

# Some Aspects Of West African Land Tenure

by Bredu Pabi

The Common Law maxim, that every individual Englishman's home is his castle, has little or no application to West Africa and in particular to the Gold Coast. In the latter country the very piece of land or the portion of ground on which is situated the "castle," so to speak, let alone the "castle" itself is considered a communal property. This is paradoxical, but curiously enough, real property concept, patterned on a peculiar indigenous land tenure system has dominated West African social order particularly, the Gold Coast, both in the past and present, and it is more likely to operate, in those areas above mentioned, within the framework of the system in the immediate future, subject, of course, to some form of modification pressured upon the system by the strain and stress of some social and economic forces without necessarily impairing the pith and substance of the system itself.

In a short article such as the present one under consideration, due to economy of space, it is impracticable for one to be able to dialate all the detailed facets of a traditional land law and practices as exist in the Gold Coast. However, a cursory observation of some of the essential points of the system may help to throw light on the subject.

In a country like the Gold Coast where the common law operates as a legacy of British judicial system, one is likely to wonder whether property law affecting freehold interest has superceded traditional land tenure because of that country's relation with Britain. The answer is in the negative. Britain's association with the Gold Coast had sprung from friendly intercourse cemented at the centre by trade and commerce in the mid 18th century. By mutual bond of 1844, the Gold Coast Colony accepted British administration for protective measures in return for future trade between the two countries; and by the same token Great Britain bound herself to respect cultural institutions of the people and particularly their traditional land tenure system.

By 1897 a British colonial governor attempted to pass special legislation to alienate all Gold Coast lands into crown lands. The prime factor beneath this legislation was the fact that private investors in Britain experienced through their agencies in the Gold Coast enough difficulties in establishing mineral concessions with private individuals of the soil. Besides, trading firms and other commercial enterprises of non Gold Coast origin desirous of acquiring lands by means of outright purchase from individuals or groups, met a similar lack of cooperation for such agreement of sale of land. In consequence of these barriers, the representatives of the various investment interests were ale to influence the policy makers of the day to initiate a legislation which otherwise might bring all lands of the country under the crown. This move on the part of the Colonial governor at the time created a considerable conflict between the indigenous population and Her Majesty's representative to the extent that special delegation from the people requested an audience of Her Majesty the Queen through the Colonial Office in London for their representation on the "Alienation of Lands" issue. Mr. Joseph Chamberlain then Secretary of State for the Colonies at the time instructed the Gold Coast governor to repeal the "Lands Bill of 1897" which sought to declare all lands of the Gold Coast into Crown lands. This historical conflict served as a significant landmark to subsequent governors who tried to avoid the sensitive issue of Gold Coast lands. It became part of the Colonial policy that the Gold Coast lands should not be for sale to non-Gold Coast Africans.

Behind the facade of this historical struggle to preserve the Gold Coast lands which both the British Government and the British Local Administration representatives had early recognized its necessity, it is necessary to comprehend the traditional land tenure system itself. What is it? Indigenous Africans conception of the ownership of land and all immovable properties attached or erected on the land presupposes relatively, the exclusion of individual ownership and to the extent that it regards lands as belonging to the community. These lands may be held in trust for the community by a

Chief. The phrase "in trust for the community" is even misleading in view of the fact that the Chief is himself primus inter pares with the External Family of a narrower term community and his authority of parting a portion of the supposedly trust property to even an individual member of the same External Family requires a sanction of the community itself. Ownership of land rests with the community. The community is therefore considered the entity to which belongs all freehold interest. The community is composed of the individual memers alive and unborn. Any contract of sale of land has to be made between members of the community alive and unborn as party of the first part and the prospective purchaser as as party of the second part. Since an unborn party is not alive at the time a contract is executed before his arrival in this mundane sphere, evidently, the purchaser runs the risk of entering into a transaction to which he becomes a party of an executory contract as to the unborn and executed agreement as between himself and the other parties presumed alive. This leaves room for the unborn party of the first part to declare an election of such a contract being made voidable at any future date. This situation creates the presumption that a bona fide purchaser for value of the sale of land will always be the loser where a contract to buy land from an individual member of the community or all the members of that community require the consent of the unborn child. It is not only impracticable but impossible. Therefore, fundamentally, there is no contract of sale of lands in indigenous African land tenure system in the Gold Coast.

