograph reproduced here (see Fig. 87). 'It was good luck for any one on whose produce I exacted my toll; if she were a barren woman, she would bring forth; if poor, she would prosper. My taboos were, being assaulted, or



FIG. 86. 'Anotche tied a knot in an elephant's tusk'



FIG. 87. Aborā of Agona



FIG. 88. 'The ground was strewn with a number of small perforated pots'

about three years after the battle of Feyiase. He became very wealthy and had always scales hanging in his *dampun*,¹ in which he weighed out gold-dust which he lent to others free of interest. Anotche instituted the national *Odwira* ceremony.² Even after he retired to his village, Anotche used to travel. He went to Attabubu and gave them a metal drum and a metal bowl.³ He is also stated to have accompanied Osai Tutu to a war against Abo of Bontuku. At last Anotche informed Osai Tutu that he was about to set out in quest of a medicine against death. He asked Osai Tutu to call his nephew, Kwame Siaw, and all the Elders of Agona Akyempim to come to Kumasi. When they did so, he informed them that he would be absent seven years and seventy-seven days and nights, and that during all that time no one must weep or fire a gun, or mourn for him, although he appeared to be dead. He returned to Agona Akyempim, and entered his house, which stood on the very spot where we visited yesterday,⁴ and there he 'died'. Before he did so he gave orders that he was not to be disturbed for seven years and seventy-seven days and nights. The town was placed in charge of his Elders. For seven years and seventy days his orders were obeyed, when his nephew at length declared that his uncle was really dead, and that people should weep and that guns should be fired. The door of the room was opened; the chamber was found to be empty. On that very day, a man from Mampon was passing Agona, when at the place called *Abetene* (tall palm-tree S) he was addressed by a man who inquired what was happening at Agona Akyempim, as guns were being fired and people wailing. He replied that they were holding the funeral custom of Komfo Anotche. The man then said that he was Komfo Anotche, that he had obtained the medicine against death, and was returning with it, but as his kinsfolk had disobeyed his orders, he would go away for ever, and the Ashanti would never find the medicine against death, whose great taboo⁶ was the holding of a funeral custom.

The foregoing account does not particularly enlarge upon the work of Komfo Anotche as a law-maker. The student of Ashanti law and touching a cow. I used to place food for the albino, and ask for children for the childless, money for the poor, long life for the Agona *Hene*, and prosperity for the Nation. The king used to come and visit me where I sat.'

¹ See Chapter VII.

² See *Religion and Art in Ashanti*, Chapter XII.

³ A description of this appeared in *Ashanti*, p. 315. It was found to be thirteenth-century Moorish workmanship.

⁴ See account which follows.

⁵ This place was later renamed *Owuso* (the place of death). I was taken to the spot by the Chief of Agona; the palm-tree had long ago disappeared.

⁶ The word for taboo in Ashanti means, literally, 'something hated'.

custom, however, continually receives in answer to the question, 'Why is such and such a rule observed?' the reply, 'We do not know; Komfo Anotche made this a law'. This applies to all such observances as clan exogamy, the keeping of Thursday as a day when no one might work in the fields, the forbidding of marriage with grandchildren, the prohibition to marry into the other half of the clan moiety. It is highly improbable that Anotche was the originator of any of these rules. What he probably did was to establish, by edict, long-existing customs which were possibly already beginning to disappear. In any case, we may be assured, by the success which attended his efforts as a legislator, that his utterances and codes of conduct were based upon a profound knowledge of the past of the scattered tribes, whom by his genius he welded into a Nation. The last words ascribed to this remarkable man almost compel one to see in them an allegorical significance. The Ashanti would never find 'the medicine against death', said he, because they had violated its great taboo, which was the holding of funeral lamentations for the dead. Death is only death because we persist in making that great change ever an occasion for mourning.

Account of a ceremony in the forest at the site of Anotche's village, Agona Akyempim.

We proceeded first to the *Abosom fie* (house of the gods), not far from the Chief of Agona's 'palace'. The room contained Komfo Anotche's *obosom*, Boboduru, and on the left of its shrine the shrines of Akroma and Tano Ayebofo. An attendant held a white umbrella above these shrines, and the priestess, Nana Ohia, a gun-carrier, and a *sumankwani* (fetish doctor) stood behind them. The room contained several Stools. One was a wooden replica of Edinkira's famous Golden Stool, and the remainder, I was told, were the Stools of Opon Panyin, Komfo Anotche, and Kwame Boakye. A number of *afona* (ceremonial swords) lay against the shrines, and also a gold disk (*adwinié*). A libation was poured upon each shrine and the following words were spoken :

N'adaworoma, Englis' Broni one Obene asase yi so anopa yi ye ne no ye be ma wo akye ; ye sere kwan ako sra amanfoo, mma bone biara mma ; yenko na yemera dwo dwo ; me kita me nsa m' gwan de ko ma Asamanfo.

'By your favour, the English white man and the Chief of this land have come this morning to greet you ; we beg permission to explore (where this people came from). Do not permit any evil to befall us,

let us go and return in peace ; I hold a sheep in my hand to go and give to the spirits.¹

The Chief, preceded by the Stools, then set off for the little village of Akrofonso, which is situated a short distance from Agona. I followed later with the Queen Mother and the priestess of the Kyekyer *obosom*, and on the way overtook the men carrying the *ntumpane* drums; we took them along with us in the car. On our arrival at Akrofonso, the usual courtesies were shown to the Head-man of the village, including a brief visit to his Stools, upon which wine was poured. While these ceremonies were going on, I walked to the outskirts of the village, and was shown a great *odan* tree, pitted with the marks of bullets. The Elder who accompanied me stated that this tree was called the *odan gye abo* (the *odan* which receives bullets). He stated that shots fired by an enemy, even in a battle far remote from this spot, used to lodge themselves in the tree. We now set out for Agona Akyempim, which lies about a mile from Akrofonso. Leaving the main Asaman road, we turned to the left and entered the forest, passing down a narrow path that had been newly cleared by the Chief of Akrofonso, who was the custodian of the place. We came first to a stone on the left of the path, marking the site of the house of Agyapa,¹ Komfo Anotche's son, whose descendant is the present *Ko'ntire Hene* of Agona. A little farther on, we came upon a gun-barrel stuck in the ground, beside which lay a small pot. This, I was informed, marked the site of the entrance to Komfo Anotche's house. Here the path was barred by a man who demanded a payment of a *domma* (7s.) before we were allowed to proceed farther. This gun-barrel had belonged to a gun in the actual possession of Anotche. Passing on, we next came to a small *apa* (rack) made in triangular shape, upon which rested an old metal vessel. I could just distinguish engraved upon it a pair of scales, a crab, and the double-headed, single-bellied crocodile symbol, known in Ashanti as *funtum frefu*, *denkyem frefu*.² This, I was informed, marked the site of the *dabere* (sleeping room) of Agyapa. Here the party turned sharply to the left, and presently we came upon a mound which I was informed was the remains of the house of Komfo Anotche's favourite wife, Bukyia Mansa. We proceeded through the forest ; the site of the market-place was pointed out ; and finally we came to a rude fence made of *adweno* branches, with a narrow entrance through which we passed, leaving the *ntumpane*, *mpebi*, *nkrawira*, and *mpintini* drums

¹ His burial-place is seen in Fig. 92.

² See Fig. 126, No. 5, *Ashanti*.

on the far side. The Chief walked up to a great *wawa* tree, between the enormous buttress roots of which he took up his position, seated beneath his big white umbrella; the Queen Mother sat on the left, and the blackened Stools were set, resting on a strip of bark cloth, in front. Before him was a rack, upon the platform of which rested an ancient metal bowl which contained another but smaller vessel. Below the rack were two triangular tables upon which were set European plates; an old gun-barrel was stuck up in the ground beside them. A few feet distant, the ground was strewn with a number of small perforated pots, known as *nkosena* (small war pots) (see Fig. 88), in which Anotche is stated to have prepared the medicine which he made to ensure the victory over the Denkyira at Feyiase. I was told that Anotche could put liquid in these pots without its running out of the holes. It was stated that there were seventy-seven of these vessels in all, but that they would 'come and go', that is, some days their number would be found not to reach this total. The great *wawa* tree marks the site of the room in which Anotche 'died'. The following ceremony then took place.

The priest of the god, Boboduru, by name Nkansa, was detailed to go and stand in front of the *ntumpane* drummers and give them the names of each of the Chiefs of Agona, commencing with that of Opon Panyin, with the *mmerane* (titles) of each. These were drummed, ending with the customary *damirifa* (alas!) (see Fig. 89). On the name of Komfo Anotche being called upon the drums, the priests and priestesses present began to quiver and shake. Two knelt down in front of the rack containing the metal bowl. Anotche's spirit had come upon them. As soon as the drums were silent an old priestess called Ajua Ohyia, of the Tano *obosom*, went round rubbing a little white clay upon every one's head, commencing with the Chief, and quite naturally and unconcernedly including me while on her round.¹ There was now a short interval, during which the *asokwrafo* (horn-blowers) sounded the following words on their instruments:

Anotche e!

Nne ye be hu okomfo nne (repeated three times).

Wo iri kyeku,

Wo nan kyeku;

Nne ye be hu okomfo, nne.

Anotche e!

¹ She later informed me that this was done to welcome the spirits, and she further stated it assured long life to the recipients.



FIG. 89. The drums at the ceremony

(Anotche e ! To-day we shall see who is a priest to-day.
Your head is overgrown (with hair ?),
Your legs are overgrown;
To-day we shall see who is a priest, to-day.)¹

Every one now arose, and the Chief poured a libation into the bowl already mentioned, first speaking the name of each of his ancestors and then saying:² ' Kwame Boakye, Boakye Tenten, Boakye Yiadom, here is wine for you, you and the Europeans walked together. Your grand-sire, Komfo Anotche, made the Ashanti nation, and he made many kinds of laws for us that we might rule the people. He foretold that when an Ashanti King should break his laws, the red man would come and take the Ashanti people, and this prophecy also is fulfilled. To-day we and the English white man³ are conducting the nation's affairs, and it is good he is doing for us, and as for me, it is the white man's law alone which I obey, since if you obey that law you will find peace, and it is a white man whom I have brought to this place ; he has heard about you and he has come to find out if it is really true. Everything you have done I have told him about ; indeed, I am still engaged upon it, and I beseech you to remind me that I may speak it all, and when he goes to the land of the white man far (Europe) and speaks, then they will perceive that of a truth you achieved something. We beg you for life ; we beg you for prosperity.'

As soon as he had finished this speech, he stepped forward and poured the last of the wine upon the blackened Stools. The *Ko'ntire* Chief next rose up and gave the *Okyeame* of the Chief a bottle of gin to give to the '*Samanfo* (spirits) with the message that he had lately been enstooled and that this was the first opportunity which he had of visiting this spot. This was duly done, the libation being poured into the metal bowl. The Chief of Akrofonso next presented his offering, asking the Chief to tell the spirits that it had been his intention to give them a sheep, but that the one he had been saving for

¹ This horn call is said to refer to the rivalry that once existed between Komfo Anotche and the priest of Ntim Gyakari.

² *Kwame Boakye, Boakye Tenten, Boakye Yiadom, wo nsa ni o, wo ne Englis abrofo namueye ; wo nana Komfo Anotche na obe ye Asanteman, na okyekye mara horow ma yen a ese se ye fa so ye bu man. Ohye nkom se Asante Ene se alo mera a, onipa koho odeda obefa Asanteman, na nso aba m'. Nne Englis obruni na ye ne no aye. Nso papa na o ye yen na me die obruni mmra nko a na me di so. Efi se wo di ne mmra so a, wo ho dwo. Na obruni na me de no aba ha yi, wa te wo' nka na obepe afwe se no'ware ampa a. Nnoma wo yoye nyina ma ha ma kyere no mpo me gu so. Me sere wo haka me menha, na se oko Aburokyiri a, na oka, ye hu se wo ye bi ampa. Ye sere wo nkuwa, ye sere wo nkwaosan.*

³ i. e. the Governor.

this purpose had died, and as his coming there to-day had been unexpected, he had only brought a bottle of gin. The Chief, in presenting it to the spirits, added some words to the effect that the donor was making new Stool regalia and would soon be able to come and visit them in a fitting state. Every one now rose up, and, descending a slope, we came to a small stream known as Obosom Kobina (the god Kobina). There are several legends as to how this stream first came into existence; one is to the effect that Anotche was boiling some medicine and that he quenched the fire which he was using with water, which became the stream, while the ashes of the fire became the river bed. The origin of the last part of this story was soon obvious, for all, including the Chief, began to dig with their hands in the bed of the stream, from which they drew out pieces of a black substance which I later found to be lignite. Every one who found a piece of this substance smeared three black lines upon his arms. The Chief then returned and resumed his seat under the *wawa* tree. A tall priest now advanced holding a plate containing water, which he sprinkled on the Chief with a branch of a plant called *sowa*, saying as he did so, 'One of your wives died not long ago, so I am sprinkling you with water'. Another man now went round sprinkling water on the assembly and on the Stools and drums. A sheep was next led forward, held over the bowl which rested on the rack, and its throat was pierced by the Chief who said, 'Grandsire, lately (lit. these three days) my wife departed here is a sheep from my hands, and I have sprinkled myself with water'. The sheep was then removed, its throat cut, the blood being caught in a bowl, after which the sheep was cut up. Small pieces of the meat, including part of the lungs, were placed in the bowl, on the Stools, and on the perforated pots, with the words: 'This is yours, this is yours.' Palm wine was now served out to all. Then the Head *Okyeame* said in a loud voice: *Yen byira, byira, byira* ('We invoke blessings, blessings, blessings'), to which every one replied, *Okus e*. This ended the ceremony and we all returned home.¹

¹ A genealogy of the Chiefs of Agona, showing descent from Komfo Anotche, is given in Fig. 98.



FIG. 90. *Apimase Obemā*, Agona

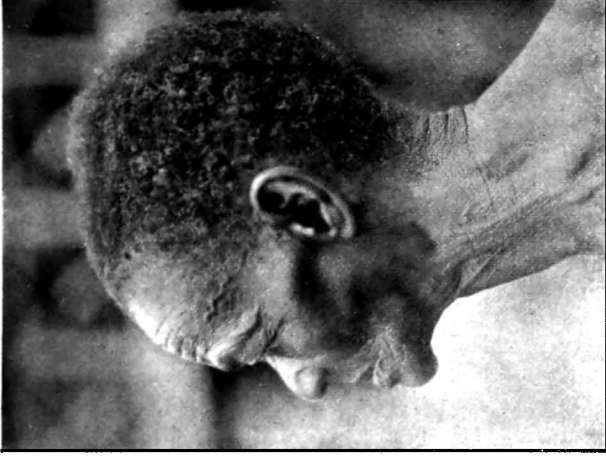


FIG. 91. The Priestess *Akua* of Agona



FIG. 92. Agyapa's Barim

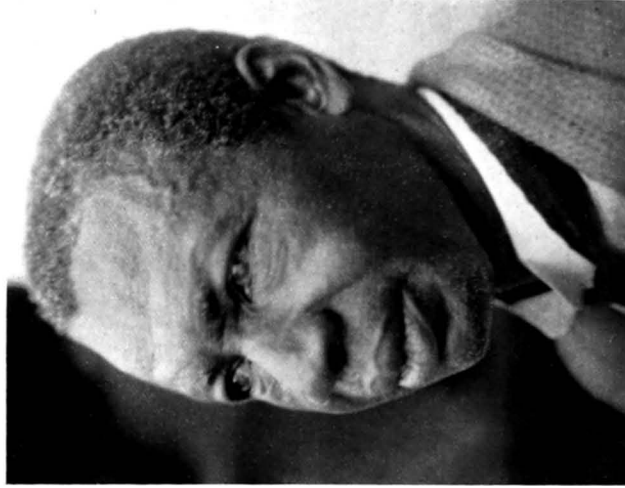


FIG. 93. *Ankoba Hene*, Agona



FIG. 94. Kwame Anokye of Agona

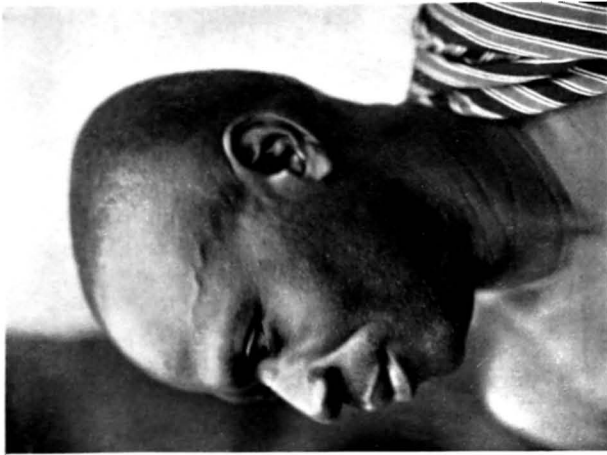


FIG. 95. Kɔnitire Hene, Agona



FIG. 96. *Begyina 'ba*, Agona



FIG. 97. *Obemā*, Agona

LAW AND PROCEDURE

Introductory.

A difficulty which confronts the student of Ashanti Law and Procedure is the necessity for considerable readjustment of preconceived legal classifications. A casual inquiry may not at first seem to reveal very serious differences between our own and the Ashanti legal systems. It is true that we find in Ashanti offences which seem to come under our heading of 'civil' or 'criminal'. We find that there are types of wrongs which we might feel justified in classifying as 'offences against persons and property' and others that appear readily to fall into the category of 'Public or Private wrongs'. Any over-rigid adherence to classifications on such a familiar basis, however, without considerable readjustment, would only serve, in dealing with Ashanti Law, to perpetuate certain misunderstandings which already exist. There are many other features very familiar to us in our own system of justice, which we consider fundamental, and consequently might easily imagine would be part and parcel of any legal system, until we find that they are either contrary in many instances to the Ashanti conception of justice, or do not find any place in their legal system. Our difficulty is accentuated by the fact that the 'primitive' African himself did not attempt any very minute classification of his own law, though it is hardly correct to state that 'he accepts it as a whole, a unity, the thought of analysing which has never entered his head'.¹ Some simple classificatory headings are essential for the examination of this subject, and these I shall endeavour to outline in this chapter.

In trying to follow, as far as possible, the stages in the evolution of Ashanti law, I cannot find any trace of a period which is often popularly deemed to have existed at the earliest stage of primitive culture—the era when every man was supposed to be law unto himself, and self-redress was the only manner in which a wrong could be righted. Indeed, I am convinced that evolution in Ashanti was not on these lines. I have already hazarded the opinion that the African of these parts was, originally, essentially a peace-loving person. Within the kindred

¹ *Primitive Law*: E. Sidney Hartland, p. 9.

group, it is not improbable that he came as near to the keeping of the golden rule as many people in a much higher grade of culture. There is not a trace of the vendetta. This is the more remarkable, because corporate responsibility for every act was an established principle which survived even the advent of a powerful central public authority as the administrator of public justice. The causes of this curious phenomenon are probably at least twofold. One reason is to be traced to the psychology of the people themselves; they have undoubtedly an innate leaning towards the acknowledgement of one of their members as a judge, a leader, a chief, a King; the other is the West African's love of thrashing out a dispute and settling it by forensic rather than by lethal weapons. In the earliest period of which there is still traditional evidence, we find that redress for the injured and punishment for the offender were undertaken by the popularly elected 'house-father', and not by a process of unlimited self-redress. We have thus, then, at this early stage, all the machinery necessary to constitute a central authority for a more or less impartial investigation of such cases as might be brought before it. My remarks at this juncture must be taken as referring solely to intra-kindred or intra-clan disputes. An examination of the nature of the cases which were brought for settlement before the Head of the kindred group is of importance. We are on sure ground, I believe, when we surmise that the only cases on which he was called to adjudicate were in the nature of what, for the present, I may term 'criminal' or 'public offences', although these terms, as we shall see presently, do not adequately or accurately describe the real nature of these offences. The 'house-father' was not called upon to settle what, again using the same somewhat unsatisfactory legal terminology, we would term 'civil' cases or 'private offences', except, as will presently be explained, when brought indirectly before him. The marked absence of 'civil' cases in the Ashanti unwritten code can readily be accounted for. Causes which give rise to the greater part of present-day 'civil' actions were practically non-existent. Inheritance, ownership of movable or immovable property, status of individuals, rules of behaviour and morality, were matters irrevocably settled by the customary law, with which every one was familiar from childhood, and litigation regarding such matters was possibly at this stage almost inconceivable. Individual contract, moreover, from the very nature of the community with which we are concerned, was also unknown, thus removing another possible fruitful source of 'civil' litigation. In the opening chapters



FIG. 99. *Gyase Hene, Kumasi*



FIG. 100. *Kyidom Hene, Kumasi*

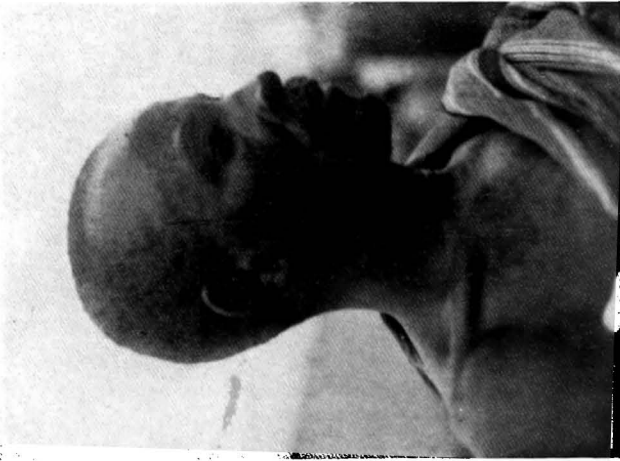


FIG. 101. *Akwamu Hene, Kumasi*

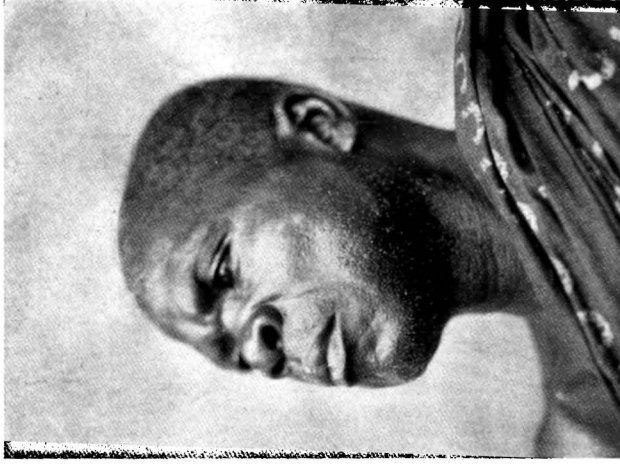


FIG. 102. *Akyeamo Hene, Kumasi*

of this volume, I have suggested that the most common causes of disagreement in these days were disputes about women, quarrels concerning the disposal of such trifling articles as alone were capable of being possessed by the individual, and cases of personal abuse. The majority of the quarrels arising out of these matters were, and still are, treated of as *fiesem*, i. e. 'household matters', and, as the title implied, were settled by the persons directly concerned or were decided by argument before any Elder, without reference to the 'house-father', who stood entirely aloof. This aloofness was not, however, maintained in other cases which, although to our minds sometimes not differing from the foregoing class of disputes, raised a much wider issue to the African and were thought to result in more serious and more widely felt consequences. These cases were of two kinds, each of an entirely different nature, but here classed together, as their commission equally necessitated the immediate interference of the central authority. The motives for this interference were in both cases identical, and might be summed up in the phrase 'the necessity for the self-preservation of the kindred group'. The sanctions which necessitated this interference were dissimilar; in one case pressure was imposed by human beings, in the other by spiritual agencies. I shall take these two classes of cases in turn, dealing first with offences committed wholly within the kindred group, which the litigants had not any option but to refer to the central authority, in which the central authority was equally powerless to delegate its position of adjudicator to any one else. Within the kindred circle a person might, generally speaking, steal or commit an assault without necessarily bringing down upon him the arm of the law, as represented by the 'house-father'; on the other hand, let him be heard to upbraid the spirit of some important progenitor of the clan, curse the 'house-father', go to work on his farm on one of the proscribed days, commit adultery with the wife of one who stood in close relation to the ancestral spirits, or commit 'incest', then, in any of these instances, he had committed a crime of which the State in embryo, as represented by the group and its head, was immediately compelled to take cognizance. The offender had then committed what we might call a 'crime', which in this part of Africa was another way of saying he had been guilty of a *sin* or, as the Ashanti themselves term such offences, the commission of an act 'hated by the Tribe' (*Oman Akyiwadie*). Sins alone were recognized as offences which the central authority must step in to punish. This gives us our first important classificatory heading, which has the great

merit of also being the African's own. With other wrongs the central authority was not directly concerned. There might thus not apparently appear to be any redress for a member of the community who had suffered what we should term 'a civil wrong', nor any notice taken of many offences which we would class as 'criminal', e. g. stealing. Conditions such as these might therefore seem to postulate the necessity for self-redress as the only means of obtaining justice or of inflicting punishment on any one guilty of such offences; yet, as I have already stated, there is not any trace of such a procedure. How then did the injured party obtain justice? He did so by deliberately placing himself within the arm of the law by committing a sin, a breach of a national or tribal taboo, of which the central authority must needs immediately take notice. He violated a tribal or family taboo¹ and thus endangered the whole of the little community. In the subsequent public inquiry into his conduct, his private cause of quarrel was almost lost sight of, but it came to be investigated indirectly in connexion with the greater offence. Of this he was acquitted or condemned, according to the justice or injustice of his original action.

This seems an appropriate occasion to consider the vexed question as to whether the idea of impartial justice was really understood or generally possible of attainment in those early times. There is, I believe, a general consensus of opinion that primitive dispensation of public justice was not greatly concerned with ethical considerations of right or wrong; that impartial judgements were rare, and that justice in our sense more often than not gave place to what we might term 'political expediency'. Were such the case it would not be surprising, as it is only within comparatively modern times that our own courts have purged themselves of similar abuses, especially in political trials. I am of the opinion that impartial justice *within the kindred group* or clan was a stronger feature in native tribunals in olden times than in the Native courts of a much later date. By impartial justice I do not necessarily mean the execution of incorrigible offenders who might have merited such punishment. The death penalty was probably once unknown in Ashanti for offences committed *within the Clan*; there is traditional evidence that such was the case. Where such drastic measures seemed necessary, the council of Elders would, however, bring about a similar result by expelling the unruly member, who was then at the mercy of any other group, and at best could only

¹ In other words, 'He swore an oath'.



FIG. 103. *Ankobebe Hene, Nkoranza*



FIG. 104. *Kwame Bafo, Nkoranza Hene*



FIG. 105. Ame Yao, *Okyame Hene*, Nkoranza



FIG. 106. *Benkum Hene*, Nkoranza

hope to become a slave. This power of expulsion had also far-reaching effects where the clansman was expelled for some offence committed against some one *outside the clan* or kindred group. By such a measure, corporate responsibility for his act ceased to operate, and the vendetta or blood feud, so conspicuously absent in Ashanti, was thus avoided. My reasons for stating that impartial justice probably existed at an early date are briefly as follows: I have endeavoured to show in the early chapters of this volume that the 'house-father', who later became the Chief and eventually the King, was regarded as the Vice-regent on earth of the ancestral spirits. Such a belief had one immediate and far-reaching result. His public expressions of opinion and his judgements were regarded, not as emanating from his own mouth, but as being the decisions of his dead ancestors. He was thus placed largely beyond the risk of opprobrium, which a just decision, but one displeasing to a certain and possibly powerful faction, might have occasioned. It was, moreover, not human agents whom he had to fear most. The result of the trial had been staked on the justice or injustice of the violation of a sacred law. 'Savage' superstition thus tended to guarantee a standard in the ethics of justice and helped to bridge the gap until such time as the enlightenment of Christian conscience should bring about similar results from individual and higher motives. This is a part often played by the religious beliefs and superstitions of 'primitive' people, which I think is likely to be overlooked. It accounts for the degeneracy in justice and morals which follows when once the really 'primitive' era has been passed, the barbaric age has been reached, and superstitious dread of supernatural reprisals no longer deters men from actions which human ambitions, greed, and hatred invariably dictate.

There is another controversial point which may well be dealt with in this place: the question how far primitive man recognizes the difference between an intentional and an accidental act. It is often stated that he does not make any distinction between, for example, accidental homicide, and murder with malice aforethought. I think that here again we are dealing with a certain confusion of thought. It is perfectly true that an Ashanti, who accidentally shot a man while out hunting, would not be deemed to have done so by what we should term 'misadventure' either by himself or by the relations of the dead man. The accident would be attributed to bad luck following the commission or omission of some act which had offended a supernatural agency; but if the man who had been killed had been a kinsman, the

event would not be designated as *di awu* (murder); it would be attributed to *musuo* (evil fortune), and the consequences would be very different for the offender from those that would have resulted from culpable homicide. In the former case he would have to pay the funeral expenses of the dead man, his gun would be forfeited, and propitiation would be offered to the spirits; in the latter he would at least have been expelled from the clan, and at a later date would have been handed over to the central authority for execution in the terrible manner I have already described.¹ The set formula of denunciation by the judge at the trial of a murderer, which is given in a later chapter, seems to show that one reason for the abhorrence with which this offence was regarded arose from a determination to prevent the individual taking the law into his own hands. The power to wield 'the knife', that is, to inflict capital punishment, always seems to have been one of the most jealously guarded prerogatives of the central authority.

So far, I have been dealing with offences committed wholly within the kindred group by and against a kinsman. It appears to me to be necessary to draw a marked distinction between these cases and *extra-kindred* offences of the same gravity or nature. Failure to recognize this distinction is apt to result in the error of generalization from the particular. Mary Kingsley is a writer on West Africa for whom I have an unbounded admiration. No one before or after her time appears to me to have approached, in knowledge and intuition, her remarkable writings on this region. I always think that she has never quite had her due acknowledgement in official quarters. The policy she was the first to advocate laid the foundation for one of the most successful attempts ever made to rule a great Dependency of the Crown by the methods now familiar to us under the title of 'Indirect Rule'. It is therefore with considerable diffidence that I find myself compelled to challenge one of her findings. In *West African Studies* she writes: 'The individual is of supreme importance to himself, and he values his friends and relations; but abstract affection for humanity at large, or belief in the sanctity of lives of people with whom he is unrelated, the African barely possesses.'²

We have seen that within the kindred group or clan the central authority only took cognizance of sins, and that other offences, even some that we would term 'crimes', did not come, except indirectly,

¹ See *Religion and Art in Ashanti*, Chapter IX.

² See *West African Studies*, p. 150. The italics are my own.

within its purview. It was otherwise, however, with offences committed by a kinsman outside his own kindred group. Here every offence was a potential source of danger to his group, for its members were all held by the offended party and his group to have been equally responsible for the injury committed, and all were thus likely to be made to suffer for it, unless they were prepared to refuse the demands of the injured party for justice and retribution, a course which would inevitably have resulted in fighting and in a general upheaval. Ashanti children, even at the present day, are specially admonished to avoid quarrels with any one outside their own immediate circle. 'Pilfering from father and pilfering from mother, that is how real stealing is learned,' is a saying which well exemplifies this idea; in other words, only theft outside the family group is really considered a crime,¹ and this applies to all offences save those involving the violation of a tribal taboo. It is perfectly true of course, as Mary Kingsley states, that this respect, which I maintain an Ashanti was taught from an early age to show for the lives and property of others outside his own group, was not due to any abstract regard for the 'sanctity of the lives' or property of his neighbours; it was due to purely materialistic considerations, a desire for his own preservation and safety; but somewhat similar results were attained, as when man, in a more advanced stage, followed the same course of action from different and higher motives. It becomes apparent to me once again that Ashanti customary law has engendered rules of behaviour and of conduct which were not dissimilar in their effect from our own ethical and moral code, though the motives for their observance may have been wholly different. This, I think, is the explanation of that familiar paradox to which I have already referred, the marked decadence in behaviour and morals which always appears to set in among 'primitive' peoples on their first contact with civilization and Christianity. We have been at too much pains to ignore the value of their own past beliefs, and to hasten to destroy them. Instead of endeavouring to show the African all he really owes to his past, we have knocked the bottom out of his world before he was quite ready to grasp the fact that we had come, not to destroy the lessons of his own immemorial teachings, but to show him that our creed aimed at very similar results, but by a method which helps the individual to become master of his own fate and of his own soul.

I have now endeavoured to prove that, originally at any rate, impartial justice was not so difficult of attainment as investigations made

¹ There are, however, apparent exceptions to this; see Chapter XXVIII.

into the workings of Native tribunals at a later date might lead us to believe. Researches into the workings of early Ashanti law as opposed to its more modern application have revealed another interesting point. In olden days, before the rise of a powerful class of aristocracy, the chief aim of such central authority as existed seemed to have been the avoidance of possible causes of dispute and the conciliation of the parties temporarily estranged by litigation. In more modern times an exactly opposite result would appear to have become the goal of a central authority, which found itself powerful enough to quell serious disputes, if necessarily by force, and came to rely on the proceeds of litigation as a fruitful means of replenishing a depleted treasury. Litigation, in this somewhat degenerate epoch, came actually to be encouraged. Having given a decision, the courts were indifferent whether conciliation between the parties took place or not. A system of money payments in lieu of the death penalty further encouraged injustice and extortion. Councillors, instead of regarding a dearth of lawsuits as a blessing, came to look upon empty courts as a misfortune. Prayers were offered to the gods to send cases, and a Chief in whose time court fees dropped to a minimum was likely to be regarded not wholly with favour.

I shall deal with this curious, if not wholly incomprehensible change of outlook, in a later chapter, when examining the procedure known as *mpata* (conciliation). For the above-mentioned somewhat unsatisfactory state of affairs, which is not unknown at the present day, we are ourselves perhaps partly responsible. Stools have come to rely on 'Court fines' and 'fees' as one of the few legitimate sources of revenue which are left to them to collect, for the maintenance of their retinues and the support of the Chief and his Councillors.

With the rise of Ashanti power, we find a marked increase in the severity of punishments meted out to offenders, which was probably the very antithesis of early justice, when tradition points to mildness of régime as having been the predominating feature. It seems indeed not improbable that the functions of the early judge were largely confined to the pronouncement of a statement as to innocence or guilt, and that the punishment was left in the hands of supernatural powers. Where guilt was difficult of assignment, the judge might even leave the verdict to these hidden powers, and only intervene to pronounce sentence after they had manifested their decision. I shall deal with these subjects later, under the heading of Ordeals.

The important place occupied by ridicule as a primitive sanction



FIG. 107. Yao Kramo, Tekiman Here

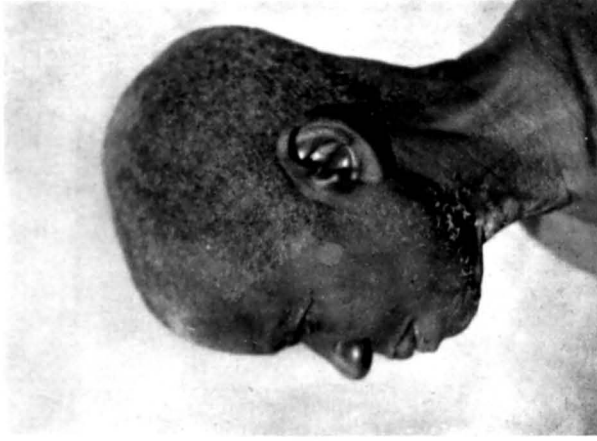


FIG. 108. Obemā, Tekiman



FIG. 109. *Twasfo Hene*, Tekiman

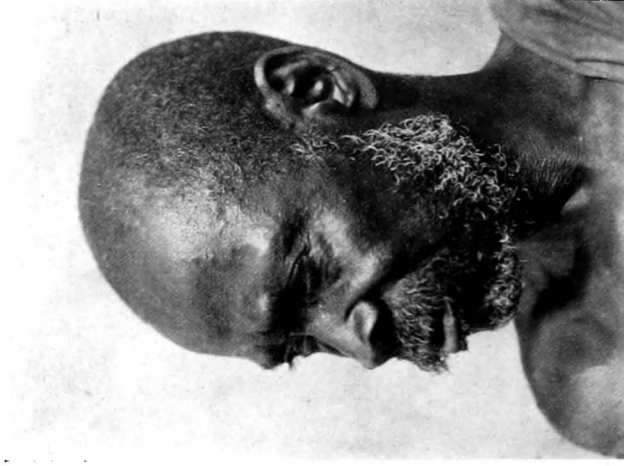


FIG. 110. An *Okyeame* of Tekiman

among the Ashanti is of especial interest, and will be examined presently in some detail.

