

11.If someone asks for forgiveness after doing something terrible, should he/she still be punished? Who has the right to punish him/her?

12.Are you superstitious? Explain.

13.Did you ever neglect to pay back a loan, or has someone ever neglected to pay you back?

Name \_\_\_\_\_

**Jury Questionnaire**  
**Ajaiyi and the Witch Doctor**

Most jury questionnaires ask questions like:

Have you or any close friend or relative ever been the victim of any crime?  
Have you or any close friend or relative ever been accused of a crime?  
Convicted?  
Is there anything about the nature of the crime charged that would keep you from being fair and impartial and deciding this case solely upon the evidence?

The following questions have been designed to get you to think about the major issues from the short story. Please respond in as much detail as you feel comfortable. You may discuss these issues with your fellow jurors but you need not share your responses with them. Use a separate paper if necessary.

1. Have you ever been poor, hungry, or had to struggle to make ends meet? What would you do if you or someone you know desperately needed food, clothes, or money?
2. At what age do you feel a person should get married? Is this age different for a man than for a woman? Why or why not?
3. How long should you know someone before you commit to marriage?
4. Do you or does anyone in your family carry on a family tradition or custom? If so, what is it? (Examples: passing down a quilt, piece of jewelry, or wedding dress; opening one present on Christmas Eve; sweet sixteen parties; etc.).
5. Did you ever have a job you hated? If so, what kind of work did you do? What made it so terrible? What kind of work do you think is the worst?
6. Did you ever lose someone close to you? How did you cope?
7. Were you ever the victim of bad advice from a friend? What happened as a result?
8. Do you believe that other people have psychic powers, that they can see the future or tell your fortune? Why or why not?
9. Did you ever feel pressured into doing something you didn't want to do?
10. Name three professions or relationships in which trust is absolutely important (Example: doctor/patient).

**TRIAL GUIDELINES:** People vs. Ajaiyi

Counts/Charges: Attempted Murder (premeditated)  
Attempted Manslaughter  
Armed Robbery (£600 = \$1,500)  
Assault with a Deadly Weapon  
Aggravated Assault  
Possession of Stolen Goods  
Malicious Mayhem  
Pain and Suffering

Prosecution may change or add additional charges.

Plea: Not Guilty.  
**Defense:** Do not use the insanity plea; rather, prove that, under duress, Ajaiyi used reasonable force to prevent himself from being victimized and bore no ill intent toward the Witch Doctor. This is a case of self-defense.

Burden of Proof: Defendant is innocent until proven guilty.  
**Prosecution:** Must prove that Ajaiyi did not follow legal procedures to obtain alleged stolen property and that he did, by force and violent measures, acquire money from an unwilling party. Prosecution must show intent to purposely and knowingly do harm.

Countersuit: Misrepresentation and Fraud  
Theft (Six rams)  
**Defense:** Must show that the Witch Doctor did not act in Ajaiyi's best interest.

During the Trial: Gather evidence by using facts and interpretive judgment from the story, which can be used as deposition/transcript/testimony. Prepare questions and responses for witnesses, and anticipate questions and responses from the opposition during cross-examination. Consider objecting to an opposing attorney for leading the witness, being argumentative, allowing a witness to perjure herself, etc. All team members should be prepared to replace each other in the event of an absence, so take GOOD NOTES!

**Judge and Jury** are responsible for legal handouts and questionnaire. Verdict will be based solely on trial events NOT predetermined conclusions. Judge will enforce court procedures.

Pay attention and have fun!

## STUDENT INSTRUCTIONS

### The Situation

You have read the story of Ajaiyi and the Witch Doctor. Now it is time to focus on the alleged crimes committed against the Witch Doctor. The alleged victim has filed a complaint, including assault, robbery, and attempted murder, and Ajaiyi has been taken into custody after the Witch Doctor's pot of gold was discovered along with a bloodied machete at Ajaiyi's residence.

Ajaiyi is claiming innocence. He maintains that the Witch Doctor has admitted committing a wrongdoing against Ajaiyi and permitted him to take his pot of gold as recompense. He insists that the machete was brought by him to the cemetery to confront his dead father, but that, somehow, he wound up at the home of the Witch Doctor and was forced to use it in self-defense.

