



UNITED NATIONS  
TRUSTEESHIP  
COUNCIL



Distr.  
GENERAL

T/PET.4/103  
25 April 1955

ORIGINAL: ENGLISH

PETITION FROM MR. E.F. FAWTY CONCERNING THE CAMEROONS  
UNDER BRITISH ADMINISTRATION

(Circulated in accordance with rule 85 and supplementary rule F of the  
rules of procedure for the Trusteeship Council)

Civil Suit No.39/51  
of Menemo Native Court,  
Bamenda S.W.F.  
Moses Ndam Vs. Fomukum

E.F. Fawty. B.N. No.11465  
Plot No. 80 Buea  
Stranger Quarters,  
23/3/1955

The Trusteeship Council  
Lake Success U.S.A.

Confirmation of a misled and prejudiced judgement  
Petition against.

Sir,

I have the honour most humbly beg to submit for your view and immediate  
action the following reports.

That your humble petitioner as named above is the representative of the  
defendant in the above Suit acting on his power of attorney and petitions for  
and on behalf of the defendant Fomukum of Ku.

That the defendant is the Landlord of turuwa land by right of his ancestor's  
first settlement and planted very many raphia bushes, palm trees, and all kinds of  
economic trees, and lived also in the land for many generations without any  
interference by the plaintiff's ancestors.

That the defendant himself had lived in the land for many years without any  
interference by the plaintiff and had planted also raphia bushes, palm trees,  
and all kinds of economic trees, while maintaining the place as the only farm land.

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That the plaintiff is some kind of hedge lawyer at Mbengwi misleading a badge of people under the Village head of Mbengwi, by creating false history to claim all lands at Mbengwi to make himself a land lord over all Mbengwi, land, to become chief. The aim of the plaintiff is to dethrone the Chief Forkeh the Village head of Mbengwi, of the fifth generation of Tenetong who first settled at Mbengwi before the birth of Christ and his generation ruling till date and to create a new ruler in their family which is aiding him in creating troubles now.

This would give rise to a bad feeling which might cause trouble in the whole Menemo Area.

The Resident was misled in his review dated No.9/1953 by basing judgement on the land boundary of ku and Mbengwi which was not the subject matter of the above Suit, and failed to find out why the defendant has been maintaining the land for many years without interference by the plaintiff.

The Resident was misled by the interpreter who was also a witness to the plaintiff and was interested to the plaintiff's Case and the land in dispute was not inspected by any of the Courts. The Resident adjourned the Case for many days for enquiry before decision and might gathered false information from the interpreter who was corrupted. This was where the case was prejudiced. The defendant had had a dispute with one Akong Mundi over apart of the land and had succeeded in Resident's review in 1939 and obtained plan for the land given to the plaintiff.

The attention of the administering authority Bamenda is drawn to check the numbers of Suits made by the plaintiff against other people for land Claim in his life in the Menemo Native, to rectify his aim.

The attached is a copy of a petition addressed to the Ccmmissioner bearing the whole history of the land, and the reply which confirms Resident's decision and awarding the defendant's land and property to plaintiff.

That the views of the defendant were not well presented accordingly as the result of misinterpretation by the interpreter who was corrupted by the plaintiff, and who was also a witness in the very case. It is regreted that during the trials in the Courts the land in question has not been inspected by any of the Courts and no sketch map has been made so that the judgments affected several

people who were not sued and brought in these Courts by the Plaintiff thereby rendering any enforcement of the judgment against any of the parties extremely dangerous. The Resident was misled by the interpreter to base his judgment on Ku and Mbengwi land boundary which was not a subject matter of the Plaintiff nor the Defdt.

In the circumstances of the cloudy atmosphere of great confusion in these trials your humble petitioner therefore begs and prays that the Council peruse carefully this humble petition and order a retrial and re-opening of the case from the level of the Native Court. Copy of the Affidavit for stay of execution of the Resident's decision is herewith attached for your most humble petitioner looks forward for the most valued instructions at the earliest convenience.

I have the honour to be,

Sir,

Your most humble petitioner,

(Signed)

E.F. FAWTY

For and on behalf of the Defdt.

Copy of this petitioner is forwarded to the Commissioner of the Cameroons, Buea, the Resident, Bamenda Province, the District Officer, Bamenda District, Bamenda, the Secretary Federal Government, Lagos, Nigeria.

Note by the Secretariat: Copies of the following papers were attached to the petition. They have been placed in the files of the Secretariat and are available to the members of the Trusteeship Council upon request.

1. Application dated 31 March 1955 to the Magistrates Court for a stay of execution of the Resident's review No. 9/53 of 28 August 1954.
2. Letter dated 29 November 1954 from the Commissioner of the Cameroons to the petitioner's client informing him that the Resident's judgment is final.
3. Letter dated 1 November 1954 from the petitioner's client to the Commissioner of the Cameroons asking him to review the Resident's decision of 28 August 1954.

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