The law of evidence presents many curious and unusual features, shedding considerable light on the real meaning of 'lying' in the Ashanti mind. The method of using witnesses will, in one respect, be seen to be very reminiscent of the part played by 'compurgators' in our own early courts of justice.

I have devoted considerable space to land tenure and alienation, a subject about which I had written in a previous book,¹ to which the new evidence that has come to light since that chapter was written may be taken as supplementary.

I now propose to deal with those two main divisions of offences which the Ashanti alone seemed formerly to recognize, i. e. *Oman Akyiwadie* (Tribal taboos or sins), and *Efiesem* (literally, cases [that might be settled] in the house).

¹ See *Ashanti*, Chapter XXI.

LAW AND PROCEDURE

SINS OR TRIBAL TABOOS (*Oman*¹ *Akyiwadie*)*Murder and Suicide.*

THE offences set out in paragraph four of this chapter (among several others which may have escaped my notice) were known in Ashanti as *Oman Akyiwadie*, which, translated literally, means, 'Things hateful to the Tribe'. These acts were looked upon as sins of which the central authority was bound to take immediate official notice, lest certain supernatural powers, to whom the deeds were regarded as peculiarly offensive, should wreak their vengeance upon those whose paramount duty it was to protect their interests and to punish breaches of immemorial law or custom.

Up to the time of European intervention, an Ashanti who committed any of these sins was liable to summary arrest and trial, without any further legal formality, such as has been noted in the case of other offences. If found guilty, the culprit suffered capital punishment.

At a later date he might have been permitted—in the case of some, but not all these sins—'to buy his head'.

I have tabulated these Tribal taboos under certain headings. It will be seen later, however, in a more detailed examination of each, that the Ashanti definition of many of the terms I have employed varied considerably from the meanings given to them in our own law. These *Oman Akyiwadie* then were :

1. Murder.
2. Suicide.
3. A class of 'sins' which we might describe as 'sexual offences', and others of a somewhat similar nature, which we should consider possibly as 'immoral' but not as 'criminal'.²
4. Certain forms of abuse.
5. Certain kinds of assault.
6. Certain kinds of stealing.
7. The invocation of a curse upon a Chief.
8. Treason and cowardice.
9. Witchcraft.

¹ *Oman*, originally used for 'the tribe', came later to mean 'the Nation'.

² Law and morals, it will be noted, are inseparably one.

10. The violation, by word or deed, of any other recognized Tribal taboo.
11. The breaking of any law or command, the violation of which would not, in the ordinary way, involve the breaking of any Tribal taboo, but the observance of which had been enjoined on the clear understanding that disobedience would be taken, in this particular case, as entailing the violation of a specific taboo. In other words, refusal to obey any law or command issued and qualified by a 'conditional curse', i. e. by an *Ntam* ('Oath').

Murder (Awudie): To commit murder is *di awuo*. *Awudie* in Ashanti included, besides the particular kind of homicide which we understand by the term 'murder', other offences which in our law are not regarded as having any connexion with culpable homicide. *Awudie* is a sin viewed by the Ashanti with particular abhorrence, and the first question to determine is the reason for this. It may readily be argued that for a man to have killed the person who had offended him was to throw down a direct challenge to one who alone 'held the knife', and was therefore an act which struck at the root of all centralized authority. This aspect seemed the one most emphasized at the trial which ensued, in which the murderer, in the final oration by the *Okyeame*, was accused of 'not having brought his case' before the Councillors that it might have been listened to with 'good ears', but of having taken 'a club to strike and kill the *Akyeame*', thus treating the council of Elders as if they were 'brute beasts'.¹ The blow which struck down the dead man would thus appear to have been regarded as aimed also at the *maiestas* of the central authority. We must, however, I believe, go farther back to find the real cause for the placing of murder among the chief of the tribal and, later, of the national taboos. *Wo ka mogyagu a, mogya na etene no* ('If you spill blood, blood alone can straighten (right) it'), runs an Ashanti legal maxim. *Oku kyiri, 'Ma ye den?'* ('It is taboo (for any person killed to have to inquire) after death "What was it I did?"'), is another legal maxim.

'The reason that a man might not be killed without first being told what he had done to deserve death was because, if he were executed without a trial, his *sasa* (ghost) would trouble the Chief in his sleep and also the people in the town.' We have seen² how this fear of a

¹ *Nti wamfa mma ha, ama yamfa asopa ntie, na wo fa aba de bo Akyeame; wu ku yen a, wu di yen aboa.*

² See *Ashanti*, pp. 99-100.

dead man's *sasa* was present in a minor degree, even in the case of a prisoner duly executed by a strictly legal process. It seems therefore natural to suppose that the revengeful spirit should be feared still more when the person had been illegally done to death. That this spirit should be considered as likely to take vengeance on a Chief who allowed his death to pass unavenged, no less than on the actual murderer, is strictly in accordance with the belief in the corporate responsibility of certain persons for the acts of the individual, which is such an inseparable feature in the Ashanti law of crime. I think, therefore, it is right to assume that it was the dread of supernatural reprisal, rather than the outrage upon the central authority, which placed this act in the category of a tribal or national sin. Murder for long remained one of the offences for which it was impossible 'to buy one's head'. It was also one of the few sins for which the punishment was death by dancing *Atopere*.

I have already stated that the Ashanti discriminated clearly between murder, i. e. 'unlawfully killing a human being', and accidental homicide. They designated the latter by saying, *Musuo na ade no, ma asan esan no* ('Something causing misfortune has got him, causing danger to walk by his side'). The majority of the cases of accidental homicide occurred (as they still occur) as the results of hunting accidents. Such accidents were investigated, the court going carefully into any possible motives for the deed. If it were proved to its satisfaction that death was caused by what we should term 'misadventure', its verdict did not imply that the person causing the accident escaped entire responsibility for his negligent or unintentional act. He became liable for damages. He was ordered to pay the weight of *asusua ne suru* (i. e. £7) in gold-dust (which incidentally was about the value of a male slave), a case of rum, a cloth, a coffin; all these articles were given to the *abusua* of the dead man. He was also commanded to give a sheep, which was sacrificed over the ancestral Stools, to the Chief, the *Okyeame* addressing the spirits as follows :

Obi na ato tuo bone, na ye fwe fwe asem no mu. Ommoapa, na ye se onko si nnipa no. Ye sere nwo, nwo mma asem 'one bi sa yi mma bio.

'Some one has fired a bad gun, and we have investigated the matter carefully. He (the accused) did not do it with intention, and we have said that he must bury the man. We pray you not to permit such a thing to happen again.'

The man himself, who caused the accident, would almost certainly go and consult one of the *abosom* (lesser gods), who would then inform

him of the sin of commission or omission which had brought the misfortune upon him. Thus far, then, the Ashanti and the English conception of what constitutes murder does not appear very dissimilar.

It is an axiom in our law that mere intention to commit a murder is not actionable without the commission of some overt act towards the carrying out of that intention, and in this context also the Ashanti law may appear to fall into line with our own. It is in an inquiry into what, in Ashanti, would constitute 'an overt act' that we begin to encounter features in their law which are foreign to our ideas upon this particular point. Yet again, the Ashanti did not appear to make any fine distinction between the actual commission of the deed, and an attempt, or even a mere intention, to commit it. Guilty intention was assumed upon what, to our thinking, were the most inadequate of grounds. Finally, the killing of a person in self-defence, or the supposed jeopardizing of a life by the commission of what at most we would consider as an indecent assault, were also grouped under the title of *awudie*. I shall now deal with each of these points in turn.

For an Ashanti to proclaim in public *Mennidi bio* ('I shall not eat again') was sufficient evidence to cause him to be arraigned before his Chief on a 'murder' charge. Such a person was either contemplating murder or was intending to 'bless' the Chief; he had publicly declared his intention in words, and in olden times was liable to, and probably would, be killed; for, added my informant, *Nnipa bone yenkora no* ('We do not treasure up (preserve) a wicked man'). Intention need not have been expressed or implied in words. 'In olden days, if a man (not being a priest) were seen to be permitting his hair to grow long, he would be summoned before the Chief and accused of "murder". He would then either be executed or made "to drink the gods" that "murder" was not his intention.'¹ 'Again, in former times, if an Ashanti were seen in public or in private going through the action of cutting anything with a knife laid at right angles to the object, it would be assumed that he was contemplating murder, and his action might cost him his life.'

'If any one killed a murderer even in self-defence, he was held guilty of murder. No man might kill another without express authority from the Chief.' 'If a Chief caused his executioners to kill some one in the street, that was not murder, provided the *Mpanyimfo* (Elders) had agreed.'

¹ A Chief in olden days who let his hair grow would be known to be contemplating war; in the ordinary way he would shave his head once a week on his natal day.

'For any man, other than the husband, to have sexual intercourse with a woman who was *enceinte*, it was "murder".'¹

'To have sexual intercourse with a girl before she had reached puberty was "murder".' Should it be found that the girl had in fact had her *menses*, but had not disclosed the fact, the offence was not 'murder' but was still *musuo* (one bringing ill luck); it might then have been atoned for by a sacrifice upon the ancestral Stools and upon the shrines of the gods (a clear indication of the nature of the spiritual powers which were supposed to be offended by the greater offence of which they had been acquitted). The guilty pair were also made to sit upon the ground, while palm oil and some of the blood of the sheep were poured over their heads. The following words were spoken: *Asase Ya, asuo bo o, mma sa asem yi ebi emma bio* ('Ya, Earth-goddess, water is sprinkled (upon you), do not permit anything like this to come again'). Both were then sent out of the town until the girl had her child. If the child were a male he would have to become a *sumankwa* (a fetish doctor).²

These two sins might appear to fall into the third category of tribal taboos, i.e. sexual offences, but as the Ashanti themselves class them both as *awudie* I have dealt with them in this place rather than under the other classification. Before passing on to an examination of my next heading, I may quote the following interesting reply, which I received to an inquiry concerning possible motives for murder: 'A man might have a great many debts, but instead of hanging himself, he might decide to kill some one first, saying to himself, "I shall then have a name, and also some one to go with me".' This reply exhibits a mentality somewhat different from our own.

Ashanti law appears to have made a clearly marked distinction between culpable and accidental homicide. It apparently, however, made little or not any distinction between actual murder and the attempt, or even the mere intention to commit the act, accepting as evidence of intention certain overt acts which, owing perhaps to our different psychology, we would not consider as showing any criminal intent at all. 'Murder' in Ashanti also included certain acts which, in our law, would be at most regarded as 'sexual offences', or acts of immorality.

¹ The outraged *ntoro* (spirit) of the injured husband is expected to kill the woman at child-birth.

² Well exemplifying the association between black magic and the *suman* which was pointed out in *Religion and Art in Ashanti*; see p. 23.

Suicide, except under certain peculiar circumstances, was formerly regarded in Ashanti as a *capital sin*. It was a sin of which the central authority took immediate cognizance. These two statements of fact exhibit at once the difference and the similarity between our laws and theirs. Suicide and attempted suicide result, in our own country, in both legal and ecclesiastical consequences, but to state that suicide was 'a capital offence' must at first sight appear somewhat curious. Not all forms of what we would term 'suicide' were regarded as sins; in fact, under certain circumstances, the action of taking one's own life was considered as honourable and acclaimed as praiseworthy; e. g. to kill oneself in war by taking poison, or sitting on a keg of gunpowder to which a light was applied, rather than fall into the hands of the enemy or return home to tell of a defeat; to take one's own life in order to accompany a beloved master or mistress to the land of the spirits; and finally, those especially interesting cases, where a man commits suicide to wipe out what he considers his dishonour and because he cannot stand the ridicule of his companions. Suicide was considered a sin when it was carried out to avoid the consequences of some wrongful deed, or when, after investigation, it was not possible to ascribe any motive for the act. In the latter case there was always a legal presumption that the motive for self-destruction had been evil. In the disfavour with which the central authority seemed always to have regarded this offence, it is rather difficult to trace any other cause than the desire rigorously to maintain its prerogative as the sole dispenser of capital punishment. It is just possible, however, that the State, i. e. the tribal authority, may have placed suicide in the category of sins, owing to a dislike of having an evilly disposed disembodied spirit wandering about in its midst. The spirit of the suicide became a *saman twetwe*, a ghost wandering about in search of its head, for it was debarred from entering the *Samandow* (land of spirits) until the expiration of its destined time upon earth, which it had itself wrongfully curtailed. Moreover, when eventually reincarnated, it would return to this world as a *tofo sasa*—the spirit of one who had died an unholy death—with a cruel and murderous nature which would lead it again to meet a similar end in its next incarnation. The man who had committed an offence, the penalty for which he well knew was death, had not any right to balk the central authority of its right to execute him. The central authority indeed refused to be cheated thus, and the long arm of the law followed the suicide to the grave, from which, if his kinsmen should have dared to

bury him, he was dragged to stand his trial before the council of Elders. The result of the trial was almost a foregone conclusion, for the dead man would either have been found to have committed some offence, and fearing the consequences (which might have been more terrible than any self-inflicted death, i. e. the *Atopere*) have taken his own life, or if it were not found possible to trace any motive for the deed, then the commission of some wicked act was presumed, and he was equally judged guilty. In the latter case his dead body was addressed by the *Okyeame* in the following words :

W'akoa yi, obi nnim adie a wa yo. Nne wako bye homa. Obi nnim ade koro a ba wo tiri mu. Nti wamfa mma ha, ama yamfa asopa ntie, na wo fa aba de bo Akyeame, wu ku yen a, wu di yen aboa, wo di fo.

(Addressing the Chief.) 'This is your slave, (i. e. subject). No one knows what he had done, and to-day he has hanged himself. (Then addressing the corpse.) No man knows a single thing that came into your head (i. e. your motives), but, because you did not bring your case here that we might take good ears to hear it, but took a club and struck the *Akyeame*—and when you kill us (thus) you regard us as brute beasts—therefore you are guilty.'

In the case of a murderer who had afterwards committed suicide the final summing up was as follows :

W'akoa yi. Se yoye a wa kum wo yonko, na se wa ye wo bone a, wamme ka ankyere Akyeame ama yankankyere Obene ma yen ambusa asie ama wo. Na wo ko ku no, nanso wo ku wobo. Nti wamfa mma ha ma yamfa asopa ntie, na wo fa aba bo Akyeame, wu ku yen a, wu di yen aboa, wo di fo.

(Addressing the Chief.) 'This is your slave. (Addressing the corpse of the suicide.) Since it has come about that you have killed your fellow man, and when he had done a bad thing to you, you did not come to tell the *Akyeame* in order that we might have told the Chief and caused him to investigate the case for you, but instead, you went and killed him and also killed yourself, then because you did not bring your case here that we might have brought good ears to hear it, but instead raised a club and struck the *Akyeame*—and when you kill thus you treat us as if we were brute beasts—therefore you are guilty.'

As soon as the *Okyeame* had delivered this oration, the Chief's executioners would step forward and decapitate the dead body. Here we have the explanation of the sentence 'Suicide was a capital offence'. The plaintiff in the case had been the murdered man. The sentence



FIG. 111. A girl of Tekiman



FIG. 112. Brong mother and daughter

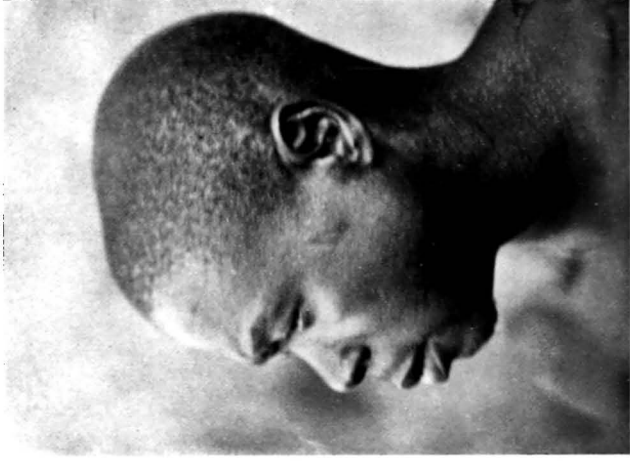


FIG. 114. *Anakoba Hene, Tekiman*



FIG. 113. *Gyase Hene, Tekiman*

and 'execution' of the murderer implied his innocence. The party in a trial who is judged innocent pays *Aseda*, a thank-offering, to the Chief (as we have already seen, really a fee to ensure that witnesses would be forthcoming on a possible future occasion to testify to the result of the trial). The murdered man could not claim exemption to this rule. He (i. e. his kinsmen) therefore paid *Aseda* and the kinsmen claimed the body of their murdered relation without further formality. Not so the blood relations of the murderer and suicide. They might not on any account remove his body for burial in the clan sacred burial-ground; they might not even mourn for him. His headless trunk was cast into the bush, to wander, as we have seen, an unhappy headless ghost. Not only so, but his kinsmen could not themselves entirely escape the evil consequences of his deeds, a responsibility, as we shall see presently, that was even sometimes shared by the Chief himself. The kinsmen of the suicide had 'to drink to the gods' and to produce every bit of his (the suicide's) personal private property, which was then confiscated by the Chief. This might comprise the following:

1. His privately acquired slaves.
2. His 'bought' wives.
3. His privately acquired gold-dust.
4. Any personal debts due to the dead man (the kinsmen, not the Chief, became responsible for any debts owed by the deceased).
5. Any privately acquired cloths and trinkets.
6. Such live stock as actually belonged to him.¹
7. The standing crops on any farm cleared and planted by his own individual labour (this did not exclude the assistance given by children and wives). After the crops had been gathered, the land itself reverted to the lawful heir. In the case of privately owned fruit-bearing trees, e. g. kola, the annual crops as long as the trees stood.

The immediate superior (if himself a Chief under a greater Chief) of a subject who had violated any of the great tribal or national taboos, and thereby incurred the death penalty, appears to have been

¹ Of a person's live stock, some might belong to the wife, some to the children. A parent may tell a son or daughter to look after a sheep or goat, or hen. The first and second time the sheep or goat brings forth, the lambs and kids belong to the owner, the third time to the child who is tending it. In the case of a hen, one of each brood is given to the child tending the hen. This might not on any account be touched by a Chief when confiscating the property of a person who was executed.

held responsible that his subject did not escape punishment by committing suicide. There is a well-authenticated case of a certain *Sana Hene* of Mampon, who in the time of the Mampon Chief, Kobina Dwumo, and in the reign of Kwaku Dua I, 'blessed' the King,¹ and afterwards committed suicide. The Chief of Mampon, for having failed to arrest him forthwith, was fined one hundred *pereguan* (£800) and thirty sheep 'to sprinkle Kumasi with water' (*Bo Kumasi asu*).

At a later date the custom arose of permitting the kindred of a person found guilty of many of these capital sins 'to buy the head' of their clansman. It is very doubtful if this privilege was ever really extended to cases of deliberate murder, even at a late period when the majesty of law and the administration of justice were disregarded. By paying this price (*atitodie*) the confiscation of the offender's private property was avoided, and if, as in the case of a suicide, the guilty party were already dead, his kindred also obtained the body, the head of which was not cut off; they might mourn for him, and hold the usual funeral custom.

A woman, equally with a man, was liable to suffer capital punishment for murder, the only exception being that if she were pregnant she might not be executed before her confinement (*Opimfo yen ku no*). Such a person was kept a prisoner by being fastened to a log until the child was born, when both the mother and child were killed.

'A non-adult might be executed for murder; children condemned to death were handed over the *suman* (?) Aserampon as a human sacrifice.' 'The *Asontakoma* fly causes us to kill it, because its progeny are evil',² was the saying quoted in answer to my inquiry as to the reason a child should be killed.³

Drunkenness and madness as an excuse for murder: Drunkenness might be taken as an extenuating circumstance in the case of certain offences,⁴ but not so in murder. *Awudie wo wo tiri mu a, na wo boro*

¹ See Chapter XXVIII.

² *Asontakoma na wo bone nti, na ma ye ku no*. Compare the former consequences in our law of sentence of death or outlawry, viz. the corruption of blood.

³ Another informant stated that this was not the case. 'To kill a child under such circumstances was,' he said, 'taboo. Any one who did so would never have any more children.' The child's *abusua* (kindred) would, he said, be held responsible and fined. Yet again, I have been informed that children who committed a capital sin 'were not executed until they reached puberty'. The procedure perhaps varied in different localities.

⁴ Not an excuse for 'blessing the King', but might be pleaded as an excuse in all minor cases; *osabokwafu asem yenni*, or *nsa asem yenni* ('we do not hear cases arising out of drunkenness').

LAW AND PROCEDURE

SINS OR TRIBAL TABOOS (*Oman Akyiwadie*) (*continued*).*Certain 'Sexual Offences'.*

THE few 'sexual offences' which appear to be capable of being classed under the above heading may be subdivided into four main groups:

- A. *Mogyadie* (incest).
- B. *Atwebenefie* (sexual intercourse with certain individuals other than those related by 'blood').
- C. *Baratwe* (sexual intercourse with an 'unclean' woman).
- D. *Di obi yere* (adultery with another man's wife, but only in certain specific cases, or under certain particular circumstances¹).

A. *Mogyadie*: Incest (literally 'the eating up of one's own blood') has, in Ashanti, a much wider range of meaning than that word implies in our own language. It included sexual intercourse with any one of the same blood or clan, however remote the connexion, and even cases where it would not be possible to trace direct descent. The bearing of a common clan name was considered as conclusive evidence pointing to the existence of a common female ancestress. Perhaps no other sin was regarded with greater horror among the Ashanti. Both parties to the offence were killed.² Had such an act been allowed to pass unpunished, then, in the words of my informants, 'hunters would have ceased to kill the animals in the forest, the crops would have refused to bear fruit; children would have ceased to be born, the 'Samanfo' (spirits of dead ancestors) would have been infuriated, the gods would have been angered, *abusua* (clans) would have ceased to exist, and all would have been chaos (*basa basa*) in the world.'³

It is of importance to realize the gulf which exists between our

¹ In other cases the offence fell under the category of 'theft'; see Chapter XXVIII.

² Here again, however, if the offence had been committed in genuine ignorance of the existing relationship, such a circumstance would have been taken into consideration by the council of Elders and the judge.

³ The death penalty for this sin may of course no longer be enforced, but the offence is still punished by a fine of £25, two sheep and a case of gin for the Stools, and twelve yards of white calico for the *gyadua* (trees). See Fig. 39, which depicts a *gyadua* 'dressed' in white calico, after the Chief of a certain Stool had been destooled for this offence.



FIG. 116. Yao Donko, a Goldsmith of Tekiman

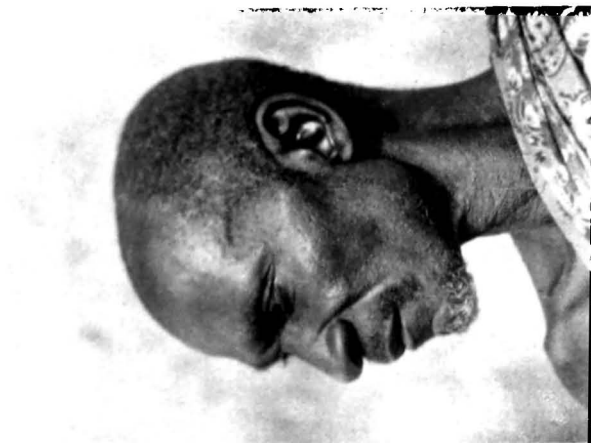


FIG. 115. *Adonten Hene*, Tekiman



FIG. 117. *Akyeame Hene, Tekiman*



FIG. 118. *Pamu Hene*



FIG. 119. *Queen Mother of Pamu*

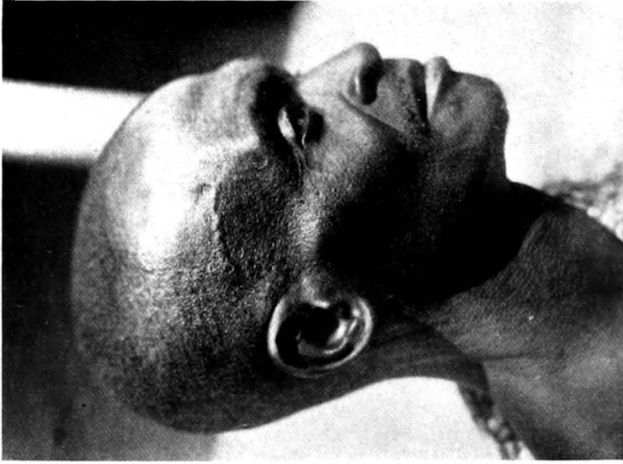


FIG. 120. *A. Jothosani* (treasurer), Wam



FIG. 121. *Barim Hene*, Wam

conception of the term 'incest' and the Ashanti interpretation of the apparently equivalent word *mogyadie*. An Ashanti, in olden times, would have been executed for marrying or having sexual intercourse with his mother's sister's child—he would have committed 'incest' by doing so—yet, at the same time, he was enjoined to marry his mother's brother's child. I would refer my reader to the first chapter of *Ashanti*, where the whole question of prohibited and enjoined marriages have been examined in detail.

B. *Atwebenefie*: The correct spelling and derivation of the central root of this compound word is somewhat doubtful. I have also heard it pronounced *atwe-beré-fie*, and *atwe-abra-fie*,¹ but the first spelling as here given is probably in conformity with the most usual pronunciation. *Atwe-bene-fie* means literally (having sexual intercourse with) 'a vagina that is near to the dwelling-house', and the offence, as the title implies, consisted in committing adultery with the wives of certain persons with whom the existing *ménage* necessarily compelled close social intercourse or constant physical proximity; they were not otherwise sexually debarred on the ground of blood affinity, or even in certain cases on account of any *Ntoro* relationship, although the term also included the latter class of offence.

I am now compelled, owing to the apparent eccentricity of Ashanti legal classifications, to split up the offences commonly grouped under this single heading. A whole class of offences, generally known as *Atwebenefie*, were not apparently regarded as capital sins, for the simple and sufficient reason that they had not come to be regarded as 'tribal sins'. I shall therefore, in this place, while tabulating all the offences commonly called *Atwebenefie*, deal only with those which were looked upon as Tribal taboos, the punishment for which was death, and leave a detailed examination of the remainder to a future chapter. *Atwebenefie* consisted in having sexual intercourse with any of the following persons:

- (a) A half-sister by one father, but by a different clan mother.
- (b) Father's brother's child.
- (c) Any one of the same *Ntoro*.
- (d) Brother's wife.
- (e) Son's wife.
- (f) Wife's mother.
- (g) Uncle's wife.

¹ *Bere* means 'to bring'; *bra* as a root means something 'forbidden', that 'should not be done'. The reciprocal of the term is *kote-bene-fie* (a penis that is near the house).

- (b) The wife of any man of the same *fekuo* (company).
- (c) The wife of any one of the same guild or trade.
- (f) The wife of one's own slave.
- (k) Father's other wife, not being of the same clan as one's own mother.
- (l) Own wife's sister (married or single).

It was only the offences grouped under (a), (b), and (c) that were regarded as sins or Tribal taboos. It will be observed that all these three cases of *Atwebenefie* amount to the same thing, i. e. violation of the customary law which decreed that a person of one *Ntoro* should not have sexual intercourse with any one of the like *Ntoro*. The punishment for infringement of this rule was death or expulsion from the clan (*abusua*).¹ I would again refer the readers of this volume to *Ashanti* (Chapter II), where a detailed examination of the patrilineal exogamous divisions called *Ntoro* will be found. The facts there disclosed clearly indicate the reasons for treating this particular form of adultery as a sin.

C. *Baratwe*: It is unnecessary, I think, to seek farther for the motives which brought this offence within the scope of a Tribal taboo, than the knowledge which we already possess relating to the abhorrence with which the Ashanti regarded all forms of contact with an 'unclean' woman. I discussed this question fully in my last volume.² *Baratwe* was essentially a crime against the '*Samanfo* (ancestral ghosts). 'They had made a law that no one should have intercourse with a woman in this state.' The guilty parties were both killed.

D. *Di obi yere*: We now come to the last class of 'sexual offences' with which the central authority concerned itself, for which the punishment was death. We are here immediately reminded curiously of one of the clauses in our own law of treason, which decrees the death penalty for any one violating the consort of the reigning sovereign (while a similar act against the wife of peer or commoner is not regarded in our law as a capital offence), for in both these respects the Ashanti law seemed almost identical with ours in conception and practice.

Adultery in Ashanti, with any woman other than the wife of a King or Head-Chief, except where special conditions or the peculiar circumstances made it so, was not regarded as a sin. With all such cases the central authority was not concerned, unless its interference had been specially solicited by the offended party, by his swearing an

¹ Here again genuine ignorance of the *Ntoro* relationship might be pleaded as an excuse.

² See *Religion and Art in Ashanti*, Chapter VII.

'oath' in connexion with the affair.¹ Adultery, indeed, did not even appear to fall under the heading of a 'sexual offence'; it came, as we shall see later, into the category of 'theft'. What then was the cause of the curious exception to this rule, in the case of adultery with a wife of the King or Head-Chief? There cannot here have been any question of possible complications in succession arising from an adulterous intrigue—the son of a King or Chief could not, as we are well aware, sit upon the ancestral Stool; the wife of the Ashanti potentate could never be of the royal blood of her husband's clan. Results, which it is possible may have had some bearing upon our own law upon this point, could not therefore have had any influence in the framing of the Ashanti rule.

An Ashanti King or Chief, as I think has now been clearly demonstrated, was not formerly regarded as an ordinary mortal. He was in close and constant contact with the spirits of his ancestors, of whom he was regarded as the mouthpiece and the Vice-regent upon earth. He had, moreover, automatically succeeded to the wives of his predecessors. Adulterous intercourse with them thus became something more than mere 'theft'² from a human being; it became an outrage not only upon the semi-divine person of the King, but also upon the departed spirits. Hence, I believe, the particular law which made adultery with the wife of a King a Tribal taboo punishable with death. I believe also it is just possible, were we able to follow the evolution of our law on the subject, that it might be traced back to somewhat similar ideas. Theoretically, the death penalty for such an offence could have been claimed by the outraged Head of any group; in practice, however, the supreme penalty would appear soon to have become restricted to cases in which the Head-Chief was the injured party. A curious legal fiction appears to have arisen in order to bring about what was tantamount to the alteration in the customary law, i. e. the removal of what had come to be regarded a minor offence from the category of a national taboo. Lesser Chiefs, who had been absorbed or had come under the jurisdiction of greater Chiefs, and finally under one paramount Chief of a Division, were loath to relinquish their ancient right to demand the head of the man who had violated their wives. Their ancestral ghosts were no doubt angry, but these spirits, like their living successors, had sunk to a position of somewhat minor importance, now the community consisted no longer of isolated indepen-

¹ The case was then known as *Akantamaditwe*.

² We have an almost exact analogy in the case of ordinary theft; see Chapter XXVIII.

dent groups. A Head-Chief, therefore, who did not wish to decapitate the adulterer in such a case, would allow the accused to swear an 'oath' that the accusation against him was entirely false. He would then be acquitted, but called upon to pay heavy *Aseda*¹ (thank-offering). This procedure is of interest as exhibiting, perhaps not so much a decadence in the standards of impartial justice, as that striking feature so strongly marked in the history of the early law of all peoples—the superstitious dislike for the inauguration of any change. There appears to be, besides the case of adultery with the wife of a King or Head-Chief, one other case in which adultery might involve the violation of a Tribal taboo. It is known as *Ababantwe* (sexual intercourse in the leaves). There were several grades of this offence, which will be examined later; the particular one with which we are here concerned, which was regarded as a capital sin, was the forcible seduction of a married woman in the bush. As is often the case in these offences for which the death penalty was the only punishment, we obtain a clue for the motives which caused the act to be regarded so seriously, in an examination of the expiation of a similar, but less heinous offence of the same nature. The infliction of capital punishment almost invariably removed the necessity for any further formalities in the nature of propitiation, thus leaving us sometimes at a loss to discover the true *raison d'être* for this severity.

In the present case for a similar act, but one where there was connivance or consent on the woman's part, the adulterer, besides paying the customary 'satisfaction' (i. e. damages), was also fined a sheep, which was sacrificed upon the spot where the adulterous act had taken place, to the accompaniment of the following prayer :

Asasa Ya, obarima owo dan, owo kete, na obepe oba faduabirim ha, nti ye de 'gwan yi ma wo ; 'so obiara ye sa bio a, ma no mpie mfi.

'Thursday's Earth goddess, a man has a room, he has a mat, yet he seduced a woman here on the bare ground; because of that, we have brought you this sheep. Moreover if any one does so again, grant that the deed may be publicly known and "come out".'

Here, I think, we have an indication that Mother Earth had been thought to have been defiled by the deed. Thus, an act, not in itself necessarily taboo, came to be regarded as so, because of the offence thus caused indirectly to one of the great supernatural powers. This tort thus came to be removed from its ordinary category and became a 'thing hateful to the Tribe'.

¹ This, in itself, no doubt acting as a deterrent to others.

LAW AND PROCEDURE

SINS OR TRIBAL TABOOS (*Oman Akyiwadie*) (continued)*Certain Forms of Abuse; Assault; Stealing. The Invocation of a Curse upon the Chief: Treason and Cowardice.*

ABUSE (*Atendidie*): So-called 'primitive' man was extraordinarily sensitive to personal abuse. Probably the great percentage of quarrels and lawsuits in Ashanti arose from this cause. The majority of such cases, however, does not fall within my present purview, and will therefore be dealt with later. It seems logical—and most of their laws were eminently so—that the sensitiveness in such matters, which was such a marked trait in the living, should have been considered equally as a characteristic of the dead, of whom it might literally be said *nihil nisi bonum*. Men were regarded as the custodians of the honour of their spirit ancestors and as the upholders of their 'good name'; hence it came about that whereas slander and personal abuse of the living were regarded as (what we should term) 'torts', when the dead were the object of similar abuse the offence tended to become a sin, which the living were compelled to punish to the utmost extent, lest those who might be considered directly involved should vent their resentment upon all concerned.

With the expansion of the isolated kindred groups into the larger Territorial Divisions, and the absorption of many petty heads under one paramount ruler, the evolution in the punishment of this offence tended to follow the same lines as has been noted heretofore with regard to other offences (e. g. adultery), until the sin came to be regarded as a Tribal taboo, only when practised against the supreme tribal authority.

To abuse or slander a Head-Chief, even personally—at least in the case of the *Asante Hene*—would, owing to his peculiarly sacred position, probably have been regarded as a National or Tribal taboo. Similarly, abuse of any of his dead ancestors would most certainly have been a National or Tribal taboo also.