### The Set-Up

After finding out who you are in this mock trial, you will have the next three days to prepare for your role. Lawyers will create opening and closing statements as well as prepare their witnesses. Witnesses, as well, should prepare statements regarding how they, as individuals, factor into the case. Your statements should include how you know the plaintiff or defendant and what you feel really happened regarding the particular incidents of which you either were a part or witnessed. The judge and jury will complete various activities to test readiness to participate and impartiality.

For the trial, you may bring into evidence such things as the machete, the pot of gold, x-rays, medical documents, or other items. The only catch is that both the defense and prosecution need to have a copy of your exhibits BEFORE the trial.

Make sure you use the assorted handouts to help you with **courtroom procedures**, objections, etc.

During the deliberation, the foreperson should make certain that the following questions are addressed.

### Jury Survey

- |  |              |
|--|--------------|
| Did the defendant, Ajaiyi, intend to kill the Witch Doctor?                  | Yes___ No___ |
| Did the defendant, Ajaiyi, use the machete with deadly force?                | Yes___ No___ |
| Did the defendant, Ajaiyi, intentionally injure the Witch Doctor's servants? | Yes___ No___ |
| Does the pot of gold belong to Ajaiyi?                                       | Yes___ No___ |
| Did the plaintiff, the Witch Doctor, intentionally take rams from Ajaiyi?    | Yes___ No___ |
| Did the plaintiff, the Witch Doctor, misrepresent himself to Ajaiyi?         | Yes___ No___ |

Congratulations! You are **Pawnbroker #1**. You hired Ajaiyi to work on your farm. You will testify that Ajaiyi maintained his obligations and never failed to show up and do more than satisfactory work. More than that, Ajaiyi had a pleasant attitude and was eager to alleviate his own poverty through hard work and perseverance.

Congratulations! You are **Ajaiyi's Wife**. You married Ajaiyi without really knowing him but may testify that, during your marriage, he has been kind, hardworking, and has listened to whatever you or the Witch Doctor advised him to do. You will try to get the judge/jury to sympathize with the poverty Ajaiyi inherited and may also provide reasons for why Ajaiyi truly deserves to be a free man.

Congratulations! You are **Ajaiyi**, the defendant. You cannot believe that you are on trial when you feel you are the true victim. You are poor, orphaned (at 30 years old), newly married, and feel cheated by the so-called respectable Witch Doctor. Not only do you feel entitled to the gold you received, but also you maintain that you were unknowingly dragged to the Witch Doctor's home and attacked by his servants. You hope the entire community realizes what a fraud and cheat the Witch Doctor is.

Congratulations! You are the **judge**. Your main responsibility will be to enforce courtroom procedures and civility. You need to know when to sustain or overrule objections and may even question a witness. You may also tell a lawyer to limit his questioning if you feel the case is being unnecessarily dragged on. Depending on the jury's verdict, you will decide what, if any, punishment Ajaiyi will receive. You will also decide the Witch Doctor's fate if the defense has proved their countersuit against him.

Congratulations! You are a member of the **jury**. Regardless of how you feel after reading the story, it is your sworn duty to pay careful attention and decide the case according to your recollection of the evidence presented during the trial. This should guide you as judges of the facts. You are to determine the credibility of the witnesses and should keep an open mind until the attorneys rest the case. Although the attorneys may point out what they think important in this case, you must rely solely upon your understanding of the evidence that was admitted during the trial. Whether or not the defendant has been proven guilty on any or all of the charges beyond a reasonable doubt is for you to determine based on all the evidence presented during the trial. Listen to the views of your fellow jurors but vote your own conscience.

Congratulations! You are the **Witch Doctor**. You will testify that Ajaiyi did not follow your instructions, which were to sacrifice nine rams. You will maintain that once the animals have been placed on the grave of a dead loved one, the sacrifice is complete and the ram carcasses are then up for grabs. You will let the judge/jury know that you were in fear for your life and are traumatized by the ungrateful behavior of your former client.

Congratulations! You are an **attorney for the defense**. You argue that Ajaiyi, like so many others, had been systematically cheated by the Witch Doctor and his cronies. You need to convince the judge/jury that until Ajaiyi realized that the Witch Doctor had fraudulently misrepresented himself, he was a hardworking, trusting individual and that he deserved the pot of gold that the Witch Doctor told him to take. You will prove that Ajaiyi intended to confront his dead father with the machete and only used it in self-defense when the Witch Doctor's servants rushed at him.

