

Agreement

1. We the undersigned in the presence of the inhabitants of the Abegborodo hereby agree to make this agreement on behalf of certain area of land which we are occupying to earn our living.

2. We since first named agreed to pay to the inhabitants of Abegborodo the sum of 8p eight shillings no pence and no pence per man a year for any number of years not more be there on the land in question.

3. The seventh undersigned man agreed to pay annually two tins (2) (large) of oil (Palm) as climbing the Palm-trees to his own occupation there.

4. That an additional man or woman added to the number below should be reported to the representatives of Abegborodo by Ayibiwu (Leader of the man living at Gbetoko). In default to report this and if it is known the owners (rightful) of Gbetoko Ayibiwu will have to pay for the number of years weeks months or years the dwellers occupy the land should in case they go away clandestinely and refuse to pay. (B) If a newcomer wishes to stop on the land in question Ayibiwu who is to report the time of arrival to the land-lands is to be notified.

5. Those who have no wife or wives are allowed to get a boy to care for them; but at the maturity of the boy who is now become a man he too in turn must have to pay equal sums of whatever it is as the other man.

6. No man from Abegborodo has right to encroach into the territory to do any manner of work. If this is so the man must be taken to the Abegborodo people carrying out any action whatsoever in him.

7. It is further agreed that notice can be given at any time to the dwellers of the said land to quit. If the land-lands see fit.

8. It is agreed too that the land Gbetoko is not sold to the undersigned men who are merely tenants but that these men are simply there to earn their daily subsistence.

Tenants

Tenant	his	X	mark
Ayibiwu	"	"	"
Johnson	"	"	"
Daniel	"	"	"
Ogbahantomi	"	"	"
Inomama	"	"	"
Johnnie	"	"	"
Akpanmi	"	"	"

Signed

Land-lands
1. Uduw his X mt. / signed.
2. Okonoma his X mt.

For the people of

Witnesses to this,

(Sgd) P.W. Amadul (Amu - Gratis for)
Sapele 24/5/77

Dated this 24th day of May 1977.

certified true
copy

G.R. Conde (Sgd)

C.B. 24/5/77

(SEO Archives)
14 OCT 2019
SIGN: [illegible]
FOR: DIRECTOR NATIONAL ARCHIVES

ANNEXURE 1A

From:-

Chief. Alema Okonedo,
Aungborodo-Koko Area.

604 J.O. Edwards, Esq.,
Timber House, Kers,
3rd. November, 1940.

By Registered Post.

His Excellency,

Sir Bernard Bourdillon, G.C.M.G., K.B.E.,

Governor and Commander-in-Chief,

Colony and Protectorate of Nigeria,

Lagos, Nigeria, West Africa.

Copies to:-

1. His Honour, The Chief Commissioner,
West ^{ern} Provinces, Ibadan, Nigeria.
2. The Resident, Warri Province,
Warri.
3. The District Officer, Jekri-Sobo Division,
Warri.
4. The Senior Dist. Conservator of Forests,
i/c Ubiaja Circle, Ubiaja.
5. Giniwa II, Olu of Warri,
President, Itsekiri Sub-Tribal Council,
Ode-Itsekiri, P.O. Box 66, Warri.

May it please your Excellency,

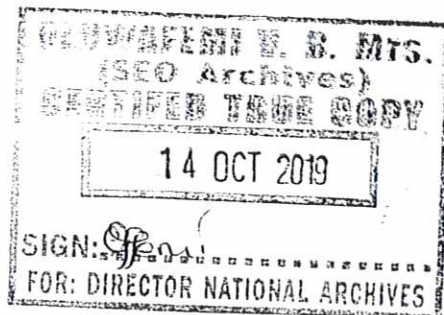
Western Urhobo (Okpe) Native Administration Forest Reserve.

Inclusion of Ugbokoko land within the said Reserve.

Inclosed.
9/11/40

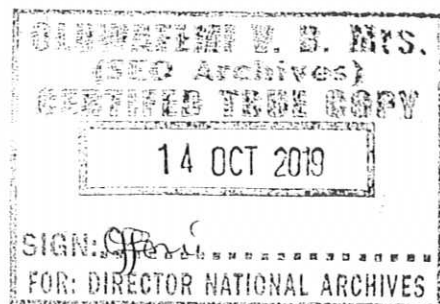
(A) This is the petition of Chief Okonedo as representing the
People of Aungborodo; successor to the title of Alema (Umuigbo).

P.T.O.



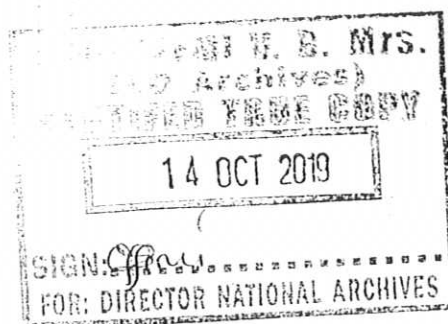
founder of the town of Abeugborodo; one of the ancient home and eminent ministers of State (Ojoyes) of the Olu of Ife-Kiri, -land; Member of the Koko - Ama - Council under the Ife-Kiri Native Administration in the Ikeri - Sobo Division of Warri Province, Nigeria, West Africa.

- (B) The humble petition of the Petitioner in his representative capacity is against the inclusion of the Ugbekoko-land within the Western Urhobo (Okpe) Native Administration Forest Reserve without his knowledge and in a way tending to deprive him and his family of their possession and means of livelihood as far as the importance of the land is concerned and his humble prayer to your Excellency on behalf of himself and family, is that the said land be excluded from the "Reserve" in the name of British justice, fairplay and righteous and just measures extended to all the subjects of His Majesty, the King - Emperor, represented by Your Excellency as Governor and Commander-in-Chief of this great Dependency of Nigeria. Since your petitioner is about being deprived of the rights due to him and the other members of his Progenitor house as the descendants of Ojoye Alena of Abeugborodo under the Olu's superior title as the Chief - Council of Ife-Kiri lands and as members of the great British-Empire and loyal subjects of His Majesty, they and their property are under Your Excellency's protection.



(c) The Petitioner's prayer is based on the following ground respectfully submitted for Your Excellency's consideration:-

1. "Ugbekoko Land" with the meaning of the land claimed, as the personal property of my family forms a portion of the land extending from Gbeloko Water side to Sapele and some of the sub-portions of this mainland are called Ufon - Iyatsere and Ogorunde. The Aluma sub-family of Abengborodo descended from the main Iyatsere family and this is known throughout Itsekiri land. The portion of this land due to Abengborodo people, according to our claim, was named "Ugbekoko" after the name of their father's slave called "Ekoko" who was placed on that land to farm for his Lord. It should be noted here that "Ugbekoko" is an Itsekiri word, meaning "Ekoko's farm" - (Ugbo - Ekoko) and, etymologically speaking, it is a compound word. This name given to this portion of land from time immemorial clearly defies the claim of any other tribe or clan as the expositions will show. "Iyatsere" here means one of the eminent Ojories too. It was Iyatsere - Egharegbemi who founded "Ufon - Iyatsere" and during this time under review there was no one, Itsekiri or non-Itsekiri, who had any claim in common (in respect of this land) with the said Iyatsere whose descendants are



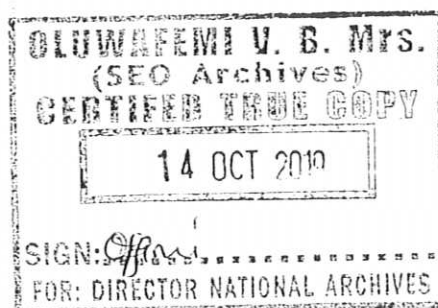
now found all over the Country. The whole extent of the main portion of land belongs to "Iyatsere" and therefore his descendants.