The utterance of any of the following words constituted this offence :

- (a) *Wo 'ni* (your mother).¹
- (b) *Wo 'se* (your father).
- (c) *Wo nana* (your grandparent).
- (d) *Wo 'ni twe ase* (the origin of your mother's privates).
- (e) *Wo se twe ase* (the origin of your father's privates).
- (f) *Wo 'samanfo mfa ye ti nwe* (May your ancestral spirits chew their own heads).
- (g) *Wo 'samanfo mfa ye nankasa* (May your ancestral spirits take their bones, (and eat them)).
- (h) *'Kwasea 'ba* (child of a fool).²

'The reason that any of these sentences, addressed to a Chief, was punished by death in olden times, was because if this were not done the *'Samanfo* would say, "Did we set you on this Stool that you should allow us to be spoken to thus ? "' Any of the above-named forms of abuse might have been implied without being audibly expressed, by merely closing the hands, placing the closed fists together, and holding up the thumbs. To call the Chief 'the child of a fool' was a capital sin ; it was an insinuation against the good sense of his ancestors ; it was also a capital offence for any woman to call any man a fool. I have not been able to obtain any very satisfactory explanation for this latter curious prohibition. The reason most commonly given is that a man must fight to protect a woman, and as a woman cannot fight she has therefore not any right to abuse one on whom her life and safety ultimately depended. The prohibition to use the term *Kwasea* is curiously reminiscent of Biblical law, where a similar offender was threatened with eternal perdition.³

Assault: This act was ordinarily regarded as a tort. Causes similar to those with which we are now familiar brought certain forms of the offence into the province of 'sins'. It is therefore unnecessary to add anything more, except to point out that a wider circle of individuals than merely Kings or Chiefs was entitled to claim the death penalty for an assault upon their persons. No official, intimately associated with the performance of sacred duties, might be struck or suffer even what we would term a 'technical assault' with impunity. For example, to assault any of the following office-holders of a Head-Chief

¹ Used in the wider classificatory sense, as also in (b), (c).

² Before speaking these sentences my informant said *Sebe* (pardon) ; he spoke them in an undertone, and during their recitation snapped his fingers round his ears.

³ Matthew v. 22.

would have been punished by death: the Soul-washers, Stool-carriers, Custodians of the mausolea. To have done so would have been an insult on their real masters—the spirits of departed Kings or Chiefs.

Stealing (Krono): Ordinary cases of theft were not regarded as offences of which the central authority need take cognizance. Once again, however, we must discriminate between different forms of the offence. The main discussion of this interesting subject will be left to a later chapter. Here I shall only discuss those particular thefts which were regarded as Tribal or National taboos. We might have surmised from the analogies which have already been noted that stealing from a King or Chief would be so regarded, and such an assumption would have been correct. Stealing from a Head-Chief or King was known as *Krono Kesie* (big theft) and the 'sinner' was liable to be killed. Here again, a minor offence became aggravated immediately it came to be practised upon the semi-divine person or property of the King. Into the same category fell stealing from the *abosom* (gods), stealing from the dead, stealing first-fruits. Several Ashanti, with whom I have discussed these last three kinds of stealing, have stated that the offence committed was not really *Krono*, but was *musuobo* or *abusudie*, i. e. 'the perpetration of an evil or unlucky deed.

Invoking a curse upon the King: Hyira Ohene, 'blessing the King', as the Ashanti euphemistically designated an offence which was the very antithesis of the idiom employed, was one of the most terrible sins of which an Ashanti could be guilty. Its perpetration resulted in certain death. In addition to this euphemism, there were several other circumlocutions by which the offence was expressed—all these were used to avoid if possible the employment of the actual words. *Bo obene dua*, clubbing the Chief; *wa se biribi* ('he has said something'); *wa de ne nsa si fam* ('he has placed his hand upon the ground') were some of the terms employed. The sin consisted in the invocation of the aid of some spiritual power (generally an *obosom*) to kill the King.¹ If the would-be regicide went directly to the priest of the particular god whose power he wished to invoke, the priest also suffered death. This offence, like many others, might be committed without direct invocation. To compel the son of a King or Chief to clear a path was taken as sufficient implication of intention, because a Chief's son must never perform such a task, unless when, on the death of his father, it fell to his task to clear the way leading to the mausoleum (*Barim*). I once asked an Ashanti why any man, well knowing

¹ To invoke a similar power to kill an ordinary individual was 'murder'.

the penalty he must pay for the offence, should ever have wished to 'bless the King'. He replied that a man might have become exasperated beyond all measure at another's conduct and declare, 'I call upon such and such a god to kill the King, and do so on your head, and after I am killed may you pay one hundred *pereguan*, i. e. £800, to buy the Bongo's skin with which I shall be strangled'.² I have noted in my last volume how criminals sentenced to death were prevented from invoking such a curse by the prompt thrusting of a *sepow* knife through the tongue and cheeks. The execution in such cases usually took place on the exact spot where the words had been spoken, or if this were not done, then a sheep was sacrificed at that place, a rite which may indicate the necessity for propitiation of the Earth Goddess.

Treason and Cowardice: *Epow* (treason) consisted in plotting to destool a Chief without just cause. Its inclusion in the list of capital sins was possibly a later-day innovation following the growth of power and the elevation of the central authority to a position of tribal or national importance. Any attempt to transfer allegiance from one's own overlord to another—also without just cause—was similarly regarded as treason. It would appear possible that both this offence, and cowardice, may have been relegated to the class of capital sins because they would indirectly have involved the violation of an 'oath'—the former, the oath of allegiance, the latter, the oath taken by commanders before setting out on a campaign. In that case the offence would then fall into another category—the eleventh in my schedule. In the case of cowardice, as already noted, the culprit was sometimes permitted to 'buy his head'; but this remission of the death penalty entailed his public degradation, for he was dressed in a woman's *etam* (loin-cloth), his hair was cut in the fashion known as *atirimusem*, his eyebrows were shaved off, and any man might commit adultery with his wife without his being able to obtain redress.

² The culprit was executed in this manner for this particular offence.

LAW AND PROCEDURE

SINS OR TRIBAL TABOOS (*Oman Akyiwadie*) (continued)

Witchcraft. The Violation of any other Tribal Taboo. Non-compliance with any Law or Command, the Observance of which was enjoined by the 'Oath'.

WITCHCRAFT (*Bayi*): Witchcraft, all over Africa, was a sin always regarded by the community with particular dread and abhorrence. I have written at some length on this subject in my last volume, to which I would refer the reader.¹ A witch was never decapitated; a witch's blood might not be shed. After being found guilty, either by the ordinary process of a public trial, by having been tracked down by a witch-finder, or as the result of an ordeal—the last means of investigation being regarded as particularly applicable to this class of sin—the witch was either driven out with a fire-brand in his or her hand, to die eventually of starvation, or was smeared all over with palm oil and cast into a fire, or clubbed or strangled, or drowned.

To kill a person by witchcraft was regarded as 'murder', and it would perhaps have been more in conformity with Ashanti classifications to have placed this sin under that heading. Witchcraft was essentially the employment of anti-social magic. The belief in its general prevalence was largely due to the fact that certain forms of illness resulting in death could not otherwise be accounted for. There appears to be considerable logic in regarding killing by witchcraft as akin to murder, even if its classification as such by the Ashanti was not directly due to an acknowledgement of a fact which was in many cases true, i. e. that poison in some form or other was often an important stock-in-trade of the professed witch. Although witchcraft in Ashanti was not uncommon, and although the offence was undoubtedly regarded with particular repugnance, one fact stands out clearly, namely the absence in Ashanti of hunts for witches, resulting in the extermination of whole village communities, which was such a marked feature of the 'smelling out' of witches in other parts of the African continent. This feature was possibly due to the well-established belief that witches were powerless to work their magic against any one

¹ *Religion and Art in Ashanti*, Chapter III.

outside the somewhat limited circle of their own particular kindred group or clan.

The violation of any other Tribal Taboo: Besides those sins which have now been specifically dealt with, each Tribe had its own special list of taboos, the violation of which would have been a matter of investigation for the central tribal authority, and the infringement of any of which would have been punished by death.¹ I append a list of one such schedule of Taboos for the town of Mampon. Many other Divisions had similar laws. Bowdich, more than a hundred years ago, tabulated a somewhat similar catalogue of taboos for Kumasi.

*Special taboos for the Town or Division of Mampon:*²

(a) A dog must be carried through the town. (The origin of this taboo was almost certainly due to the fact that a dog was one of the *akyiwadie* (taboos) of the *Bosommuru ntoro*, to which many of the royal house of Mampon belonged. In Kumasi itself, dogs were once wholly taboo.)

(b) A head-rest (*kabire*) must never be made of cloth.

(c) A fowl must not be carried on top of any load.

(d) Fish sold in the market must never be cut up.

(e) Whistling was forbidden in the town. (We have seen in *Religion and Art in Ashanti* that whistling was 'hateful' to certain *suman*.)

(f) A priest must never marry a priestess.

(g) No one might go to farm work on a Thursday (this was not only a local but was a National taboo. Thursday was the day sacred to the Earth goddess).

(h) No one might intentionally break an egg upon the ground.

(i) No one might intentionally break a pot upon the ground.

(j) No one might intentionally spill palm oil upon the ground.

(h), (i), and (j) were indirect methods of invoking a curse upon the Chief. Ellis naively suggests that these taboos, which were also in force in Kumasi, were enjoined in order that the town might be kept clean.

(k) It was forbidden to pour water into palm oil.

(l) It was forbidden to carry a load through the town upon the shoulder.

(m) It was forbidden to raise a load, carried on the head, above the head when passing through the town. ('To have done so would have implied that that person considered the Chief and Elders as light and worthless.')

¹ Except possibly in the case of complete strangers. *Ohoho nto mara* (A stranger does not break a law).

² The majority of these taboos are stated to have been instituted by Komfo Anotche.

(n) A woman during her 'periods' might not address a priest or any of the *abenkwa* (palace attendants).

The necessity for the observance of these rules did not depend upon their promulgation, backed with the threat that the violation of them would be taken as the infringement of an 'oath'. They were immemorial laws requiring no other sanction but that with which custom had invested them.

The swearing of an 'oath' itself fell into this general category.

I now come to my last heading: '*The breaking of any law or command, the violation of which would not, in the ordinary way, involve the breaking of any Tribal taboo, but the observance of which had been enjoined on the express understanding that disobedience would be taken, in this particular case, as entailing the violation of a specific taboo.*'

The possible offences which would have been brought under the notice of the central authority by the above process fell into two distinct classes.

(a) New edicts promulgated by the central authority itself, which, from the very facts that they were new, caused them to lack the sanctity with which time-immemorial custom alone could have invested them, and the violation of which in itself could not possibly have entailed the breaking of a taboo. New legislation of this nature, after being decided upon by the Chief and his council of Elders, was proclaimed throughout the Division by the Stool town-criers, who were also the Heralds. Such proclamations were always made public late in the evening, when every one would have returned from the forest or the farm. Attention was first arrested by the musical tinkle of the *odawuru*, the elongated bell-shaped gong typical of the whole of this region of West Africa right down to the Niger Delta.

Ton, ton, ton—Hene se wa ma nwo adwo ; ose oma nwo adwo Apeafo.
Ose—Ya, obiara ye be bu se—Ye ku, ana nwo be timi ato wo tiri a,
mpereguan nsia. Ya nwo to Kwesiara, nwo to ntam kesie. Pa fwi !

'*Ton, ton, ton—Chief says he bids you cool of the evening, he bids you cool of the evening Apeafo.*'¹ He says (here follows the new law). Therefore any one whom we see (breaking this law) we shall kill, or if it be that you are able, you may buy your heads for six *pereguan* (L48). For (if you disobey) then you have violated the forbidden name of Sunday, then have you violated the great forbidden name.'

¹ An *nion* salutation, also used in addressing hunters.

(b) The second class of offences, which in themselves did not call for any interference on the part of the central authority, was brought within its province by an exactly similar process, i. e. by the invocation of a 'conditional curse' and 'oath'. It was a process which might be used by all and sundry, and by its employment any man or woman could temporarily invest his or her own private dispute with all the importance and weight attached to the violation of a tribal taboo. In the chapters which follow, I shall deal with these private causes of dispute, these 'household matters' (*efesem*), to give them the name by which they were known in Ashanti. They were disputes of supreme importance to the individuals concerned and to their own friends and relatives, but until an 'oath' was sworn with regard to them, they were not any concern of the central power. Its duty was clear; 'household matters' were not its concern; it only stepped in when a Tribal taboo had been violated; it knew only one form of punishment, and that was death. It might appear, therefore, that in taboos, their observance and violation, we have the origin of all laws, but I think that this is not really the case. There were few niceties and fewer legal questions to be settled in the investigations of the violation of a Tribal taboo. In such cases rules of the law were blunt, simple, and decisive. It was in the thrashing out of disputes of a less heinous nature that legal precepts and maxims came to be evolved by the people themselves, and that 'civil' law, as understood in Ashanti, came to take form and shape. In the following pages I shall deal with these *efesem*, every one of which—let it again be clearly understood—might have been transferred to the chapters which have now been concluded, i. e. placed under the heading of 'Tribal or National taboos', by the simple formula contained in the words, 'I speak the great forbidden name'.

LAW AND PROCEDURE

HOUSEHOLD CASES (*Efieseem*)*Theft.*

SEVERAL of the cases which, from the peculiar circumstances attending their commission, have been dealt with under the heading of 'Tribal Taboos' were, under all ordinary conditions, regarded as *efieseem*, i. e. matters to be settled by the household concerned among themselves. I shall deal first with these, thence passing on to an examination of other matters which could not under any possible circumstances have been regarded as *Oman Akyiwadie*, save when subject to the universal exception operating when an 'oath' was invoked.

In an investigation of all these cases, we come for the first time in contact with the civil law proper, and with the law of persons and property—with what the late Mary Kingsley, using the parlance of pigeon English, called 'man-palavers' as opposed to 'god-palavers'.

The first of my previous classifications to come up for examination in this new grouping is the act which, under the heading of Tribal Taboos, was classified as a 'sexual offence'. It now becomes necessary to transfer the offence from that category and to group it under my sixth heading, for it was as *Theft* that adultery was regarded by the Ashanti.¹

It has been noted elsewhere,² that the so-called 'bride price' in Ashanti, which was really a payment to ensure having witnesses to the transaction, purchased what is best described as 'a sexual prerogative'. It is the 'taking away' (*fa*), the 'theft' (*wia*) of this, that really constituted the offence. The term 'adultery' as understood in Ashanti appeared to have a different significance from the meaning which we ascribe to the word. I shall therefore first deal with this important point.

To be guilty of any of the following acts constituted the commission of the offence :

(a) To commit adultery, i. e. the actual sexual offence. This was generally idiomatically described as *di obi 'ye* ' (to eat some one's wife).

¹ To inquire of an erring wife if she has been guilty of adultery is known as *bissa wia* (to inquire about a theft).

² See *Religion and Art in Ashanti*, p. 78, foot-note.

(b) To pull, or play with, a woman's nose, ears, breasts, or any part of her body.¹

(c) To pat the beads round a woman's waist.

(d) To tickle the palm of a woman's hand. *Wo gwa no, na wo ti ne nsem* ('You shake hands and tickle her palm').

(e) Any attempt to seduce a woman by words, known in Ashanti as *Asombo* (lit. burning a hole in her ear). This offence was committed even by trying to persuade a married woman to divorce her husband. The latter was entitled in such a case, besides claiming the customary adultery damages, to swear an 'oath' upon his wife that she must never again speak to the 'co-respondent' or marry him even after her husband's death. Should he so do, he would be guilty of the sin known as *Akantamaditwe* (committing adultery after an 'oath' had been sworn). This would, in olden days, immediately have transferred the offence to the category of a sin, the punishment for which would have been death.

(f) An attempt to seduce a woman while she was asleep. This was known in Ashanti as *Monato*. Besides the usual adultery damages the offender 'would be held up to such ridicule that he would be obliged to leave the town'. Consent or connivance on the woman's part was not generally taken into consideration as mitigating any of the above acts, even where the woman had pretended that she was unmarried. *Oba onya kunu da* and *Oba pe wo a, ope wo ama okunu* ('A woman never has a husband', and 'When a woman says she desires you, she only desires you in order to hand you over to her husband') are two somewhat cynical sayings bearing on the point.

It seems apparent from the above examples that, in Ashanti law, even a technical indecent assault constitutes to their minds the commission of the full offence.² I may state, without going into details, that they adduce certain physiological arguments which to their minds supply ample justification for regarding the minor offence as just as reprehensible as the greater.

There were several special classes of 'adultery', each entailing special damages or for which the sanctions were unusual. These were :

A. Adultery committed in the 'bush' or 'leaves'.

B. Adultery by a Chief with the wife of a subject.

¹ In the case of a Chief's wife, even accidentally to brush up against her. Any one meeting a Chief's wife should turn his back upon her, or cover his head with his cloth.

² *Oba ho nni ngwa nam* (A woman's person is not like the carcass of an animal that is divided up).

C. Adultery by a master with the wife of a slave.

D. *Atwebenefie* cases.

A. *Adultery committed in the 'bush'*: *Ababantwe*, lit. having sexual intercourse among the leaves. This class of offence was again subdivided into three, according as to whether the act was committed with :

- (1) An unmarried woman.
- (2) A married woman.
- (3) The offender's own wife.

Bowdich, writing on this subject, states :¹ ' If a man cohabits with a woman without the house, or in the bush, they are both the slaves of the first person who discovers them, but redeemable by their families'.

He does not make any distinction arising from the exact status of the ' woman ', but not even in any special case have I been able to find confirmation of his statement. My informants are emphatic that the following was the Ashanti law :

In the first case, the only sanction—a terrible one to the Ashanti—was ridicule. ' The person discovering the couple in the guilty act would cut a branch of a tree and place it on the side of the path near the spot where he had discovered them. The next passer-by who saw this branch would add another to it, even although he did not know the reason for the first branch having been placed there. When these people reached the town or village, they would make inquiries, be informed of the facts, and laugh heartily. The news would soon be spread all around, and before long a huge pile of brushwood would mark the site. The guilty ones would become the laughing-stock of the town, and in time, of all Ashanti, and no one would ever do the like again.'²

In the second case the punishment meted out to the pair depended upon whether the act was committed with or without the consent of the woman. Both cases have already been examined.

The third case was dealt with as the first. *Wo didi abontene a, ye bo wo didi dawuru* (' If you eat on the street, they make you eat to the accompaniment of the gong ').³

B. *Adultery by a Chief with the wife of a subject* : ' The whole *abusua* (kindred) of the injured man would rise up and declare that they would no longer serve the Chief, but would transfer their allegiance

¹ *Mission to Ashanti*, p. 259.

² This punishment was known as *Bosompuo*.

³ The *odawuru* is used for public announcements.

to another. The Chief would plead with the aggrieved party through his Elders, and say, *Me di wo bim* ("I declare yours is the just cause"). They would reply, that had any of them done such a thing with his wife, their heads would have been cut off. The Chief would then be asked to pay *Birempon ayefere*, i. e. the adultery damages, on the scale that would have been due to a *Birempon* whose wife had been seduced.² He would be required to find this amount out of his own wallet; the Elders could not be called upon to contribute towards the fine. The offence was further aggravated if committed with the wife of a subject's slave. 'The Chief might, in such a case, be destooled.' *Noblesse oblige* should be a Chief's motto, or as the Ashanti say, *Ohene doe nebo ni, te se abeko* ('A Chief should deport himself like the (beautiful) *Abeko* bird). 'If a Chief desired the wife of one of his subjects, he should summon his Elders, and they would then inform the woman's husband. He would be given a present, express great joy, divorce his wife, who would then be free to marry the Chief. This was the old Ashanti law.'

C. *Adultery by master with the wife of his slave*: This case has already been discussed.

D. *Atwebenefie cases*: Some of these offences have been examined under the heading of 'Tribal Taboos'. The cases remaining included the following:

- (a) Adultery with a brother's wife.
- (b) Adultery with a son's wife.
- (c) Adultery with wife's mother.
- (d) Adultery with an uncle's wife.
- (e) Adultery with the wife of any one of the same *fekuo* (company).
- (f) Adultery with the wife of any one of the same trade or guild.
- (g) Adultery with the wife of one's own slave.
- (h) Adultery with a father's wife, other than the adulterer's own mother.
- (i) Adultery with wife's sister, married or single.

Each of these cases will be examined separately.

(a) *Adultery with a brother's wife*: Double the customary adultery damages were claimed.

(b) *Adultery with a son's wife*: As in (a) 'sometimes the man would refuse to accept any damages; this would greatly shame the adulterer'.

(c) *Adultery with wife's mother*: As above, but 'you will also have to *pata* (conciliate) your own wife with a *suru* (£1 in gold-dust), or she

² *Niansa*—£24.



FIG. 122. *Akontan Hene, Wam*



FIG. 123. *Okyame, Wam*



FIG. 128. Head of the Heralds, Wam



FIG. 129. An Obragó (Executioner)

may be taken from you.¹ To have sexual intercourse with your wife's mother is a disgrace. You will be laughed at all your life.'

(d) *Adultery with an uncle's wife* : He would probably not insist on any adultery damages, as if the nephew could not pay, the amount would eventually have to be found by himself. 'The nephew would have to carry a sheep on his shoulders.'²

(e) *Adultery with the wife of any one of the same fekuo* : The officials in the *entourage* of a Chief were, as has already been described, grouped in companies or bands (*fekuo*) according to the nature of their duties. Each member of a particular group had the privilege of addressing the wife of any other member of the group as 'my wife', but this form of address did not imply that he had access to her. In fact, adultery under such circumstances resulted in the customary damages being doubled. It may also be noted that an outsider having illegal sexual relations with any of the Chief's *abenkwa* (attendants), besides being liable to pay the customary damages, would have to give a sheep for the purification of the particular department which was thus considered as defiled.

(f) *Adultery with the wife of any one of the same trade or guild* : Wives of fellow craftsmen were addressed as 'wife' by other members of that particular craft.³ As in case (e), this did not imply any right of access to their persons. The adulterer in such cases, besides the *ayefere* (adultery damages), had to meet any expenses arising from the necessity to purify his fellow worker's tools. In cases of adultery

¹ I have a note on the subject of mothers-in-law in my last volume (see Chapter X) to which the following may be added: 'Wives dislike their husbands going to their (the husbands') mothers-in-law' (it seems just possible one reason may be jealousy). I find there is a proverb which runs, *Wo di wo ase a, na wo kwan mu pi*, which may be translated, 'When you have an intrigue with your mother-in-law, your soup will be thick'. 'Your mother-in-law may cook for you—if you have not a daughter—when your wife is "sick".' *Ase fe yennko* ('We don't go to mother-in-law's house') is a man's proverb, stated one informant. *Ase pini ha, ye kyi* ('Mother-in-law draw near to me, we taboo that') is a wife's saying. Once a year, sons-in-law and mothers-in-law exchanged gifts. The son-in-law would give the mother-in-law meat, tobacco, salt, and the mother-in-law would present the son-in-law with a fowl and eggs. In presenting his gift the son-in-law would say, *Fa to aduane* ('Take this and place it'): 'before the spirits' is understood. The gifts to the son-in-law are for his own consumption. These presents were not delivered in person. Ya Ampona (see Fig. 45), a Queen Mother, stated, 'I would not object to eating with my sons-in-law, but they might with me'. Then with a twinkle in her eye, *Ase do nkwo* ('Mothers-in-law destroy towns'). Yet another old Ashanti said to me, 'If you are always going to your mother-in-law, she will become familiar with you, and when trouble comes between you and your wife, she will be more likely to take your wife's side'.

² A similar ceremony has already been described.

³ See *Ashanti*, p. 301.

with the wife of any craftsman who was engaged at the time in making some article for the Chief, the adulterer, even if he had not any connexion with that particular craft, had to pay a sheep to purify the appliance—loom, wood-carver's tools, &c.—which the workman was using for the job he had on hand.

(g) *Adultery with the wife of one's own slave* : The procedure in such cases has already been described.

(h) *Adultery with father's wife, other than the adulterer's own mother* : Double the customary adultery damages and a sheep for sacrifice were claimed. I omitted to inquire who were the offended spirits, but in all probability these would be the man's ancestral ghosts.

(i) *Adultery with wife's sister, married or single* : The penalty was double adultery damages. It has already been noted that unions with a wife's sister are permitted in the case of Chiefs.¹

I think it is not improbable that, as I have already suggested, these special rules and penalties were instituted to protect the wives of persons with whom certain men were likely to be constantly thrown in contact.

Privileged familiarity between the sexes was sometimes allowed, but, curiously enough, it appeared to exist between those very individuals with whom the commission of sexual intercourse (in the literal, not the Ashanti sense) would have been punished by death. For example, a brother might play with a sister's nose, an uncle with that of his niece, son with mother's,² father with daughter's, but similar conduct with a *wofa 'ba* (mother's brother's child) or a *sewa 'ba* (father's sister's child), if married, would have constituted 'adultery'. The Ashanti explained this by saying that the former class of persons *nye me warefo* ('were not my marrying set').

The expression 'adultery damages' has been frequently used, and requires some explanation. The Ashanti term is *ayefere sika*³ (i.e. money you pay for having taken (stolen) another man's wife). *Ayefere sika* might at first sight appear similar to the damages awarded to an injured husband in our own country, but there was one important distinction, i.e. in the use to which it might be put. In Ashanti the husband who was awarded such damages would not make use of the money for his own personal benefit or enrichment. There are at least two legal maxims to this effect : *Ayefere sika ntua poa ka* ('Adultery

¹ See Chapter IV.

² But similar conduct with any of his father's other wives would be *atwebenefse*.

³ Derivation *ye*—wife ; *fe*—*fa*, to take ; *sika*—gold-dust, money.

gold-dust does not pay a *poa*¹ of debt'), and again, *Ayefere sika yenfa nko aban mu* ('We do not use adultery damages to go to the forts')² It was considered dishonourable to enrich oneself by such means. How the semi-Europeanized African of two hundred years ago had fallen away from this ideal may be gathered from a perusal of Bosman, an extract from whose work I quoted apropos this subject in my last volume.³

Ayefere sika was distributed among friends and relatives, no doubt with the idea of securing witnesses to testify, if need be, as to how the case had gone, and to advertise the shame and discomfort of the adulterer. Adultery damages in all ordinary cases amounted to about the value of 6*s.* in gold-dust.

Leaving these sexual cases which Ashanti law classified under the heading of 'theft', I shall pass on to deal with the question of stealing in the ordinary sense of the term. It is necessary to examine the subject from two standpoints :

(a) Stealing within the family or kindred group.

(b) Stealing outside the family circle.

There is a well-known legal maxim which I have already noted, 'I take something from father, I take something from mother, that is how one becomes a thief'. The distinction between stealing under the conditions specified in (a), and under those in (b), are indeed so well marked, that these acts are designated by different terms. In the former case the person simply 'takes' (*fa*) what is not his, or the act is known as *kroma kroma*,⁴ which I have translated by the word 'pilfering'. In the latter case the much stronger expression, *bo krono* (to steal), with the noun *Kronfo* (thief), is used. All my informants state that in olden days stealing was almost wholly confined to women, children, or slaves, and that the articles stolen were for the most part standing crops—yams, plantains, and such-like—palm-wine, or live stock. Thefts of such valuables as existed, gold trinkets, gold-dust, cloths, were, they emphatically maintain, almost entirely unknown, except in the very rare instances when a slave absconded with some of his master's property.⁵ Such valuables as an Ashanti possessed were

¹ About one penny.

² The castles or forts on the littoral were, some two hundred years ago, the centres of the trading settlements.

³ See *Religion and Art in Ashanti*, p. 96.

⁴ The derivation of this word is very possibly *krono mma = krono'ba*, 'child of stealing', 'little stealing', 'ba being often used as a diminutive in this sense.

⁵ In such a case, if recaptured, he might, with the Chief's permission, have been punished by being sacrificed at a funeral custom, or by having an ear cut off.

deemed perfectly secure in his hut, which was without doors, bolts, or locks. 'Taking' within the kindred group was essentially a matter for family settlement; it was what the Ashanti term an *Abusua asem*. A person who took something from a kinsman was never termed a 'thief' (*okronfo*); at the worst, he was reproached with being a *nnipa bone* (a bad person) or *nnipa bunu* (a worthless fellow). Such cases were not reported to the Chief: *abusua asem yenka* (a family matter is not spoken about). There was at least one excellent reason for this. An uncle who reported a nephew for misconduct would, if the latter were fined, eventually have to find the money himself, should his kinsman not be in a position to do so.¹

When something was stolen by a member of one group from a person who was not in any way connected with the thief's establishment the matter was more serious; it tended to involve the whole of the rival groups. Even in such cases, however, the Chief was not necessarily called upon to adjudicate between the parties. The heads of the families concerned were at perfect liberty to settle the matter between themselves.² In these disputes the house-father and the kindred might repudiate the act of their kinsman and hand him over to the injured group, whose slave or pawn he would then become. On one of my informants stated, 'It is much more serious to steal something from some one not belonging to one's own *abusua* than to take from one's own kinsman. The former conduct will give the whole of your kindred a bad name, and the offender will be much more severely dealt with.'

The method of dealing with a thief was often the sanction imposed by ridicule. A person stealing yams or fowls might have the stole

¹ A liability of this nature was shared as follows: The guilty party became responsible for one half of the amount, his kindred for the other half. The latter share was again divided into three equal shares; one third was found by the house-father, one third by the uncle and other nephews and nieces, and the remaining third was shared among the rest of the *abusua*. The wives and children of all the above might assist, but their contributions were wholly optional. When the culprit had not any money, the whole had to be met by the *abusua*. Generally speaking a clansman was given three chances, after which his *abusua* would refuse to come again to his assistance. No doubt the custom giving the three chances to a Chief before he was finally destitute was based on this analogy.

² There would appear to have grown up at a later date—at any rate in certain Territorial Divisions—a law against 'compounding a felony' of this nature. In these Divisions where such a rule exists, a law has been promulgated in the manner already described backed by the customary divisional oath to the effect that if any one steals from another not of the same *abusua*, and the offended party settles the case personally with the thief or through his family, then he becomes liable to a penalty of £8.

articles suspended round his neck and be made to parade the village street to the accompaniment of derisive shouts of *Hu! bu!* 'This was a much more severe punishment than a fine.' For a second offence the thief was led naked round the town. A third offence remained unpunished, but any person was thereafter at liberty publicly, and on all occasions, to call the delinquent 'a thief' (*okronfo*) and, if found on his farms, to flog him without further ado: *Obi mmisa okronfo se ye boro no* ('One does not ask permission from a thief before beating him').

If the article stolen were under the protection of an *obosom*, *suman*, or *saman*¹ (god, fetish, or human departed spirit), the Ashanti did not commonly term such an act *bo krono* (to steal): it was known as *bo musuo* (to commit an act that would bring about misfortune or bad luck). Into this category fell thefts from farms protected by *suman* (fetishes), thefts of the property of a god, and stealing from the dead. 'If you commit any of these offences you will fall sick; your kindred will consult an *obosom*, who will disclose the real cause of your illness.' Such cases should at once be reported to the Head of the house, who may consider it necessary to inform the Chief, even though it be realized that the whole family may suffer for the offence or be ordered to give money and sheep to pacify the supernatural power that had been outraged. 'The *abusua* of the offender could have done all this themselves, but the offended spirit might not agree unless propitiation were carried out through the Chief. *Die n'ano so, na wa ka asem kesie* ('The one who has a big mouth is the one to settle a big case'), concluded my informant. Before closing this chapter I may mention cases which have come to my notice in which a god (*obosom*), upon being consulted upon some matter, has demanded 'a stolen fowl' as an offering.

Again, there is the somewhat ludicrous 'licensed stealing' from a Chief. A Treasurer, when sitting in the Chief's presence weighing out gold-dust, will sometimes address him, saying, 'Cover over your eyes, Chief; we wish to steal a little of your gold-dust'. This curious custom was just a recognized method of taking the perquisites which custom permitted, and was in lieu of regular wages, which, as has already been noted, were once wholly unknown.²

¹ If in any way associated with the Chief the offence at once became a sin.

² One begins to understand the mental attitude of the cooks or 'boys' whose irritating habit of taking 'perks' out of market money or pantry sometimes annoys us. To them such conduct is not perhaps regarded as 'stealing'. Untold generations of their ancestors had done exactly the same thing in their dealings with their own Chiefs; *Ohene na ye sisi no* (The Chief is the man imposed upon) is a well-known Ashanti proverb.

LAW AND PROCEDURE

HOUSEHOLD CASES (*Efiesem*) (*continued*)*Slander, Abuse, Tale-bearing, Assault.*

THE Ashanti was (and is), to our way of thinking, extremely sensitive to personal invective of every kind.¹ To have 'a good name' was wellnigh essential to his existence; to have 'a bad name' rendered life, in the narrow community in which he passed his days, unbearable. He was incapable of withstanding an atmosphere of adverse public opinion; public ridicule readily drove him to commit suicide. This last sanction was, perhaps, the strongest deterrent known to Ashanti law. These were probably the reasons why personal abuse or personal slander were invariably and immediately followed by 'legal proceedings'.

Many expressions of abuse took, as has been seen, the form of maledictions directed against ancestors. Here, the reasons for taking exception to such execrations were beyond the possibility of doubt. If disregarded, the ancestral ghosts would have been quick to punish their descendants on earth, who held their name in such light regard that they were not prepared to take up the cudgels in their defence.

The examples of abusive expressions quoted in Chapter XXVIII would also be the cause of quarrels if used against ordinary individuals, but the disputes would be settled privately, the arbitrator conciliating the parties, if possible, and ordering any necessary compensation in the form of sheep, fowl, or eggs where propitiation of offended spirits was deemed to be necessary. The Ashanti employ several terms to convey the idea of various forms of abuse or slander, and it is sometimes difficult to give these words their exact equivalent in English, or to distinguish between their particular shades of meaning. The Ashanti terms are as follows:

- | | |
|-----------------------|-----------------------|
| (a) <i>Aboya.</i> | (d) <i>Nsekuru.</i> |
| (b) <i>Nkyisem.</i> | (e) <i>Nkonkonsa.</i> |
| (c) <i>Atendidie.</i> | (f) <i>Mpim.</i> |
| | (g) <i>Nkontompo.</i> |

(a) *Aboya* and (b) *Nkyisem*: These terms may perhaps be bracketed, as the words appear very often to be used synonymously. *Aboya*

¹ Improper or abusive words must never be spoken in the presence of a *Begyina* 'ba'; see *Religion and Art in Ashanti*, Chapter VI.

means literally 'something that makes the body feel sore'; *Nkyisem*, 'words said behind the back'. You have a case against the person doing so, even if the words were true.¹ The person has said something against you without any good reason, something that has hurt you. If you swore an 'oath' and the case were taken before the Chief, you might not gain anything but the satisfaction of seeing the slanderer punished, perhaps even (in olden days) losing his head. If settled as an *Efiesem*, you will receive *pata* (conciliation money).²

(c) *Atendidie*: The term includes the use of such abusive expressions as were quoted on p. 310, *supra*. It also includes calling a man 'a fool' (*kwasea*) or 'a thief' (*kronfo*).

(d) *Nsekuru*: (e) *Nkonkonsa*: (f) *Mpim*: (g) *Nkontompo*: All these words appear to be used to designate what the Ashanti consider one of the most mischievous and dangerous of offences, i.e. tittle-tattle, idle gossip, tale-bearing. The general opprobrium in which this act was regarded gave rise to some extraordinary legal consequences which will be noted presently. When such a case was heard as an *Efiesem*, the punishment was ridicule. The tale-bearer had his or her face smeared with charcoal, was compelled to hold a live fowl between the teeth, and to parade the town, beating an *odawuru* (gong). Tale-bearing concerning the private affairs of a Chief was often punished by cutting off the lips. This latter offence was known as *Nkonkonsa Kesie* (bit tittle-tattle). The derivation of *Nkonkonsa* I do not know. *Nsekuru* probably means 'words that are like a sore'; the derivations of *Mpim* and *Nkontompo* are obscure. This last term is universally rendered into English by native interpreters as 'falsehood' or 'lie'. I am inclined to believe, however, that its original and only meaning was 'tale-bearing', the term being employed quite irrespectively of the truth or otherwise of the 'tale'. I first came to have some doubts about the acceptance of the educated African's rendering of this word into English, while making some investigations into the subject of 'lying' among the Ashanti. On asking my informants if they would supply me with some typical examples of 'lies', I received among others the following somewhat startling and suggestive replies: 'A man is sitting talking to his friend, and in the course of conversation the former remarks that he has paid £4 for the cloth which he is wearing, whereas he well knows that the price he gave was £2. The friend goes off, and later the little son of the owner of the cloth goes to the friend and says, "You know father only paid £2 for that cloth".