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## **Alternate Procedure for Electing Trial Roles**

### **Role Selection Slips: Ajaiyi and the Witch Doctor**

Cut out the following descriptions and stick to the board. Students may randomly choose.

Congratulations! You are an **attorney for the prosecution**. Your responsibility is to represent the Witch Doctor. You will explain to the judge/jury that Ajaiyi unfairly maligned the character of the Witch Doctor, viciously attacked both him and his servants with a machete, and stole the Witch Doctor's property. You may also argue that no one has the right to take the law into his own hands.

Congratulations! You are an **attorney for the prosecution**. Your responsibility is to represent the Witch Doctor. You will explain to the judge/jury that Ajaiyi unfairly maligned the character of the Witch Doctor, viciously attacked both him and his servants with a machete, and stole the Witch Doctor's property. You may also argue that no one has the right to take the law into his own hands.

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Congratulations! You are **Pawnbroker #3**. You hired Ajaiyi and expected him to work a full shift. You may testify that Ajaiyi did not make you aware that he had already pawned himself to two other pawnbrokers, and his work is less than satisfactory. Even his attitude is surly when he is not sleeping on the job. You believe that Ajaiyi is capable of theft and maybe even violence.

Congratulations! You are the **Witch Doctor's Servant**. You were injured when Ajaiyi raised his machete. You may testify that Ajaiyi did indeed use the machete, was extremely violent and forceful, and demanded the Witch Doctor free him of poverty. You will also testify as to the unimpeachable good character of the Witch Doctor and how selflessly he has helped you and others in the community.

hand of the witch doctor and began to drag him here and there in the room. And as he shouted for help Ajaiyi closed his mouth with the flat part of his machete. Having seen how wild Ajaiyi had become that moment, his servants kept quiet as well and they stretched up their hands.

“Certainly, you are my dead father who will set me free from my poverty this midnight!” Ajaiyi roared loudly.

“But Ajaiyi, I am not a dead man but the witch doctor of this village,” the witch doctor murmured with fear especially when he looked around and saw that all of his servants had already escaped outside in fear of their lives.

“Whether you are a dead man or not, I don’t mind, but show me where you keep your money!” Ajaiyi shouted and pushed him with the machete.

The witch doctor walked with fear to the spot where he kept his money in a big pot before one of his fearful gods. He pointed his fingers to the pot. Without hesitation, Ajaiyi put the pot on his head and carried it to his house that midnight. When he and his wife counted the money, which was in the pot, it was more than six hundred pounds. So Ajaiyi and his wife were freed from their poverty that midnight.

the three sacks into his grave. Ajaiyi did not know that it was the witch doctor himself who had taken the six rams and killed them for food.

After about two hours, the witch doctor and his servants walked in the darkness to the grave. He ordered his servants to carry the three sacks to his house. They hardly put them down before the gods when their master, the witch doctor, began to loose the sacks in the hope of bringing the rams out and then returning the empty sacks to the grave before daybreak so that Ajaiyi might believe that his dead father had taken away the rams. But he was greatly shocked when he saw the earth in the first two sacks instead of rams and he hardly loosened the third when Ajaiyi jumped out suddenly with his long sharp machete, which was raised above his head.

“Ah! Ajaiyi, you were in the sack as well!” The witch doctor and his servants defended their heads and faces with hands with great fear.

Without hesitation, Ajaiyi walked wildly to the witch doctor. He stood firmly before him as he raised the machete above head and said quietly, “Hun: un! My rams in respect of which I had already pawned myself to the third pawnbroker before I could get ten pounds and...!”

“Oh, let me confess to you now, Ajaiyi! It was not your dead father who had taken all your rams but I was the right person who had taken them! I beg you now to forgive me!” the witch doctor hastily confessed as he began to sweat with fear as Ajaiyi was preparing to machete him and his servants to death.

“But I believe you are my dead father who has taken my rams therefore you are to set me free from my poverty this midnight!” Ajaiyi shouted loudly as he threatened him with the machete.

“I am not your dead father at all therefore I have no power to set you free from your poverty,” the witch doctor explained loudly with fear. But as Ajaiyi hardly heard him speak like that and he snatched his right hand and asked loudly:

“Tell me the truth! Will you set me free from my poverty this midnight?”

“Only your dead father has the power to set you free from your pov...”