2. The people of Abengborodo made use of their land (Ugbokoro) in different ways and one of these ways was to place their slaves on the land to work and farm for them and it was the head of these slaves who was called *Ekoto*. After the abolition of the slave traffic the placing-of-labourer-on-land system came into vogue. Labourers were placed on the land as tenants paying rents yearly to Abengborodo people many, many years even before the twentieth-century and there would have been a record over 120 years old to support this if the ability to read and write had been ours before this time under review. However, there came a time, like the period of the Renaissance in history, when people (in our part here) began to appreciate (not wholeheartedly then of course) that written documents would be of much importance in any transaction between two or more parties. This was an opportunity and the people of Abengborodo did not abuse it. In the year 1919 they entered into an agreement with some of the tenants living and working on their *Igbokoro* land. This indenture was dated 24/5/1919, Signed by Udu and Okomama for the people of Abengborodo and the



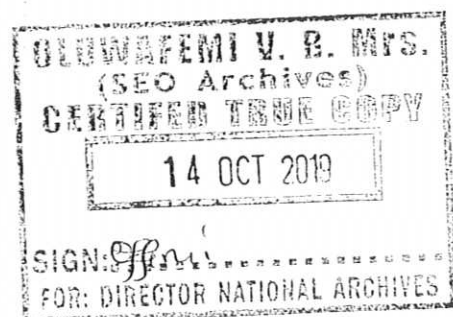
Tenants were Ayibiawu, Johnson, Daniel, Ogbashankomi, Inomianwa, Johnnie and Akpani. Some of them and the head, Ayibiawu, are still alive and are still working on the "Land" under Abengborodo people. The document was made many years ago and is subject to amendment between the parties according to the legal demand of the age. It is an agreement between two parties as "Land-Lords" and Tenants ~~made~~ as far as the conditions of "Tenancy" were concerned. This agreement made in 1914 is in our possession and copies are attached to this petition.

3. Historically speaking, there was a time when racial or tribal migration came about and this was also true in our Country. This brought about also an inter-tribal occupation of one portion of land used in common, but members of one tribe or clan respected (and must still respect) the sphere of influence of the other. Priority of occupation, the influence of might and other factors which were the basic conditions to be put into consideration in the matter of land ownership did not kill the good spirit of our intertribal hospitality hence we did - and do know - to bear in mind that our right over "Gbetoko land" as a part of a main portion of land was (and is) as respectable as the right of other members of any other tribe or clan over some other sub-portions of this same piece of land. There was



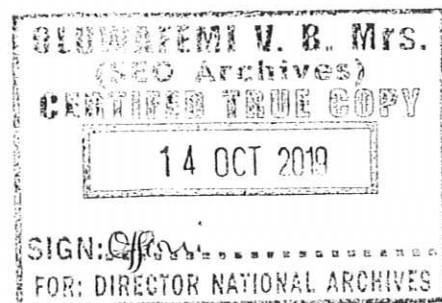
no time when the facts of history, as outlined above, were abused, or attempted to be abused successfully without being defeated, by the members of your Petitioner's family as neighbouring members of a sister-clan made no attempt to molest the right of the other; since we recognise the Olu's Overlordship all other occupiers of portions of land within his territory must be known as his guest and people as well.

4. It was quite recently that the town of ~~Aben~~ was visited by one white man who told your Petitioner as representing the people of Abengharoro that "Gbetoko" where they placed labourers as tenants had been made a part of the above Forest Reserve. Your petitioner's surprise at hearing this was rather imaginary than described. At the request of this Administrative officer to come in interview, I detailed some of the members of my family to accompany him to Gbetoko and to show him the size and boundary of the land belonging to us. This was done. The Administrative officer then told your Petitioner at this meeting that this very Gbetoko land had been made a part of the Western Urhobo (OIPE) Native Administration Forest Reserve about seven years ago. This white man then went away. The next step, also surprising, was the prosecution instituted against the tenants of your Ex. ~~Em~~'s Petitioner placed on the land many years ago, for

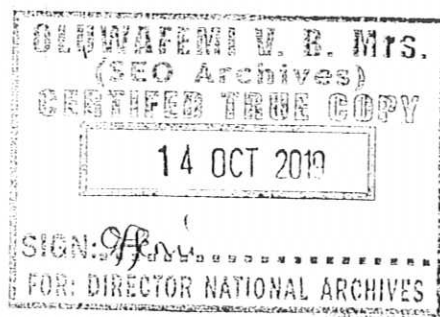


farming on the land within a Forest Reserve Area. This case came before the Magistrate, Limited - Power, Sokoto. The accused pleaded (1) that they never knew that the land lived on by them was ever a part of a Forest Reserve Area; (2) that they never saw a Surveyor who came to survey this land; (3) that they would have kept their land-borders informed of (1) and (2). had they known these prior to their being prosecuted and they also stated the matter that their land had been made a forest reserve over seven years ago. This was quite true hence this petition is addressed to your Excellency. The agreement (original copy) made in later years between these tenants and the representatives of your Excellency's Petitioner's family was tendered in evidence. The Court decided that the tenants should farm on the land this year only and to hold up till further investigations are made which they might be called up again to be heard.

5. The gravity of the situation compelled your Excellency's Petitioner to make a plaintive cry to the Olu of Warri, - land and the Resident, Warri Province, protesting fervently that our land should not be taken away from us to form a part of a foreign Native Administration Forest Reserve. On the subject I addressed a petition dated 4/4/40 to the Resident, Warri Province; copies of this petition were sent to the following under registered Post: - (1) The Resident, Warri Province, (2) The District-officer,

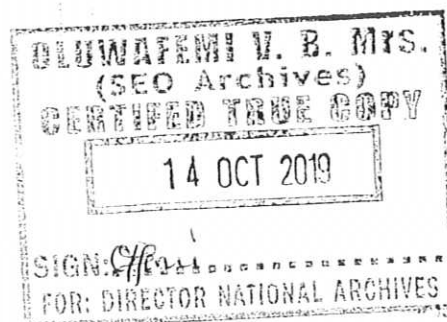


1/c Sapele, (3) The Olu as President of the Itsekiri, Sub-Tribal - Executive - Council. The Original copy of the petition was sent through the District-officer, 1/c Sapele to the Resident. It is with gratitude that I have to remark that the Olu took up the matter with the Government through the District-officer, Itsekiri-Sabo Division. There were correspondences between him and the District-officer to this effect. The Olu was in sympathy with my just claim and he recommended that the land should be excluded from the Reserve. I made several visits to the Ode-Itsekiri in connection with this matter. One of these visits became coincidental, with the session of the Itsekiri-Sub-Tribal Council at which I had the honour of being present. The District officer was present too. As a result of the correspondence between him and the District-officer the matter of Gbeloko land was touched by him. In answer to questions put to the Council by the District-officer he was informed that the Itsekiri Authorities were aware of the notice whereby it was said that the also Reserve would be created; that they did not waste time to raise their protest against the making of the Reserve as a whole as the land was theirs by virtue of the Olu's superior title; that they were not made aware of the Settlement Court that Sect 15 determined the claims and rights of people to this land nor was



again told of the time of its sitting. In reply, the District-Officer told the Olu that a new survey of the Ukepe Forest-Reserve was being done and that at its completion it would be possible that the Senior Assistant Conservator of Forests would recommend the exclusion from the Reserve of a certain Area. He then refrained, as he said, from taking any other action or giving any further advice until the above had been done. The letter he addressed to the Olu, according to what I was made to understand in reply to my complaint to him, confirmed the District-Officer's comments before the Council.