¹ 'The greater the truth the greater the libel.'

² See p. 389.

That boy is a "liar" (*Nkontomponi*), and his father would beat him and say, "You have told a lie".¹ Asked if it was not the father who was the 'liar', the answer was, 'No, he had not taken any oath'.

Second example: 'A man is always abusing his wife in her absence; his child reports to the mother what the father has said: he, the child, is a "liar".'

Third example: 'A slave noticed that his master kept his gold-dust in a basket in his hut, and he went out and told some one about it. He would be punished because he was a "liar".'

I think it is perfectly clear from these replies that the word *nkontomponi*, hitherto accepted as meaning 'a lie',¹ really means tale-bearing, and has not any relation to the truth or otherwise of the tale which is carried. I shall have more to say on this interesting subject when examining the law of evidence.

'An uncle who has a nephew or niece who has told two or three such "lies" would send the delinquent to the Chief for punishment. A child is flogged for "lying". This is the Ashanti law.'

I have mentioned already that there was a curious result following the inclusion of tale-bearing as an offence. If A committed adultery with the wife of B, and C, being aware of this fact, reported the case to B, and if A heard that C had done so, A would order C to pay the adultery damages to B. '*Wa kyere obi wia* (He has reported some one's theft), and there is a law in Ashanti which says, *Obi nkyere obi wia* (No one must expose another's theft).' The Ashanti had a name for the debt which the tale-bearer had thus wittingly or unwittingly incurred. It was known as *Asempaka* (you-go-in-search-of-trouble-debt).

There was, however, one universal exception to the operation of the above law. The prohibition against tale-bearing did not apply within the *abusua* (kindred group). It was a nephew's duty to tell an uncle if any one spoke against him or did anything to his detriment, and the same obligation was incumbent upon one kinsman (blood relation) to another. This obligation, by a natural process of social evolution, became extended to include the relationship between a Chief and his subjects. How strongly the innate repugnance of such conduct was ingrained in their code of social conduct may be seen from the ceremony which the licensed tale-bearer had to perform, even under these privileged circumstances. Before making his report,

¹ Christaller, among other meanings, gives 'tale-bearer' as the translation of this word.

the tale-bearer had to say, *Ma san me bwem so na me ka* ('I draw a line down my nose that I may speak'), or *Nson na esi me hwen so yi, se anyenhima, na me ka* ('Ashes lie upon this, my nose, like the white-nosed *anyenhima* monkey'). I shall explain both allusions later, when dealing with the law of evidence. 'The *fie-wuru* (house-master) would, from the earliest age, warn all nephews and children in his establishment not to tittle-tattle outside the family circle, but he would not punish similar conduct within it, where his own interests were concerned.'

The position, then, appears to be as follows: Some one else's business, be he right or wrong, is never your own, and every one should remain silent about what he has seen or heard, unless the information directly affected himself or his kindred.

Among the numerous admonitions given to a Chief on enstoolment, none is more important than *Ntwe nkontompo da* (never carry tales).

Assault: Various forms of indecent assault have already been dealt with under the heading of 'theft'; an assault of a father by a son has also been discussed,¹ and there does not remain much more to be stated upon this subject. The Ashanti are not very prone to come to blows in their disputes, which are, for the most part, wordy duels. When an assault did take place, the offence was always of a greatly aggravated nature, if the individual assaulted happened to hold any post bringing him in close contact with any kind of supernatural power. In all such cases, besides *pata sika* (conciliation money), the offending party would be required to give a sheep or fowl with which these powers might be propitiated.

We look in vain in the majority of these household-settled disputes for any very elaborate system of fines or sanctions. The reason was, I believe, that the mediator in all such cases had not at his disposal any machinery for the enforcement of his commands, such as his successor the Chief came to possess. The business of the House-father, or other senior member of the kindred group who happened to decide the case, appeared to be that of arbitrator and conciliator rather than judge, and the question whether even the simple punishments he might possibly impose were ever carried out depended largely on whether public opinion favoured such measures.

In the chapters which follow I shall examine cases which were essentially 'man-palavers' and could not ordinarily ever come under the heading of 'Tribal Taboos'.

¹ See Chapter II.

LAW AND PROCEDURE

HOUSEHOLD CASES (*Efese*m) (*continued*)*The Law of Property. Testamentary Disposition*

SARBAH, in his work on Fanti Law, has written an excellent chapter on 'Property'.¹ I find myself, with the few exceptions which will be noted, generally in agreement with him in his main classifications and definitions, and I gratefully acknowledge the assistance which I have received from reading his notes upon the subject. These have helped me independently of my own researches, or have confirmed independent investigations, which were conducted in another field.

The late Mary Kingsley has also written, in her own inimitable style, an illuminating and penetrating chapter² upon the same question. Although I may have but little to add in this chapter to what these two able writers on West Africa have given to the public, yet I trust that little may have its own particular interest and value.

There were (and still are) three main divisions into which property, movable or immovable, might fall :³

- (A) *Stool Property.*
- (B) *Family Property.*
- (C) *Private Property.* •

(A) *Stool Property* : This may be movable or immovable ; ancestral, or acquired during the lifetime of the Chief.

Movable ancestral stool property : Incomparably the most valuable articles of movable Stool property were the blackened Stools,⁴ the possession of which alone constituted the title to Kingship, Chieftainship, or Family Head. Readers of my previous volumes will understand the reasons that made them so. The Stool was in every sense greater than the man or woman who 'sat' upon it. The lives of kings or queens or war captains were of little value compared with the overriding necessity for guarding and preserving these shrines, upon which were thought to depend the very existence of the Nation, Tribe, or kindred group.

¹ *Fanti Customary Law*, Chapter III.

² *West African Studies*, Chapter XVIII.

³ The classification was not settled by the nature of the property, but according to its origin.

⁴ See Figs. 34-5, *Ashanti*.

Other articles of Stool movable ancestral property consisted of all the paraphernalia of drums, horns, State chairs and umbrellas, State swords, sandals, slaves, Stool wives, houses, trees and crops, which formed the appurtenances and heritage of every Chief's establishment.¹

Besides these articles or persons that had been handed down from a predecessor or predecessors, there were the more recent acquisitions which might have accrued to the Stool by conquest, confiscation, transference, acquirement as death duties, gifts, natural accretions in Stool capital, derived from trading, natural increases in live stock or slaves, treasure trove, in fact all the ordinary processes of addition or accumulation which might operate in any country.

There was an immemorial law to the effect that everything which became attached to a Stool became the inalienable property of that Stool. 'One does not break off leaves, place them in the mouth of an elephant, and then take them out', and 'Something that has fallen into a well does not get taken out again,' are two legal maxims bearing on this subject.² In the application of this law, everything which a Chief brought with him when he stepped forth from his kindred group to occupy the Stool of a dead or destooled predecessor became *ipso facto* Stool property, e.g. his wives, slaves, and all other *private* property which he had possessed prior to his enstoolment. The idea of his trusteeship enriching himself or his blood relations was unknown. So clearly was this principle recognized, that it was customary for the Chief-elect to hand over such of his personal belongings—gold-dust, slaves, and possibly even some of his wives³—to his mother or sister, against the day of his possible destoolment, or because he did not wish his property to be lost permanently to his family (blood group). The curious claims of some present-day Chiefs, on destoolment, to an assessment of their own private property, which they claim to recover, would therefore appear *ultra vires* and to be wholly without precedent in Ashanti Law.

A Chief, so far as I have been able to ascertain, unlike the ordinary member of a family group, had few opportunities, or perhaps, owing to his special position, less inclination, to acquire private personal property after his enstoolment. Certain perquisites and certain proceeds of litigation were, as we have seen, at his disposal for just so long

¹ All such persons or things are known as *agyapadie*, the derivation of which is stated to be *adie-pe-agya*, something sought after (by ancestors) and then put aside (for safe keeping).

² *Yenmu ahahan nhye esono anom' na ye yi. Adie eto aburum' a, yenyi.*

³ Such women were given as servants to his mother or sisters.

as he remained a Chief, but I doubt if he would ever have been permitted to use this wealth for the enrichment of himself or of his own family. The one aim and object of a good Chief was to leave his Stool richer than he found it. Under the old law, indeed, it is difficult to see how he could have benefited personally, for the amount of gold-dust and number of wives, or slaves, that he was permitted to take with him upon destoolment into his retirement were definitely fixed by customary law.¹

My readers may have noted that I have included Stool property in the form of crops, trees, and houses, as 'movable property'. I shall endeavour later to explain this unusual classification.

Stool ancestral immovable property: The subject of land tenure and alienation is so important that I shall devote a separate chapter to its discussion.

(B) *Family Property*: A Chief occupied, in relation to his subjects, a position analogous to that of a Head of a kindred group. The establishment of the later-day Territorial Division was modelled on the workings and experience gained in the management of the home. It is to be expected, therefore, that we should find in the latter a very similar classification of property to that which has now been examined. Under this heading we have:

(a) *Family ancestral movable and immovable property* over which the *Abusua Hene*, as opposed to the *Fie-wura*, had control (i. e. the head of the whole kindred group as opposed to the head of one house).

(b) *Family property controlled by the head of a household who was himself under the Abusua Hene.*

(i) In the first class, among movables, were included the Stool or Stools, the *lares et penates*, in the shape of any *obosom* (shrine of a god) or *suman* (fetish); gold trinkets and precious beads, which were heirlooms, and might be borrowed by any member of the *abusua* on special occasions, e. g. at puberty ceremonies, and anything else which had ever been acquired by the joint labour or action of two or more members of the *abusua*; these might include slaves, houses, trees,

¹ A destooled Chief was always permitted to take away the cloths which he was actually wearing when destooled, an interesting indication of the possible identification of a person with his clothes. Any reasonable request to bury the owner's private property with him when he died was obeyed. Most persons, when very ill and about to die, will point out what they wish buried with them, saying, *Adie yi, me wu a, nwo nfa m'adie ma me nko. Nwo nfa ma me a, me ko a, me de nwo nsamantoo* (This thing which is my own property you must let me take with me. If you do not permit me to do so, when I go I shall report you to the spirits). It may be noted that it was taboo to bury silver with the dead; the reason I could not discover.

crops, &c. Under the same heading falls immovable property ; this will be dealt with in the next chapter.

(ii) *Family property controlled and administered by the Head of the Household, the Fie-wura, as opposed to the Abusua Hene.*²

'In very olden times, when any member of a clan died, everything he possessed in his own right went to the *Abusua Hene*.' There survives an ancient legal maxim which testifies to this rule : *Die adie wo no, na odie, na nye die okom de no*, which is almost exactly our own saying, 'To him that hath more shall be given'.³ It would seem to have been customary even then, however, that this person, after taking what he wanted, should hand over the remainder to the actual next of kin—the *die odi n'adie*, as he came to be called (he who 'eats', i. e. succeeds to his things). Such inherited property did not thus become the next of kin's own private property (any more than that kept by the *Abusua Hene* became his very own) in the sense that I shall presently describe. Both had control over it and use of it during their lifetime, but could not dispose of or alienate it³ without the full consent of all concerned. An important modification, the germ of which may already be traced in the original procedure, came later to be introduced into the earlier custom. The legal heir, the direct next of kin, began to inherit this property apparently as a right, and not necessarily the more remote head of the clan or kindred group in the wider sense, i. e. brother succeeded to brother's private property, rather than a possible uncle or nephew ; the custom became crystallized, and the saying, *Nnuanom nsae a, wofase (or wofa) nni adie* ('A nephew (or uncle) does not succeed provided there are brothers'), came to have all the force of a legal maxim.

¹ The tendency, as we have seen (see Chapter VIII), was for the Head of such a group to exercise his authority more and more, on a territorial rather than on a kinship basis. This class of individual therefore always inclined to merge into the Chief in the modern sense. When this did not happen the tendency was for the clan to split up again into lesser kindred groups, each under its own local 'clan' chief (*Abusua Hene*). He was generally the senior maternal uncle, who, for a time, would remain the acknowledged head of several united households, until, by the same unending process of expansion and disintegration, these in turn would throw off other branches, or until the head of one of them, by special ability or force of circumstances, would become a Chief in the Territorial sense. It seemed impossible that Chiefs, on a great scale, could ever function as 'clan' chiefs.

² The exact translation is : 'He who has things is given to eat and not him on whom hunger has laid hold.'

³ 'A dead man might own property just as a living one. This property may be handed over to the heir, but if he (the heir) does not look after it well, the *saman* (ghost) will quickly make him sick.'

A distinction remained, however, between succession to office and the hereditary family heirlooms (*agyapadie*), and the devolution of other property, which before the death of the clansman had been his private possessions. The former went, not necessarily to the next of kin, but continued to be the family ancestral property of the head of the group and in charge of whoever occupied that position. The latter became family property in the more restricted sense. The cycle seemed unending; private property to-day was to-morrow again bound with fetters apparently unbreakable in the hands of the heir.

Any one who can show the way to break or loosen this chain (without riding roughshod over Akan national institutions), in order to allow that freedom of play in the handling of property which would seem essential to progress under modern conditions, will have achieved something towards evolution and progress on sound lines. The genius of the African had, I believe, already shown the way. A stranger can only interpret the African's own attempts to do so that those concerned may read its significance, and thereby discover a middle way to solve this weighty problem, upon which, perhaps, more than any other, the future of West African prosperity lies.

(C) *Private Property*: Students of West African customs have, I believe, in the past been over-anxious to assume the existence of a general condition of communal ownership in this country. Possibly, although I doubt it, such general conditions may once have existed; ¹ if they did, this aspect later gave place to collectivism, interspersed here and there with stark individualism. The struggle is still going on, helped and hastened—not always in the right direction—by European influences. The chief interest in this important question possibly lies in connexion with the ownership of land, and all which that implies in a country where the main source of wealth is agricultural. This side of the subject will be discussed in the next chapter. Here I am mainly concerned with the private ownership of chattels. I use the word 'private' in its legal sense.

We have seen in the previous paragraphs how a man might have become possessed of property, of which for all practical purposes he was the owner; that is, he had more or less undisputed use of it during his lifetime, but always was subject to the prohibition of disposal *outside his own kindred group*. With regard to the chattels with which I am now dealing, there were not any such limitations. For anything to constitute private property in this sense, it must have been acquired

¹ The only instance I know is the case of the Tribe's hunting land; see Chapter XXXIII.

by its owner's unaided efforts. Private property might consist of gold-dust, or anything purchased with individually earned money, slaves, slave wives, gold trinkets, cloths and standing crops or *trees* planted by the owner's individual labour.¹ It might include family, or even ancestral property, lost through adversity and later redeemed by a clansman with the proceeds of his own individual efforts or with his self-acquired wealth.

I find myself here compelled to disagree with Sarbah, unless it be that I wholly misunderstand his meaning. After describing 'private property'—he gives as an example 'a gold ring purchased by a man with his own earnings'—he goes on to state :

'With the exception of the Coast towns, where there is much contact with European ideas, private property in the strict sense does not exist. In the Coast towns a member of a family may make separate or private acquisition and dispose of them as he pleases in his lifetime, provided none of his family nor any part or portion of his ancestral or family property contributed to the acquisition of such property.'²

It is somewhat difficult to understand Sarbah's exact meaning. If, as his words seem to imply, the ownership of private property 'in the strict sense' did exist in 'the Coast towns' among the Fanti, then it was either an indigenous institution, or if not, the custom should not have been included among 'Fanti Customary Laws' without a clear statement to that effect. If this is what is implied, then I wholly and unreservedly beg leave to differ.

Mary Kingsley was nearer the truth when she wrote :

'Private property acquired in the ways I have mentioned is equally sacred in the eyes of the law. I do not suppose you could find a single human being, slave or free, who had not some private property of his or her very own—I do not know of any King, priesthood or man, who would openly dare interfere with the private property of the veriest slave in his district, diocese or household.'

Her statements are confirmed by my own independent researches in Ashanti.

A better example could not be afforded of the clear-cut distinction drawn between a man's family and private property, than that seen in the scrupulous care taken by the relatives to separate the former from the latter when one of the members had been executed by the Central Authority for a capital sin, and the confiscation of his property had

¹ An exception to this rule was the assistance given to a man by wife and children.

² See *Fanti Customary Law*, pp. 50-1.

been commanded. As we have seen, the State had to be careful to discriminate between a mother hen, which was the property of the 'sinner', and her chickens which might belong to one or other of his children, which the King dare not touch.

The following were some of the articles which might constitute a man's private personal property :

- (a) His gun and powder-belt (*tuo* and *ntoa*).¹
- (b) His leather bag (*fotuo*).
- (c) His box (*adaka*) containing his clothes, silk handkerchiefs, loin-cloths, rings, gold-dust.
- (d) Slaves, slave wife, slave children.
- (e) Traps (*amfo*² and others) which he had made himself.
- (f) His axe, cutlass, and hoe.
- (g) Kola, plantain, or other trees, and annual crops, planted, sown, and tended by his own labour.
- (h) Domestic animals (*agvinammao*), cats, fowls, sheep, &c.
- (i) His *kra kukuo*, pot in which 'he washed his soul'.

A woman's private property was generally summed up in the word *adosoa*, which might be a basket, calabash, or cloth bundle, containing the valuables which she owned personally, e.g. trinkets, beads, gold-dust. The *adosoa* was the equivalent of her European sister's dressing-case or jewel-case. Besides this, every woman possessed a basket called *panyo* which contained her clothes. A woman's pots and household utensils, which often she would have made herself, were also her own private property. Some women possessed their own *fotuo* and gold weights, but the latter in this case seldom were higher than a *suru* (the equivalent of £1 value of gold-dust). A woman might own her own slaves, purchased with her own 'money'. A woman might own crops, especially ground-nuts, which it was a woman's especial work to cultivate. Any outside assistance from the husband or her children, especially if the rough clearing of the farm and heavy tree-felling had to be done by them, would however make these crops her husband's. Women often carry about their most valuable possessions in a bundle tied above the buttocks and covered over with a cloth. This habit results in giving exactly the appearance of the old-fashioned bustle. It is called *atofo* and gives many Ashanti women the appearance of having steatopygia. As has been noted elsewhere, when a woman married, all the personal private

¹ But not the gun he had inherited from his ancestor.

² See *Religion and Art in Ashanti*, Figs. 94-7.



FIG. 131. Chief of Mantukwa Wam



FIG. 130. Priestess of Boabeduru



FIG. 133. *Dompo Hene*



FIG. 132. *Banda Hene*

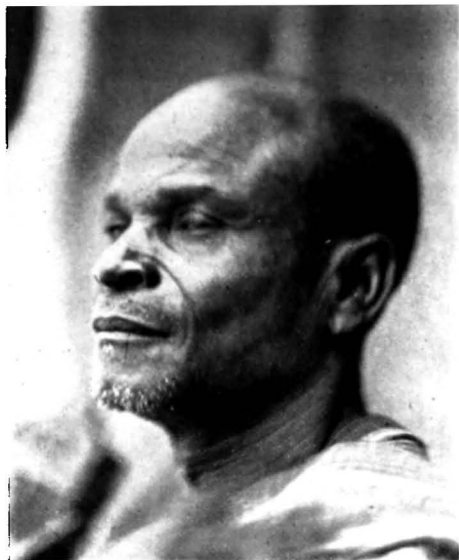


FIG. 134. *Okyeame* of Kolongo, Banda



FIG. 135. Kofi Kwema, a Priest, Banda



FIG. 136. *Kolongo Hene, Banda*

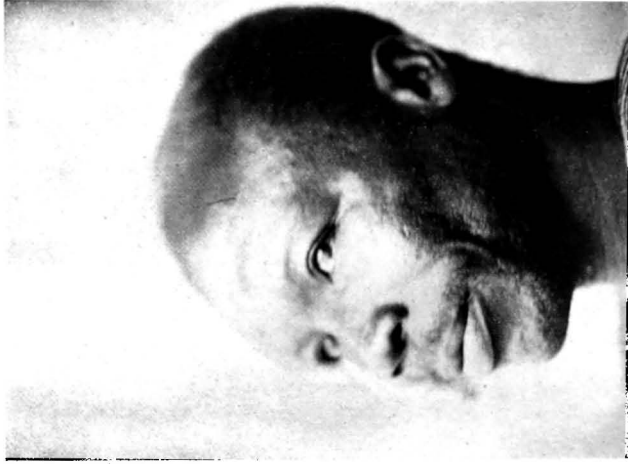


FIG. 137. *Okyeame, Banda*

property which she brought with her to her husband's home remained her own, as also any future profits she might make out of this capital by trading, or in other ways, even if her own husband assisted her in doing so. On the other hand, all the help and assistance which she expected to give him in the management of his own affairs went to increase his personal wealth. The husband, however, in most cases made his wife presents from time to time. A wife's private property, not disposed of before her death, was handed back, after her death, to her *abusua*, and a husband was often made 'to drink the gods' that he had not retained any part of it.

I stated in *Ashanti*¹ that a woman was heir to a woman (*Oba di oba adie na obarima di obarima adie*). I now believe it is necessary to qualify this rather too general statement. I think the real interpretation of this law was that a woman was heir to such articles as were essentially feminine belongings, and that the rule did not necessarily apply to all a woman's personal private property. I think that there was a distinction made in case of articles which a man could use—even between the devolution of a woman's male and female slaves—the former going to the male heir, the latter to the nearest female next of kin. *Oba oye 'kyem a etwene obarima dan mu* ('When a woman makes a shield, it leans against the wall of the man's room') was the maxim quoted to me apropos this distinction.²

Children's Property: Not only might adult men, women, and slaves own personal private property, but children little more than infants, and possibly even infants, might do so. Every Ashanti child, even to-day, will have his or her own particular hen, or pig, or sheep, probably acquired in the manner already described, and woe betide any father, mother, or King who, without reasonable cause, tries to take it away. A great principle is at stake—the inviolability, under all normal circumstances, of personal private property.

I now propose to examine in greater detail the distinction between what Sarbah calls 'private property in its strict sense', and those other forms of ownership which superficially appear almost identical in nature, e.g. the right of a member of the family during life to what seemed to amount to the undisputed right to the personal use of or *usufruct* of certain family property. Such ownership was, however, only nominal. The remainder of the family (blood group), especially

¹ See p. 40.

² This saying must be of considerable antiquity, as it is probably more than two hundred years since shields were used in Ashanti.

the potential heir, kept a watchful eye upon it, as Sarbah says—although in another context—‘The father is restrained by his brother, the brother by his nephew and sisters’ children, and the woman by her own issue’. Such property could only be disposed of by the person in temporary possession, by a joint agreement and understanding among every clansman interested. On the owner’s death it devolved on the next of kin, along with all profits that might have been made on it during its temporary sequestration in the hands of a particular individual.

With ‘private property in its strict sense’ it was otherwise. Its owner might dispose of it as he pleased during his lifetime; he might (theoretically at any rate) sell, give it away as a gift, or will it, without infringing any customary law. The conveyance might take effect either during the owner’s lifetime or after his death. Moreover, the person to whom it was alienated might be some one outside his own *abusua*; in theory, this was the law. I do not for a moment deny that in practice several circumstances tended to restrict the free operation of several other forms of alienation. Under the conditions in which the owner of such private property dwelt, almost completely surrounded as he was by his own kin and other relations, the opportunities or inducements to dispose of private property to complete strangers would appear to have been few. The influences constantly at work to prevent his doing so were also no doubt strong. In the majority of cases, therefore, a man’s or woman’s private goods and chattels remained in his or her possession, and on their deaths devolved upon the next of kin, thus immediately becoming family property. In legal phraseology, ‘property held in severalty in one generation in the next would relapse into a state of joint tenancy’. Under such conditions it might appear difficult or impossible to prove my main thesis, i. e. that in theory such right to alienate did in fact exist. There is fortunately one exception—due to the peculiarities of the Ashanti law of tracing descent—which proves beyond a doubt that power of complete alienation outside the kindred group did exist. An Ashanti father frequently left part, at least, of his private possessions to his son, by a ‘will’ operating after his own death or by a conveyance *inter vivos*.

‘A man’s *abusua* did not encourage him to give all his private property to his son, either as a gift during his own lifetime or by a *samansie* (will) operating after his death. He (the father) would be reminded by his *abusua* that when he died, his children might go off

to their own homes (i. e. to their own clan) and carry all such property with them. He would be reminded that upon his own *abusua* would fall the expenses of his funeral custom ; that they alone would be held responsible for the settlement of any debts which he might leave ; and that if his own estate were not sufficient, they might even have to pawn or sell one of their members in order to meet his liabilities.⁷

In spite of all this, many Ashanti fathers either gave a portion of their privately acquired property to their sons—the gifts being made in the presence of witnesses—or willed it to them after death. The latter procedure was a clearly recognized legal practice in Ashanti. It was known as *Samansie* (lit. that which is set aside by the ghost). I have written more fully on this subject elsewhere with reference to wills of land, and I would ask my reader to refer to the note in question.¹ The article referred to deals particularly with immovables, but the procedure would have been similar in dealing with any movable chattel. The testator's wishes were generally (but not always) carried out. The sanction which chiefly influenced his executors in carrying out the orders of the testator was undoubtedly fear of his *saman* (spirit). *Osaman kye adie a, na wanbu kye a, na oteasefo kye bio* ('When a ghost has made an improper distribution of his (private) property, the living will make a new one'), runs an Ashanti legal maxim. The carrying out of the testator's wishes was thus apparently sometimes subject to claims of equity.

An important or valuable conveyance *inter vivos* was also in practice, probably made after due consultation with kinsmen. In spite of these difficulties, and possible restrictions, testamentary disposition operating outside the clan undoubtedly existed, and was exercised in olden times. It was the exercise of a legitimate legal right, even if the practice was not always regarded by fellow clansmen as a moral procedure.

¹ See *Ashanti*, pp. 237-9. See also Chapter XXXIII of the present volume.

LAW AND PROCEDURE

*Land Tenure and Alienation.*¹

I DISCUSSED this important subject some years ago in *Ashanti*.² The following notes may be taken as supplementary to that chapter. In the years that have elapsed since I first began to study this difficult and complicated question, several new facts have come to my knowledge concerning the Akan-Ashanti Law relating to Land Tenure and Alienation. Some of these were chance discoveries made while I was studying other branches of customary law, apparently unrelated to the question now under discussion; others were obtained as the result of direct inquiries.

These are, I think, of sufficient importance to warrant a re-examination of the whole subject on a somewhat different basis. The possession of new data has had the effect, in my own case, of rolling back some of the fog which seemed persistently to obscure this question, and made the most careful and painstaking presentation of apparently indisputable facts a series of statements in which a field-worker, like myself, always felt that something was lacking, and that something was left unexplained.

These new facts may be summed up as follows :

It appears to me essential that we should cease to regard land when looked upon through the African's eyes as a single immovable entity or possession ; it is necessary to consider it as comprising three distinct attributes, or as having three distinct aspects :

1. The land itself, in its most literal sense, i. e. the soil, the earth.
2. The usufruct, the use to which the soil may be put ; in other words, *the right of occupation* as distinct from *the property in the soil*.
3. The all-important fact that crops, trees, and even houses, were not regarded as ' part of the realty ', to use the legal phrase, or, in plain words, were not looked upon as being inseparable from the soil in which they had their roots, or upon which they stood.

Two important factors also remain for examination that have had considerable influence upon what was probably the original Akan

¹ I am very greatly indebted to a most able general survey of this subject in the late Mr. Sidney Hartland's book, *Primitive Law*, and to Mr. Temple's little masterpiece, *Native Races and their Rulers*.

² *Ashanti*, Chapter XXI.

conception of Land Tenure. I will deal with these latter considerations first.

The story of the first of these influences may be read, I think, between the lines of the Historical survey in the earlier chapters of this volume. Several hundred years ago, the old land system (what it was I shall endeavour presently to reconstruct) was, in a sense, revolutionized. It was feudalism, in the peculiar form in which I have tried to show it existed in West Africa, that must have emphasized (for I do not think the idea was entirely new) the association of personal duties and personal privileges with the ownership of the soil. The final phase of this silent and perhaps unnoticed revolution took place when, after the battle of Feyiase (about 1700 A. D.), a Chief of Kumasi became for the first time *Asante Hene* (King of Ashanti). After this epoch-making event that monarch came to stand in relation to the whole of the land in Ashanti in very much the same position as the tribal Head-Chief had stood with regard to the land in his Division, as the lesser Chief to his estates, the head of a kindred group to his kin, and finally as the tenant-farmer to his farm. We thus arrive at that kind of *superior* ownership that marches hand in hand with the *inferior* 'property' of the tenant, which is sometimes so confusing.

The second of these revolutionary influences, which was perhaps contemporaneous or even precedent to the above, is still at work, and has not yet attained its maximum effect. This was the change brought about by the advent of, at first casual, and later, more intensive, agricultural activities. The goal and the end of this movement, if unchecked, are clear. These are the assertion of the rights of the individual against communal, tribal, and family claims, and finally the achievement of the important distinction between exclusive and individual ownership of land.

I have, for the sake of a clear understanding of this chapter, divided it into three main parts.

In Part I the subjects discussed are grouped under the following headings :

- A. The religious aspect of Land Tenure.
- B. A retrospect.
- C. The effect of the advent of agriculture.
- D. Transition from tribal to family, and from family to individual usufruct.
- E. Security of Tenure.

In Part II I give a summary of the answers recorded to certain specific questions relating to the subjects discussed more generally in Part I.

In Part III I endeavour to point out the apparent trend of events in this country in regard to Land Tenure, and certain possible dangers which I believe exist.

PART I

A. *The religious aspect of Land Tenure :*

As in my previous chapter on this subject I shall begin with a brief reference to the 'religious' aspect of this question. It cannot be ignored in this, any more than in other branches of customary law.

The Earth goddess, as we know, was Ya (Asase Ya). Ya, in the case of mortals, is a feminine proper name, signifying that Thursday was the natal day of its possessor. Asase Ya was a female deity.¹ She did not herself taboo menstruation (*kyiri bara*);² she liked human blood; the 'Samanfo' (ancestral spirits) taboo it.³ 'Asase Ya meant the soil, the earth, but not what grew or stood upon it.'

Here we get the first clue to the distinction which I noted in the opening of this chapter, a distinction which later was embodied in the following legal maxim: *Afum eye me dea, asase eye Obene dea* ('The farm (meaning really the produce), or the right to make use of the farm, is mine, but the land, i. e. the soil, is the Chief's'). 'We got every-

¹ She was sometimes regarded as a hermaphrodite; see *Religion and Art in Ashanti*, p. 135.

² Upon being given this information I immediately asked why it was that a woman who happened to have died during her menstrual periods was not buried until a week later (see *Religion and Art in Ashanti*, p. 75). My informant replied, 'Because a person could not in olden times be buried without the Chief's *nsa* (funeral contribution), which was placed on the corpse, and this might not be done until after six days'.

³ My informant, at this point, repudiated, with every sign of horror, the suggestion that human blood was ever smeared on the ancestral Stools. Yet, from the days of Bosman and Ellis, and right down to our time by the historian of the Gold Coast—the late Dr. Claridge (to whom we owe such a debt)—writers on Ashanti have persisted in perpetuating this grave inaccuracy. I recollect having seen these Sacred Shrines (Stools), thoughtlessly looted by unthinking subalterns, labelled with the same legend, in the cases in which they stand in the British Museum. In connexion with this Dr. Claridge wrote, 'The Stools that had belonged to the King's ancestors stood near, and were now thickly covered with the blood of countless victims who had been sacrificed to swell the ghostly retinues. It stood on them in great thick clots, from which dense clouds of flies rose when any one approached' (Claridge, *History of the Gold Coast and Ashanti*, vol. ii, p. 142). The 'countless victims', as readers of this volume who have done me the honour to read *Ashanti* will be aware, were sheep sacrificed at the solemn rites of the *Ada*.

thing from Asase Ya, food, water ; we rest upon her when we die ' : *asase kotokuo obiara obe ko mu* (' every one must pass into the earth's wallet ').

' The great taboo of Asase Ya was to be disturbed on her day of rest — a Thursday ; hence men may not cultivate her on that day.' This offence, as we have seen, was formerly punished by death.

' In olden times, and sometimes even to-day, a Chief gave *eto* (mashed yam or mashed plantains) to the Earth deity at the season of making new farms. *Asase boa de nsie*¹ (' The Earth creature owns the world '). This would appear to be another version of the saying quoted in *Ashanti* (see p. 215).

Timi (tumi) nyina owo asase so (' All power is in land '), and *Etwie ode nsie* (' The leopard² owns the land '), are perhaps sayings of a somewhat later origin. The Earth goddess was propitiated on the occasion on which a young girl, whose reaching puberty had not been made public (itself an offence), was found to have conceived :

Asase Ya, asu bo o! mma sa asem yi ebi emma bio (' Asase Ya, (here is) water sprinkled (upon you), do not permit a case like this ever to occur again ').

B. *A Retrospect* :

It is now proposed to examine, as far as it is possible to do so, the Ashanti conception of real property before the advent of the changes, or perhaps rather modifications, brought about by the two factors mentioned, namely feudalism and the introduction of agriculture. To pursue this investigation so far back might seem to be a somewhat fruitless task, as it would appear to depend for the most part on mere supposition, or theorizing, which it has been my constant endeavour, when possible, to avoid. In the case of Ashanti, however, an attempt to do so is neither so difficult nor so unprofitable as might be supposed. I think that no one can have read the simple historical facts, or perused other accounts set out in this and previous volumes, without realizing that the transition of the Ashanti, from what must have been a rude state of neolithic culture, to a comparatively advanced and complex state of barbaric attainment, was extraordinarily rapid once the tide had set in that direction. They appear to have stepped, almost literally, from one grade of culture to another. Although, of course, this was not actually the case, nevertheless the

¹ A *saman* (spirit) on rebirth might say, *Meko nsiedow* (I am going into the world). Another well-known saying runs, *Asase boa ode nsie nana ne me* (' I am the grandchild of the Earth creature who owns the world ').

² i. e. the Chief : the Stool.

transition was so little delayed, that they necessarily brought their more simple past with them almost *en bloc*, engrafting, remodelling, or adapting it, to new conditions in every sphere of social, legal, religious or artistic activity. They worked out this process, moreover, by themselves and in their own way. Yet again, a traditional memory of far more than ordinary tenacity has retained the recollection of that portion of their past which was necessarily discarded. Readers of *Ashanti* may recollect that even the stone age, which probably disappeared gradually with the introduction of iron rods from Europe (an event which possibly took place some three to four hundred years ago), is not wholly forgotten.¹

I apologize to my readers for this digression, but it is necessary if I am to avoid the criticism of having departed from a standard of inquiry which I have endeavoured to make my ideal throughout this survey, i.e. the presentation of 'crude' facts and the avoidance of theorizing except where the available data seemed wholly to warrant such a course.

The first point, then, which emerges from a retrospect on the subject of land tenure is the fact that our modern conception of land, i.e. of the soil, the earth, the rocks, the stones, as being something that of themselves could be personally owned, something that could be of value, something that could be bought and sold, something that could have some personal association, simply did not exist. I would go farther and state emphatically that among the old inhabitants of West Africa, who have kept aloof from exotic ideas and European culture, this conception still remains somewhat undefined.

It has been suggested, and indeed some venerable informants state it as an historical fact, that the ancestors of the present Ashanti (or just possibly the people whom they may have ousted) were once congregated in large communities or townships.