## Canada's Continent-Wide College

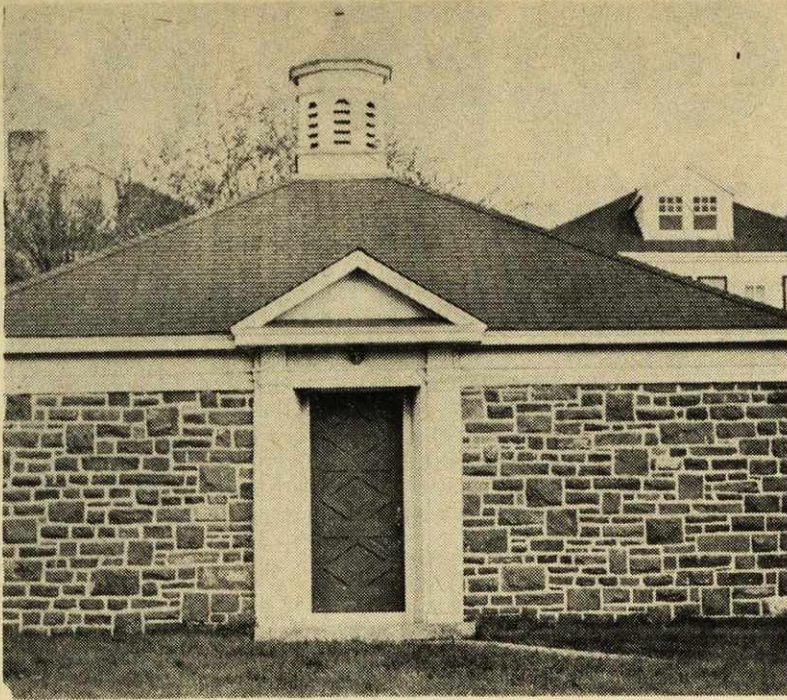
by John Nichols

Part II

The idea of Frontier College, that of serving the thousands of laborers who are developing the Canadian hinterland originated at the turn of the century with the late Rev. Alfred Fitzpatrick, of River John, Pictou County, Nova Scotia who remained in charge of the work 'till 1935. From 1935 until his death in 1954 Frontier College was directed by one of Mr. Fitzpatrick's former laborer teachers and later, his assistant, Dr. Edmund W. Bradwin. Mr. Eric Robinson, M.A., the present principal, was Dr. Bradwin's protegee and is ably carrying on the work Dr. Bradwin, who was often described as a "muscular Christian."

It was Dr. Bradwin who gave the present Frontier College the impress of his own personality. Working through summers and winters on gangs he took his M.A. from Queens University by reading and writing at the university in the slack working seasons. In eight years at this part-time study he earned his degree, and later went on to a Ph.D. at Columbia University. In 1935 for his contribution to the concept of Canadian citizenship he received the honorary degree of Doctor of Laws from the University of Toronto.

Dr. Bradwin used to evaluate each student by his hand shake and determined look in the candidate's eye. He rarely made a mistake for he often followed his knuckle crunching handshake, even at 70 with the question: "Are you big enough, humble enough, to take your college education and culture to men on the frontier in the one form they can most readily assimilate it—that is, on the end of a pike pole, a tamping rod or a mucking



## THE SEISMOGRAPH

by LeRoy Peach

Did you know that the earth is rocked by roughly 18,000 quakes a year and that an Earthquake 7000 miles from Halifax is recorded on Dal's sensitive seismograph station, built by the Dominion Observatory in 1916, is one of the 300 stations presently operating around the world and recording very useful data for the geologist. Since the installation of new equipment in '52, much information from seismograph records has been made available to Ottawa concerning the manner in which waves are transmitted and the nature of the interior of the earth.

One asks how and why do these tremors occur? An earth-

quake is the vibration of the earth due to the release of energy by a fracturing of the earth's crust and other factors. From the centre of the shock, longitudinal, transverse and surface waves are transmitted in that order and the seismograph which has a rigid support attached to the earth's surface, records the quake.

