

ON THE HWESONI, CARETAKER, CATEGORY OF LAND  
HOLDING IN AHAFO LAND TENURE

I wish to draw attention to a few facts relating to the category of hwesoni, caretaker, landholding found, as far as I am aware, only in the Ahafo district, formerly of Ashanti, but now of Brong-Ahafo region. Neither R.S. Rattray, (*Ashanti*, Oxford, 1919 ch.xxi) nor K.A. Busia, (*The Position of the Chief in the Modern Political Systems of Ashanti*, Oxford, 1958, chp. iii) showed any awareness of it. It seems to me its implications may go beyond those stated by Mr. Justice Ollenu (*Principles of Customary Law in Ghana*, London, 1963, ch.ii) as appertaining to land rights acquired by conquest. In this note, however, I shall merely set out a few of the relevant facts known to me and leave analysis to wait upon a fuller investigation.

Ahafo traditions say that most of the Ahafo district was captured from the Aowins in the reign of Opoku Ware: 1720-1750.<sup>1</sup> The chief leaders of the Ashanti army were granted the areas in which their contingents fought and where they had posted their scouts to watch and report on the subsequent movements of the Aowins. Boundaries between grants of land were marked by rivers, trees and other distinctive natural objects. In the course of the 18th and 19th centuries the scouts' and hunters' settlements grew by additions of war-captives and refugees from neighbouring countries, including Akim, Denkyera, Akwamu and Gyaman. Permission to enter the district had to be obtained from the Kumasi chief who was said to 'own' the area in which the immigrant desired to settle.

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1. Fuller in his A Vanished Dynasty, says it was Sehwi territory.

Migration to the Ahafo area was desired because it was the centre of the snails, nwa, collection; it was rich in game; and because settlements like Acherensua and Mim were the location of famous shrines, Apomasu and Obuo respectively. The people of Acherensua and Mim say that the settlements grew into villages largely through additions of supplicant - visitors to the gods.

These traditions are credible since they are repeated by the Ahafo people themselves. (I have collected nearly the same versions in Acherensua, Mim, Akrodie and Kenyasi). But they are also supported by proceedings and decisions at the Asantehene's court of which the Institute now has many of the records. I cite a few cases:

1. In the Great Oath (Ntamkese Mmiensa) Case of Kenyasi No.1 Odikro Kwaku Aday (Plaintiff) vs. Mim Odikro, Kofi Kwarteng (Defendant) representing the Akwaboo Stool (As/CR 19, 1940) the court sustained the claim of the Plaintiff that:

'It was the Asantehene Nana Poku Ware (Katakylie, the valiant) who planted his ancestors on this land and when Nana Osei Kojo, (successor to Opoku Ware) created the Hiawu Stool, he transferred (the allegiance of) his (Plaintiff's) ancestors from the Bantama stool to the Hiawu Stool with the disputed land'.

2. In the matter of Barehene (Gyedu Kumanini) a Kumasi Chief, complainant vs. Ntotrosu (Ahafo) Dikro (As/CR 38, 1952) the Barehene successfully claimed from the Ntotrosu Dikro, shares in land and cocoa tribute in his capacity as caretaker of Ntotrosu land.

3. At an arbitration under the presidency of the Asantehene to enquire into the complaints by certain Ahafo chiefs against Akwaboahene and some other Kumasi chiefs 'owning' land in the Ahafo area that the Ahafo chiefs 'do not get our due shares of the income realised from the lands' the Mimbene speaking for the Ahafo chiefs said:

'We brought this petition simply to ask that we might get our respective shares of the revenue accruing from the lands over which we are caretakers for Otumfuo Asantehene; we did not come to demand as of force, but we thought that as chiefs responsible for matters affecting the areas in our charge we should get the customary share...'

This is part of the reply to the Akwaboahene who had said:

'I have no objection if Otumfuo would decide what proportion of my land revenue should go to the Hwedimhene; we are all caretakers for the occupant of the Golden Stool and whatever Otumfuo decides I have no quarrel with it. (AS/CR 13, 1957).

I wish to make two points arising from above: firstly, the payments and services due from Ahafo lands were not different in kind from those due to other chiefs living among their own people. But the source of right to them and the ground of its validity were different. These Kumasi chiefs were in effect absentee landlords. They were not chiefs with respect to Ahafo in the normal Ashanti usage; that is, in the sense of a ruler claiming authority over a group of people living on a piece of land where his matrilineage legitimately claims hereditary chiefship by virtue of primary

occupation of the land. Normal claims to title are validated by establishing clear genealogical (in the maternal line) relationship to the first occupant of the 'blackened' stool, that is the founder of the village, or in the case of a division, of the capital town of the division. (AS/CR 31, 1946). In fact a Kumasi chief in certain cases did not have political authority over some of the people living on his land. In Mim, for example, the matrilineages of the Benkumhene, of Gyasehene, of one Kyeame, spokesman, served other chiefs than the Akwaboahene who was the 'caretaker' for the Asantehene of the Mim lands. This meant that these matrilineages rendered military service through other chiefs than the Akwaboahene though the latter was entitled to payments of dues from them for occupying his land.

The extra-normal source of right to the produce of the land and the ground of its validity is one and the same thing and this is the second observation I wish to make. The source of, and the ground of the validity of the right to dues was the Asantehene's power to make such grants.

The Ahafo lands acquired from the chief of Aowin were the Asantehene's to give out as he wished. But he remained the ultimate owner and the chief granted part of the land became the 'caretaker'. Conquest being the mode of acquisition, mode of distribution also differs from that in the rest of Ashanti which remained unaffected by the Ashanti unification. Thus one finds the word caretaker, hwesoni used in relation to land in the Ahafo district.

The notion of caretaker, hwesoni, used in relation to anything implies a conditional and an impermanent grant by the owner of the thing. It is always clearly understood by the recipient that his retention of the thing depends upon the fulfilment of certain conditions. The notion of hwesoni, thus also implies correlative rights and duties. The receiver of the thing always owes the grantor some duties in return for the benefits accruing from the limited ownership that he receives from the

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grantor. Applied to the Ahafo lands this meant that the grants of lands were made subject to the fulfilment of certain conditions, though, as we have said, distinguished military service in the Abiri Moro war had determined the grant in the first place. Clearly the chiefs who were granted these lands were at least expected to continue to render military service. The Asantehene also retained hunting rights in these lands. A Kumasi chief was expected to send shots and powder to the Adikro, village chiefs under him, who organized hunting expeditions and periodically sent venison to the Kumasi chief and the Asantehene. The Asantehene was already entitled to shares in the larger animals killed; such as the skin and tusks of the elephant. Until recently these rights were commuted to shares in revenues. Theoretically the caretakership of any of these lands could be withdrawn from a chief by an Asantehene.

My concern is not with the generally known point that Ghanaian stools (skins) acquired 'paramount...sometimes called absolute, final, radical or allodial' title to land (Ollenu, op.cit.4). I wish to suggest that there are indications and possibilities of feudalistic parallels in Ahafo land tenure that may have escaped attention even though this was not true of central Ashanti itself. It seems to me that a case exists for investigating further this category of hwesoni or caretaker landholding in Ahafo.

Kwame Arhin

SALAGA 1875-1900:

The history of Salaga in the last quarter of the nineteenth century epitomises the impact of European imperialism in Africa -- the breakdown of an African state and the pattern of trade which had been associated with it; the enforced opening-up of trade routes to European commerce; the recruitment of people from a remote area to form a Colonial constabulary; the Scramble for Africa; and the eventual establishment of European rule.