'In olden times the *Oman* (tribe) all resided in one large town.' Gradually people wandered farther and farther away to hunt or to make farms, but always returned to the settlement to sleep. Then a couple would build a hut, a hunter's hut, or a farmer and his wives would make a home on the farm, instead of returning to the town. Villages thus sprang up.² The owners of these farms only considered the farms as theirs, not the surrounding forest which they had not

¹ See *Ashanti*, p. 323.

² 'This is happening all over again to-day,' stated Kwame Afram, 'owing to cocoa: in my own Division there are as many as fifty new villages, each named after the founder.'

cleared ; that belonged to the Stool. These farmers or hunters remained under the heads of the families (kindred groups) who had remained in the settlement and served the Chief through them.

The part of the statement with which we are at present concerned is contained in its first sentence : ' In olden times the *Oman* (tribe) all resided in one large town.'¹ It is well known that the Ashanti, once upon a time, were a nation of hunters. The tribal history of almost every Stool records this salient fact ; the heroes of most of their folk-lore stories, the last remaining branch of Akan culture which I hope some day to transcribe, were forest-men who lived and supported their wives and families by the chase. Their traditions actually record an era when game, fish, wild herbs, berries, and roots were the sole food of the people. It appears a logical and correct conclusion, therefore, to surmise that formerly all the land within a wide but well-defined radius of these tribal settlements would be regarded solely as the tribe's hunting ground. Now, roots and wild berries have to be sought over a wide field, and it is not possible to hunt elephants if confined, in one's wanderings after them, by physical, geographical, or topographical limitations, beyond which one may not pass for fear of trespass. The territory over which the tribe roamed must have been large, although not unlimited.

The words ' land ', ' earth ', ' soil ', could hardly in themselves conjure up anything else but something which was personified in that Earth goddess whom all men worshipped, and on whose broad expanse men hunted and obtained the necessities of life. It is highly improbable that the hunter of elephants or the collector of snails should ever have regarded any particular patch of land as his peculiar reserve, or that the tribe should ever have contemplated the soil as anything else but something which bore, and maintained, and contained all that man required for his sustenance.

We thus arrive at a formula upon which, I believe, all subsequent rules and laws were founded, i.e. that all land was once in a sense communally owned, but that land was seldom or never visualized as the soil of which it was composed ; it was regarded rather as an area of the world's surface over which mankind might roam for food,

¹ I am not quite certain if I am right or justified in comparing this statement with a suggestion made by Sir Henry Maine in his great classic, *Ancient Law*, when he wrote : ' We have the strongest reason for thinking that property once belonged not to individuals nor even to isolated families, but to larger societies composed on the patriarchal model ' (*Ancient Law*, p. 222), but the comparison appears interesting enough to warrant attention being called to it.

in which the intrusion of non-tribesmen would be resented, and if the actual soil or earth were thought of at all, it was in association with a deity with whom it was personified or to whom it belonged.

This last idea was perhaps later on merged into the conception that the land belonged to the 'Samanfo (the spirits). To these general principles there may possibly, from the most remote era, have been one exception, which it may be well to record here. These 'ancient hunters' possibly regarded one locality in their wide forest hunting grounds as being more particularly their very own, namely, the spot where their ancestors had been laid after death. In the personal proprietorship to which such an association must almost inevitably have given rise, we have in all probability the very earliest conception of the ownership, or restriction of the use of land to any body of men less than the aggregate of the whole tribe. The dead man used it; he continued to use it—for ever. The spot marked by his grave was regarded as the particular property of his kinsmen. To ancestor propitiation or worship (an account of which has figured so largely in these volumes) we, in all probability owe the nascent idea that anything less than tribal claims, to the use of part of the earth's surface, could possibly exist.

The next important point—still assuming the social conditions and environment of the tribe to be those of hunters—was the virtual impossibility of the idea of anything in the nature of alienation of the land. The subject-matter was, in the first place, immovable, in its literal as well as in its legal sense; it therefore could not be taken away; except for a few feet where an ancestor lay buried, it was wholly dissociated from any particular individual; it therefore could never ordinarily be without some one who was interested in what it produced, because this interest was embodied in a community, a quasi-corporate society which never died. The death of an individual or the death of scores of individuals did not affect its legal status at all. It could never therefore be the subject of individual testamentary disposition because every one from birth was a beneficiary under a kind of universal succession. It belonged absolutely to past, to present, and to future generations yet unborn. Land could not be sold, land could not be given away, land could not be willed, or be the subject of inheritance outside the tribe.¹

¹ It is the consideration of such facts as these that causes the student of African Law to regard that *fait accompli*, the so-called 'dual policy' in South and in East Africa, with some misgiving.

It would be more correct, perhaps, at this stage in the evolution of Akan land laws, to substitute throughout for the misleading term 'land', the expression 'use of the land'. The land, the soil, was a goddess, and Ashanti deities could not be bought and sold. It was, in fact, as I have already stated, extremely problematical whether 'land', in the sense with which we are familiar, existed in the minds of the Ashanti.

Before I pass on to the consideration of other points, I would like to emphasize the fact that the germ of the feudal conception of land, later so widely developed in West Africa, was already here. Personal duties and personal privileges already centred around, or were associated with, 'the use of the land' common to a tribe.

C. *The effect of the advent of agriculture :*

I cannot state, even approximately, when the Ashanti began to cultivate the products which now form their staple diet. All that I know is that their traditional history records a time prior to the introduction of the common food-stuffs found in the country to-day.

With the introduction of yams, cassava, maize, &c., the exodus from the central township already mentioned began, and roaming quests, far afield, for the vegetable portion of their diet gave place to more or less systematic cultivation of defined areas or plots, which in time gave rise to the necessity for new laws and customs regulating the procedure in connexion with them. The most notable feature of this period was the transition from the claim of the right to use the *whole* land on a tribal basis to claims to use *parts* of it on a family footing, and finally to claims to its enjoyment by the individual. This 'right to use' portions of the land—the usufruct—tended more and more to become the privilege of individual groups. This stage, it is more than probable, saw a dawning of the distinction between the soil and the usufruct of the soil. 'The farm (meaning the farm produce) is mine, the soil is the Chief's', we have seen to be an Ashanti saying.¹ The soil remained the immovable, unalienable possession of the tribe as now represented by the Head Stool; the right to exclusive use of portions of that soil became the prerogative of kindred groups (comprising many clans) or even of individual members of these groups. The family or individual holders of these plots did not regard the land, i. e. the soil on which their huts stood or on which their trees and crops had root, as belonging to them. The results, however, of their

¹ Again, *dadie na pere asase* (the iron, i. e. the hoe, is the one to lay claim to the land).

labour—the huts, palm trees, kola trees, yams—came to be invested with all the sanctity which in West Africa renders family and personal property inviolate.

D. Transition from tribal to family, and from family to individual usufruct:

As soon as this principle of families possessing the usufruct of well-defined portions of the tribal reserve became established, the tendency was for the whole or greater part of the tribal territory to be parcelled out, a result which, as I shall endeavour to show later on, has a very important bearing on the situation with regard to land tenure as it exists in the Gold Coast to-day. The only portions of the Stool or tribal lands that remained the communal property of the whole tribe were now confined to such sections as remained unallocated by the Stool. This was an ever-dwindling area, and in several Territorial Divisions has, at the present day, almost completely disappeared.

Before I attempt a more detailed examination of these principles which I have endeavoured to show lie at the basis of the Akan land laws, there is one important point which cannot be too strongly emphasized. The man (or sometimes woman) who came at a later date to sit upon the tribal Stool had not more personal or family claim or interest in the tribal soil which he (with his Elders) administered as trustee for the tribé, than any other individual.

Thus far I have endeavoured to trace how tribal usufruct gave place to family usufruct. The next stage in a process of evolution that seems to be as sure and certain as the workings in most of Nature's laws, was the transition from family to individual—not ownership, for to that term must be attributed, I think, all the existing confusion, but to individual usufruct. The battle was here severe, and it is still being fought out.

Ashanti is a country covered for the most part by dense primordial forest. To win a plot of land from these sombre unlit depths, to let in the rays of the sun, to reach its rich virgin soil beneath the tangle of lianas and living, or dead and decomposing, vegetation that covers the land, was a task that, with the appliances at the African's disposal, might have seemed almost impossible for individual effort. Gigantic trees had to be removed,¹ huge fallen trunks over which a man could hardly climb, a few yards of whose surface alone were visible, the rest trailing away somewhere for two to three hundred feet,

¹ This was done by burning.

but completely lost to sight in the matted undergrowth—all this had to be cleared before the *nyame akuma* (stone hoe or 'axe') could reach the soil. The assistance of every able-bodied member of the family or kindred group had to be called in to give a helping hand. This assistance sounded the knell of any possible claim to individual ownership of the usufruct of the land which had been cleared by the collective efforts of the husbandman, his brother, sister, mother, and nephews and nieces. Crops and the fruits of kola, plantains, and palm oil, grown on the clearing, became the joint property of the kindred group which had assisted in the work, and were as far removed as ever from being the exclusive personal property, 'in its strict sense', of any one individual.

I have already hazarded the opinion¹ that the wish to possess some object 'over which the individual might possess undisputed control, instead of merely sharing it with others', was a marked characteristic among 'primitive' people. Thus it came about that the apparently impossible was achieved; a farm was cleared (possibly in one of the rare but not unknown patches or glades found in the forest) by a man's 'individual' efforts. (I use this word in its technical sense, for we have seen such an effort might still be so classed where the assistance of wives and children and self-acquired slaves had been called in.) Then, for the first time in Africa, a new kind of personal property came into being. What was it? Every writer whose work I have read dealing with this part of Africa, would answer that question by stating it was 'land', but that reply is, I think, incorrect. The new kind of movable property which was thus created was crops, fruit trees, a hut. The land, the soil from which they were won, on which the hut stood, remained as before, and so for ever, the unalienable possession of the Earth goddess, and of the '*Samanfo*' (spirits) of the Tribal Stool. Here we have, I believe, the key of the whole problem of land tenure in West Africa.

E. *Security of tenure* :

The next question is also of great importance. Did all the labour of this family or 'individual' effort confer on the husbandmen nothing more than the yams, or other products of a season's harvest? What security of tenure had the worker for his months of toil? I have not any hesitation in stating the answer to be that his labour gave the kindred group or the individual (and his heirs), as the case might be,

¹ See Chapter V.

the exclusive possession of the 'right to use' the soil so cleared for ever, provided *they or he did in fact so continue to use it, but always subject to the rendering all the customary services to the Stool which owned the land.*

Here we have reached the last ditch that can be crossed—the gap that divides exclusive from purely personal possession. This the African has himself learned in part how to bridge. There is another unexplored field that lies ahead, the realm of individual personal ownership—not of a usufruct, however perpetual, however unfettered, but the personal ownership, in 'its strict sense', of the actual soil. This conception is so entirely foreign to all the tenets of the West African law of real property, that I cannot see that, short of breaking away completely from, or riding roughshod over, West African law, it can ever be brought into operation. I think, moreover, that our attention and our efforts should be directed rather to prevent this happening, and to the expansion and adaptation on the lines of the African's own attempts at bringing about the solution of this economic problem.

PART II

It is next proposed, to examine in somewhat greater detail those points to which attention has been directed in the foregoing summary. Much of what now follows is more or less a translation of the answers to specific questions bearing on the subject.

Q. How did a Stool or Tribe come into possession of its land?

Ans. 'Either it was not in possession of any one else when we came here, or we fought for it and got it.'

Q. What was the proper procedure when a subject of a Stool came and asked for a piece of land on which to farm?

Ans. 'A subject had not any right to go and farm, even on unallocated Stool land, without first informing the Stool. A member of a family had likewise to inform the Head of his family where family land was concerned. When a subject asked for a plot of Stool land on which to farm, it was given to him out of the unallocated Stool (or unallocated family) land. This Stool (that of my informant) still retains a tract of unallocated land, where all my subjects may hunt, and from which I now gather snails. I would give my subject enough of this land to make a farm, and enough to extend that farm, or make a new one next year. He will have to give me "a sheep"¹ each year for the 'Samanfo (spirit ancestors).'

¹ This expression need not be taken literally; the value was often substituted.

I then inquired how it came about that, of all the land in this Chief's Territorial Division, this comparatively small area still remained unallocated. The reply was that it was too distant from any town for his people to have wanted it hitherto, and that it was chiefly used for hunting. 'Any one may hunt there, but if not my subject, he must first obtain permission, and in such a case I claim a *basa* (foreleg), ear, tail, and one tusk. It was only in very ancient times that my ancestors gave great tracts of land to Elders for their use. That is why some Stools have not any unallocated land left, belonging directly to the Stool.' 'All land whatsoever belongs to the Head Stool, but the "use of it" may have all been given away to sub-Stools, who have again redistributed it (the usufruct) to families, who in turn have given it out to individuals; but all the land—the soil—belongs to the 'Samanfo (spirits). A sub-Stool, to whom my ancestors gave land "to eat upon" (this idiom will be explained presently), has full right to give it out on similar terms to its own subjects, who serve me through the sub-Stool without consulting me, but it may not on any account do so to any one who is a stranger (i. e. not a Stool subject) without my consent.'

'The same rules applied to "the use of" plots given to various kindred groups, who had wished to allocate specific plots to certain individuals.' At this point I inquired why it was that a subject who, at the present day, wished to have a plot of unallocated Stool land, should have to pay 'a sheep', while apparently the descendants of the old original grantees held their land free of any such obligation. I was informed: 'Every year my *Mpanyimfo* send "a sheep" for the 'Samanfo.'

Q. What distinction, if any, was made between a grant of a piece of land to (a) an akoa, i. e. one who served the Stool making the grant, directly; (b) an Omani hoho, i. e. a member of the Tribe but one not directly serving the Stool which made the grant; and (c) a grant of land to an ohoho, i. e. to some one not a member of the Tribe?

Ans. The tenant of a plot of land may serve the Stool from which he holds his land (a) directly, (b) indirectly, or (c) not at all (in theory).

(a) E. g. *A B* may be a subject of *X*, the Head-Chief of the Tribal Division, and receive from him land 'to eat upon'. *A B* holds this land subject to the performance of all the local customary obligations, as do his lawful heirs after him for ever.

(b) *A B* may, however, marry a woman who is a subject of *X* only indirectly, i. e. she may serve *X* through her local sub-Stool chief, *Y*. *A B* may, in his capacity as husband of this woman, receive a piece

of land from *Y* out of *Y*'s Stool land (or he may obtain a similar plot from *Y* quite apart from any question of marriage). *Y* looks upon *A B* not quite as a total stranger, for he is a fellow tribesman and serves the Chief whom *Y* also serves. *A B* will now, in return for the land given him by *Y*, have to perform similar obligations to *Y*'s Stool as a subject who served *Y* directly. Again he holds an asset which descends to his heirs for ever, but always subject to these conditions of service which the local customary laws demand. *A B* has now incurred two sets of obligations, i. e. those to his Head-Chief and those to his Head-Chief's sub-Chief. (c) We come now to the third case where *A B*, being a subject of *X*, nevertheless holds land which he has received from *Z*, who is another Head-Chief wholly independent of *X*. *A B* is, *vis-à-vis Z*, an *obobo* (stranger). It should be clearly understood that such a case has only become possible under modern conditions. It would have been impossible in the past. *A B* could, it is true, have escaped from *X* and transferred his allegiance to *Z*, but he would then have stood to *Z* in exactly the position in which he had formerly stood to *Y*. At the present day, however, land is coming to be held by strangers in this way. The procedure varies in different localities: sometimes the tenant pays a proportion of the crops; sometimes so much a tree (in case of cocoa); sometimes a lump sum is paid down.

In many such cases the Stool making the grant possibly supposes that it is 'the use of the land' with which it is parting to the stranger, while often, I believe, the wily purchaser considers he has bought the land outright;¹ the danger in all such transactions being that to the unsophisticated African the very conception of a Stool parting with the land itself is generally unknown. I shall allude to this again.

Q. What was the law with regard to land, cultivated, later abandoned, and afterwards reclaimed by the original cultivator or his heir?

Ans. 'If the original cultivator (or his heir) wished to recover a plot which he had once cleared and cultivated, he could only do so provided he was able to point out some trees—kola, plantain, palm oil—which he had once cultivated, and still grew and bore fruit. These were sufficient to establish his claim to "the use of" the land. In olden times no one else would have attempted to occupy such land, for they would have seen the trees and known it was not abandoned.

¹ And is then free, after an initial payment, from every other customary obligation; this, if permitted, strikes at the very roots of tribal authority, and in time would completely destroy it.



FIG. 138. Entrance to a cave in the Banda Mountains

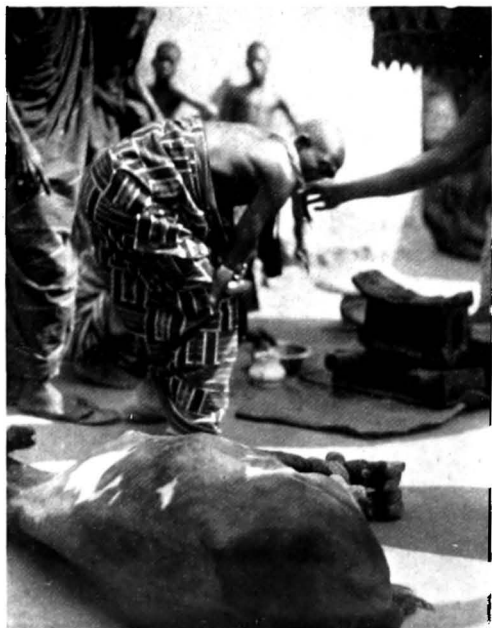


FIG. 139. An *adae* ceremony at Banda
Note the stools resting on the skin of an elephant



FIG. 140. An *adae* ceremony at Banda
The priest on the right is that seen in Fig. 135



FIG. 141. Chief Totoe



FIG. 142. The 'place of pots' near 'the thicket of the ghosts'

Any plot of land once abandoned by a stranger (i. e. some one not a (direct) subject of the Stool) immediately reverted to the Stool. *Ade da kuro so na enni wura, odi kuro dea* (Something lies in a town without a master; it belongs to the owner of the town.)¹ Again: A man is given a plot of land by his Chief to cultivate. He clears it for a farm, and plants corn, or cassava, or yams, and continues to do so until they will no longer grow. He then leaves that farm and receives another piece of land from his Chief. The man now dies, and is succeeded by his nephew. He has not any claim on the original farm plot (*mfofoa*), because it was not a *brodie* (plantain) farm. Had it been so, the heir could have sworn an 'oath' on any one who was cultivating it, provided the plantain trees were still growing. The occupier would, however, in that case, be allowed to gather any crops which he had planted before he was made to give it up. Even the Stool which had given the plot could not, without the permission of the family of the man to whom it had been given originally, take back the land as long as the trees planted by the original cultivator still grew. If the original farmer did not leave any one of his own blood to succeed to him he might even have left the right 'to use' the land to his *odonko* (slave). When the *odonko* died, this right would descend to his heirs, and if he had not any heirs, then to his children, provided *their mother was a subject of the Stool which owned the land*.

At this point I inquired what the heirs of the original plot-holder would have done had the Chief, on the death of the original holder, again taken possession of the land. I was told that in such a case this person and his whole family (*abusua*) would have refused to serve (*som*) that Chief any more, 'but', added my informant, 'a Chief would never have risked losing subjects by such conduct'.

Q. *What was the law with reference to (a) the right of a parent to leave the usufruct of a plot which he had cleared by his own individual efforts to his son; (b) his right to leave him trees or crops (cultivated under similar conditions)?*

Ans. (a) 'In olden times, when a man died, his widow "was taken"² by his brother. His son, therefore, might continue to cultivate his father's plot, and the right might even descend to the son's heir. If the son or his heir ever abandoned the plot it would revert to the Stool to which the land originally belonged.³ If, however, the

¹ See p. 28.

² That is, if the original allocation had been out of unallocated Head Stool land; had the allocation of the right to use the land on which the plot stood been made to a sub-

widow would not marry her late husband's brother, or if the son or his heir ever troubled the real owner of the land, that Stool might tell him to leave the plot, but would permit the crops actually growing on the land at that time to be gathered.' (b) 'Trees or crops that a man gives or wills to his son, saying, *Mede kye wo* (I present you with them), belong to the son absolutely whether his mother marries her late husband's brother or not. These trees or crops belong to the son, but not the land upon which they grow. *Abrodesie owo odekuro* (The plantain roots belong to the headman of the village). The son may grow up, marry and die, the trees will belong to his heir.' The same law applies to land given by a father to a son upon which to build a house. Villages may grow up in this manner in which the houses and people are subjects of another Chief, while the land on which the houses stand belongs to the Stool which possesses the land.¹

I now come to another important question—the alienation of land by gift, mortgage, pledge, and sale. I shall deal with the legal formula employed, and the procedure, when a superior Stool was making a grant of lands to a subordinate Stool, when a subordinate Stool was making a sub-allocation to a family, when a family was allocating a plot to one of its individual members.

Stool lands were portioned out in olden times by the Chief making a public declaration to this effect: *Me de asase yi, me ma wo didi so* (I take this land (i.e. soil) and give it you to eat upon), or sometimes *Me de asase yi ma wo, fwe so ma me* (I take this land and give it to you to look after for me').

These words were in one sense words of 'limitation', but in another they practically conferred a lasting title of 'the use of' the land to the donee and his heirs for ever. This title would never be disputed so long as the donee or his heirs continued to perform all the customary obligations which were ordinarily demanded by the Stool to whom the land belonged.² Kwame Affram (see Fig. 44), who is well versed in Ashanti law, informed me that there are many persons to-day who

Chief and then by the sub-Chief to some head of a kindred group, then, on the plot being thus abandoned, the right to 'use it' would revert to the kindred group.

¹ See many of the tribal histories given in this volume. How little this subject is understood is made clear by a Supreme Court Judgement, where I notice the learned Judge in summing up discredits the evidence of a witness, remarking, 'It is difficult to see how the town can be distinguished from the land' [*sic*] (*Kwaku Akuamoah V versus Ofori Atta*).

² *Wo akoo yi, wo firi he, na wo be duru m'asase so dupidie?* (You fellow, where do you hail from, that (you think) to settle on my soil without service?)

are ready to declare that they hold more than the title 'to eat upon the land', and claim the soil. They will state that their land was given to them with the words: *Me de asase yi me kye wo* ('I present, make a gift of, this land to you'); 'but', he continued, 'if you ask such claimants what *Aseda* (thank-offering) they had paid, you will readily discover that their claim to the soil is without foundation, and that they were, like almost every one else, only given the land "to eat upon"'. If one gives a man a present, and he does not return *Aseda*, one's heirs can claim the thing given from the donee or his heirs, and they will not have any witnesses'. He continued: 'I would never give land to any man using the words *me de kye wo* (I make you a gift), for if I did so, that would mean the donee could sell the actual land; if he found a nugget upon it he could keep it,² and he need never give me anything from it. I would say, "I give you the land to eat upon". The donee knows that, subject to his service and good behaviour, the title he has to "eat upon the land" will never be taken away from him or his successors.'

The sub-Chief or Elder who received a grant on these conditions in turn allocated it among his own subjects, himself using a very similar formula in so doing: *Obene ode asase yi, wama me se mendidi so: wo'so fa ha didi so* (The Chief has taken this land and given me that I might eat upon it, do you also take (this plot) here and in turn eat upon it). The head of the kindred group would again allocate lesser plots to individuals of his *abusua* (blood-relations). All land in Ashanti that has been allocated by any Head Stool would thus appear to be held on a kind of perpetual tenure, terminable only by the wrongful act or negligence of the tenant, e.g. refusing the customary service to the Stool which owned the soil, or, in case of the individual, abandonment of the plot.

Alienation of the usufruct of land by mortgage (awowa) or (tramma) sale:

I again propose to give the gist of the replies to a series of questions which I addressed to one of the most learned exponents of the old Ashanti law. These replies, as those already given above, may, I think, be accepted as more than the mere *obiter dicta* of a learned custodian of the law and be taken as a fairly accurate statement of the traditional rules upon this subject.

¹ He was speaking as representing the Stool.

² The alienation did not therefore include mineral rights.

Q. Could any Stool which, as in the case of a Head Stool, actually owned the land (the soil), or any sub-Stool which possessed the usufruct of part of the same, dispose of part of this possession to pay off a Stool debt?

Ans. 'The Head Stool could do so only with the full consent and approval of the heads (Chief and Queen Mother) and councillors of the Stool. The sub-Stool could only do so with the consent of the Head Stool and of his (the sub-Stool's) councillors, and in the latter case the alienation could only be to some one who was a subject of the Head Stool.

Q. Was it possible for a Chief to own land in a private capacity, that is, apart from the Stool land of which he was trustee for the Tribe, or even land which he had controlled or owned before he became Chief?

Ans. 'When a man succeeded to a Stool, everything which he had possessed privately—gold-dust, slaves, wives—fell into the Stool and became Stool property. If the Chief had a plot of land which he had cleared before he became Chief, and the right to use which was his personally, then, unless he had handed this possession over to a brother or other relative with the words *fa no na wadidi so* (take it and eat upon it), the crops on that farm will become the property of the Stool.'

The next question has been partly answered elsewhere: it is:

Q. A man has received a plot of forest land which he has cleared by his own individual labour, and on which he has made a farm; might he alienate the right to use this plot to whom he wished?

Ans. 'The answer depends on whether the person to whom he wished to transfer his right to use the farm was or was not a subject of the Chief who owned the land. In the former case he might alienate,¹ and the person to whom the usufruct was passed had a possession which, subject to the usual obligation of "service" and continuous occupation, passed to his heirs for ever. If, however, the person were the subject of another division, he could only claim this right during his own lifetime subject to continuing all customary obligations, and on his death, subject to the right of his heir to remove the standing crops, the right to use the land would probably, unless the heir was prepared to perform all the obligations carried out by the late

¹ The custom being now for the Chief (who must of course be informed) to take one-third (*abusa*) of the valuable consideration paid for the transfer, the vendor taking two-thirds. The kindred of the vendor will also be informed that they may be witnesses of the transaction.

owner, revert to the Stool to whom the soil belonged.¹ That is how a Stool sometimes came to have a plot of unallocated land within the territorial area of a sub-Chief.²

Q. What was the procedure in pawning (mortgaging) land?

Ans. 'If the Stool incurred a heavy debt, the Chief would summon all his *Mpanyimfo* (Elders), and they might agree to pawn one of themselves to some other Chief. All the direct subjects of the Elder so pawned were thus pawned with their master, but *asase n'ka ho* (the land which the Elder held of the Head-Chief) was not included in this transaction. In a case like this,' added my informant, 'the Elders would prefer to do this rather than pawn the land. If the debt were incurred by the Head Stool, the transaction would be between that Stool and another Head Stool, e.g. between one *Omanhene* and another, or a subject of that *Omanhene*. If, however, all else failed, and the land had to be pawned, the *osikani* (mortgagee), after the transaction was completed, would have the right to collect all produce from, and to make use of, the land. Those who formerly enjoyed this right would quit the land, and if they were found upon it, the subjects of the creditor would have the right to seize them for trespass. Besides this, the creditor might claim interest in gold-dust on the sum lent.³ This was in case that the *okafo* (mortgagor) might redeem the land before the mortgagee had had time to collect the produce.'³

Rivers might be pawned (mortgaged) apart from the land through which they flowed. Such a transaction was for a fixed period, often three years, but at the end of this time the money advanced was deemed repaid by the fish that the mortgagee has taken from the water. It was not necessary to inform the *'Samanfo* (spirits) before land was mortgaged, but later they might be told about it, and asked for assistance: *Asase a nwabere na nwonyae, nne ato kuro yi mu a ma yen aton, nti ye sere wo nwonmoa yen ma yenya sika ntua eka yi* (The soil upon which you once grew weary (with toil) and you left behind, to-day something has befallen the town which compels us to mortgage it, therefore we beseech you to help us to get gold to pay off the debt.) The witnesses to a transaction of this nature, where the amount

¹ I do not feel quite certain if this was always the case. I should have thought that the right 'to eat upon it' possibly reverted to the family or sub-Chief to whom the right over the larger area, of which it was a plot, had been allocated originally.

² See *Ashanti*, p. 232.

³ 'It is a greedy man who lends money' (*Odufurupefo na obo bosea*), added the speaker.

raised was the equivalent of £300, would receive a *ntansa* weight of gold-dust (i. e. £24). This sum was known as *ntiani* (lit. take from the top) and had to be found by the mortgagor. It was divided into three equal shares, of which one went to the mortgagee, one to the mortgagor, and the third was divided among other witnesses.

Sale of land: Supposing the transaction to pass from mortgage (*awowa*)—with the verb *ton* or *si awowa*—to sale (*ton no tramma*) the following was the procedure:

(a) If the land to be sold was part of the possession of one of the great Territorial Chiefs, who, as we have already seen, were the *Birempon* of the *Asante Hene*, then the King of Ashanti had first to be informed of the contemplated sale.

(b) The selling price was agreed upon.

(c) The *'Samanfo* were informed. 'If this were not done the vendor would fall ill, because, as he would later be told on consulting an *obosom* (god), they (the spirits) had had much labour in acquiring the land which their descendants were now going to sell. The god would say: *'Samanfo se na ye gya bo, na wa ton adi, na wamfa nsa mpo ama yen kae* (The spirits say that they left there (that land) and you have sold it that you may eat, and that you have not even taken wine to give them and tell them about it).

(d) The buyer now produced the sum of money from which all sale transactions take their name—the *tramma*—and this was divided into three equal shares between buyer, seller, and witnesses. In spite of such a sale, if the vendor (or even his descendants) were ever in a position to pay back the sale price with an 'overplus', he might do so and recover his land (*pon asase*). The idiom *twa 'gwan* (cut a sheep) was also sometimes used to designate this transaction. A point, about which I was not aware when I wrote on this subject in *Ashanti*, is that the land could not be recovered directly once it had been sold. A legal fiction was employed whereby it was assumed that it had only been mortgaged. This having been arranged the mortgage was redeemed in the customary manner.

PART III

This completes my renewed survey of this interesting and vitally important question, and I shall close this chapter by a summary and short analysis of the information it contains. The West African, in these parts, I am thankful beyond measure to state, is not confronted with

any 'dual policy' such as is found on the other side of the continent; nevertheless, although his land is secure from European exploitation, the position from other standpoints is not satisfactory, and unless steps are taken soon, we shall find Stools and all the wonderful organization they represent broken and, at least metaphorically, bankrupt because they will virtually have lost that in which all their 'power lay' and that upon which the social organization of this people rests. Land was apportioned lavishly in the past, so much so that nowadays many Stools do not possess any unallocated domains. In olden times this mattered little; a Stool's wealth ultimately lay in the wealth of its subjects; they enjoyed the Stool lands because the Stool wished for, and benefited by, their services and prosperity. What is the position to-day? The most onerous services, in return for which land was held, no longer exist. The people, under our beneficent rule, have thus found themselves relieved of most of the well-recognized obligations to their Chiefs. Stool revenues have correspondingly diminished and, as a result, respect, discipline, and obedience are less readily rendered, and more difficult to exact. Side by side with this is the great increase in the value of all land. We have, thus, landowners holding land, freed from most of the services incumbent upon them—within even their own memory—and now, moreover, in possession of an asset which has assumed a new value. I believe that if the West African were to know that we wish them once again to become a Nation, proud of their race, of their traditions, and of their past, and to that end that we wish to help them, they would willingly undertake their obligation to finance their Stools by some form of taxation. They would do this the more readily, if they knew that these contributions would be subject to an audit and strict control, and that such an *etuo* (tax), representing only a fraction of their past obligations, was to help to restore and to preserve their nationality.

There is, moreover, I believe, a certain danger in the way in which the consideration of this question is being allowed to drift. The West African in this Colony, as I have already stated, is, in view of the often repeated assurances of the British Government, free from the menace of exploitation and expropriation by the foreign capitalist. He would therefore appear to be given opportunities for advancement and progress under conditions immeasurably more favourable than those enjoyed by the members of his race in any other part of the world. The danger to which I allude, however, unlike the menace

of the would-be land-grabber from overseas, comes from within and is of a particularly insidious quality. It is indeed, in its initial phase, apt to pass unnoticed even by a paternal Government which has the best interests of the African at heart.

From its very nature and the circumstances under which it will operate, it will not call forth any protest from the African himself—until it is too late. This danger is the possible gradual infiltration of the institution known as ‘freehold tenure’.

The first important point which I would like to emphasize is the West African’s love and respect for the land. To him, its spiritual, not less than its material significance was, in the past, very great. Many examples of the former might be gleaned from the pages of this and my previous volumes.¹ I shall quote, however, only one—the message sent forth to call the spirit of the Earth on the morning of an *Adae* ceremony, when the *ntumpane* drums ‘speak’ as follows :

Spirit of the Earth, sorrow is yours,
Spirit of the Earth, woe is yours,
Earth with its dust.

Earth, if I am about to die,
It is upon you that I depend ;
Earth, while I am yet alive,
It is upon you that I put my trust :
Earth, who receives my body.

We are addressing you and you will understand.
We are addressing you and you will understand.²

With regard to the latter—the material importance of land in the eyes of the West African—this could not, I think, be better exemplified than in the legal maxim already quoted : ‘Land is the essence of all power.’ The tribe was well aware in the past, and the older people still fully realize, how their very existence depended on the possession of land. The legal system which they evolved with regard to its tenure was framed, in the light of experience, in an attempt to obtain the maximum guarantee that so long as the tribe existed it could never, under ordinary circumstances, come to want. The whole

¹ *Ashanti and Religion and Art in Ashanti*.

² See *Ashanti*, p. 278.

of Akan-Ashanti history is a story of migrations, counter-migrations, and wars, to obtain land or to extend territory for the tribe. From this national or tribal outlook with regard to land, there has no doubt been evolved the individual African's love of the soil, which, among the unsophisticated people, is such a marked trait in their characters.

This characteristic has been, and always will be, of such immense value, not only to the Africans, but to ourselves, that it is surely one that we should endeavour to foster in every possible way. Its extinction will spell the diminution of the small landholder class, which from an economic standpoint is the very backbone of this country. The system which the particular wants and genius of this people had devised may be summed up in a single word, 'Tribalization', or, using a term with which we are more familiar, 'Nationalization'. Every acre of land belonged to the tribe, i.e. to the State. The State in this part of West Africa was symbolized by the 'Stool', the nature and constitution of which has now been fully explained. All land belonged nominally to it, but really to the spirits of the ancestors of the tribe. It was thus held for them, no less than for the living and yet unborn, by the occupants of the various principal and subordinate Stools who were constituted as the trustees of the land for the *Oman* (tribe).

The conception of the actual soil as belonging to individuals, whether Kings, councillors, sub-Chiefs, heads of kindred groups, or finally, the individual small-holder of a farm plot, was quite unknown and was in fact almost inconceivable. It has been seen how, at a time before the introduction of cultivated food-stuffs, every member of the tribe had equal rights to wander over and hunt upon the land which belonged to his group, and how, later, with the advent of agriculture, but subject to certain formalities, he had a right to make a farm upon the land sufficient for his family needs.

His plot was given to him to the accompaniment of the legal formula, 'Take this land and eat upon it'. The usufruct of this plot remained his and his heirs for all time, subject only to the fulfilment of certain conditions, of which the following were the most important :

- (a) Proof that he was using it.
- (b) Proof that he had not wholly abandoned it.
- (c) Performance of the obligations demanded of him by his immediate superior, as recognized by tribal custom.¹

¹ See *Ashanti*, Chapter XXI.