6. Your Excellency is to note that I and the majority of my people are illiterate and therefore we could not read any notice nor were we able to know where it was put outside. The Itsekiri-Executive-Council were not adequately put in possession of facts to enable them to take any action in the matter as the Central Political Body dealing with the Government in all Itsekiri matters and affairs. I am compelled to cry to your Excellency for a timely action in the name of British Justice and fairplay. I and the members of my family are now desperate and it is only your Excellency who can make the desired ruling to give us our natural right in the matter of this land. Our claim is just and in order and why then should we be made the victims of "dickens".



if the District-Officer's words are taken seriously.
 The Olu directly put the matter of Ugbekoko land
 before him and in his reply he said: "At the comple-
 tion of the new survey (of the Uke-Reserve) it would
 be possible for the Senior Assistant-Conservator of
 Forests to exclude certain area from the Reserve. Who
 knows what area would be excluded, your Excellency?
 My petition, on behalf of myself and the members of my
 family, is at your disposal and I trust that I will
 not be denied of British justice and fairplay in
 the name of the King-Emperor.

I should be grateful of your Excellency's kind
 reply.

God Save the King!
 I have the honour to be,
 your Excellency's obedient servant,

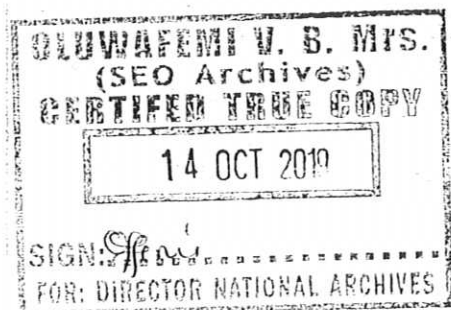
Alema Okonodo,

His
 X
 M.C.

W/W/MK.

G.R. Amadeu (anu.)

free of charge



Department.

SH/PELL

FILE NO.

175

DATE REGISTERED.

27. 3 - 40

SUBJECT. *White - Salis N.A. Forest Reserve.*

SUBSEQUENT FILES.

LIST OF ENCLOSURES IN THIS FILE.

(Entries to be continued on third page of cover if necessary)

PREVIOUS FILES.

MINUTES OR INSTRUCTIONS.

Olufemi V.B.
DIRECTOR NATIONAL ARCHIVES
CERTIFIED TRUE COPY
Offen SED Archives
16/02/19

ANNEXURE 1C

No. 620/3.

District Office,
Sapele, 27 March, 1940.

The District Officer,
Jekri-Sobo Division,
W a r r i.

Ukpe-Urhobo Native Administration
Forest Reserve.

I enclose a copy of the proceedings in Sapele Magistrate's (L.P.) Court criminal case No. 154/40, together with Hearing Paper and Exhibit "A". I should be much obliged if certified copies of the Reserve Settlement Officer's judgment and any Rules made for the Ukpe-Urhobo Native Administration Reserve could be sent to the Native Administration Forest Guard in charge of the prosecution, together with any instructions you or the Native Authority may wish to give in this matter. Please return Exhibit "A" to Court in due course.

2. It is suggested that legal advice on this prosecution should be sought.

3. I shall probably be unable to complete the hearing, so if the prosecution decides to proceed with the case, the latter will have to be commenced afresh before another Magistrate.

(Sgd) A.V. Scallon

Magistrate,
Limited Powers.

No. 620/3a.

Sapele, 27 March, 1940.

Copy to:-

The Senior Asst. Conservator of Forests,

U b i a j a.

For his information.

A. V. SCALLON,
Magistrate,

Olusegun V.B.
DIRECTOR NATIONAL ARCHIVES
CERTIFIED TRUE COPY
Office Secy (Archives)
16/02/91

Protectorate of Nigeria.

In the Magistrate's Court holden at Sapele on the 27th day of March, 1940 before His Worship A.V. Gordon, Esq., Magistrate, (Limited Powers).

- 154/40 Forestry Dept. Vs. 1. Aribiowa (m) of Ifon
2. Iyikiniya (f) of Jakpa
3. Agua (f) of Benin
4. Ufenge (f) of Sapele
5. Madiji (f) of Ishan
6. Abasi (f) of Sapele
7. Utigwin (m) of "
8. Nyata " Kokori
9. Chief Itano of Gbukurusu

*Exhibit "A"
returned to
the Accused.
Aribiowa
27-3-40*

Charge:- Farming within the Ekpe-Urhobo Native Administration Forest Reserve in March, 1940, contra section 43 (f) of the Forestry Regulations. The accused were found "digging the soil" by the Senior Assistant Conservator of Forests when on inspection.

all accused, plead "Not Guilty"

Exhibit "A"

1-8 accused produce an agreement between themselves and the alleged landlords granting them occupation of the land they now occupy. 9th accused is stated to be farming in an entirely different area in the Reserve, some 30 miles from the camp of the first 8 accused.

I shall adjourn the case against accused 1-8 for production of the Reserve Settlement Officer's findings in regard to this Reserve, in order that the Court may know whether the claims of the accused, some of whom have been in that area for 30 years, was considered at the Reserve Settlement in 1930.

Quarfen V.B.
DIRECTOR NATIONAL ARCHIVES
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16/08/19
Genu S.E. (Archives)

Order:-

Case against 1-8 accused adjourned till ...
Case against 9th accused adjourned till ...

Johnson Olongo Bally. Administration Forest Guard sworn
Hiale ...

On 15th March, 1940, I proceeded to
Gbulumisi with the Senior Assistant Conservator of Forests,
Obiaja, to inspect the Ukpe-Irabo Native Administration
Forest Reserve. The reserve made by Chief Ienoh.
The Senior Assistant Conservator of Forests inquired for
accused, who was present. This area is known to be a
Reserve, as the boundary has been cut three times by a
Surveyor.

The farm is 2 years old.

On 17th March, I arrested the accused on a summons
at Gbulumisi. Accused and his family were with me, and the
summons was served on his family. He refused to go away
and shouted that the Government has no authority in that
and that he has the right to farm in the reserve.

XXd by Court. He accused had cleared minor forest plots
and felled one 2nd class tree.

A. The farm is about 150 yards wide and
and yams are planted there.

A. There were other farms in the reserve
made by Gbulumisi people. All farms are this year's or
last year's. The Senior Assistant Conservator of Forests
told me to arrest the other offenders.

A. No Rules have been made by the Native
Authority in connection with this Native Administration
Forest Reserve.

He was by himself.

Order:-

Case against 9th accused adjourned sine die for produc-
tion to Court of Rules, if any, made for the Ukpe-Irabo Native
Administration Forest Reserve by the appropriate Native Authority.
The accused remains in the custody of the Court, until released.
This stage is not clear to the Court why of above.