But as the witch doctor was still shaking and murmuring with fear his servants rushed against Ajaiyi and he too joined them at the same time. All were just trying to take the machete from him.

Having struggled for a few minutes, Ajaiyi overpowered them when he struck many of them with the machete. Once more, he snatched the right

advised him softly. Again, Ajaiyi ran back to the witchdoctor and asked for the reason.

“Ah! Your poverty cannot end yet and the sacks in your room cannot be filled with money as you expect until after you have taken the three rams to your dead father!”

The witchdoctor frightened Ajaiyi. Without hesitation, Ajaiyi came back to his house and told his wife what the witchdoctor had told him.

“What are we going to do next to get money to buy the rams and the empty sacks?” she asked calmly.

“As you know that we have not even one penny in hand, how can we get enough money to buy three rams and sacks! But now, my plan is that when it is midnight, I will visit my dead father in his grave. I will say to him, “You knew that I was in great poverty before you died. But after you died and were buried, you demanded nine rams from me and if I fail to give them to you, I will remain in poverty throughout my lifetime. Of course, I tried my best and brought six for you. But I was surprised to hear from the same witchdoctor that you insist on taking the other three rams from me before you would set me free from the poverty which I have inherited from you.”

Ajaiyi explained further to his wife that if his dead father confirmed what the witchdoctor had told him to do then he would behead him before he could come out of his grave.

“Ah! Ajaiyi, that is a childish idea. How can you manage to visit your dead father in his grave? Please don’t attempt to do that!” His wife was very much afraid.

At midnight, Ajaiyi sharpened his long and heavy machete. After that he took three empty sacks and went to the grave of his father. Having reached there, he filled two sacks with the earth in such a perfect way that each seemed as if it contained a ram and then he put both on top of the grave. Having done that, he left the third sack and his machete on the grave and then he went to the witch doctor. He told him that he put the other three rams on top of the grave. The witch doctor burst into a great laughter when he heard so from Ajaiyi. He thought that he would get three rams that night as before. And he was still laughing when Ajaiyi left him with sorrow and went back to the grave.

As soon as he reached there, he put the third empty sack nearly touching the two, which he had filled up with the earth. As he held his long machete he entered it and cast down in it and then was expecting his father to take

my husband, don't let us go home with this money otherwise we shall spend it for unnecessary things and yet our poverty will remain as it is. But now, let us buy as many rams and empty sacks as it can buy. Then at midnight, you will carry them to the grave of your father. You will explain before the grave that you will bring the rest as soon as you have money to buy them. And I believe, your father will not refuse to accept them because he knew that he had left you in great poverty before he died."

Ajaiyi agreed when his wife advised him like that. Then they bought the six rams and the six empty sacks that the ten pounds could buy and they carried them back to the house.

When it was midnight, Ajaiyi put each of the rams inside each of the sacks. He carried them one by one to the grave of his father, which was about a half of a mile from the village. Having put all on top of the grave, he explained before it that:

"My father, please take these six rams as the first installment, and I shall bring the other three for you as soon as you help me to get money to buy them."

Having done all that, Ajaiyi went directly to the witch doctor. He told him that he had carried six rams to the grave. He thanked Ajaiyi with great laughter and then advised him that he must not keep long before taking the other three to the grave. After that Ajaiyi came back to his house in the darkness. But he had hardly left when the witch doctor and his servants went to the grave and carried the whole six rams to his own house. He killed all for his food and then he gave the empty sacks to his servants to return them to the grave before daybreak.

Early in the morning, Ajaiyi and his wife ran to the grave and both were very happy when they met only the empty sacks on top of the grave for they believed the dead father had taken the rams into his grave. Then with surprise, they carried the empty sacks back to the house. Ajaiyi put them in the room and then he and his wife were expecting the dead father to fill them with the money. But they waited and waited and waited for many months and the sacks were not filled with money and their poverty became even worse. Again all the three pawnbrokers were dragging him here and there for he failed to satisfy any of them. Then he blamed his wife with sorrow: "I told you in the market that day that we should return home with the money as it was not sufficient to buy all the rams at one time!"