Neglect to observe any of these rules or obligations would have been met with prompt ejection, possibly resulting in the evicted tenant becoming a slave; otherwise, his tenure and that of his heirs was assured. It is doubtful, indeed, if the most powerful African King could have evicted the lowest tenant farmer in the kingdom without just cause. The right to 'eat upon the land' did not and could not—indeed, the idea, as I have already stated, was not yet conceived—confer any title to the soil. 'The farm is mine, the soil is the Chief's' (i. e. the Stool's), was a statement having all the force of a legal maxim. In writing on this subject some years ago, I borrowed the term *fee simple* to describe this form of tenure, taking, I thought, sufficient care to point out in what respects the West African tenure differed from our present-day legal conception of that term. The following is an extract from what I then wrote. I refer to it again, because I wish to make it clear beyond possibility of misconception, that in using the term 'fee simple' to describe the security of tenure afforded to the tenant in Ashanti, I did not for a moment intend to imply that a form of tenure, the exact equivalent of our freehold or modern tenure in fee simple, ever existed in this part of Africa.

What I wrote was as follows:

'The fullest form of ownership in land known in our law is a fee simple. A tenant in fee simple is now for all practical purposes full owner of his land. I have borrowed the term fee simple to describe the commonest form of tenure known in the past among the Ashanti, but in doing so certain modifications and reservations in the term, when thus applied, must be clearly understood to exist.

'That the use of the term is perfectly legitimate, however, will be better understood if I outline very briefly the history of such a tenancy in English law. A grant in fee simple did not originally empower the owner to sell or alienate land. A grant to *A* and his heirs was construed as it was intended by the donor, and *A* could not alienate or part with the land by sale or gift, or on his death, by will. The ancient Ashanti law was thus almost identical with the law in England prior to such statutes as *Quia Emptores* and the *Statute of Wills*, which respectively allowed free substitution of another tenant in fee simple in place of the original tenant, and permitted bequests of land to be made. The whole history of our own early land laws seems to show a struggle to attain the right to alienate land. Every device and subtlety of the legal mind had to be brought to bear to destroy the barrier raised in the remote past, owing to deeply rooted and perhaps now forgotten causes which were in opposition to alienation.

'Similar as the Ashanti law seems in this respect to our own, prior to 1290, one most important difference must not be overlooked.

'The "owner" of a fee simple in Ashanti, and the "owner" in England in the days of Edward I, occupied a very different legal position. It is necessary to remember that when we speak of a Chief, a head of a clan, the head of a family group, as being the "owners" of land we are dealing with a state of society in which individual ownership in land was absolutely unknown. The Ashanti tenant in fee simple neither had nor has anything like the enjoyment and control during his lifetime that the owner had in England even before the latter gained the right to alienate. The Ashanti owner has to account in full, and be subject not only to the control of councillors, clansmen, and family, but finally, as already noted, in virtue of his spiritual trusteeship, to the dead. It may even be that the dead may return again and claim their own. The word "heirs", when used in this connexion, must also of course be construed in the sense in which succession is reckoned under a system of matrilineal descent.'¹

We have seen that any African tenant in the old days who refused to perform the customary obligations associated with his tenure would have been promptly deprived of his holding. This would also have happened had he even claimed the right to sell or alienate the usufruct of his land—which was all he ever possessed—or devise it, without permission from the Stool which owned the land, and consultation with his kindred,² even when the purchaser or legatee was a member of his own household, e.g. a son.

When I read of deeds of sale or gift, whereby African Chiefs have alienated *land* to Companies, Governments, speculators, Missionary bodies, or foreigners in general, I am convinced that all such transactions (even if it were possible that the African parties to the deed understood what they were giving away) were *ultra vires* if judged by African customary law.

It is true, as has already been stated, that in this part of West Africa this form of expropriation is no longer possible.

The blessings of peace and prosperity in which our advent has resulted appear to me, however, likely to bring about a change in the nature of tenure of land which is not one whit less dangerous than that arising from expropriation of Africans by Europeans.

A brief survey of what happened in England during the decline of feudalism will supply, I believe, an instructive analogy to what I fore-

¹ See *Ashanti*, Chapter XXI.

² Or in case of a Chief, all his councillors.

It has also been shown how, in the past, the State, i. e. the Stools, of the great *Amanbene* had in almost every case made grants to *Birempon*, sub-Chiefs, Elders, heads of kindred groups, and finally to individuals, aggregating in many instances the whole available land of the tribe.¹ It was not possible for the Native State to foresee any danger in these lavish grants. The more land a Chief gave away to others in olden times 'to look after for him' or 'to eat upon', the greater became the number and wealth of his subjects. All this wealth, as I have shown elsewhere, the Head Stool rightly regarded as eventually accruing to it. The result now is, first, that many of the paramount Stools have allocated all unallocated tribal lands, and could not now, even if they wished, 'cut their losses' so to speak by themselves developing any unallocated tribal land for the Stools, and secondly, that the subjects, whether lesser Stools, heads of 'families', or individuals, among whom all this land had been distributed in the past, have now for some time been enjoying their tenancies, relieved of their most onerous obligations. One and all are gradually coming to regard the land as their own, in a sense that the freeholder in England would regard his tenure in fee simple. They will in time, if this has not already occurred, come to claim the unrestricted right to mortgage, sell, and devise.

There may be some who see in such a revolution nothing but good, but there is, I think, a great danger.

Being now in possession of an asset of considerable economic value, the African will be often tempted to divest himself of his heritage for the sake of immediate pecuniary advantage. Land will almost certainly, under such conditions, tend to fall into the hands of African speculators who are able to offer the present holders cash down for their holdings. Land will then come more and more to be worked, not by tribesmen for the benefit of the tribe, but by 'strangers' to enrich native capitalists and African land speculators, in whose hands it will ultimately tend to accumulate.

This briefly is the danger into which it seems possible that we are drifting. It may, of course, be argued that the very remedy I suggest would tend to hasten and crystallize it. I believe, however, that the imposition of a tax to be paid to the Stools in lieu of the services of the past would not have this effect; for it would emphasize and maintain the authority of the Stool, which would thus continue

¹ This is illustrated very clearly in the histories of the various Stools.

to be regarded as the trustee for all land, and the conception of its 'national' character would be maintained.

I have been able to show, I trust, that the soil could hardly be alienated in the past, but I have also shown that the Akan-Ashanti law undoubtedly discriminated between the soil and things that our law would consider as part of the realty. The customary law has thus, I believe, indicated a way to permit the free interplay of capital assets (which might otherwise seem to be denied that freedom which modern financial and economic conditions seem to demand), without jeopardizing the land. This always has been the most important asset of the tribe, and a perpetual insurance for the people against poverty and want, so long as a man was willing to work on the soil which had been handed down to him from his ancestors, carefully guarded and protected for himself and his posterity.

LAW AND PROCEDURE

HOUSEHOLD CASES (*Efiesem*) (*continued*)*Pawning, Loans, Suretyship, Recovery of Debts.*

PAWNING of chattels: The pledging of human beings as security¹ and the pawning (mortgaging) of land have both been dealt with; the following notes have reference to the pawning of chattels. The description of the pawning of a cloth is given here, more or less as taken down from the lips of my informer.

One man may say to another, *Ntama ni ebye me, gye si awowa ma me* ('Receive from me in pawn this cloth which I am wearing'). The man addressed will reply: *Ebyia wo miebe?* ('How much are you in need of?'). The first man replies: *Ebyia me sa yi, wo de ma me, se efebyia so, na mennya, fa no tramma* ('I am in need of so much; if you give it to me, and if in a year I cannot get the amount (to repay you), then you may buy it outright'). All this is said in the presence of witnesses representing both parties.² The price advanced on a pawned article is only about half its value. 'One may pawn a valuable thing for much less than its real worth, because one needs the money: *Osikani na odi akono die* ('A creditor eats sweet things'). *Okafoni adie ko amoamu amoamu* ('A debtor's things go (away) in great heaps').

At the expiration of the period agreed upon, the borrower:

- (a) either redeems the pawned article, paying back the sum advanced to him upon it; the use which the pledgee had of the cloth was deemed the equivalent of interest on the loan, or
- (b) the pledgor asks for an extension of the period agreed on for redemption, or
- (c) The *awowa* (pawning) is changed into *tramma* (sale outright).

This last transaction was carried out in the following manner: The pledgor informed the pledgee that he was unable to find the money to redeem the pawned article; he told him that he had paid so much for the cloth, and asked the 'pawnee' to add something to the amount

¹ See Chapter VI.

² 'In such a transaction, we do not take anything from the top' (*yentiani*). This means that the witnesses did not receive anything; they were members of the kindred group or groups concerned.

originally advanced upon it when it was pawned. If the 'pawnee' consented he would then take *ntiani* (sometimes also called *adanse sika*, lit. witnesses' gold-dust), with which he would buy salt or palm wine and share it among the witnesses. The sum agreed upon was paid over and the cloth now belonged absolutely to the buyer.

Damage to pawned article while in pawn: The 'pawnee' was not responsible for any accidental damage to the article which he held in pledge, or for depreciation due to wear and tear, or if the article were accidentally lost, stolen, or destroyed. On the other hand, he must, apart from accidental and unavoidable loss under these circumstances, be able to produce the pawned article or the remains of it on demand at any period, however remote, as long as the article had not been redeemed or bought outright.

When a pawning transaction of this nature has been changed to a sale there is not any further possibility of redemption. 'It was only in case of land or persons that a sale outright (*ton tramma*) could ever be cancelled, and the vendor hope to recover what he had sold.'

Loans and suretyship: To borrow money is, in the vernacular, *bo bosea*; if there is a surety he is known as *abasom*; ¹ the lender is *osikani*, and the borrower *okafoni*. The procedure was (and is) as follows: The would-be borrower goes to the man from whom he wishes the loan, accompanied by a friend (the surety).² The sum to be lent is agreed upon, the date fixed for repayment and the interest upon the loan. The creditor, throughout this transaction, speaks and deals with the surety as if he were the principal in the case. The usual interest for a year's accommodation was the equivalent of about 6*d.* in the £. Witnesses of both parties were present, and the borrower had to pay a sum equal to about 2*s.* in the £ on the sum borrowed to these persons. This sum was divided into three equal parts and shared out among lender, borrower, and the witnesses (*bagwafu*). The sum borrowed was now handed over—not to the borrower, but to his surety, who would swear an 'oath' that he would repay principal and interest on the date agreed upon. 'Such an "oath" was, however, called *eka'tam* (a debt oath), and the Chief would not proceed against the person swearing it, as he was already in debt owing to his own kindness, and not due to any extravagance on his part.'³

¹ The modern term *agynamdini* is now often used; it is derived from the Fanti.

² Unfortunately I omitted to ask who might or might not stand as surety. It would appear very possible that certain persons standing in certain relationship to debtor or creditor were prohibited from acting in this capacity. See Sarbah, pp. 63-4.

³ See also Chapter XXXVI.

The creditor was now debarred from going direct to the debtor to recover his debt (*dan no ka*). Had he done so the surety would have claimed to be freed from all further responsibility, and would have said to the creditor: *Wa bu wo 'kafo, ko gye w'adie* ('You have seen your debtor, go and receive that which is yours from him'). The correct procedure was for the debtor to go to the surety and ask him for the money. The surety would then reply that he would see about the matter; he would go to the real creditor along with the original witnesses. The debtor would then hand over principal and interest to the surety, who would weigh the amount on the scales, and hand it over to the creditor. The witnesses did not receive anything further. 'The debtor, on returning home, would take a pot of palm wine and thank his surety.'

Procedure when the debtor could but would not pay :

The surety would swear an 'oath' against the principal, saying: *Me ka ntam se ko yi me abosom* ('I speak the forbidden name that you must relieve me of my suretyship'). Having said so, the surety would report to the Chief what he had done; the debtor would be arrested and his *abusua* informed. The latter would either pay the debt or (in olden times) sell or pawn the debtor (or some other member of their kindred) in order to meet the liability.

In case of an absconding debtor, the surety is liable.

Other modes of enforcing payment of a debt :

When there was not any surety, the creditor proceeded against the debtor in the following manner: He demanded payment. *Me dan me ka asumasi so* ('I demand settlement of my debt from So-and-so'). A creditor who was always being put off with excuses would say: *Wadada me* ('He is procrastinating with me, deceiving me'). He would go to his Chief (*gwane toa obene*, lit. 'flee and join with the Chief'). The latter would send his *fotuosani* (treasurer) with the creditor and demand the money. If the debtor still refused to pay, the Chief would give his treasurer authority to swear the *mebo tame* oath, i. e. to say that unless the debt were settled, then 'he hated the Chief'. The money would be paid forthwith; the creditor would thank the Chief, giving a present for the *abenkwa* ('palace' attendants). Again, if the creditor wished, he might swear an oath upon the debtor to pay the debt—not to himself—but to the Chief.¹ In this

¹ 'Certain rich men used to receive authority from the Chief to use his "oath" to swear that a debtor must pay them, i. e. the creditors. These as it were money-lenders

case, if the amount were not paid forthwith, the sum that would eventually have to be paid was doubled. The creditor might possibly be given something by the Chief out of the sum paid.

Yet again, a creditor might call upon an *obosom* (god) that if the debt were not paid, then might the god kill him (the creditor).

The debtor in such a case would at once settle the debt, the amount being paid through the *obosom* (i.e. its priest) whose name had been called upon. A percentage in this case would be claimed by the god. The curious custom mentioned by Sarbah, which was known in the East as 'Sitting' (*Dharna*)¹, is apparently unknown in Ashanti. In fact, if an Ashanti creditor by his excessive importunity were to drive his debtor to commit suicide, the creditor was always liable to be held responsible, the debt was deemed cancelled, and the creditor had to pay all the funeral expenses.

Another mode of enforcing payment from a recalcitrant debtor is mentioned by Sarbah under the name of *panyarring*.² In Ashanti this procedure was called *adwo* (the verb *yi adwo*). The custom consisted in the creditor seizing any person in any way connected with the debtor, or even sometimes a complete stranger to all concerned. The kindred of the person thus made prisoner came down upon the debtor's family and compelled them to pay the debt, plus a sum equivalent to 3s. 6d. to compensate the person seized in order that he might 'wash his soul'. This pernicious custom was, the Ashanti state, forbidden by King Kwaku Dua I.

On the death of a debtor his heir became responsible for the debt. A creditor was supposed to lodge his claim with *dea ogye 'yi kete* ('he who receives on the funeral mat') on the *navotwe da* ('eight-day funeral custom'), when all the accounts of the deceased were gone into.³ After this date any one lodging any claim had to explain why he had not done so at the proper time. The claimant might be compelled to go to the *'samanpow* (cemetery) with some of the *abusua* of the deceased, and, pouring wine on the grave, say: *Se wo nne me ka, na se nkontompo na me twa, ma be gye wo abusuafo bo sika bunu, me die ya emma navotwe nto me* ('If you did not owe me money, and it is a tale I am telling to get money from your kindred fraudulently, then, as for me, do not let eight days pass over me (without illness)'). If would receive white calico from the Chief, which they tied on the small bundles of gold-dust which they lent out. Such men would pay the Chief perhaps £100 for the privilege.⁴

¹ See *Fanti Customary Law*, Chapter IX.

² See *Religion and Art in Ashanti*, p. 159.

³ See *ibid.*, p. 95.

such a person fell sick he would have to *pata* (conciliate) the *saman* (ghost), and also his (i.e. the spirit's) *abusuafɔ* (kindred). The offence committed would be described by saying: *Wa to saman so* ('He has made a false accusation against a *saman*').

In another sense, however, there is not any 'statute of limitations' with regard to recovery of a debt. *Eka mporo*¹ ('a debt never rots') is a well-known legal maxim in Ashanti.

The Custom known as Bo Mmokwa:

In addition to the loans just examined, there is in Ashanti an expression *bo mmokwa*, which refers to a loan for some special occasion or day between friends, of a cloth or gun or some other article. There was generally neither security nor valuable consideration, but in the case of a gun the lender would seem to have expected a *basa* (foreleg) of any game that fell to it, for there is a joking allusion to the custom which runs, *Wo de wo tuo bo mmokwa gye abasa a, ete* ('When you lend your gun in hope of getting a foreleg, it will burst').² There is also a term *fame*, which means a monetary accommodation between two great friends without interest, security, or any specified time being named for repayment.

¹ Also heard sometimes in the form of *Eka kye emporo*.

² The borrower is not responsible.

LAW AND PROCEDURE

THE SANCTIONS IN ASHANTI LAW

IF I were asked to name the strongest of the sanctions operating in Ashanti to enforce the observance of the 'traditional rule of the community', I think I would place the power of ridicule at the head of these forces of law and order. Indeed, as will have been observed by an examination of the substantive law which has now been reviewed in these pages, the power of the sharp-edged weapon of derision seemed often the only sanction behind the law. Even where we find the supernatural or corporal sanctions in the form of punishments inflicted by the gods or by man, for breaches of tribal regulations, it appears probable that fear of ridicule was also ever present, and it is doubtful if even the worst of humanly inflicted punishments was more dreaded than this subtle weapon which came in laughing guise to rob a man of his own self-respect and the respect of his associates. In the social world in which the Ashanti lived, there was not any escape for one who had incurred this penalty. What among ourselves, therefore, would be, at most, an unpleasant state of affairs, from which we might be glad to escape elsewhere for a time, became a punishment to an Ashanti from which there was not any escape, and one he could not face.

The best and, at the same time, the saddest example that I know to substantiate the above statement is given below. I have, of course, suppressed the exact place, time, and names, and few if any Europeans, save only those to whom I have related the incident, ever heard of an event which was known and discussed all over Ashanti within a short time of its occurrence. The story is briefly as follows :

During the visit of a person of considerable importance, who was much beloved by the loyal and generous-hearted Ashanti, the Chief and Elders of a remote province, in common with many others, had come to do him honour. When it came to the turn of a certain old man to be presented, in bending forward to do obeisance, he, unnoticed by all but his immediate followers, inadvertently broke wind. Within an hour of the termination of the ceremony he had gone and hanged himself. He had 'disgraced' himself and his following. The universal comment in Ashanti among his fellow countrymen was that

he had done the only right thing under the circumstances. He could never have lived down the ridicule which he might otherwise have incurred. *Fadie ene ewuo a, fanyinam ewuo* ('If it be a choice between disgrace and death, then death is preferable'). It was, in fact, this occasion which first made me familiar with a proverb which I later found to be universally known in Ashanti.¹

Many other examples of the sanction of ridicule have been given in these pages and it is unnecessary, therefore, to enlarge further upon the subject.

The next class of sanction that did much to relieve the public authority of the necessity for decreeing penalties which it might often—at an early date, at any rate—have experienced some difficulty in enforcing, may be grouped under the heading of religious or supernatural sanctions. It has been customary, I believe, for some anthropologists to make a subdivision in this category, the distinction being drawn between sanctions where the violation of some customary law was thought to be visited with punishment by the supernatural power immediately concerned, and sanctions where 'there was no hint of any interference on the part of any supernatural being'.

As an example of the latter have been given those food or 'alimentary' taboos so commonly found all over the world among so-called 'primitive' peoples. I am unable, however, to accept this sub-classification, for I believe that where there may appear a necessity for it, the cause will, I think, invariably lie in the scantiness or inaccuracy of the evidence at our disposal, which may seem to necessitate such a subdivision. The very example which is quoted as being representative of such an 'automatic' sanction, once the full facts are known, e. g. the *akyiwadie* (the food taboos) in Ashanti,² is immediately explained on a perfectly logical, supernatural basis. So, I think,

¹ To break wind (*ata*) in public was, in Ashanti, considered a disgraceful act. Their traditions record several cases not unlike the above-mentioned more modern example. One of such was the occasion on which a priestess of a Tano god from B. was dancing. She came forward during the dance to kneel before Chief K. D. of M., and in doing so broke wind. She was seized; her head was shaved; drums were beaten over her head to drive away the spirit of her god; she was driven out of the priesthood, and made to give sheep to purify the temple of the god and the 'palace' of the Chief. Again, if a number of Ashanti happened to be eating together, and one broke wind, 'the bowl of food would be placed upon that person's head that he might be used as a table'; but, added my informant, 'if the man were among friends and was well liked, the rest of the party might cover their mouths with their hands and go outside that he might not see their laughter, because they might fear that the man who had offended would go away and hang himself, should he notice that the others were laughing at him'.

² See *Ashanti*, Chapter II.

it would be found in other cases, were the evidence at our disposal accurate and full.

In Ashanti all supernatural sanctions fall under one or other of the following headings. Examples of nearly all these will be found in these volumes.¹

- (a) The sanction wielded by the 'Samanfo (human ancestral spirits).
- (b) The sanction of *Nyankonpon* (the Supreme Being), more especially in that wielded by His subordinates, the *abosom* or lesser manifestations of His Spirit.
- (c) The power wielded by *suman* (fetishes).
- (d) The sanction of Asase Ya, the Earth goddess.
- (e) The sanction of the male transmitted Totemic Spirit (the *Ntoro*²).
- (f) The sanction of the *sasa* (spirit) of men, animals, plants, and trees.
- (g) The sanction of *abayifo* (witches), *mnoatia* (fairies), *sasabonsam* (forest monsters), and black magic in general.

The real power in all these sanctions lay in the fact that they were supposed to be operative not only against the individual, but, if occasion demanded it, collectively. A 'sinner' might not 'sin' and his blood relations or kindred hope to stand serenely aloof from the results of that action. All became indirectly involved, and to this fact we owe, I believe, the advent of the final and later-day sanctions in the form of corporal punishment meted out to certain offenders.

The kindred and—with the rise of territorial Chiefs and territorial Jurisdiction—the community as a body were thought possibly to suffer for the ritualistic offence of its individual members. It was—I hazard the opinion—to such a belief that we can trace the creation of that important category of offences which have been dealt with in this volume under the heading of 'Tribal Taboos' (*Oman Akyiwadie*), the punishment for the violation of which was death, inflicted not by the supernatural agency that had been outraged, but by man. At first, I believe, the death penalty was the only corporal sanction which the higher central authority inflicted. This form of punishment later became modified by the march of economic events. Instead of being executed a man might 'buy his head', or he might be enslaved or banished, or suffer some minor mutilation. The sanctions at the disposal of the highest authority also included some that are beyond the

¹ *Ashanti: Religion and Art in Ashanti*, and the present work.

² See especially *Ashanti*, Chapter II.

bounds of our civilized secular community to enforce. They included not only reprisals upon the living, but the punishment of the dead. The defunct criminal in Ashanti was never quite beyond the arm of the law. He might, as we have seen, be decapitated, or he might be denied the essential funeral obsequies, including burial.

I shall close this brief chapter—brief because the subject with which it deals has already been set forth in the pages which comprise this and its kindred volumes—with a list of the common corporal sanctions which were once in the power of the central authority to inflict.

Capital Punishment :

Perhaps the commonest form of capital punishment was for the victim to have his or her head cut off with a small knife. Many of the old executioners' knives which I have seen appear to have been bread or carving knives imported from Europe. The executioner or executioners, for he generally had his young assistants, having seized his man, either proceeded to decapitate him by cutting from the front of the neck, and working back, or 'if he did not wish to look upon his victim's face, he would hold the head down and slice or saw¹ through the neck, commencing at the back'.

A *sepow* knife would almost invariably have first been thrust through the cheeks in order to prevent the criminal from 'blessing the Chief'.² This form of decapitation might follow the preliminaries described in a previous volume and known as *Atopere*.³ Only the *Asante Hene* (King of Ashanti) and the great paramount Chiefs had power to inflict capital punishment. A *Birempon* of a Head-Chief or a *Safobene* (Elder or war captain) who did so, even in the case of a slave, without the permission of his Head-Chief, would have been guilty of murder and liable, at least, to destoolment or a very heavy fine. The King and Paramount Chiefs of Divisions alone 'held the knife' (*Ono owo sekan*). A *Birempon* of a Divisional Head-Chief might, it is true, have had his own *abrafo* (executioners), but they could not ply their trade without the permission of the Head-Chief. This right of a Paramount Divisional Chief to inflict capital punishment extended also only to his own subjects, and not even to all of these, for, without the permission of the *Asante Hene*, a Divisional Head-Chief might not execute his own *Safobene*, *Birempon*, princes, or *Adehye* (blood members of the

¹ I use this word purposely, as executioners' knives were not kept very sharp.

² See *Religion and Art in Ashanti*, Figs. 41-2.

³ See *ibid.*, Chapter IX.

royal family). Certain other persons were, as we have seen, also entirely exempt from capital punishment. Decapitation was not the only way in which a person might be killed. The death sentence might also have been carried out by the following methods :

(a) *Strangling (Abomporo)*. *Ahenkwa* (young ' palace ' attendants), heralds ; *Safobene* (war captains) ; *Adebye* (kindred of the ruling house) ; wives of a Chief, killed or volunteering to die on the death of their master, were generally executed in this fashion. The idea was to avoid distasteful mutilation or the shedding of blood.

The strangling was sometimes performed with a leather thong or done by the hands of the executioners (*bu no kon*).

(b) *Clubbing (Abaporowa)*. This method of dispatch was also used for young ' palace ' attendants ; a pestle was sometimes the form of club employed, or the tusk of an elephant (where the victim was of royal blood).

Witches were also sometimes clubbed instead of being burned, strangled, or drowned. The last-named form of punishment was known euphemistically as ' crossing the river ' (*asu twa*).

Mutilation. Mutilation sometimes took the place of capital punishment.

(a) *Cutting off the ear or a piece of the ear (Aso twa)*: A person thus mutilated was called *Asosine*, and in addition to this punishment he would probably have become a *gyase* subject.

The right ear was generally operated upon ' because, otherwise, the person, being ashamed of his deformity, would bunch up the cloth which lay on his left shoulder and cover his severed ear '.

' An uncle might, with the permission of the King of Ashanti, cut a notch in the ear of a troublesome nephew.' This punishment was sometimes inflicted for impertinence (*poa*). ' One, Kwame Agyetiwa, once struck a soul-washer of Chief Kwesi Seckyere and was ordered to pay a sheep. He replied that he would give something better than that—a cow—well knowing that the cow was an animal " hateful " to the *Bosommuru ntoto* to which Kwesi Seckyere belonged. He had both ears cut off.'

' A *Birempon* in olden days was permitted to inflict this punishment on his own subjects, but an ordinary *Safobene* (Elder) might not do so without special authority.'

(b) *Cutting off the lips (Twa aso)*: The person so mutilated was known as *Anosini*. This was often the punishment for tale-bearing and abuse when such cases had been transferred from the *efie* (the

household) to the Chief's court, or when the Chief was himself the subject of the offence and the guilty party had escaped more condign punishment by having fled and thrown himself upon the mercy of the Chief's ancestral spirits in the *Barim* (mausoleum). 'Only a Head-Chief had authority to inflict this kind of punishment. Neither a *Birempon*¹ nor a *Safobene* might do so without special authority.'

(c) *Cutting off the nose (Twa efwe)*: This form of mutilation was apparently resorted to in the case of conceited, disrespectful, swaggering persons, who, having a well-known reputation for such overbearing conduct, had committed some offence which had brought them before the Chief. Making this offence the excuse, the Chief might order the man's nose to be cut off. 'There were also cases known in olden times of bad Chiefs who, coveting the mistress (*mpena*) of another man, upon the first opportunity cut off that man's nose so that she would no longer desire him.'

Castration (Yi adabra):² Apparently certain offences were punished with castration. This was probably resorted to to obtain recruits for the posts of eunuchs in the various royal harems. A concrete case was given, which is as follows: 'Two young boys were playing together when one "abused" the other by saying, *Owonta!* (begetter of twins). The boy who was called this retaliated by "swearing the great oath" that he had never yet even had sexual intercourse with any woman. The case eventually was taken before the King of Ashanti, who commanded that the youth who had used the abusive word should be castrated.'

Again, young attendants in the *mman*' (harem), on entering the women's apartments, had always to shout *So ho! so ho!* for if they ever chanced upon any of the Chief's wives naked and were reported as having done so, they would be castrated. The head eunuch always examined the young uncastrated boys from time to time for any signs of pubic hair.

Flogging (Aboro): A possible punishment for 'saying anything bad' against the Chief. 'A Chief who was always ordering his subjects to be flogged would, however, soon be destooled.'

Imprisonment (Apabo): *Apabo* means literally 'putting in fetters'.³ This form of punishment should not perhaps be included among sanc-

¹ That is, a *Birempon* of an *Omanhene*, not the *Birempon* of the *Asante Hene*, who was, as we have seen, himself an *Omanhene*.

² To castrate an animal is *sa* (to cut). The word *adabra* is stated to be of Dagomba origin. See also *Religion and Art in Ashanti*, p. 119 n.

³ A specimen of an Ashanti fetter may be seen on the *kuduo* in Fig. 129 in *Ashanti*.

tions, as it was unknown as a form of sanction in its literal sense or as the alternative to fine or other punishment. Persons were, however, restrained in this manner pending trial or after trial while awaiting the carrying out of the sentence. In fact there are cases known where persons were 'imprisoned' thus for years.

'In the reign of Kwaku Dua I, a young boy was fastened to a log and kept there until he grew up and had a beard.' An *Asofobene* had not permission, without the authority of his Chief, to keep any one 'in log' for any length of time.

Slavery: Offenders were often punished by being sold as slaves, or by being made the slaves of the Chief. The men generally entered one or other of the various *gyase* companies (*fekuo*), often the *akyere-madefo* (drummers) section, while women became *kokwafo* (floor-polishers).¹ 'Even at the present day, when a man cannot pay the fine imposed upon him in the Chief's court, he will say, *Me soa atwene* ('I shall carry the drums').

Fines: As has already been noted, a man sentenced to death might, in the old days, sometimes save his life 'by buying his head'. Fines in the European sense as alternatives to other punishments, with this exception, were not, I think, often inflicted.

¹ Floors are polished every morning with semi-liquid red clay.

LAW AND PROCEDURE

PROCEDURE IN THE CHIEF'S COURT AND THAT
IN *EFIESEM* (HOUSEHOLD CASES)

IT has been seen that all offences which were in any way regarded as violations of tribal taboos were investigated before a tribunal which consisted of the Head-Chief and his body of Councillors, while all other cases were settled more or less privately or unofficially by and among the parties concerned—the person who acted in the latter case occupying the position of mediator and conciliator, rather than that of prosecutor or judge. It will be advisable, therefore, for our present purpose, to examine the question of procedure in the former Ashanti tribunals, under these two headings.

Procedure in the case of a trial before the Central Authority :

Except where a tribal taboo had been directly violated, the history of the inauguration of the procedure in such cases resolved itself into the history of the Akan institution of the *ntam*, or so-called 'oath'. I have already discussed this subject in a previous volume;¹ in the present work many of the Divisional 'oaths' and other matters in connexion with them have been examined in considerable detail, and their repetition in this chapter is therefore unnecessary. The following is an account of a trial, which, originally beginning, as most of these disputes did, as an *efiesem*, became an *Oman Akyiwadie* (tribal taboo) case, owing to 'the swearing of' the tribal 'oath'; it is more or less a translation in the vernacular.

Mondays, Thursdays, and Saturdays were known all over Ashanti as *eda-nini* (lit. male days), for it was on these days that all serious matters were conducted, e. g. funeral customs, enstoolments, leaving the town and going into the war camp (*bo sesie*), and finally the hearing of the more important court cases.² Such a case might have its origin as follows :

Two men were quarrelling and they began to abuse each other; one slapped the other (*bo no som*); he asked, 'Why did you slap me?' The other replied, *Wo didi m'atem* ('You abused me'). The other man retorted, *Me ka ntam kesie na menni wo atem* ('I speak the great forbidden name that I did not abuse you'). The second man accepted

¹ *Religion and Art in Ashanti*, Chapter XXII.

² A court case may not be heard on a *da bone*, i. e. on any *fo-da* (with the exception of *Fo-mene*) or *Adaa*.

this challenge (*de niam bo so*).¹ It now behoved any person who was present² and heard these words, immediately to effect the arrest of both parties; should he not have done so, he would himself become guilty of an offence. A recognized fee of *nsano* (13s.) was attached to this duty; it was paid by the persons who were arrested, and ensured the matter being reported without delay to the Chief whose 'oath' had been 'sworn'. Both prisoners (*nnaduaso*) were now probably fastened with an iron staple to a portable log, for both were treated as guilty, which indeed in a sense they were, for each had spoken the great forbidden word.³ The two prisoners were now led before the Chief; the *Okyeame* would call on the man who arrested them to come forward and state that he heard the prisoners speak the great forbidden word and in consequence arrested them. The *Okyeame* would then inquire who was the first person to violate the tribal taboo.⁴ The one who did so became what we should term the 'plaintiff', while the other was the 'defendant', although there did not appear to be any distinctive terms in Ashanti.

A day was now appointed for the hearing of the case; meanwhile the prisoners might be kept 'in log' and were looked after by the person who originally effected their arrest.

On the day appointed for the trial, the Chief and his councillors would assemble in the *gyase kesie*,⁵ or *gyasewa* courtyards, according to whether the case was considered of greater or less importance. Opposite the Chief sat the *Ko'ntire* and *Akwamu* Elders side by side, while other Elders and sub-Chiefs sat grouped on the Chief's left and right, each occupying the exact position assigned to him by tribal custom.⁶ In most Divisions an important case might not be heard unless the councillors known as the *Ko'ntire* and *Akwamu* were present.

The prisoners were now led forward, still attached to their logs, which were not removed during the trial. Their custodian would

¹ Compare the *similiter ego te* in the Roman custom of the *Sacramentum*.

² Except a Chief or *Okyeame*.

³ Some writers lay stress on the fact that very often 'primitive' man treats a prisoner as guilty until he is proved innocent, but it is possible, as in this case in Ashanti, were we aware of all the facts, we might find that in a sense, as here, both were guilty of the greater offence, i. e. the violation of a tribal taboo; the lesser offence, the right and wrong of which remained to be determined, being for the time being in abeyance.

⁴ There is a well-known saying in Ashanti which runs: *Nye die wa ka niam kane nho na wa di bim* ('It is not always he who is the first "to swear an oath" who is innocent').

⁵ See Fig. 3.

⁶ See *Religion and Art in Ashanti*, Fig. 55.

first relate where, when, and why he arrested them. The plaintiff, i. e. he who first spoke the forbidden word, would be addressed by the *Okyeame* with the words, *Ka w'asem* ('State your case'). This he would do without any oath being administered, or any admonition whatever to speak the truth. He gave his version of the affair, uninterrupted save by the shrill cries of the heralds, *Yen tie o! yen to kom! odedew!* and the deep *Yon!* with which the *Okyeame* punctuated the oration. The plaintiff, having stated his case, concluded with the customary formula: *Se asem a me kae, se nye nokware, na se me di ye no ayesem. Ya me ka ntam kesie.* ('If the statement which I have spoken is not the truth, and if I have made up anything, (then I stand to bear the penalty,) for I have spoken the great forbidden name.')

Next, the 'defendant' gave his version of what happened, generally ending with an affirmation that all the plaintiff had just related was false. He, in turn, wound up his speech with a similar declaration as the above to its truthfulness. The *Okyeame* would now stand up and repeat almost word for word all that the plaintiff had said, finishing by addressing to him the question, *Se wo ano asem mu', me boa?* ('Were these the words from your mouth, or do I lie?'), to which he would reply, *Eno ano no* ('These were (the words) from my mouth'). The *Okyeame* would next repeat what the defendant had said, put a similar question to him, and receive a similar answer. He would then turn towards the Elders and say, *Se ye se no no* ('That is what they have said'). The *Ko'ntire* and *Akwamu* and any one else who had anything to say might now rise up and examine and cross-examine the accused; all questions were put through the *Okyeame*. During this interrogation, one or other of the prisoners might say, *Me wo odansefo* ('I have a witness'). The other prisoner was asked if he also wished this witness to be called, and he would agree, or had to give very special reasons for refusing his services. The Elders would now ask the Chief for a messenger in order that the witness might be summoned to appear before the court. Before this messenger departed, he was sworn as follows: The *Okyeame* addressed him, saying: *Fa obosom asumasi di nse se, wo koro yi womfa nni nkommo* ('Swear by the god So-and-so that you will not carry on any conversation (about what you have heard concerning the case) at the place to which you are setting out'). The messenger would raise his hand and swear, saying: *Obosom asumasi nku me se menfa nni nkommo!* ('May the god So-and-so kill me if I talk about what I have heard').