Director National Archives
CERTIFIED TRUE COPY
16/08/19

offenders in a Native Administration Reserve are not prosecuted before the appropriate Native Court.

(Sgd) A.V. Scallon,
Magistrate, L.P. 27/3/40.

Certified true copy.

A. Scallon
Magistrate

P. Olugbemi V.B.
DIRECTOR NATIONAL ARCHIVES
CERTIFIED TRUE COPY
Officer 860 (Archives)
16/02/19

In replying please
quote the number and
date of this letter.



Nigerian Secretariat,

Lagos,

8 April, 1941.

Chief Aloma Okonodo ; Petition from.

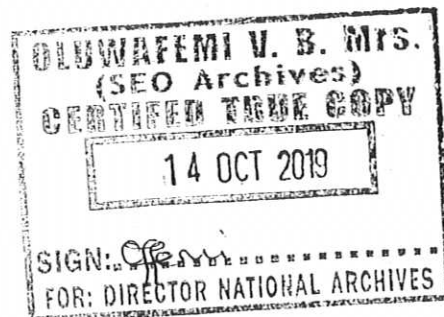
The Secretary,
Western Provinces,
Ibadan.

p. 72 I am directed to refer to a
petition from Chief Aloma Okonodo,
Alonghorodo-Kere Area, dated 23rd November,
1940, and on the subject of the inclusion
of Ugbekobo land within the Western Urhobo
(Okpe) Native Administration Forest
Reserve, and to ask when a report may be
expected.

W. B. Paul
for

Chief Secretary to the Government.

Subd. JH
10/4



ATTACHMENT 2 A

S.W.1.

p. 101, Sir, is President's action
to C.C. & T.'s suggestions at p. 99.
You will write how decide
whether is directions in the matter?
p. 102. C. S. J. may be
informed that the matter is
still receiving attention that
a report thereon will be
submitted in due course?

10
10.4.41

Mr. Ojo

Deal with your
para 2 accordingly &
resubmit to me on
Tuesday morning

C.B.

10.10

10.4.41



8499/93.

13th January, 1941.

Issd 19/1

The Resident,
Warri Province,
W a r r i.

Chief Alams Okonedo of Abeugborodo-Koko Area.

I am directed by the Chief Commissioner to inform you that a petition dated the 2nd of November, 1940, addressed to His Excellency the Governor, has been received in this office from Chief Alams Okonedo of Abeugborodo-Koko Area. His Honour is informed that copies of this petition have been submitted through the District Officer, Jekri-Sobo Division, and your comments are invited.

(Signature)
Secretary,
Western Provinces.

G.O.A.B.



MEMORANDUM

No. 45/1929/221.

5 September, 1941.

From Resident: Warri Province,

Warri.

To The Secretary,

Western Provinces,

Ibadan.

G.P., Lagos. 1489/33



Chief Alema Okonedo: Petition from.

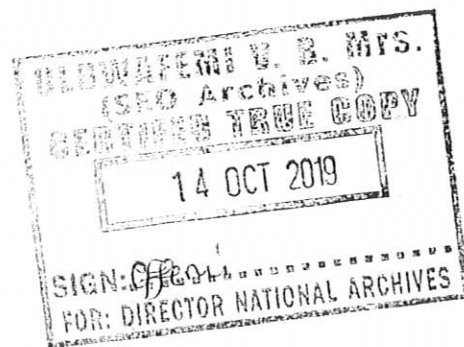
With reference to your letter No. 8499/115 of the 30th of August, 1941, the whole matter has been held up as the Conservator of Forests, Ubiaja Circle, has been in hospital for some weeks with scarlet fever. As he has now been discharged, it is hoped that necessary action can be taken in the near future.

Res.
10/11/41

*S.W.P.,
Tiser, P.S.*

*2. Await further
developments, and, if
nothing is heard within a month,
renew the petition again.*

*Resident,
Warri Province.*



MEMORANDUM.

No. W. 437/1929/224.

15 September, 1941.

From Resident: Warri Province,

To The Secretary,

Warri.

Western Provinces,

Lagos.

G.P., Lagos. 1489/33



Chief Alima Okonedo: Petition from.

Further to my memorandum No. W. 437/1929/224 of the 5th of September, the Conservator of Forests informs me that it will be impossible for him to undertake the necessary survey and demarcation until the dry season. Much of the land is under water at present.

Ba 1/2/42

18.9.41

S.W.P.,

Tore, B.

2. Further developments may be awaited and, if no news is received by the end of November, the position may again be enquired.

Subd.

Vh

18/9

18.9.41

R. S. Oke.

Resident,
Warri Province.

1854
2/4.

No. 8499/104.
Ibadan, 12 April, 1941.

The Honourable
The Chief Secretary to the Government,
L. A. G. O. S.

Chief Aloma Okonodo : Petition from.

107

With reference to your letter No. 23610/S. 982/6
of the 8th of April, I am directed by the Chief
Commissioner to inform you that the matter is still
receiving attention and that a report thereon will
be submitted in due course.

(Sgd) S. ADE OAO.

+

Secretary,
Western Provinces.

4
8

G.O.A.B.

S.O.P.

File resubmitted, refce your memo
of 7.10.3, Sir.

[Signature]

OLUWAFEMI V. B. Mrs.
(SEO Archives)
CERTIFIED TRUE COPY
14 OCT 2019
SIGN: *[Signature]*
FOR: DIRECTOR NATIONAL ARCHIVES

NIGERIA

No. 43/1929/181

RESIDENT'S OFFICE,

WARRI PROVINCE,

WARRI.

22 January, 1941.

The Secretary,
Western Provinces,
Ibadan.

Chief Alema Okonedo of Abangborodo-Aoko Area.

With reference to your letter No. 3499/83 of the 13th January, 1941, the petition has been received. I am afraid that it will take some time before I can forward comments as the Senior Assistant Conservator of Forests Ubiaga is making a full investigation into these and other alleged farms within the Reserve and he informs me that he may have to ask the advice of the Conservator of Forests, Southern Provinces, Ibadan. moreover when his report is received, it will probably have to be considered by the Odogun Council before I can forward to you.

S.W.P.

Taken in Sept 57. 83, etc.

2. Await developments? Reservations

will may issue 57-72?

27/14

RESIDENT,
WARRI PROVINCE.

S.W.P.

14/11

14/11

14/11

14/11

14/11

OLUWAFEMI V. B. Mrs.
(SEO Archives)
CERTIFIED TRUE COPY

14 OCT 2019

SIGN: *[Signature]*
FOR: DIRECTOR NATIONAL ARCHIVES

yes please. we must
also ensure that
C.C. of 7. is aware of
the action which must
now be taken

John 2/5

C.B., B.

Enclose a copy of 7. 109 to C.C. of 7.
refers the minute at 7. 106 & also
that 109. has been decided that
petitioners may be informed
in the lines suggested 7. 108

P.B.

In the endorsement to President,
please add that action should
now be taken in accordance with
the last para sentence para. 6
para 10 C.C. of 7. that President
has been informed accordingly.



8499/65.

27 January, 1941.

Sir,

With reference to your petition dated the 23rd of November, 1940, addressed to His Excellency the Governor, I am directed by the Chief Commissioner to inform you that the matter is receiving attention and that a further communication will be addressed to you in due course.