"Ajaiyi, don't let us give up yet, we must try hard. My advice now is to go back to the witchdoctor and find out why our poverty is getting even worse than before we sacrificed the six rams to your dead father,' Ajaiyi's wife

Without hesitation, Ajaiyi went to the village witch doctor. He explained to him about his inherited poverty. But with a sharp and merciless voice the witch doctor replied, "If you want your poverty to stop, you must buy nine rams and nine empty sacks. Having bought all and brought them to your house, you will put each of the rams alive inside each of the empty sacks. Then at midnight, you will carry all to the grave of your father and put them all on top of the grave. But to make sure whether your dead father has taken the rams, go back to the grave the following morning. I am quite sure, you will meet only the nine empty sacks on top of the grave and that means your dead father has taken all the rams. But try to bring the empty sacks back to your house and keep them in the room and you will be surprised, in a few days' time, when all are filled up with money by your dead father to find you will be freed from your poverty. But you must come and tell me as soon as you have put the rams on top of the grave!"

When the witch doctor had explained to Ajaiyi what to do before his poverty could be stopped, he thanked him and then left his house.

But as Ajaiyi was returning to his house in the darkness, he began to think in his mind. "The witch doctor said I had to sacrifice nine rams to my dead father before I could be freed from the poverty! But I believe I will never be free from this poverty because I have no money to buy even a small rooster. How much more do I need for nine rams!"

"What did the witch doctor tell you about our poverty, Ajaiyi?" Ajaiyi's wife hastily asked as he entered the house and he explained to her what the witch doctor told him to do. But as Ajaiyi explained further that he had no money to buy the rams and the empty sacks, his wife said loudly:

"Ah, Ajaiyi, you said you have no money to buy the rams! Are we going to die in this poverty? Better you pawn yourself to the third pawnbroker who will give you the money to buy the rams and the empty sacks!"

"Ah! To pawn myself to the third pawnbroker? But I am afraid if I do so, how can I satisfy the whole of them and who will be working for our own living then?" Ajaiyi asked with great sorrow.

"Never mind about our living, Ajaiyi. I believe if you work hard, you will satisfy all the pawnbrokers!" Ajaiyi's wife advised him strongly.

The following morning, Ajaiyi went to the third pawnbroker who gave him ten pounds. Then he and his wife went to the market with the ten pounds. But unfortunately, the ten pounds were not sufficient to buy the whole nine rams and the nine empty sacks. Having seen this, Ajaiyi was greatly perplexed. He told his wife to let them return home with the money. "Oh,

## *Ajaiyi and the Witch Doctor by AMOS TUTUOLA*

Several years ago, there was an old man who lived in a village. He was a farmer and had one son named Ajaiyi. This old man was so poor that all of his friends and neighbors believed that he was really created in poverty by his creator. After several years' hard work this poor old man became too old and weary to work in his farm. But Ajaiyi, his only son, took over from him. He was working hard in his old father's farm and by that he was getting sufficient food to feed his father and himself. Ajaiyi worked as hard as he could until he became thirty years old but yet, he and his father's poverty became worse than ever.

Now, one midnight, it came to Ajaiyi's mind to get a wife of his own as all of his friends had. Having thought so within himself for some weeks, he brought this matter before his weary father:

"My father, how can I get money with which to marry a lady as I am old enough now?" Ajaiyi gently asked his father. "In fact, according to our custom, it is the father's right to pay the dowry of his son's first wife. But now, it is a pity, as you know, that I am so poor that I have not even a halfpenny to give you to pay for the dowry of a lady. I am very sorry indeed, Ajaiyi," Ajaiyi's father explained quietly with tears. Then Ajaiyi left him in the room and went to the front of the house. He sat on the pavement and wept bitterly.

After a while, it came to Ajaiyi's mind to pawn himself for money. At the same time he went to a wealthy pawnbroker who gave him sufficient money with which he married a beautiful and sensible lady the following week.

A few months after his marriage, his father became seriously ill so that he died within a few days. But, unfortunately, Ajaiyi had no money to perform the funeral ceremony of his dead father. Of course as it would have been a great shame to Ajaiyi if he had failed to perform the ceremony, he pawned himself to another pawnbroker who gave him the money to perform the ceremony.

Now, Ajaiyi had pawned himself to two pawnbrokers. He was working for the first from morning until twelve o'clock and for the second from one o'clock until the sun set. But as Ajaiyi had not sufficient time any more to work on his own farm for his and his wife's living, his poverty became more serious. And as everything was still growing from bad to worse everyday, his wife advised him one day:

"Ajaiyi, will you go to the witch doctor and find out the causes of our poverty and find out as well what can stop it."