The *Okyeame* again addressed him, saying: *Ka ntam kesie, se wo koroyi se wo di ho nkommo ma obi te a, obosom yi nku wo, ya wo to ntam kesie* ('Speak the great forbidden name, saying that at the place which you are going, if you talk about the case so that any one should hear about it and this god slay you, then you have violated the great forbidden name'). The messenger then said: *Me ka ntam kesie se me koroyi memfa nni nkommo* ('I speak the great forbidden word, saying that I will not talk about the case at the place to which I am setting out').

The *Okyeame* now turned to the Chief and said, *Nana ye sigyinae* ('Grandsire, we are going to set the main support'). The Chief would reply, *Wonsi* ('You may set it').¹ The *Okyeame* would now address the two prisoners and say: *Se adnasefo no ba, no ose sa, sa, sa na wu di bim; sanso aw ba, na ose wante a, nsoso wu di fo* ('If that witness comes and says this, and this, and this, you (the plaintiff) will be in the right; but if he comes and declares he has not heard (understood?), in that case you are guilty').

If the messenger could not return forthwith with the witness, the court would adjourn. This was done in the following manner: The Chief (who by the way was usually dressed in an *edinkira* cloth²) gave the first signal by lifting first one foot and then the other from the ground, and slapping his thighs; thereupon the executioners and heralds and other *abenkwa* (attendants) exclaimed, *Babi kela! adow keka!* ('Somewhere is stirring, some place is moving'). The Chief would repeat these actions, and the third time would rise up, no sooner having done so than all the executioners shouted, *Sore e!* (Rise). The Chief and his immediate following would pass out of the *gyase* courtyard, every one remaining until he had gone. During the trial, if any Elder or sub-Chief wished to leave the court, he would whisper his reasons for wishing to do so to some one next him, and retire *leaving his Stool behind*. Again, if the Chief was seen to be holding too frequent conversation with any one during the trial, that person was rebuked, being told that he was distracting the Chief's attention from the case. The Chief would reply that he was listening to all that was being said and would be ready to prove his statement

¹ If the Chief were what the Ashanti disparagingly term an *Ohen'Okyeame*, i. e. a Chief who takes upon himself the duties that should properly be performed by his *Okyeame*, 'he will himself set the support'.

² See *Religion and Art in Ashanti*, Chapter XXV. Such a cloth is mourning or semi-mourning, a gentle reminder that one of the two litigants would probably be killed.

by repeating the evidence. When the witness arrived, the court again assembled and the prisoners were again brought before it.

The first business in hand was the swearing of the witness. The *Okyeame* addressed him, saying: *Fre abosom asumasi ne asumasi di nse se asem a ye be bisa wo nokware na wo be ka* ('Call upon the gods So-and-so and So-and-so and swear that you will speak the truth about the matter concerning which we shall ask you'). The witness would then say: *Abosom asumasi ne asumasi se die me nim tororo na me ka, se manks sa na abosom nku me* ('Gods So-and-so and So-and-so, I shall speak what I know to be true; if I do not thus speak truthfully, may the gods kill me'). Next the *Okyeame* would himself call upon the gods, saying: *Abosom asumasi ne asumasi, akoo i na obedi adanse, se die onim wanka, na otwa m' nkontompo, ya nwonku no* ('Gods So-and-so and So-and-so, this fellow (subject) will bear witness; if he does not speak that which he knows, or if he tells lies, then must you kill him?'). Again the *Okyeame* addressed the witness, saying: *Ka ntam kesie* ('Speak the great forbidden name'). He did so, again affirming that he would speak the truth. These important preliminaries over, the *Okyeame* would bid the witness speak what he knew about the case, saying some such words as *Nkrofo mienu asem wu nim mu sen?* ('What do you know with regard to the case between these two people?'). The witness then gave his sworn evidence. When he had concluded, the *Okyeame* would address the party against whom the evidence had been given, in the following words, which were in the nature of a set legal formula always employed on such occasions:

Wa te die wo dansefo aka; se wanfa mma ha ma yanfa asopa ntie wa wo ma aba bi so bo Okyeame, wo ku no di aboa; wo di fo.

'You have heard what your witness has said; had you not come here that we might take good ears to hear (your case) then it would have been as if you had lifted some stick and clubbed the *Okyeame*, killing him, as if he were some brute beast; you are guilty.'

All those present broke out into the Ashanti exclamation, *e! e! e!* The heralds came forward and sprinkled white clay on the back of the man who was acquitted, who, however, still had to pay the customary *aseda*. The guilty party would commence to supplicate the Elders, saying, *Me gwane me toa wo me ma nana di bim* ('I flee and join myself to you, and I give grandsire (i. e. the Chief) the justice of his cause').

The Elders would report to the Chief, who would order the guilty man to be taken away. He would later pass sentence upon him, either ordering him to be killed or perhaps permitting him to buy his head

This completes an account of the procedure before and during a trial in the old Divisional Head-Chief's court. Several points in the foregoing narrative are worthy of special consideration :

(a) Neither plaintiff nor defendant gave their evidence upon oath. It is true that they completed their statement with a repetition of the forbidden word, which in fact they had already spoken, and the mentioning of which had landed them both in a trial for their lives. They were not, however, admonished by the *Okyeame* to speak the truth, nor were they made to, nor did they offer to swear on any god that they would do so. They were not in fact ever expected to speak the truth if it were against their interests to do so. Each party, being his own advocate, was expected to make out the best possible case for himself each would 'lie' if it suited his purpose.

'The reason that they did not give their evidence on oath (i.e. by calling upon a god) was in order that the Chief himself might be able to punish the one who was found to have lied, which he could not otherwise have done had he been sworn on a god, until that god had first taken vengeance.'

(b) Very different was the procedure even in case of the messenger sent to call the witness ; every precaution was taken to ensure that he would observe the instructions given him not to discuss the case with the witness whom he was sent to call.

(c) The witness himself was carefully and systematically sworn upon two gods, *selected not by himself, but by the representative of the Chief*. He took a solemn oath upon these deities to speak the truth, and called upon them to kill him should he lie. The *Okyeame* himself called upon the same powers to punish the witness should he deserve it, and finally the witness himself was made to speak the great forbidden name that his version of the affair which he was about to give was truthful and correct. These drastic precautions were essential because the result of the trial depended upon the testimony of this one individual. I asked if several witnesses were not called, and was informed, 'No only one mutually agreeable to both parties'.

The idea of a witness being friendly or hostile to one or other of the litigants seemed unthinkable. The sanctity and nature of the oath taken and the deadly sanctions behind them seemed to the Ashanti mind to rule out most of the possibility of bias or lying.

Several old Ashanti to whom I have spoken on the subject of witnesses professed to be somewhat amused at the procedure now common in the European courts, where Native witnesses, who are no

Christian or Mohammedans, are permitted to select the particular god or sacred object upon which they are sworn. Such witnesses might, they state, purposely select fictitious, harmless, or amenable deities, on whom they will swear to speak the truth, and will then proceed to lie with complete freedom from fear of any sanction, as every one¹ not properly sworn is fully expected and at liberty to do if the position seems to demand it. It will have been observed that the court before whom the prisoners were brought itself provided or chose the gods upon whom the witness was sworn;² witnesses were never allowed to choose these gods for themselves, for if they swore on a god of their own selection it was thought that, even where it was known to be a genuine deity, the witness might possibly know he had access to it, and there would be private confession and propitiation to expiate the perjury.

Evidence given otherwise than in the prescribed form was considered valueless; indeed, for any person to stand up and, unless sworn with all the correct legal formalities, to speak the truth when it would be detrimental to some one else, was considered immoral or merely ridiculous. An Ashanti, not a professed Christian, who goes into the witness-box and gives truthful evidence against a fellow countryman after being sworn in the fashion common in our courts is, so I am informed, commonly described by saying, *Ne ho eye bu* ('He is a wonderful, awful, or fearful individual'). On the other hand, had he been sworn with the correct formalities, his evidence—at any rate in olden times—would have been deemed beyond suspicion of untruth. I am inclined, as I have already stated, to believe that 'to lie' in Ashanti was only used in a sense in which we understand the term when a falsehood was perpetrated after a solemn oath had been taken to speak the truth. Actually, as has already been pointed out, if a man told the truth when the truth was to the detriment of some one, except under these privileged conditions, he was branded as a 'liar' or tale-bearer and incurred public odium. Native police detectives who give evidence in our courts are commonly known as *Aban trofo* (lit. Government 'liars').

'*Otrofo* is a person who says he has seen or heard something which he has never seen or heard, or even something which, having seen and heard, he goes and reports without good reason.'

¹ There are exceptions which will be noted presently.

² A form of oath, not uncommon, was for the witness to lick one of the Chief's ancestral stools.

Again, ' a witness, not properly sworn, who gives evidence, truthful but unfavourable to one of the litigants, is lying (*twa nkontompo*), so far as that litigant is concerned '.

In olden times an appeal would readily be allowed against the *Okyeame* who gave judgement without calling a witness for whom the litigants had asked, or delivered a judgement wholly contrary to the evidence of a witness.

Odanseni owu n'afu (A witness dies because of his belly) is a well-known Ashanti proverb, which is interpreted as meaning that if a witness has accepted a bribe and lied, the gods on whom he swore to speak the truth will kill him. Supposing a witness to die soon after giving his evidence, an *obosom* will first be consulted. If this god declares (through its priest) that the man's death was due to his having given false evidence on oath,¹ the following was the customary procedure :

- (1) His body, instead of being buried, was thrown into the bush.
- (2) His private property was confiscated and divided between the Chief and the priest of the god in whose name he had committed perjury.
- (3) The original judgement was, if possible, reversed.
- (4) If the witnesses' *abusua* wished to buy his body from the Chief they might do so, in order to give it a proper burial, but in that case they became liable to meet all the expenses and debts which the litigant, who had been found guilty on the false evidence of their kinsman, happened to have incurred.

Again, if a witness fell ill and went himself to consult an *obosom*, and was informed by the god that his malady was due to the false evidence which he had tendered, if he wished to recover he would refund all the expenses of the party who had been found guilty, and would also have to kill a sheep for the god, to avert its further anger (*dane dua*).

I have mentioned earlier in this chapter that there were exceptions to the rule that to be a competent witness, in the Ashanti sense, a witness must be sworn with all the customary formalities. Certain classes of persons were either exempt from the taking of any oath before giving evidence, or were actually not permitted to do so ; their evidence nevertheless was ' good ' evidence and carried all the weight of the ordinary individual's sworn testimony. Sub-Chiefs and Councillors who had already taken the customary oath before their Head-

¹ Known as *dansewia* or *danse kunumu*.

Chief were not required either to 'speak an *ntam*' or to swear an oath upon any god, if called upon as witnesses, as all such persons had already taken an oath. 'If persons in their position were found to have given false evidence, they were liable to be destooled.' Secondly, an *odebye* (a member of the kindred group from which the Stool Chiefs were selected) might not ever swear on or by any *obosom* (except by proxy), but all such individuals might 'speak an *ntam*'. On asking the reason for this prohibition, I was told by one informant that he did not know; that *Ye Kyi* (we taboo it); while another declared that a man or woman of royal blood who might some day sit upon the Stool must be a truthful person.

The following persons among others were competent witnesses :

- | | |
|---------------|--------------|
| (a) Children. | (c) Wife. |
| (b) Slaves. | (d) Husband. |

A subject of another Chief was not a competent or compellable witness unless his own overlord was informed and an official sent to represent him. Similarly, an uncle expected to be informed if his nephew or niece was to be called as a witness, to enable him 'to stand behind the witness'.

An interesting formula has already been mentioned, whereby certain persons, owing to their relationship or special position with regard to some other persons, were considered as privileged to report to those individuals any information likely to be of value to them.

This information, under these circumstances, might be given without incurring the public odium ordinarily associated with the idea of tale-bearing (*nkontompo*). Before making the report, the 'tale-bearer' would say, 'I have drawn a line down my nose', or 'Ashes stand on my nose like the (white-nosed) *anyehima* monkey'. These formulae bear testimony to the fact that evidence (truthful or untruthful) against any individual was only demanded or expected under certain particular circumstances, and that on all other occasions to bear false or true witness against a neighbour was regarded not only as unfriendly, but actually as reprehensible conduct. Before I pass on to discuss the subject under my next heading, I may note here, that in cases where it was particularly difficult to arrive at the truth, or where a litigant, who was found guilty, continued to protest his innocence, resort might have been made to the ordeal. The procedure in connexion with this custom will be described in the next chapter.

Procedure in Efiesem (Household cases): The most marked distinction between the procedure in the settlement of 'Household cases' and the trial just described lay, I think, in the attitude of the respective tribunals towards the litigants.

In the higher court the question at issue was possibly generally one of degree of guilt. The more guilty was executed, the lesser offender paid *Aseda* (a thank-offering) that he had escaped with his life.¹ The question of possible reconciliation of the parties—which, as I shall endeavour to show, was such a marked feature of the lower unofficial tribunal—did not enter into the province of the court. It was indeed, originally, almost impossible that it should do so. The disputants went before the central authority well knowing that the issue joined was one of life or death. However trifling the original cause of the action, 'the swearing of the oath' had rendered both equally liable to be executed for the violation of 'a capital sin'.

In spite of this apparent gulf between the two systems, the procedure in the tribunal of the central authority must without doubt have grown out of the practices in vogue in the humbler unofficial assemblies. It was the growing sense of power, backed by armed authority, which had modified the original procedure. The central authority, once it began to feel its strength, began to welcome litigation and quarrels as a means of raising revenue for the Stool. This was an attitude of the official mind which was the direct antithesis to that found in the original courts. In the kindred groups and family circles every effort had been extended towards maintaining quiet and peaceful relations. Hence it appears to have come about that the most characteristic feature of these unofficial courts—the *mpata* or conciliation of the litigants—came to drop out altogether from the higher courts.

Obene (or *Okyeame*) *pata abonten so ntonka a*; *obuada* ('If the Chief (or *Okyeame*) tries to conciliate parties in a street quarrel, he will soon be starving') (lit. fasting).

Chiefs became wholly indifferent to a reconciliation between rival litigants; their interests, i. e. the financial interest of the Stool, were in fact all against it.

Outside the house of many *Okyeame* at the present day stands a *suman* (fetish) powerful in the stirring up of litigation. At Kumawu this *suman* is called *obodiasem* (the case-hearing-rock); at Kumasi it is known as *Nyate* (let me get it soon). Should there be a dearth of cases,

¹ Both had violated a tribal taboo.

the *Okyeame* will pour palm oil on the *suman* and say : *Obadiasem, nansa yi okom eku yen, menya asem nni* (‘ Case-hearing-rock, these days hunger is killing us, let me get cases to settle ’). Small sums will later be deducted from the *Aseda* taken in cases resulting from this appeal, and these amounts will be accumulated until sufficient has been collected to purchase an offering for the *suman*.

Yet again, in a Division in which litigation dwindles and the prerequisites of the Elders become correspondingly reduced, the following opinion on the situation may often be heard : *Obene no, ne tiri nye, obedi adie ; yennya asem nni* (‘ That Chief has not a good head ; since his succession we cannot get court cases to settle ’). In spite, however, of this radical change in outlook, which is easily accounted for, the procedure in *Efiesem* was not really different from what has already been described. Trifling quarrels were settled by any person who had a reputation for wisdom and common sense. More serious disputes were taken before the ‘ house-father ’ or head of the kindred group by an exactly similar process to that with which we have now become familiar, i. e. the ‘ oath ’ ; in this case the little family or household ‘ oath ’ of the senior who was asked to arbitrate. Almost any one might apparently act for the litigants in these household cases, just so long as the Head-Chief’s oath was not involved. As soon as that happened *asem ako akese m*¹ (‘ the matter entered the realm of big events ’). These unofficial arbitrators, unofficial so far as the central authority was concerned, not only had their own little ‘ oaths ’, but they might, and in fact did, accept *Aseda*, probably a pot of palm wine, or later a bottle of gin ; they might give a judgement, although they had not any means to enforce it, save perhaps public opinion and the religious sanction implied in their oath. Their main endeavour was, however, to effect conciliation between parties who brought their disputes before them.

Pata in Ashanti means ‘ to reconcile ’, and *mpata*, the noun, came to be applied to that visible symbol of reconciliation which was tendered by one party and accepted (or refused) by the other. *Mpata* might have consisted of a fowl, or eggs, or the weight in gold-dust of a *domma* (7s.) ; the highest form of *mpata* once known was the *pata ’gwan* (the sheep of reconciliation), or its equivalent in gold-dust (*nsoansa*), i. e. 10s. The acceptance of *pata* by the injured party signified that he had publicly accepted the apology of his late adversary and that he was willing to let bygones be bygones. The acceptance,

¹ There was apparently one exception to the above rule, which will be noted presently.

in fact, placed the recipient under a kind of legal obligation to do so ; it signified an end of the dispute, and the reassumption of mutual friendly relations between all concerned. This reconciliation was further sometimes made even more binding by the late litigants agreeing to swear the arbitrator's private oath that they would henceforth be friends. There was not, it is true, any corporal sanction for its violation. If broken, the arbitrator, when he happened to meet one or other of the parties, might greet him with a satirical *mo* (congratulation), which no doubt contained a veiled allusion to possible supernatural consequences resulting from the violation of his ' oath '. To effect the settlement of a household dispute was idiomatically known as *Kora kora fie, ama efi awo* (' Repairing the house, so that it became dry '). A ' wet ' house in Ashanti signifies one where its head is in trouble and sits moody and brooding. *Pata sika* (conciliation money) might be used by the donee in any manner that he wished ; it need not be shared among others. The original idea in the custom was, I am informed, the presentation to the injured party of something with which he might ' wash his soul ' and thus find peace after the late unpleasant events. *Mpata* might be refused ; the donee conferred a favour on the donor by its acceptance.¹

I have mentioned that there was an exception to the rule that the ' swearing ' of the Head-Chief's ' oath ' always necessitated the transference of the case to his court. The custom now to be noted appears to bear the stamp of a later date, when the fears of supernatural sanctions were in some cases giving way to more mundane and materialistic considerations. One or two of such exceptions have already been referred to in this volume, e. g. how on a campaign the speaking of a *ntam* did not result in any legal consequences ; also the case of the creditor's ' oath ' (*etam ka*), which might be ' winked at '. The further example is as follows : ' When a *fiewura* (house master) was going to hear a case privately, he would sometimes ask the Chief to allow some representative to be present during his hearing of the case, lest the litigants in the heat of their arguments should happen to swear the Chief's " oath ", which, in all ordinary circumstances, would entail the case being transferred forthwith to the higher court. In such a case however, the Chief's representative might be empowered to say *Kat*

¹ The conception of *Mpata* as a form of damages, which the unsuccessful litigant is compelled to pay to the successful one by order of the court, has arisen out of this old-time custom. I am not, however, here concerned with the practice of modern times, so merely draw attention to this fact.

PROCEDURE

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m'ani ("Cover over my eyes"). The party who had sworn this "oath" might then, if he wished the matter ignored, pay the sum of £2 7s. *od.* to the representative of the Chief. This amount, which was commonly known as *obene abotom die* ("something which went into the Chief's bag"), was handed to the Chief, who returned 7s. (the *matabo*) to his official who had been sent to watch over his interests.²

LAW AND PROCEDURE

PROCEDURE (*continued*)*Ordeals.*

THE ordeal was a recognized form of judicial procedure in Ashanti for the determination of guilt. In this chapter I propose to give an account, by an eye-witness, of the 'chewing' of *odom*,¹ at once the most deadly and the best known of the ordeals practised in Ashanti, in olden days.

The ordeal, as a means of reaching a decision in difficult cases, was not ordained to be carried out by the Chief; it was the accused himself who might demand it in order to prove the innocence which he affirmed, but which others refused to believe. Men and women accused of witchcraft often demanded the *odom* ordeal in an endeavour to clear themselves of the charge, and it was also resorted to in adultery cases, in which as a matter of course a witness was not likely to be forthcoming.

The following is an account of the 'chewing' of *odom*, as witnessed (and described) by K. S. in the reign of the Mampon Chief, Kobina Dwumo:

'The Chief's Stool-carrier, one Bonenwen, accused a man called Kwaku Wusu, who was my brother, of having committed adultery with his (Bonenwen's) wife, who was Kwaku Wusu's own half-sister by a different mother. Kwaku Wusu denied the charge, declaring that the woman was his "sister". An "oath" was "sworn" and "responded to" (*bo so*); the case came before the Chief, and eventually Kwaku Wusu swore the "oath" that he should be tried by ordeal (lit. given *odom* to chew). The *Okyeame* repeated this request to the Chief, who inquired, "Does he really wish to chew *odom*?" to which the accused replied, *Nana me tumi awe Amu* ("Grandsire, I am able to chew *Amu*").² The *Okyeame* then turned to Bonenwen (the plaintiff) and said, *Se osie no no, nti to ma no* ("Let it be as he says, so buy it for him"). Bonenwen brought 10s. and gave it to the

¹ I regret I was unable to obtain the botanical name of this tree; it should not be confused with the *odom* tree.

² *Amu*, an *nton* salutation.

Okyeame, who gave it to one of the treasurers. A day was chosen for the ceremony, a "male" day. Meanwhile, the treasurer had to procure two new *abena* (water-pots) and another smaller pot for the *odom* (the *odomkuruwa*). The Chief nominated the officers who were to take an official part in the ceremony, i. e. the *Okyeame* (the prosecutor), who in this case was known as *die obo babadua* (lit. "he who knocks the *baba* stick"); the *fotusafo* (treasurer), who would carry the *odom adaka* (the poison-bark box); another treasurer, who would hold the "little *odom* pot" (*odomkuruwa*). Neither these persons nor the accused might sleep with their wives the night before the ordeal; the accused had in such cases to be specially careful not to be impure in this sense.

Very early in the morning of the trial the *Okyeame* came to the treasury official who was in charge of the *odom* poison, and received from his hands three pieces of the bark, wrapped up in *edwino* leaves. These had to be carried in the right hand until the *odom we* (the *odom* chewing-place) had been reached. It was not customary for the Chief, Queen Mother, or *Mpanyimfo* to be present on such occasions, but the *Okyeame's* presence was essential.

The man who was to drink *odom* was always naked. In the case of a woman, she would not have worn either beads or loin-cloth (*etam*), but would have been allowed to wear a short skirt round her waist. The prisoner who was about to drink *odom* was not allowed to clean his teeth, wash his face, or have a bath on the morning of the ordeal. When all had arrived at the spot where the ordeal was to take place, the accused was sent to draw water in the new water-pots. A person on such an occasion might break as many as three pots before he would finally bring the water. To do so is a sign that you are innocent. Kwaku Wusu was now set on the ground, in a sitting posture, with his legs straight in front of him. A pot of water was set by his right side; the *Okyeame* sat upon his Stool, facing him, holding a *baba* stick in his right hand. A kinswoman of Kwaku Wusu stood behind him, holding a fowl in each hand by the legs. She then began to brush the ears and shoulders of the sitting man with these fowls, saying all the while:

Bosomtwe te wo ho, Kra Yao te wo ho. Se wo bogya sa nse wo ye' biara aye wo bone a, ya gye (nkoko) hyira w'ano. Kra ne' bosom nwontenase ma no nwe odom yi na omfe.

"*Bosomtwe* (*ntoro*) sit aside, Spirit (soul) Yao sit aside. If any of your blood or any of your wives have done you wrong, then accept

(the fowls) and bless your mouth. Soul and totemic spirit, sit ye down and let him chew this *odom* and let him vomit.”¹

‘While this was being said the three pieces of *odom* were placed by the *Okyeame* in the small water-pot. As soon as the prayer was ended, an *afonsoafo* (sword-bearer) took the bark out of the water and gave it to the man to chew, at the same time giving him the water to drink. All the while he was doing so the *Okyeame* kept tapping the ground and saying: *Se asem yi se wa yo na wogye akyingyie a, ya odom yi nyina wo, sanso wonyoye na ye to so a, ya fe* (“If you have committed this deed and are merely denying it, then let this *odom* stand within you, but if you have not done it and they are bringing a false charge upon you, then vomit”).

‘The man kept drinking potful after potful of water. His blood relations (*abusua*) kept exhorting him, *Mia w’ani* (lit. press your eyes), and the *Okyeame* kept repeating the words already given.

‘A man who was drinking *odom* after swallowing about three pots of water would either begin to vomit or he would die. No sooner did people see that the *odom* drinker was about to die, than they shouted *Owuo! Owuo!* (Death! Death!). The *Okyeame* would immediately begin to recite the usual formula, and as soon as he had finished the *abrafo* (executioners) would rush forward and cut off the head of the dying man. The heralds sprinkled white clay on the litigant who had won his case.

‘Should the *odom* drinker vomit, the *Okyeame* would immediately recite the same formula, ending in this case with *Wu di bim* (“You are innocent”). The *abusua* (blood relations) of the man who had successfully undergone the ordeal would lift their kinsman on their shoulders (*si akonkon*) and sing the *abose*:²

Osee ye,
Osee ye
Otweaduampon e
Ye da se o
Ye da se amen.

‘To this Ashanti national hymn they will add a line, *Opeyen, wunya yen* (He who wished to catch us has not caught us). The person who had “bought” the *odom* (i. e. who had brought the charge which had

¹ I do not understand why the Kra Yao should have been called upon, if the man’s name was Kwaku; unfortunately I did not notice this apparent anomaly at the time and omitted to ask for an explanation.

² See p. 104.

resulted in the accused man demanding the ordeal) was now arrested and fastened to a log, and unless his *abusua* "bought his head" would be killed, any further trial not being necessary.

' In this particular case Kwaku Wusu vomited, and the Stool-carrier who had brought the charge would have been killed,¹ but during that same night the *okomfo* (priest) of the god *Apia*, one Kwaku Ketewa, became possessed and rushed before the Chief, saying: *Nnipa^a na wo de no ato dua m', ma yenko tu no se se se* ("The man whom you have taken and fastened to a log, let us release him at once"). The Chief did so, but he had to pay *ntansa* (£24).²

In some cases of *odom* 'chewing', when the person's relatives thought that their kinsman looked as if he were going to die, they would quickly offer to 'buy his head'; if the *Okyeame* agreed, the drinker was immediately treated with an antidote in the form of an emetic, and an injection of red peppers up the anus. Even when a man came successfully out of this ordeal he had always to give the customary *Aseda* to the Chief.

There were several other forms of ordeal which were officially recognized as methods of deciding difficult cases. After the *odom*³ ordeal, the *nkontwuma* (sometimes called *boma twe*) was perhaps the best known. This apparatus (at any rate the one I examined) consisted of seven strips of *otwe* (duyker) skin about one foot six inches long by about half an inch wide. The owner informed me that 'Not just any skin would do; it must be a duyker that had "talked" (cried out) when wounded'. Some objects were fastened at the middle of each strip of the skin:

- (a) A small piece of the bone of an elephant; this strip was named after an *obosom*.
- (b) A small piece of iron; this strip was called *katrema nokwafɔ* (the truthful tongue).
- (c) A *suman* called *tonio eboa* 'Man (*tonio* that helps the Tribe) and composed, I was informed, of some stone or hard substance found in the intestines of the animal.

¹ 'A Stool-carrier may not be struck, nevertheless if he does wrong he may be killed' (*Yemmo ata fe, nsoso ye kum ata*).

² 'It was the spirit of *Apia* speaking.'

³ I have heard it stated, but do not vouch for the fact, that there are only two *odom* trees in Ashanti: one at Mampon, known as *Maniampon odom*, the second at Taffo, called *Taffo odom*. The person demanding to be tried in this manner was allowed to choose the tree from which he wished the bark to be taken. The *odom* ordeal could only arise out of an action in the Chief's court.

- (d) Small disks of brass, called *kra* and *obosom*.
- (e) The claw of a 'pra (armadillo); this strip was called *obarima* (the man).
- (f) The hoof of a duyker; this strip was designated *oba* (the woman).
- (g) Three teeth of the *mampam* (iguana); this strip was known as *mota* (the child).

Method of using the Nkontwuma: The skin of the same duyker from which the strips were cut out is spread upon the ground. The man who is to manipulate the *nkontwuma* hands it over to the person concerning whose affair it is being consulted, and he touches his forehead and breast with it, and hands it back. The professional *Homatweni* (draw-the-string man) now gathers up the seven strips, holding them bunched up about the middle in his left hand; with his right hand he gathers up the seven loose ends between the thumb and fingers, with the back of the hand upwards; he then swings over the hanging ends from right to left, at the same time turning over his right hand, which brings the palm upwards with the strands now lying underneath the back of his hand. According to the sequence and order in which they have fallen, so he will interpret the question to be decided. These *bomatwefo* were (and are) generally priests, hunters, or medicine men. Such a man is called in by the *Okyeame* and elders when they find difficulty in arriving at the truth about a case. Again the request has to emanate from the person who is on trial. The *nkontwuma* men were often consulted privately, i.e. quite apart from the official patronage of the higher courts. When the *nkontwuma* has proved the guilt or innocence of the party the *Okyeame* immediately steps in and delivers the judgement in the customary way. The professional *nkuntwuma* man was paid about a *domma* (7s.) for the part which he played.

There were many other forms of ordeals and lots: *Wosuo* (molten lead), said to have been introduced from the Ewe, across the Volta; *Pannie*, passing a needle three times through the tongue: 'If the needle refuses to pierce the tongue that person is guilty'; *Boa*, said to be a Mohammedan charm; it consists of a forked stick, which is pushed with the hand, the thumb being pressed into the fork and the end of the stick pushed among certain objects till it knocks one or the other away.

In all these cases, even where the ordeal might itself have been of a deadly nature, the idea that lay behind its employment was never

that of punishment. The ordeal was employed solely to determine guilt or innocence, and in the event of its indicating the former, the secular power (as was seen in the account given here) quickly took charge, and a corporal sanction hastened the end which the wisdom and judgement of a supernatural power had decreed.

SOME BASIC PRINCIPLES IN THE ASHANTI
CONSTITUTION

I PROPOSE to summarize in this final chapter some of the conclusions at which I have arrived as the result of the survey which this and previous volumes now complete. I have chosen as my heading the title, 'Some Basic Principles in the Ashanti Constitution'. Into the word 'Constitution' in this connexion it is necessary to read a wider meaning than is generally applied to this term.

Among the Ashanti—and indeed the Akan-speaking race as a whole—the word must be understood to embrace something more than a body of legal and traditional principles governing the relation of the native state authorities to each other and to the people they govern. The word 'Constitution' means to these people their attempt to correlate nature's laws with the human laws and regulations to which they are subject.

The 'ancients' who framed the Native Constitution, and indeed their more modern descendants almost up to the present day, were, as my readers must have observed, burdened with a weight of responsibility, from which those who framed European laws and the Constitutions with which we are familiar might well have recoiled in hopeless despair.

The Ashanti law-makers' task entailed the ultimate acceptance of the responsibility for the even and normal working of forces which we regard as wholly beyond our power to control. They had to see to it that the 'Constitution' of their Tribe was such that it would ensure, or at least not flagrantly militate against, the normal functioning of what we regard as nature's immutable laws. The assurance of bountiful crops; the continued fertility of the tribe; the even cycle of the seasons; the course of the heavenly bodies and the protection from some cataclysm which would destroy them and mankind;¹ the control of other forces of nature—rain, lightning, floods; the onslaughts of wild beasts; sickness, and finally death itself—all these were concerns for which human beings were considered directly or indirectly responsible, for which, in consequence of such beliefs, the Elders of the Tribe had to legislate.

¹ e. g. in an eclipse of sun or moon.

While we may possibly correctly assume that such an outlook upon life must have had a paralysing effect on the mind, it must not be forgotten that the supernatural sanctions such beliefs imposed on the conduct of individuals may have served possibly in no small measure to keep the race from moral lapses, which might have resulted eventually in deterioration and ultimately perhaps in tribal extinction.

I believe that most of what must now be considered unnecessary, evil, or foolish in the West African's past beliefs arose from this confusion of the natural with the social order. The cult of the *suman* (fetish), witchcraft, black magic, would disappear before the teaching of elementary scientific facts. I would therefore advocate the inclusion of such a course in the curriculum of every school and mission.

I have elsewhere pointed out that 'fetishism' is not and never was the dominant feature in Akan-Ashanti religion. Were fetishism abolished from the Ashanti creed, the people would still be left with a Supreme Being, with the lesser nature gods, and with their ancestor-worship. The value, to missionary bodies, of the first belief is obvious and is now acknowledged almost universally. With regard to the second belief, animism may seem to be a difficult and dangerous path to tread and one almost wholly incompatible with Christian teaching. There is something, however, in the old Ashanti belief in a 'living universe' that, coupled with modern scientific knowledge, should go to produce a blending of the scientific outlook with a love of, and understanding and communion with, Nature, which seems to me to be much preferred to an ultra-material and purely scientific outlook upon life.

With regard to the last of these three beliefs—i. e. the cult of ancestors—with which so much of these volumes has been concerned, I have not the slightest hesitation in pleading with missionary bodies for tolerant and sympathetic treatment of this important feature in the Native Constitution. The attitude of mind that formerly lumped the cult of 'Samanfo (ancestral spirits), *abosom* (the lesser gods), and *suman* (fetishes) together and relegated all of them to the category of 'fetish' worship and of 'devils' is not scientifically correct and consequently is not tenable.

I think the most critical inquirers must have failed to find anything inherently objectionable in the *Adae* ceremonies—those ceremonial occasions when ancestors are called to mind—which have been described so fully in a previous volume.¹ It is not, however, on this

¹ *Ashanti*.

I propose first to recapitulate just sufficient evidence to show :

- (a) How the *kingly office* grew up in this part of Africa.
- (b) The Ashanti conception of that position.
- (c) The meaning of *citizenship* to an Ashanti.
- (d) Wherein the Ashanti conception of *democracy* apparently differs from our own.

The danger of assuming or accepting our own preconceived ideas and our own definitions as being more or less also the same as those of the Ashanti is very great, because the differences which exist between the two standpoints are often so subtle as to escape even careful examination. They were sometimes even deliberately obscured by the African himself as part of the political game.

The first training the Ashanti *wiemfo* (man-in-the-street) received in what we term 'citizenship' was gained in his family circle, i.e. among his *fiefo*.

The prototype of the modern Chief had also his place in this innermost circle of what I shall hereafter call 'concentric circles of loyalty'.¹ He was the *fie-wura* or 'House-master', the head of the family group, whose position I have endeavoured to describe in this book.

The effect of early training in both cases lasted right down to the time when the family had expanded into the clan, the clans into the tribe, and the tribes into the nation, with an apparent corresponding change in the status of the head of each group with every expansion of his sphere of influence. This experience has never been lost sight of for a moment ; it remained and became what may well be called 'a basic principle'.

It is with this innermost circle—the family—that I have therefore first to deal, for it was here the Ashanti learned a lesson, and became accustomed to an institution which he never forgot and has never really changed (although in later times it was often almost wholly obscured by high-sounding titles and confusing terminologies), for it was from this family tradition that he came to insist upon *being governed patriarchally rather than aristocratically*.²

The head of the family in olden times (and indeed to-day) succeeded to his position, as we have seen, by an almost identical process by which a Chief finds himself on a Stool at the present day. The law of

¹ I am very much indebted to the very valuable book by Professor Zimmern entitled *The Greek Commonwealth*, in which I find a really remarkable likeness between the constitution of ancient Greece and that of the Ashanti.