I have the honour to be,

Sir,

Your obedient servant,

OLUWAFEMI V. B. Mrs.
(SEO Archives)
CERTIFIED TRUE COPY

14 OCT 2019

SIGN: [Signature]
FOR: DIRECTOR NATIONAL ARCHIVES

(Sgd) J. A. MACKENZIE
Secretary,
Western Provinces.

Chief Alena Okonedo,
Abagborodo-Roko Area,
c/o Mr. J. O. Edwards,
Timber Headquarters.

u. f. s. thro' The Resident,
Warri Province,
Warri.

No. 8499/65.
Issued, 27 January, 1941.

G. O. A. B.

Copy to:-

The Resident,
Warri Province,
Warri.

For information with reference to your letter No. W. 437/1929/181 of the 22nd of January.

2. I am to request that the original of this letter may be forwarded to the petitioner.

Recd 27/3/41
for development ref. 84

28/1/41

(Sgd) J. A. MacKenzie
Secretary,
Western Provinces.

In replying please
quote the number and
of this letter.



Nigerian Secretariat,

Lagos,

27th May, 1941.

The Secretary,
Western Provinces,
Ibadan.

Chief Alema Okonedo: petition

I am directed to refer to your
letter No. 8499/109 of the 14th of May
and to say that a reply may be addressed
to the petitioner on the lines suggested
by His Honour.

Chief Secretary to the Government.

S.W.P.

Toru, B.

2. Enclosed a copy to his letter
task him to inform petitioners
in terms of law: 7 p. 111 enclosure.
27/5 him at first of the page 2.



17 May, 1941.

The Honourable,
The Chief Secretary to the Government,
L a g o s.

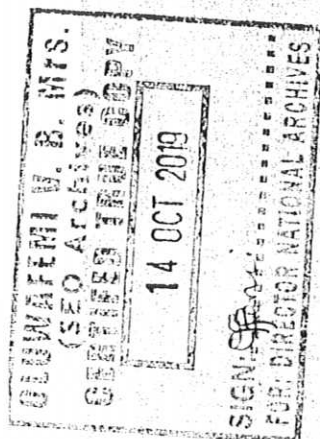
Chief Aloma Okonedo : Petition from.

I am directed by the Chief Commissioner to refer to your letter No. 23610/S. 982/6 of the 8th of April, regarding a petition dated the 23rd of November, 1940, by Chief Aloma Okonedo, representing the people of Abeugborodo, and to explain that investigation into the subject matter of the petition has delayed the submission of His Honour's comments thereon.

2. The burden of the petition is given in paragraph (B) thereof, namely, the inclusion, without the petitioner's knowledge, of Ughekoko (Ghekoko) land within the Ukpe Sobo Native Administration Forest Reserve. In the subsequent paragraphs he has endeavoured to give the history of the land in question and his claims thereto.

3. The Ukpe Sobo Native Administration Forest Reserve was first proposed in July 1929. The Ukpe Clan Council as Native Authority signified their approval on the 16th of July, 1931. The notice of intention to constitute the area a Native Administration Forest Reserve was once again on the 22nd of April, 1932. Claims to interests in the land were heard, investigated and decided on the 23rd of October, 1932. The Reserve was finally constituted by Order No. 33 of 1933 which was published in the supplement to the Gazette No. 1 of the 31st of August, 1933. In this connection, I invite attention to your letter No. 2470/S. 11/6 of the

10th



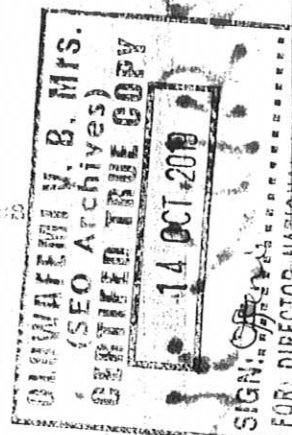
3
ANNEXURE

28th of February, 1933.

4. The petitioner is an Itsekiri and as the rights of other Itsekiri villages in the area were also involved, - the villages of Utonyatsere (owned by Chief Fregene) and Obotie - it was considered best for a full survey of the whole position to be undertaken at the same time.

5. An investigation by the Assistant Conservator of Forests in charge of the Circle revealed the fact that there was some doubt as to Obotie being included in the Reserve, for whereas it was reported by the Assistant Conservator of Forests who was present at the inquiry that the boundary of the Reserve was north of Obotie, so that Obotie was outside the Reserve, the boundary now runs considerably south of Obotie, thus bringing Obotie within the Reserve. As far as the villages of Utonyatsere and Gbekoko which are within the Reserve are concerned, records are silent as to whether claims to farming rights within the Reserve were lodged by Fregene, the owner of the former village, or by Okenodo the writer of the petition as regards the latter. Furthermore, it cannot be disputed that the people of these two villages farmed on the area now within the Reserve both before and since the constitution of the Reserve.

6. After careful consideration of the report by the Assistant Conservator of Forests, it was decided to exclude the whole of Obotie from the Reserve and to grant farming rights within the Reserve to the people of Utonyatsere and Gbekoko. An amending Order will be issued under Section 23 of the Forestry Ordinance to give effect to the exclusion of Obotie from the Reserve and, as regards the grant of farming rights in the other areas, action will be taken in accordance with Sections 6 and 7 of the Forestry (Amendment) Ordinance, 1941, No. 47 of 1941. The Assistant Conservator of Forests,
I.P.W.ada,



Province and the Acting Chief Conservator of Forests are in agreement with the course proposed, and action is being taken accordingly.

7. I am to suggest, therefore, that the petitioner be informed in reply that His Excellency understands that steps are being taken to make arrangements with a view to the recognition of the farming rights of the people of Abangborode.

(Sgd.) J. A. MACKENZIE.

Secretary,
Federal Government

A.I.O.

1001
14/10
No. 2492/111.
Ibadan, 14.10.1941.

Copy to:-

The Resident,
Warri Province,
Warri.

For information with reference
to your letter No. 477/1925/111 of the 2nd of
January.

(Sgd.) J. A. MACKENZIE.

Secretary, A.I.

A.I.O.



No.8499/111A.

Ibadan, 26 May, 1941.

Copy to:-

The Chief Conservator of Forests,
I b a d a n.

For information with reference to your minute dated the 18th of April, in this office file No.8499.

2. I am to say that His Excellency has instructed that the petitioners may be informed on the lines suggested by His Honour. The Resident has been requested to take action accordingly, and also informed that action should now be taken in accordance with the last sentence of paragraph 6 of the above letter to the Chief Secretary.

(Sgt) S. ADE OJO,

Secretary,
Western Provinces.

G.O.A.B.



Forest

Department

Holmes

FILE NO.

1361

DATE REGISTERED

28 - 9 - 29

SUBJECT

Reserve - Sapele Forest
Ukpe Sobo N.A. Reserve
Warri Province

SUBSEQUENT FILES

LIST OF ENCLOSURES IN THIS FILE

(Entries to be continued on third page of cover if necessary)

PREVIOUS FILES

MINUTES OR INSTRUCTIONS

Olufemi V.B.
DIRECTOR NATIONAL ARCHIVES
CERTIFIED TRUE COPY

Off. no 800 (Archives)

16/08/19

ANNEXURE 4

The Conservator of Forests,
South-Central Circle,
O W O.

UKPE-SOBO NATIVE ADMINISTRATION RESERVE.