Research into the possibility of predicting quakes has been going on for some time. Should stations ever be able to anticipate earth tremors, shocking disasters like the tragedy of San Francisco in 1906, and the death of 100,000 persons and destruction of Yokohama in 1923, will be averted.

## Foreign Students At Dal

By Dennis Madden

Foreign students on the campus are on the increase, today there are approximately 80 foreign students from 22 countries on the campus.

These students from abroad represent a multiplicity of languages, cultures and customs, and face many problems upon their arrival on the campus which are unknown to the indigenous student. These problems might include language, currency, customs, curriculum, racial discrimination or sheer loneliness. Many of these problems can be solved by the individuals themselves or with the advice of a friend. In the larger universities in Canada and the United States there is a special foreign student advisor to assist these students. At Dalhousie there is no such officer; however, the Director of Public Relations does assist foreign stu-

dents when they seek his aid or advice. At present F.R.O.S. (Friendly Relation with Overseas Students) is being re-organized on the campus so that during the spring and summer its members will be able to assist students from abroad to find lodging in the city. It will also carry on a programme of orientation enabling foreign students to integrate themselves more quickly into Canadian University life. Apart from this organization there is no agency on the campus or in the city to assist foreign students upon their arrival in this country.

Whether these students from Africa, Asia, Europe and the West Indies succeed in their academic pursuits will depend largely on their efforts and zeal. Whether they succeed in creating greater understanding and good will among their countries and ours will depend for the most part on their "hosts", the Canadian University student.

These students will return to their countries in a few years to take positions of leadership and importance. The understanding and good will of today will be reflected in their acts of tomorrow.

On the Dal campus students from abroad have little opportunity to meet in groups with other students to discuss topics of common interest. The International Discussion Club, a new organization on the campus, was set up to foster a greater interest in international events. Although participation in its activities has been very limited perhaps in the coming year greater efforts will be made to make it a forum for the exchange of ideas between all students on the campus.

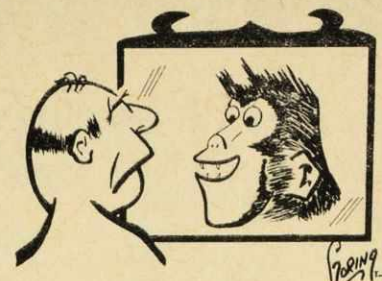
Off the campus, the Rotary Club has shown an interest in foreign students in the city area, and during the past few years has invited several of these students to its dinner meetings. Many other clubs in this city might follow this very fine example.

Two weeks ago, an international banquet was held by the Halifax Ministerial Association at Kings College and was attended by over sixty students, many in their native dress. This is undoubtedly a very good method of getting to know students from abroad and at the same time learning something of their customs and culture.

The best way of getting to know our friends from abroad is to invite them into our homes, enabling them to see something of our domestic life, an opportunity which is all too often withheld.

Foreign students are a very important group on the Dalhousie campus and can make a vital contribution to the thinking of the university community, but only if they are given this opportunity by their "hosts", the Canadian University Student.

# LET'S FACE IT



By Anne Coburn and Libby Mayall

## FRIENDLY RELATIONS WITH OVERSEAS STUDENTS

Today is your first day at a university — for example, the University of Bordeaux. For the first time you are thrust from your home province into a strange land. Back in high school you had a smattering of French, but you find communicating in French a slow and painful process. The climate, the civilization and the food are all different.

You are no longer in the land of hot dogs, juke boxes, drive-in theatres, and football rallies. How bewildering your new life must be! Your studies, classes, and conversations are conducted in a language not your own. You can't find a decent hamburger! Even the coffee tastes strange. The people think and act differently than you do. You're bewildered. You're lonely. You don't seem to fit in with the life around you. More than anything else, you want a friend to talk to.