² However much the outward trappings of the government might seem to point to the latter as being the state of affairs.

primogeniture did not necessarily settle the election, save that he would ordinarily have been chosen from the descendants of the senior ancestress from whom he traced descent. To what did he succeed? This question, as we have seen, may be answered in a sentence: *He succeeded to obligations rather than to rights*. This may be accepted as a second 'basic principle'. He enjoyed no more property or right to the movables or immovables of the family than any other of its members. He controlled his household always and without exception, subject to consultation with all or at least with its most senior members, but he did not control all equally. The House-master, owing to the fact that the family was necessarily a bi- or a multilateral unit,¹ had less direct authority over those members of it who were not of his own *abusua* (blood). The powers which this 'House-master' wielded were apparently very great, but all this authority and any sanctions which he was authorized to impose rested upon the essential fact that his was a kind of corporate authority in which every blood-relative had a voice.

Again, outwardly he appeared more wealthy than any other member of his household, but this was only because he administered the whole estate for others. In that estate every member of his kinsmen had a stake. His special position did not confer upon him any special monopoly. In a sense, indeed, so far as personal possessions over which he had complete control were concerned, he was really worse off than the most humble member of his group, for everything he possessed privately when he assumed the headship of his house, and everything he earned or made after accepting that position, fell into the family pool on his death.

What was the 'House-father's' special claim to demand respect and to exercise authority? It was ultimately due to his spiritual position. He was the selected custodian of his family's ancestral spirits, and in this lay his chief claim to command obedience and respect, and to exercise authority over a little democracy, wherein all free men were equal and the only real aristocracy recognized were the dead.

It was in such a little community that our Akan-speaking African first learned the lessons of chieftainship, and that his willing subjects gained their first experience and obtained their particular conception of what to them formed the elements of good citizenship, i. e. a sense of equality and brotherhood which was based on the knowledge that all shared common human emotions and on the proved usefulness of

¹ Owing to the incidence of exogamy.

one human being to another. It was here he learned to expect and to render all the 'lesser loyalties' which later served to link him with the head of his State (*Oman*). It is a lesson which the African can well teach the European, who finds it difficult, if not impossible, to carry out the dispositions which alone render family amenities harmonious into his service and dealings with the State. To break down a single one of these lesser allegiances is, in my opinion, a very grave mistake. It would be a policy which would have far-reaching and serious consequences, for it would be cutting at the roots of the Ashanti conception of citizenship. *The fostering of every lesser loyalty thus becomes yet a third 'basic principle'.*

This family was a corporation. Action, even thoughts, certainly speech on all special occasions, were corporate affairs. It is not easy for us to realize what must have been the effect of untold generations of thinking and acting and speaking, not in terms of one's own self, but in relation to a group. One result has been that to an Ashanti the idea of what we should term 'moral responsibility' is perhaps far more developed than among ourselves, where individualism is and has been for so long the order of the day. This is an important point to note.

Every germ of the more advanced system of government with which we have now to deal already existed in this little family democracy. As one example only, of many that might be given, the methods by which serious disputes were brought before the 'House-father' for settlement were, as we have seen, the exact prototype of the procedure of later days, when a higher central authority came to supersede in certain cases the commands of the 'House-father'.¹

The routine—the half-formulated rules binding the conduct of individuals within the family circle, rules relating to property, inheritance, ownership of land, the collection of family contributions—became the customary laws with which the African is now familiar, and govern the larger groups. The *lares et penates* of the 'house-father' became the sacred *agyapadie* (heirlooms) of the Stool; the various duties assigned to the different members of the family gave rise, as those duties became more onerous, to the appointment of officials whose business it became to supervise and to be responsible for their performance.

The family may be likened to a circle, and there were many such circles, but first *eccentric* to each other, and each one jealous of an-

¹ See *Religion and Art in Ashanti*, Chapter XXII, 'Oaths'.

other. They were, indeed, though not isolated, more or less insulated communities. Later on, lines of contact, always rather weak and undefined, came to stretch from the centres of many such circles and converged upon another point which was the centre of a greater circle, the 'House-father' of which, at least nominally, came to control all the lesser circles. These latter now assumed very much the nature of satellites grouped around the greater body. This central body was itself ever expanding and throwing out wider and yet wider concentric circles, each new ring embracing fresh family circles until, finally, the circumference of the outermost circle of all formed the boundary of what is known to us as 'the Paramount Chief's lands'.

This society (now the tribe), the composition of one of whose units has been sketched, must not be regarded as composed of so many persons, but as consisting of an aggregation of units, each of which is the original family group. These aggregations at first consisted of the little hamlet composed of three or four families under an *odekuro* (a kind of Headman). Then several such hamlets came under a larger village, i.e. under a Sub-divisional chief. Afterwards a greater town claimed to be over all these; its head became the Divisional Chief. A still greater township then claimed to be over all, and we have arrived at our Paramount Chief. This process of amalgamation (a kind of centripetal process, to continue by analogy of circles) went on in many different localities, and in such manner there sprang up the numerous territorial divisions, each under its own Paramount Chief—each 'Paramount Chief' wholly independent and often jealous of another.

Only in Ashanti was this process carried one stage farther by one of these 'Paramount Chiefs' throwing a circle round all the rest and making the circumference of that circle embrace many tribes. In other words, he controlled a Nation instead of merely a Tribe. The 'Paramount Chief' of a Tribe now came to stand in relation to Divisional Chief, to Sub-divisional Chief, and to Headmen under Sub-divisional Chiefs, in very much the same position as the 'House-father' had stood *vis-à-vis* the various members of his household. He could neither demand nor expect more service or allegiance from these than they had been prepared to exact or expect from their households, and the claim to any authority over them at all lay in their corresponding right to be consulted about every matter having a bearing on their affairs in which the Paramount Stool wished to interfere.

Every one of these subordinate Stools (our concentric circles of

loyalty) possessed a history, a tradition, a genealogical tree, and an organization which was an exact replica of those possessed by the Paramount Stool. The smallest of these Stools was as jealous of its traditions as the greatest, and but for the dangers of the age in which all these amalgamations took place, would possibly have continued to remain more or less insulated. It was only the quest of common safety, summed up in the words 'unity is strength', that made the Ashanti accept a form of government that superficially might seem to savour of an aristocracy. He kept this aristocracy, however, and allowed it to function as such, only on the very rare occasions of a great emergency. Rulers and ruled well understood that such was to be the case. The tribal or national danger having been averted, each unit went back largely to the management of its own affairs, as long as those did not affect a wider group. When they did so, the machinery was ready for the transfer of the dispute from Tribunal to Tribunal right up to that of the 'Paramount Chief'.

The policy adopted to govern the Native State may be summed up in a single word, *Decentralization*. This idea was another fundamental of the Ashanti Constitution. Upon it, in my considered opinion, lay the whole success and wonder of this loosely bound confederacy.

A 'Paramount Chief' who endeavoured to centralize too much in olden times generally paid with his life for his folly in having allowed his ambitions to override his knowledge of his own Constitution. This quick and drastic treatment always prevented the serious spread of an innovation which was wholly foreign to the Constitution, and one which, if persisted in, would very soon have broken up the smooth working of tribal affairs. Ashanti history illustrates this again and again.

I now come to consider more particularly the functionary whom we call 'Paramount Chief'. This official traced descent down the female line from some remote ancestress, who is supposed to have been the founder of his kindred group. His office has been traced back to that of the simple 'House-father' who ruled over his undivided household and was priest, in a sense, as well as arbitrator.

In this and almost every other respect the position of the modern Ruler has altered but little. The latter is still intermediary between the 'Samanfo' (ancestral spirits) and his subjects and performs the ceremonies of the *Adae* festivals. His person, just so long as he is on the Stool, is sacred. In spite of this reverence and religious awe, however, his subjects had always very distinct ideas as to the manner in which he could exercise his authority constitutionally. When officiating in

any Tribunal, his role was expected to be that of a judge, who sits and permits others to do most of the talking, he himself only interfering very occasionally to correct some illegality or to guide the case. *Ohen' okyeame* (i.e. a Chief who takes upon himself on any occasion the function and duties of a 'spokesman') is recognized as a term of universal opprobrium among the Akan-speaking people.

The authority of a Chief became limited and severely defined, as time went on, by a whole series of injunctions which were publicly recited before him on his enstoolment. For our present purpose, the most important of these admonitions¹ was, never to act without the advice and full concurrence of his councillors, who were in turn subject to similar restraints. Failure to accept such guidance or advice, or the least attempt to act upon his own initiative, was always a legitimate cause for destoolment. To all outward appearances and to the superficial observer, the fiction indeed was often encouraged that he was a despot and an autocrat. In reality, every move, every command which appeared to emanate from his mouth, had been discussed and agreed upon in private by every councillor who had a say in the affairs of State. These councillors, in turn, would also have taken care to sound *their* subjects right down to the *Asafo*.² Nominally autocratic, the Akan constitution was in practice democratic to a degree, of which even now not many have any correct conception. I have already on several occasions used this word 'democratic', and it is time to explain what the term implies in this part of Africa.

We pride ourselves, I believe, on being a democratic people and flatter ourselves that our institutions are of a like nature. An Ashanti who was familiar alike with his own and our Constitution would deny absolutely our right to apply this term either to ourselves or to our Constitution. To him a democracy implies that the affairs of the Tribe (the State) must rest, not in the keeping of the few, but in the hands of the many, i. e. must not alone be the concern of what we should term 'the chosen rulers of the people', but should continue to be the concern of a far wider circle. To him the State is literally a *Res Publica*; it is every one's business.

The work of an Ashanti citizen did not finish when by his vote he had installed a Chief in office. When we speak about the action of any Native Ruler as necessarily being 'constitutional' because he has been

¹ That such were necessary shows us clearly that there has always been a striving of Chiefs to gain individual authority and that the *Oman* stepped in to prevent this.

² Not to be confused in any way with the newer organization, the *Asafo Kyeahu*.

duly elected by the votes which placed him in office as the chosen 'mouthpiece of his State', we come perilously near to talking nonsense. No Chief, however constitutionally elected, or any body of Chiefs had in the past authority to pass any decree or to exercise any legislative or executive function until the whole matter had been submitted to their people (*Oman*). The rights and duties of the Ashanti democrat were really only beginning after (if I may use a homely analogy) the business of the ballot-box was over. In England, the Government and House of Commons stand between ourselves and the making of our laws, but among the Ashanti there was not any such thing as government apart from the people. This was perhaps the most important of the 'basic principles' which I have so far mentioned.

The old *Oman* or national councils did not meet and sit to pass laws or give judgements, but to discuss policy, which was then referred back to the respective *Oman* or *Omansin* (sub-tribal Division) before a final decision could be taken constitutionally. A Paramount Chief and such of his councillors as attended with him were never anything more on these occasions than vehicles of communication.

I think the word Ambassadors or counsel best describes their functions on these somewhat rare occasions. By these terms I mean to imply clearly that they ceased, for the time being, to have any authority to exercise the executive and judicial powers which each had a right to exercise, when at home in his own tribunal and surrounded by his particular subjects by whose votes he had been elected. Here then we have a far more real equality than any which our laws confer upon us. To the Ashanti our equality would seem a fictitious fellowship. Theirs was the real fraternity based from time immemorial on common needs, a common daily intercourse, in market,¹ farm, hamlet, or forest, and a common outlook upon life. This free community and its open air existence created that great force which we call 'public opinion'. It may seem unreasoning and unreasonable at times, but it has to be reckoned with, and it is our business to try to understand it. I believe that our inability to reach far below the surface in an examination of 'the kingly office' in West Africa, as in many other cases, notably in the field of religion, has been due largely to a confusion of ideas caused by the terminology we employ to interpret words from the vernacular.

¹ Their very expression for a market and a meeting-place in council was the same. i.e. *adwabo*, surely an extraordinarily significant fact.

'Paramount Chief' is a term for which I do not know any equivalent in the Akan language; even the term *Omanbene* is a coast-made title. Our words 'King' and 'Prince', so often employed by the old writers, and used in so many former treaties, are wholly misleading. It is absolutely essential to free our minds from almost every preconception which these words convey to us almost unconsciously. In this part of West Africa, there was not any such gulf between 'Kings' and their peoples as we almost inevitably think their respective status must postulate. An Ashanti 'King', with apparently the power of life and death, with a great army at his command, the possessor of great wealth, the lord of a hundred wives, when his office terminated for any particular reason, would often go back to his farm plot or to his hunting in the forest. I know several powerful 'Kings' who are hunters—that oldest of the world's brotherhoods. Among the Akan-Ashanti the young 'royals' (*adebye*), 'Princes' as we call them, were often placed under the keepers of the dunghills to prevent them becoming conceited. Sons of a King of Ashanti were once set to carry the hammock of the King's favourite slave.

I lay some stress upon this because I notice on many sides that there is a tendency for 'Paramount Chiefs' themselves to forget, or ignore, or obscure these facts, and to wish apparently to set themselves up as 'petty Kings' in the sense in which such titles would be understood in the Western world. When they do so, their subjects, who have lagged behind and do not understand these innovations, but know only the old Constitution, protest. Their Rulers then appeal to our Government to maintain their dwindling authority. We, seeing that it is the case that their subjects seem lacking in loyalty and obedience, feel vaguely that we must uphold the authority of the Chief Rulers, and proceed to do so, sometimes I think without quite clearly comprehending the deeper causes of all this unrest.

This brings me to the second heading which I promised to investigate, i.e. *the causes which are operating to diminish the power and authority of the greater Chiefs.*

I think that these causes may be grouped fairly accurately under three headings :

(1) The decline of the old religious beliefs and the preaching (without very much thought or care of results in many cases) of the doctrines of Christianity.

(2) The non-observance and non-enforcement by subjects and 'Paramount Chief', respectively, of the rightful obligations enjoined

by Akan customary law, more particularly in relation to the question of land tenure and taxation.

(3) The attempts being made to centralize the government of a State at the expense of many lesser loyalties, and the fact that Paramount Stools, while on the one hand neglecting to enforce legitimate obligations due to them on the part of their subjects, in other spheres claim greater powers and authority than those conferred upon them by the original Constitution.

With regard to the first of these causes, I would refer to the preface of this volume, which deals with this aspect of the subject, which I believe to be vital in Africa to-day.

The second of the causes which I have mentioned as lying at the root of the present unrest is so important, so intricate, and apparently so little understood, that I have devoted considerable space to it in this volume.¹

The third cause I have already dealt with. I have for several years past been coming more and more to be of the opinion that 'Paramount Chiefs' are forfeiting much of their old authority over Sub-Chiefs and their people, because they are themselves losing sight of what their real position was under the old Constitution, and are endeavouring to exercise their authority in such a manner that it may, sooner or later, cause them to lose what still remains to them of it. I shall end this chapter by giving a simple example of what I mean.

A District Commissioner instructs a 'Paramount Chief' to clear a portion of road in his Division. Now, the person responsible for the upkeep of this particular section is, let us say, A. B., who is an *odekuro* of Z., who is directly under a Sub-divisional Chief, X. Y., who in turn is directly under C. D., a Divisional Chief, who serves the Paramount Chief directly. The Paramount Chief, wishing to show how powerful he now is under the aegis of our Government, sends a messenger direct to A. B. and orders him to clear the road. Among his own immediate following, the Paramount Chief had greatly enhanced his reputation for power; incidentally, he has strained, if not estranged, the loyalty of every one of the lesser links between himself and A. B. If Head-Chiefs could only be made to realize all they ultimately lose by such conduct, I think there would be fewer cases of the breaking away of so many of the lesser of our 'concentric circles of loyalty'.

¹ See Chapter on *Land Tenure and Alienation*.

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- Zulu, 123 n. 2.

killed at funeral customs (with the permission of the Chief). *Obene nko a, na owo sekan* ('It is only the Chief who has the knife').

Slavery in West Africa has been aptly described by Mary Kingsley as 'a state of servitude guarded by rights'. There were so many apparent serious disabilities attaching to the status of a slave, that the numerous and sometimes striking rights he enjoyed may easily be overlooked. There is a saying, *Akoa nkwa ne ne wura* (A slave's life is his master's), but a slave, whatever his offence, might not be killed by his master without the full consent of the central authority, who, as we have noted, would employ his own servants to carry out the sentence. To kill a slave in Ashanti without such permission was 'murder', and the offence was liable to be punished as such. Even the powerful *Mpanyimfo* (Elders) in Kumasi had no power to kill their slaves.¹ The mutilation of a slave without similar authority was forbidden. A slave might marry; own property; himself own a slave; swear an 'oath'; be a competent witness; and ultimately might become heir to his master. Each of these points will now be examined in detail.

Marriage: A male slave (i. e. an *odonko* or *akoa pa*) might enter into a contract of marriage. The union might be with:

- (a) A female slave owned by his own master.
- (b) A female slave owned by another master.
- (c) A free woman (but possibly only in case of an Ashanti slave, *akoa pa*).

In case (a) the master, in case (b) the master of the slave-girl, and in case (c) the father of the woman, would receive the *aseda*, which would enable the slave to claim adultery damages from any person, free man or slave, who 'took his wife'. Not only so, but the Ashanti law further decreed that the 'adulterer', if the master, should pay double the customary 'satisfaction',² and the adulterer, if a Chief, was liable to be destooled. In the case of a slave's master committing adultery with the wife of his own slave, the following additional ceremony sometimes took place. The master was ordered by the Chief to find a sheep and place it across his shoulders. He then knelt down in front of his slave, who was seated, brought the sheep over his head, and

¹ Permission having been obtained to sacrifice a slave at a funeral custom, a fee had to be paid to the Chief 'to buy the knife', this amount being the equivalent of £1 3s. 6d. and two bottles of gin; the latter was for the executioners.

² On the analogy that a Chief's subjects are his *nkoa*, a Chief who commits adultery with the wife of such is at the present day called upon to pay double adultery damages.

Genealogy of Chiefs and Queen Mothers of the Bekwai Division

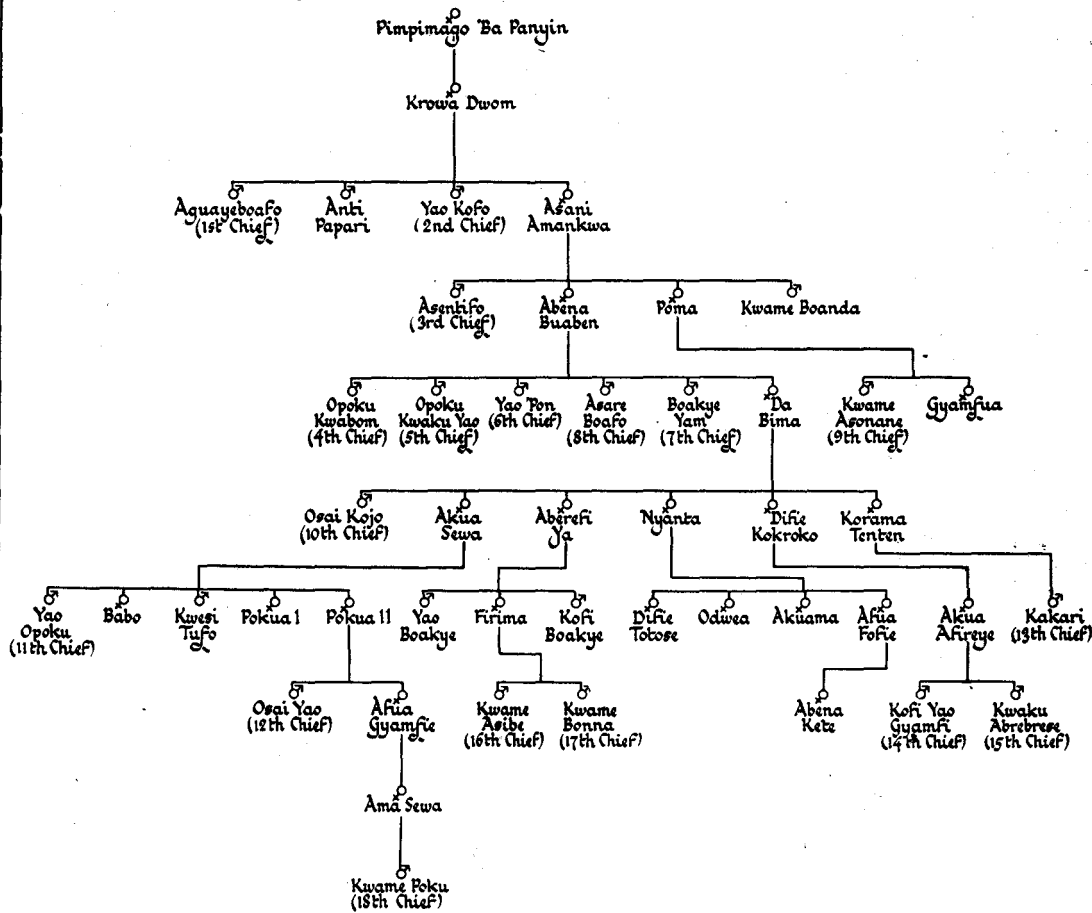
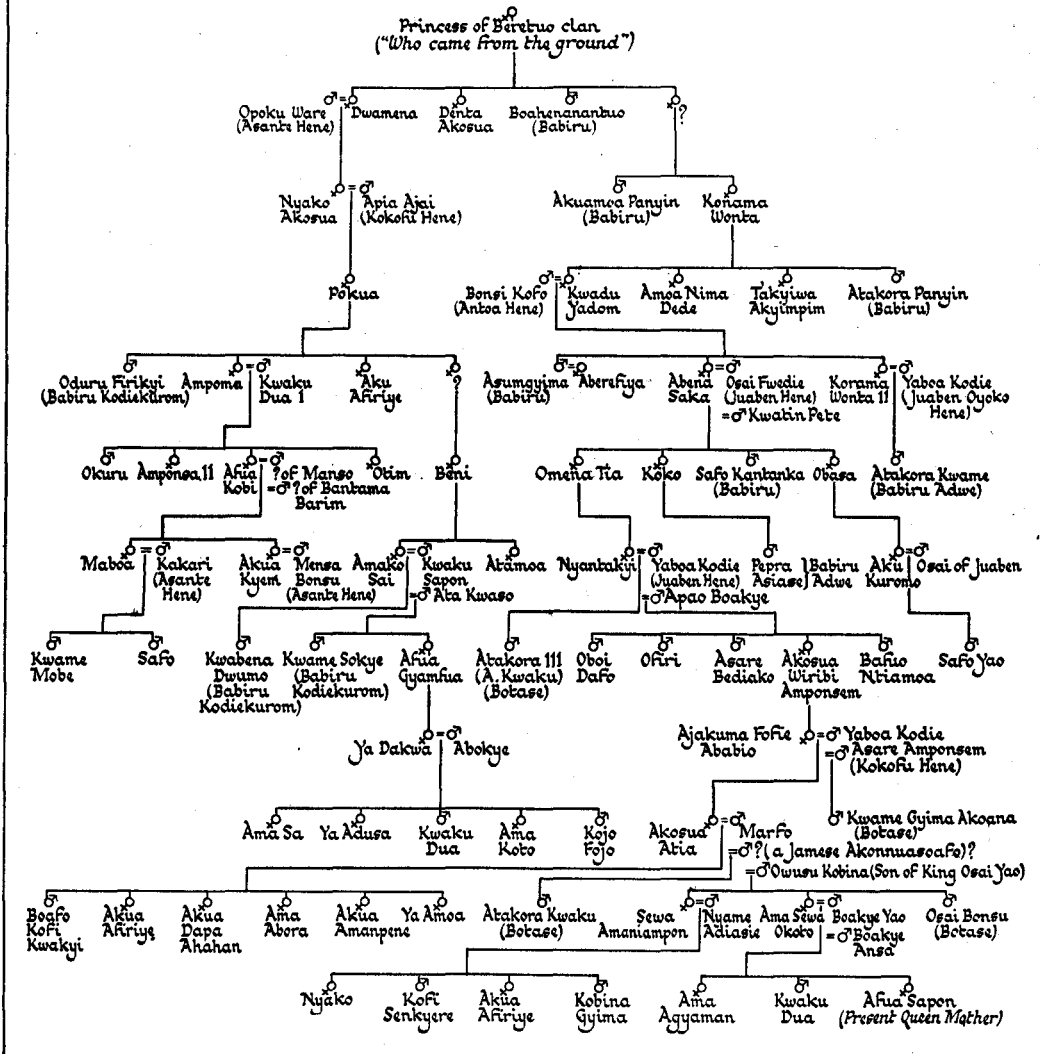


FIG. 22 a

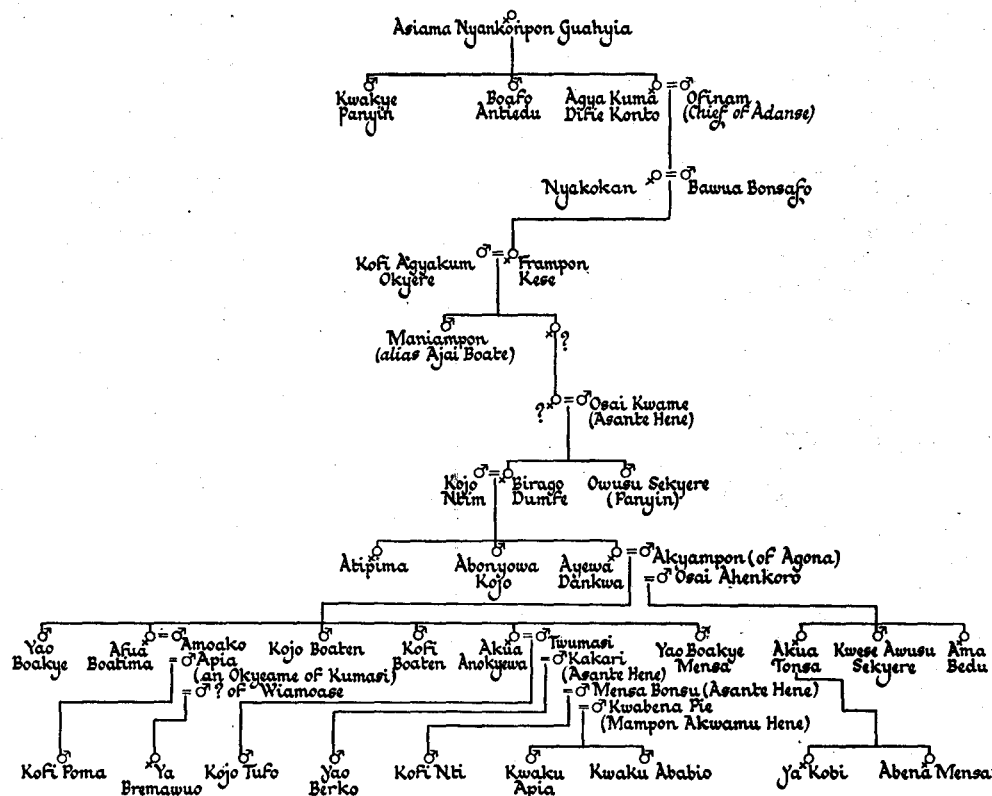
Genealogy of Chiefs and Queen Mothers of the Beretuo Clan, from the Botase and Babiru branches *



* Several weeks were spent in the compilation of this genealogical table, and every endeavour made to render it accurate. Owing however to the circumstances already explained it is possible that it contains errors of both commission and omission.

FIG. 67

Genealogy of Chiefs and Queen Mothers of the Tana Clan from the Wiredu branch *



* Several weeks were spent in the compilation of this genealogical table, and every endeavour made to render it accurate. Owing however to the circumstances already explained it is possible that it contains errors of both commission and omission. R.S.R.

FIG. 68

Genealogy of Komfo Anokye showing his ascendants and descendants and his relationship to King Osai Tutu and to the present Chief of Agona

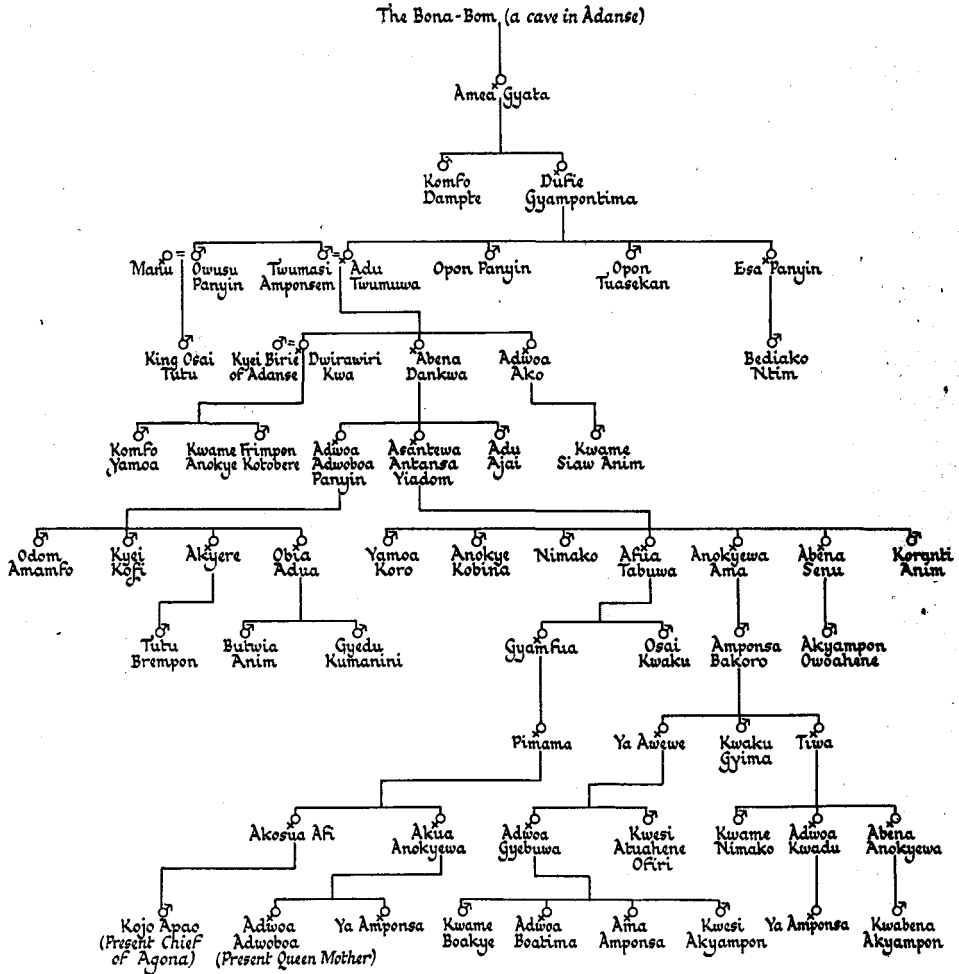


FIG. 98

nsa a, wo bobo afe (‘ When murder is in your head, and you have become drunk with wine, you strike to wound ’).

With regard to madness, Ashanti tradition records that once upon a time this affliction was regarded as a sufficient excuse, for the madman who killed any one was fastened to a tree and left to die, unless his relatives chose to bring him food. It is possible, of course, that the disinclination to execute the homicide who was seen to be mad might have arisen owing to a superstitious horror of killing a person so afflicted. The following story, however, would seem to point to his exemption from capital punishment having been due to a recognition of the absence of *mens rea*. ‘ Before the reign of Osai Yao, madness was regarded as an excuse for murder. King Osai Yao made a test to find the justice or otherwise of this exemption from the consequences of an act. He caused a drunkard and a madman to be placed in a house which was then set on fire. The madman soon began to scream, “ They are burning me ”, and ran outside ; the drunkard lay still and was burned to death.’

It has already been noted in many of the Constitutional Histories, that Head-Chiefs, even those who had authority ‘ to wield the knife ’ —i. e. to execute those of their subjects who were guilty of capital sins —were forbidden to carry out the sentence of death upon a murderer, although permitted to pass sentence of death upon him. This was because the highest central authority, the *Asante Hene*, had instituted a particularly terrible punishment for the offence. The *Atopere* dance of death has been fully described in my last volume. No doubt this gruesome form of execution was thought to deter others ; many of my informants stated that murder was a much rarer offence in former times than at the present day.

see seems likely to take place here. In England under feudalism, land was at first held on conditions of service very similar to these obtaining in Ashanti before 1896. As I have already pointed out,¹ by far the most onerous of these conditions was the obligation to fight when called upon by the overlord and to obey his summons 'by day or by night', as the Ashanti oath of fealty ran.

The establishment of Government control in West Africa automatically rendered this aspect of feudal service a dead letter. In England, as we all know, a similar obligation gradually gave way to the payment of scutage. The great Barons (who occupied a position, in relation to the lords of the manors and the peasantry, in many ways almost analogous to that of *Amanbene* (Paramount Chiefs) *vis-à-vis* lesser Chiefs and the small-holders) were confronted with the very danger that now seems to me to threaten West African Chiefs. The Barons realized that they had lost or were losing control over tenants and land alike, and hastened to seize the unallocated communal lands, which then became their own private estates. It is hardly possible for any one with an intimate knowledge of conditions and tendencies, on the Gold Coast to-day, not to see the probability of very similar processes setting in here. There is the danger that Stool lands, i. e. the lands of the tribes,² will cease to be held in trust for the tribes by the paramount Stools and gradually become the freehold property of individuals. As a natural corollary of this will follow the inevitable impoverishment and final collapse of the Stools', i. e. the Chiefs' power, the very essence and most visible outward sign of whose authority was their control of all land in their capacity as trustees. It is perhaps here necessary for me to state that I postulate as the ideal for these people, a race, the bulk of whose population is settled on the land; the maintenance of the revenues necessary for the advancement of their country and countrymen secured by agricultural pursuits, not as paid labourers, but by each man working his own holding; and, finally, the possession of all land safeguarded by trusts as constituted in the Tribal Stools.

It is this ideal that I fear will be likely to be seriously menaced in the not remote future. We have seen how, owing to the peace which a stable government has brought, the most onerous service which the landholder was called upon to perform was almost literally wiped out in a day. Nor was it thought fit to substitute anything in its place.

¹ See *Ashanti*, Chapter XXI.

² Now the Territorial Divisions under *Amanbene*.

account alone that I would advocate extreme tolerance of such rites, and even the fostering of the spirit which they manifest. The time-immemorial respect shown to the 'House-father', developing at a later date into the traditional respect for those in authority over the larger group, had its roots in reverence for and remembrance of the dead. The firm belief that the departed continue to take a lively interest in the affairs of their descendants bound the people together and enabled them to attain to a considerable standard of culture. Propitiation of Ancestors has been and still is an essential part of the whole social system, and the foundation of unity, respect, and obedience to those in authority in the family group, which is really the basis of all civilization.

I propose now to turn to the question of government as understood by the Ashanti in the past, and to try to arrive at some conclusions which may be of value in the sphere of practical local politics to-day. It has been realized, and has been noticeable for some years past, that the power and authority of the greater Chiefs over Sub-Chiefs and people have tended to dwindle, and consequently that the loyalty and obedience of their subjects in many instances have weakened somewhat seriously. This state of affairs has resulted in numerous cases of friction and in many 'destoolments' of Chiefs. Every Political Officer is to-day familiar with the dictum 'the power and authority of the Paramount Chief must be upheld', and most local legislative measures have had this end in view.

I think we may accept as an axiom, that before any body of law-makers sets out to define and to regulate the exercise of certain powers and jurisdictions by Native Authorities, it is essential that it should grasp quite clearly the basic elements in the old Constitution upon which it is endeavouring to frame its more modern laws. These new measures may not, and indeed cannot in many instances, *conform to the letter of the old Native laws if free play is to be granted to modern advancement and progress*. The ultimate cheerful acceptance and smooth working of any new law will, however, possibly depend on the careful preservation of some essential or basic principle, which, although often obscured by a mass of non-essential principles, is realized by the people to have been one of the foundations of their ancient and venerable Constitution.

It is the basic principle, or principles, in the Ashanti Constitution: (now using the term in the more restricted sense with which we are familiar) which I now will endeavour to describe.