JOURNAL OF

AFRICAN LAW

Official organ of the INTERNATIONAL AFRICAN LAW ASSOCIATION [1969] J.A.L. Spring 1969 Vol. 13, No. 1

Edited by A. N. ALLOTT and H. F. MORRIS

CONTENTS

NOTES AND NEWS		•
DISCRIMINATORY RESTRICTIONS ON PRIVATE DI LAND IN TANGANYIKA: A SECOND LOOK		2
REFORM OF CUSTOMARY COURT SYSTEMS IN N THE MILITARY GOVERNMENT	IGERIA UNDER A. O. Obilade	28
A NOTE ON THE CONSTRUCTION OF THE GOLD TION STATUTE	COAST RECEP- R. B. Seidman	45
REVIEWS		52

LONDON BUTTERWORTHS

EDITORIAL COMMITTEE

- A. N. Allott, Professor of African Law, University of London (Joint Editor).
- J. N. D. Anderson, O.B.E., LL.D., Professor of Oriental Laws, University of London.
- H. F. Morris, Reader in African Law, University of London (Joint Editor).
- A. Phillips, O.B.E., J.P., Emeritus Professor of English Law, University of Southampton.
- J. S. Read, Reader in African Law, University of London.
- I. SCHAPERA, D.Sc., F.B.A., Professor of Anthropology, University of London.

NOTES TO CONTRIBUTORS

- 1. Manuscripts should be typed in duplicate, with double spacing and on one side of the page only.
- 2. They should be sent to:—Professor A. N. Allott, Department of Law, School of Oriental and African Studies, University of London, 38 King St., London, W.C.2.
- 3. It is regretted that no payment can at present be made to contributors; but authors of articles receive 25 offprints free of charge.
- 4. Business communications (e.g., in regard to subscriptions or advertisements) should be sent to:—Messrs. Butterworth & Co. (Publishers) Ltd., 88 Kingsway, London, W.C.2, and not to the Editor.

THE INTERNATIONAL AFRICAN LAW ASSOCIATION

The Association is concerned with all aspects of the laws of African countries. Membership of the Association, which is in two classes, individual and corporate, is open to all those with a professional interest in African Law. The current rates of subscription (entitling members to receive the official organ of the Association, the Journal of African Law, free of charge) are:—Individual member: £2.12.6 (or \$7.50) per annum.

Corporate member: £5.5.0 (or \$14) per annum.

The official languages of the Association are English and French.

For further information on the organization and activities of the Association, write to the Secretaries-General—Dr. J. Vanderlinden, Faculty of Law, Haile Selassie I University, P.O. Box 1176, Addis Ababa, Ethiopia; or Professor M. Alliot, 23 Quai Alphonse Le Gallo, 92 Boulogne-sur-Seine, Seine, France.

Three issues a year

Annual subscription . . . £3 3s., including postage
Single copies . . . £1 5s. each

JOURNAL OF

AFRICAN LAW

VOLUME 13 1969

LONDON BUTTERWORTHS

ENGLAND:

BUTTERWORTH & CO. (PUBLISHERS) LTD.

LONDON: 88 KINGSWAY, WC2B 6AB

AUSTRALIA:

BUTTERWORTH & CO. (AUSTRALIA) LTD. SYDNEY: 20 LOFTUS STREET

MELBOURNE: 343 LITTLE COLLINS STREET

BRISBANE: 240 QUEEN STREET

CANADA:

BUTTERWORTH & CO. (CANADA) LTD. TORONTO: 14 CURITY AVENUE, 374

NEW ZEALAND: BUTTERWORTH & CO. (NEW ZEALAND) LTD. WELLINGTON: 49/51 BALLANCE STREET AUCKLAND: 35 HIGH STREET

SOUTH AFRICA: BUTTERWORTH & CO. (SOUTH AFRICA) LTD.

DURBAN: 33/35 BEACH GROVE

Printed by Eyre & Spottiswoode Ltd, Thanet Press, Margate

EDITORIAL COMMITTEE

- A. N. Allott, Reader in African Law, School of Oriental and African Studies, University of London (*Joint Editor*).
- J. N. D. Anderson, O.B.E., LL.D., Professor of Oriental Laws, University of London.
- H. F. Morris, Reader in African Law, University of London (Joint Editor).
- A. Phillips, O.B.E., J.P., Emeritus Professor of English Law, University of Southampton.
- J. S. READ, Reader in African Law, University of London.
- J. Schapera, D.Sc., F.B.A., Formerly Professor of Anthropology, University of London.

INDEX

ARTICLES								PAGE
Krzeczunowicz, G.	The pres							145
Mensah-Brown, A. K.								57
Obilade, A. O.	Reform	of cust	omary	court :	systems	in Nig	eria	
					rnment		•••	28
Poulter, S.	The con						•••	127
Sawyerr, G. F. A.	Discrimi	inatory	restric	tions c	n priva	ate disp	osi-	
a n n	tion	s of lar	id in Ta	angany	rika: a s	econd 1	ook	2
Seidman, R. B.	A note						oast	
W 1 C D	rece	ption s	tatute	•••		• • •	•••	4 5
Woodman, G. R.	Estoppel	l by juc	licial de	ecision	in Gha	na	•••	80
Zabel, S.	The legi						and	0
	-		_		inanc e s	•••	64	, 158
International African L	AW Assoc	CIATION	NEWS	•••	•••	• • •	• • •	55
LEGISLATION								
Botswana		•••	•••		•••			98
Notes and News								
Editorship of the Jour	nal	•••			•••	•••		ı
Zambian Law Journal	l	•••				•••		I
Reviews								
J. N. D. Anderson (ed	.), Family	law in	Asia an	id Afric	a			124
D. C. Buxbaum (ed.),						in Asia		
Africa				• • •				126
J. Comte and others, A	ide-memoir	re à l'usc				es		126
B. W. Harvey, A guide	to the law	and pr	actice of	costs	•••	•••		125
E. Landis (comp.), Ref	ressive leg	islation	of the R	epublic :	of South	Africa		182
A. Mabileau and J. M	leyriat (e	ds.), D_i	ecolonisa	ition et	régimes	politique	s en	
Afrique noire	•••	•••	•••	• • •			•••	126
K. M. Maini, Land La			•••	• • •	•••	•••		52
H. F. Morris, Evidence			•••	•••	•••	•••	•••	52
J. O. Orojo, A guide to					conduct	and etiq	uette	
of legal practitioners					•••	•••	•••	125
P. G. Willoughby, A g								125
P. G. Willoughby and B. W. Harvey, A guide to income tax and capital								
gains tax	•••	• • •	•••	•••	•••	•••	• • •	125

CASES	REPORTED,	DIGESTED	OR	COM	MENT	ED	ON
	1. /	ALPHABETICA	L LIS	Т			
							PAGE
	ttorney-General of S		2.]	•••	•••	•••	103
	. Mwinyigoha [E.A.				•••	•••	179
Opoloto v	. Attorney-General	of Uganda [E.A.	C.A. U	ganda	•••	•••	117
	:	2. SUBJECT IN	DEX				
Constitu	tional law						
1	titutionality of legislive amendment—V mental rights provis of Sierra Leone]	Vhether legislation	on in	conflict v	vith fur	ida-	103
Courts							
1	t of Appeal for Eas Uganda <i>ex officio</i> a j [<i>Opoloto</i> v. <i>Attorney-G</i>	udge of the Cour					117
Customa	rv law						
Zara	mo customary law- land and his descend				who cl	ears	179
Land							
•	to land—Governm occupation by mem occupy from govern	ibers of a tribal	unit	Presume			179