I have recently spent some time inspecting this Reserve with a view to consolidation. A Forest Assistant has also spent a long period in it, resurveying, cleaning cut lines etc. During my visit I was able to inspect nearly all Creek boundaries, all settlements, permanent crop plantations, enclaves, nearly all fishing Camps and saw most of the cut lines boundaries. I was also able on foot and by canoe to see quite an amount of the interior of the Reserve. Further details can be seen in my touring notes for April.

2. Attached to this memorandum is a Map of the Reserve, and a rough Vegetation Map. This latter was prepared by the Forest Assistant (Okon) working in the Reserve. It is not accurate and is only intended as a guide. It will be corrected as more information becomes available. From my own observation I think that the area of Mangrove is considerably larger than indicated, and that, although the swamp forest area is not as large as previous information would make it appear, it is larger than shown on the Map.

3. Survey. It is not at present even possible to estimate the area of the Reserve as the river boundaries have apparently never been accurately surveyed. There was a suggestion about nine years ago that this should be done but I can find no trace of it having been carried out. The resurvey recently carried out by the Forest Assistant was mainly of cut lines, enclaves, foot paths & c.

4. Existing Camps and Crops. Proposed cut lines which would excise all permanently occupied Camps and crops are shown on the attached Map. Detailed proposals are given in para. 7 below.

5. Seasonally occupied Fishing Camps. There are about eight of these scattered in the Reserve. I have seen most of them but one or two are only readily accessible in the rains when they can be reached by canoe. They are small, consisting usually of only three or four small huts. I think to prevent their increase their positions should be accurately fixed, and to prevent any increase in size they should be accurately described. It is possible that as time goes on they will disappear, some do not appear to have been occupied at all for considerably more than a year.

6. Obotie Area. The position in this area is not entirely clear. Apparently Obotie is inhabited by Jekris who were permitted to settle there by the Urhobo Owners of the land. Gbukurusu Village, near Obotie, is inhabited by Urhobos who are part of the Clan with its Chief at Gbukurusu Town, about a mile from the Reserve along the track to Sapele. Gbukurusu claim that the Reserve was made without their knowledge and that they were unrepresented at the Settlement Court. At the time the enclaves were made and the boundaries changed, (1944), they were not represented on the Ukpe Sobo Council, although they are now. They also claimed to have summoned the Chief of the Odogun Clan Council. This was apparently held up by the death of their own chief. I have been through the old files on Ukpe Sobo Reserve and can find little about this matter, but attached to this Report is No. 451/217 dated 18th November, 1941 from this office. The replies to all later petitions appear to be based on this letter. Cheluwa Mquwu is, I understand, now dead but his successors apparently are still very dissatisfied. Whatever the position was in 1941, this area is now farmed intensively. The area the Gbukurusu people claim should be dereserved is that to the West of the Gbukurusu - Ajakotie Camps, I have been through this area and it is old farm land. As to whether or not there is any truth in the allegation that they were not informed of the Reserve Proposal and its subsequent Settlement Court, it is interesting to note that there are several old Village Sites in the Reserve, the inhabitants of which, it is alleged, had to leave because they had insufficient or no land for farming after the constitution of the Reserve.

Olusofemi V.B.
DIRECTOR NATIONAL ARCHIVES
CERTIFIED TRUE COPY
16/08/19

I have dealt with this matter at length because it is the only case I encountered of any real discontent with the Reserve boundaries.

7. Proposals. I make the following proposals for the constitution of the Reserve.

A. Survey. A survey of the boundary rivers to be made.

B. Excisions. The following excisions to be made :-

- (i) Arontogasere to be excised by cut line.
- (ii) Bakana to be excised by cut lines (Ufemi is now abandoned)
- (iii) Rubber plantation near Ajamangoro, AjamangoroEfele and Aronwan to be excised by cut lines.
- (iv) The line forming the Northern boundary of the Gbekoko enclave to be straightened to meet the eastern cut line produced (to exclude the old farms in which there are rubber trees belonging to Gbekoko people)
- (v) Ajakotie Camps and rubber plantations to be excised by cut lines.
- (vi) Area near Gbotie enclave containing deserted settlements and permanent crops, Plantations, Kola etc., to be excised by cut lines.
- (vii) Rubber plantation crossed by North-South cut line and Utonyatsere - Sapele track to be excised by cut lines.

C. Jekri fishing Camps. Sites of seasonally occupied fish camps to be accurately fixed and described, (to prevent new ones springing up and further encroachment by existing ones)

D. Gbotie cut out. It might also be considered desirable to cut out the old farm land mentioned in para. 6 above by a line from Ajakotie camp to Gbotie. I do not recommend this very strongly but it would obviate future disputes and possibly avoid any question in the future of allegations of illegal constitution of the Reserve.

8. Conclusion. If the proposals contained in 7B and C above are acted upon the Reserve will be entirely free of rights with the exception of the following :-

- (a) The right to reside in the small scattered and only seasonally occupied fishing camps.
- (b) Rights of way on existing paths and water ways
- (c) Rights to hunt and fish by the communal owners.
- (d) The rights to collect palm produce (there are very few palms outside the areas which it is proposed should be cut out). I realise that these proposals mean a much greater length of cut line to be kept clear but consider the advantage of having the Reserve practically clear of rights outweighs this. Incidentally several of the proposed cut lines have already been made in the course of survey.

9. May I please have your comments? Please also return the Vegetational Map - As it is only very approximate, I have not had copies made.

(Sgd.) C. A. Walker
Provincial Forest Officer,
Ishan Area.

CAW/LEE.

C. T. C.

IBADAN, 25/5/49.

P. Oluwafemi VIB
DIRECTOR NATIONAL ARCHIVES
CERTIFIED TRUE COPY
Officer S.E.O. (Archives)
16/08/19

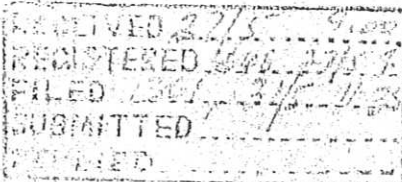
No.W.P.152/36.
Regional Forest Office,
Western Provinces,
Ibadan, 25th May, 1949.

The Chief Cons. of Forests,
Forest Headquarters,
I b a d a n.

Preliminary Report on the Consolidation of
Ukpe-Sobo Reserve in Warri Province.

In accordance with the procedure for the consolidation of Forest Reserves I submit a preliminary note of proposals about the Ukpe Sobo N.A. Reserve.

2. I recommend your approval of these proposals with the exception of para. 7.D.



ASSISTANT CHIEF CONSERVATOR,
WESTERN PROVINCES.

See C. 10/10

H. O. H.

Pp. 1-3 above referred to.

D.C.C.F.

Pages 1-3 referred to above - This is a map of the area which shows some of the forest mentioned. The map belongs to the office.

John

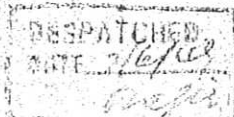
No. 1361/36.
Forest Headquarters,
Ibadan, 25th June, 1949.

The Asst. Chief Cons. of Forests,
Western Provinces,
I b a d a n.

Preliminary Report on the Consolidation of
Ukpe-Sobo Reserve in Warri Province.

A3-600

In reference to your letter No. W.P. 152/36 of 25th May, 1949, I approve action as indicated in your paragraph 2.



CHIEF CONSERVATOR
John

TRI/AB.

*Olufemi V.B.
DIRECTOR NATIONAL ARCHIVES
CERTIFIED TRUE COPY
Officer SDO (Archives)
16/08/19*

MEMORANDUM

No. 4.437/1929/196.