This is the situation of a foreign student in any university. If you have never been in such a predicament, you can only imagine what it would like. But have you any idea of the suffering that may go with it? Have you EVER stopped to think about it? You must have realized that there are foreign students on the campus, but HOW is Dalhousie acknowledging the presence of these students? At the moment, the only action being taken seems to be through the Registrar's office, which supplies lists of foreign students to those organizations interested in their welfare.

Somebody IS interested. A new organization known as F.R.O.S. (Friendly Relations with Overseas Students) has appeared on campus. With the inspiration of two faculty members, Canon Puxley and Dr. MacKinnon, the organization was formed this year. Though not yet operating, it hopes that by next September it can join all the other Canadian branches in taking positive action. As a Dalhousie organization, its success or failure depends entirely on you.

Why all this sudden interest? These students have been on the campus for years. They are absorbed into the University and its classes, but when lectures are finished where do they go and what do they do? Obviously somebody did take the trouble to consider this question. As a result, the primary purpose of F.R.O.S. is to befriend the stranger. They strive to extend a heart-warming, PERSONAL welcome; they realize that the ever-present possibility of doing something which differs from the customs of Canada is a constant strain and anxiety to the foreign student. Thus F.R.O.S. supplies the answers to many questions and criticisms which the foreign student could not place before a comparative stranger.

Many of your impressions of distant lands are formed by the students who come from them. Thus a Chinese student from Hong Kong might be considered an ambassador of his country. But this relationship has two aspects — not only do you form impressions of their countries, but they also form opinions of your country—Canada. Quite often these students are chosen people being educated by their governments as future leaders. Canada, as a growing, progressive country, has been considered a suitable background for higher education. Dalhousie should be proud that its name and excellent reputation have extended so far across the world. Many of these students, upon graduating, will return to their homes carrying their memories of Dalhousie along with their degrees; other might remain in Canada, returning the benefits they have obtained

from her. In any case, international understanding should be promoted — but is it???

In discussing this problem of cultural adjustments one must also consider the religious aspect. Coming from lands where Christianity has been introduced as a religion of love, these students must face disillusionment upon arrival. How strong is the religion of love on the North American continent? It has been said by Rev. Ted Nichols, General Secretary of SCM, that "One Christian African who comes to Canada and is slighted and embittered can do more to retard the Kingdom of God upon his return to Africa than five missionaries can do to advance it in one year." One of the reasons that the Communists have progressed so far is that they practise what Christianity preaches — living in fraternity. Is it not disturbing to realize that we, through our neglect, may be slowly helping to build up a tragic situation internationally?

## Dal Art Exhibit

by Anna Cooke

The third annual exhibit of the Dalhousie Art Society was held recently in the Art room of the Arts and Administration building. An appreciable interest has been shown in this project since it was inaugurated in 1954. This year over 25 members of the Dalhousie staff student-body and alumni exhibited their work. It is a most enjoyable experience for observers to see how some members of the Dalhousie community spend their leisure time. Many of the entries attest both the talent and serious endeavor of their exhibitors.

The paintings ranged from black and white portraits to more elaborate oils.

The well-known Halifax artist Aileen Meagher had two pastels, "Roadside Jungle" and "Pine" hanging. The color-tone of both these works was mellow and vibrant. "Jane" a particularly good portrait exhibited by Elizabeth Cox attracted much favorable comment during the show. W. R. Trost entered two excellent wood sculptures, "Bony Man" and "Lady." Both demonstrate fluid and graceful lines exemplifying the technique of the art.

"Dartmouth Lakes" a tempera painting by Olga M. C. Douglas is one of her typical landscapes fresh touch and a bold approach.

"Nanuktut in Mist" is an interesting combination of oils and a sort of glassy-pebble dust sprayed over the canvass. It was entered by G. Vibert Douglas.

Many others were represented and well worth noting. Mrs. Borden Haverstock's water color "Still Life Group"; "Honefoss, Norway," by Mrs. R. S. Cumming; Caroline Weld's "Lucerne" made an interesting water color of a group of houses; Edgar S. March's "Autumn, LeHavre, North Branch"; "Coburg Street Bridge" by Beecher Weld; a good "Winter Scene" by Catherine Weld; another water color "Peggy's Cove" by C. E. Marshall; and several water colors by Audrey Hamilton.

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