3 March 1941.

From Resident: Warri Province,
Warri.

To The Secretary,
Western Provinces,
Ibadan.

G.P., Lagos. 1489/33

Ukpe-Sobo Native Administration Forest Reserve.

with reference to your endorsement No. 3499/85 of the 27th of January, 1941, I forward in duplicate the report of the Assistant Conservator of Forests I/c Ubolaja Circle (Mr. D.M. McIntosh) and comments thereon by the District Officer, Jekri-Sobo Division (Mr. D.M. Gantle, M.A.). As not only the original petitioners (Chief Okonedo) were involved, but also the Fregene family and the village of Ootie, I considered it best for the Assistant Conservator to make a full survey of the position. The recommendations put forward are :-

- (a) The alteration of the Southern Boundary of the Reserve to exclude the village of Ootie.
- (b) The setting apart of a reasonable area of farmland for the inhabitants of the villages of Okokoko (Chief Okonedo) and Utonyatsere (Fregene). The Assistant Conservator advocates that this shall remain as part of the Reserve but the District Officer wishes it to be excluded entirely as an enclave.

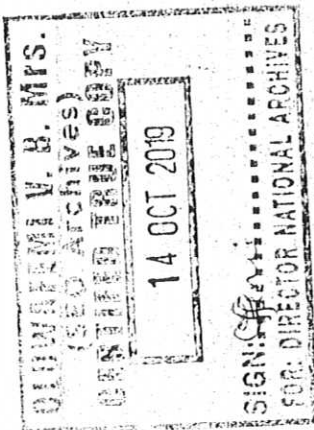
2. As regards (a) the original intention undoubtedly was to exclude Ootie from the Reserve and in fact until Mr. McIntosh pointed out that the boundary actually included Ootie, it had always been considered to be excluded. I recommend that the new trace as adjusted by the Conservator be gazetted as an amendment.

3. As regards (b) I prefer the District Officer's recommendation that these two enclaves be permanently excluded from the Reserve for the reasons he gives. They would similarly require demarcation and a gazette notice of amendment.

R. B. ...
RESIDENT: Warri Province.

461/181 of
20.2.41.

W.U. 106/179
26.2.41.



ANNEXURE 5

*Extract from Western Region of Nigeria Gazette
No. 18 of 17th April, 1952.*

B 87

W.R. N.A. Public Notice No. 3 of 1952

ORDER made under THE FORESTRY ORDINANCE (Cap. 75)

**WESTERN URHOB0 DISTRICT NATIVE AUTHORITY FOREST
RESERVE (UKPE SOBO FOREST) (AMENDMENT) ORDER, 1952**

In exercise of the powers conferred upon Native Authorities by section 26 of the Forestry Ordinance, the following order has been made by the Western Urhobo District Native Authority with the approval of the Resident, Warri Province to whom power of approval has been delegated :—

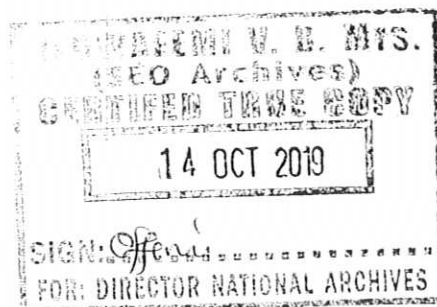
1. This order may be cited as the Western Urhobo District Native Authority Forest Reserve (Ukpe Sobo Forest) (Amendment) Order, 1952.
2. Order No. 33 of 1933 is hereby further revised and modified by revoking the First and Second Schedules thereto and substituting the following therefor :—

FIRST SCHEDULE

All that piece of land containing forty-three square miles or thereabouts situated in the western part of the Urhobo Division of the Warri Province and bounded as follows :—

Starting from a point on the left bank of the Benin River where it is joined by the right bank of the Hole-in-the-Wall Creek (River Benin and Hole-in-the-Wall Creek, Nigeria Survey unnumbered Sheet of Warri Province 1/500,000 dated 1949) and marked by a pillar, by the left bank of the Benin River upstream in a general easterly direction for a distance of about 4,500 feet to a pillar ; thence by a straight line cut on a bearing of 170 degrees for a distance of 530 feet to a pillar ; thence by a straight line cut on a bearing of 93 degrees for a distance of 1,060 feet to a pillar ; thence by a straight line cut on a bearing of 123 degrees for a distance of 710 feet to a pillar ; thence by a straight line cut on a bearing of 93 degrees for a distance of 4,030 feet to a pillar ; thence by a straight line cut on a bearing of 6 degrees 30 minutes for a distance of 530 feet to a pillar situated on the left bank of the Benin River ; thence by the left bank of the Benin River upstream in a general east-north-easterly direction for a distance of about 2,700 feet to a pillar ; thence by a straight line cut on a bearing of 154 degrees for a distance of 660 feet to a pillar ; thence by a straight line cut on a bearing of 69 degrees 30 minutes for a distance of 450 feet to a pillar ; thence by a straight line cut on a bearing of 327 degrees for a distance of 790 feet to a pillar on the left bank of the Benin River ; thence by the left bank of the Benin River upstream in a general north-easterly and then southerly direction for a distance of about 4 miles 930 feet to a pillar ; thence by a straight line cut on a bearing of 229 degrees for a distance of 360 feet to a pillar ; thence by a straight line cut on a bearing of 126 degrees for a distance of 800 feet to a pillar ; thence by a straight line cut on a bearing of 48 degrees 30 minutes for a distance of 250 feet to a pillar on the left bank of the Benin River ; thence by the left bank of the Benin River upstream in a general south-easterly direction for a distance of about 2 miles 3,453 feet to a pillar ; thence by a straight line cut on a bearing of 163 degrees for a distance of 80 feet to a pillar ; thence by a straight line cut on a bearing of 67 degrees for a distance of 180 feet to a pillar ; thence by a straight line cut on a bearing of 343 degrees for a distance of 70 feet to a pillar on the left bank of the Benin River ; thence by the left bank of the Benin River upstream in a general north-easterly direction for a distance of about 1 mile 1,220 feet to a pillar ; thence by a straight line cut on a bearing of 101 degrees for a distance of 330 feet to a pillar ; thence by a straight line cut on a bearing of 181 degrees 30 minutes for a distance of 1 mile 4,000 feet to a pillar ; thence by a straight line cut on a bearing of 281 degrees for a distance of 660 feet to a pillar ; thence by a straight line

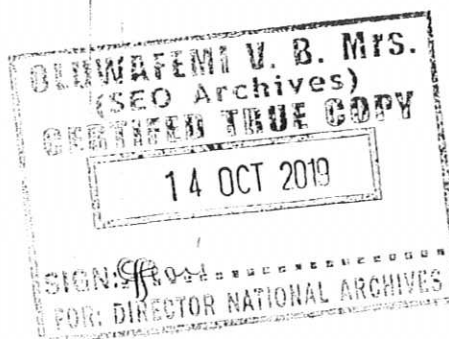
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cut on a bearing of 318 degrees for a distance of 660 feet to a pillar ; thence by a straight line cut on a bearing of 273 degrees for a distance of 330 feet to a pillar ; thence by a straight line cut on a bearing of 170 degrees for a distance of 1,200 feet to a pillar ; thence by a straight line cut on a bearing of 141 degrees 30 minutes for a distance of 280 feet to a pillar ; thence by a straight line cut on a bearing of 88 degrees for a distance of 330 feet to a pillar ; thence by a straight line cut on a bearing of 56 degrees for a distance of 580 feet to a pillar ; thence by a straight line cut on a bearing of 181 degrees 30 minutes for a distance of 4 miles 700 feet to a pillar on the right bank of the Mayuku Creek ; thence crossing the Mayuku Creek on a bearing of 181 degrees 30 minutes for a distance of 400 feet to a pillar on the left bank of the Mayuku Creek ; thence by the left bank of the Mayuku Creek upstream in a general south-easterly direction for a distance of about 2 miles 600 feet to a pillar ; thence by a straight line cut on a bearing of 272 degrees 30 minutes for a distance of 4 miles 2,400 feet to a pillar ; thence by a straight line cut on a bearing of 360 degrees for a distance of 2,770 feet to a pillar ; thence by a straight line cut on a bearing of 274 degrees 30 minutes for a distance of 3,960 feet to a pillar ; thence by a straight line cut on a bearing of 326 degrees for a distance of 4,000 feet to a pillar ; thence by a straight line cut on a bearing of 262 degrees for a distance of 1,830 feet to a pillar ; thence by a straight line cut on a bearing of 211 degrees for a distance of 2,750 feet to a pillar ; thence by a straight line cut on a bearing of 262 degrees for a distance of 3,830 feet to a pillar ; thence by a straight line cut on a bearing of 307 degrees 30 minutes for a distance of 130 feet to a pillar ; thence by a straight line cut on a bearing of 262 degrees for a distance of 530 feet to a pillar on the right bank of the Sound Creek ; thence by the right bank of the Sound Creek downstream in a general south-westerly direction for a distance of about 530 feet to a pillar on the right bank of the Sound Creek where it is joined by the right bank of the Hole-in-the-Wall Creek ; thence by the right bank of the Hole-in-the-Wall Creek downstream in a general northerly direction for a distance of about 4 miles 4,900 feet to a pillar on the right bank of the Hole-in-the-Wall Creek ; thence by a straight line cut on a bearing of 158 degrees for a distance of 610 feet to a pillar ; thence by a straight line cut on a bearing of 110 degrees 30 minutes for a distance of 4,290 feet to a pillar ; thence by a straight line cut on a bearing of 360 degrees for a distance of 1 mile 400 feet to a pillar ; thence by a straight line cut on a bearing of 270 degrees for a distance of 2,720 feet to a pillar ; thence by a straight line cut on a bearing of 213 degrees for a distance of 760 feet to a pillar on the right bank of the Hole-in-the-Wall Creek ; thence by the right bank of the Hole-in-the-Wall Creek downstream in a general north-westerly direction for a distance of about 8 miles to the starting point, excepting those areas of land within the boundaries described above the situation and limits of which are as follows :—

1. All that piece of land containing eighty-seven acres or thereabouts situated in the central part of the Reserve immediately surrounding farmland belonging to the inhabitants of Gbekoko and bounded as follows :—

Starting from a point on the right bank of the Mayuku Creek at a distance of 300 feet measured upstream along the right bank of the Mayuku Creek from the point where the right bank of the Mayuku Creek is joined by the east bank of an unnamed Creek joining the Mayuku Creek and the Benin River and marked by a pillar, by a straight line cut on a bearing of 80 degrees for a distance of 910 feet to a pillar ; thence by a straight line cut on a bearing of 170 degrees for a distance of 260 feet to a pillar ; thence by a straight line cut on a bearing of 80 degrees for a distance of 2,400 feet to a pillar ; thence by a straight line cut on a bearing of 170 degrees for a distance of 1,390 feet to a pillar ; thence by a straight line cut on a bearing of 260 degrees for a distance of 990 feet to a pillar ; thence by a straight line cut on a bearing of 290 degrees for a distance of 660 feet to a pillar ; thence by a straight line cut on a bearing of 260 degrees for a distance of 1,430 feet to a pillar on the right bank of the Mayuku Creek ; thence by the right bank of the Mayuku Creek downstream in a general northerly direction for a distance of about 1,600 feet to the starting point.



2. All that piece of land containing one hundred and seventy-two acres or thereabouts situated in the eastern part of the Reserve immediately surrounding farmland belonging to the inhabitants of Elume camp and Umugele camp at Utonyatsere and bounded as follows :—

Starting from a point on the right hand side of the 1950 path from Sapele to Elume camp at a distance of 2,780 feet measured along the 1950 path from Sapele to Elume camp from the point where the 1950 path from Sapele to Elume camp crosses the cut line forming the eastern boundary of the Reserve and marked by a pillar, by a straight line cut on a bearing of 170 degrees for a distance of 660 feet to a pillar ; thence by a straight line cut on a bearing of 260 degrees for a distance of 750 feet to a pillar on the left hand side of the 1950 path from Elume camp to Umugele camp ; thence by the left hand side of the 1950 path from Elume camp to Umugele camp for a distance of 2,420 feet to a pillar on the left hand side of the 1950 path from Elume camp to Umugele camp ; thence by a straight line cut on a bearing of 80 degrees for a distance of 792 feet to a pillar ; thence by a straight line cut on a bearing of 170 degrees for a distance of 1,320 feet to a pillar ; thence by a straight line cut on a bearing of 260 degrees for a distance of 1,250 feet to a pillar ; thence by a straight line cut on a bearing of 340 degrees for a distance of 1,430 feet to a pillar ; thence by a straight line cut on a bearing of 310 degrees for a distance of 1,890 feet to a pillar ; thence by a straight line cut on a bearing of 324 degrees for a distance of 1,130 feet to a pillar ; thence by a straight line cut on a bearing of 50 degrees for a distance of 700 feet to a pillar ; thence by a straight line cut on a bearing of 115 degrees for a distance of 1,050 feet to a pillar ; thence by a straight line cut on a bearing of 25 degrees for a distance of 1,590 feet to a pillar ; thence by a straight line cut on a bearing of 80 degrees for a distance of 660 feet to a pillar ; thence by a straight line cut on a bearing of 170 degrees for a distance of 740 feet to the starting point.

3. All that piece of land containing one decimal six acres or thereabouts situated in the eastern part of the Reserve west of Utonyatsere immediately surrounding the rubber plantation of Igoyo and bounded as follows :—

Starting from a point on the right hand side of the 1950 path from Gbekoko to Umugele camp at a distance of 2 miles 2,000 feet from Gbekoko measured eastward along the 1950 path from Gbekoko to Umugele camp and marked by a pillar, by a straight line cut on a bearing of 87 degrees for a distance of 115 feet to a pillar ; thence by a straight line cut on a bearing of 148 degrees for a distance of 160 feet to a pillar ; thence by a straight line cut on a bearing of 212 degrees for a distance of 220 feet to a pillar ; thence by a straight line cut on a bearing of 297 degrees for a distance of 270 feet to a pillar ; thence by a straight line cut on a bearing of 26 degrees 30 minutes for a distance of 210 feet to a pillar ; thence by a straight line cut on a bearing of 87 degrees for a distance of 70 feet to the starting point.

4. All that piece of land containing decimal two of an acre or thereabouts situated in the south-east part of the Reserve immediately surrounding the rubber plantation of Mukoro, and bounded as follows :—

Starting from a point on the left hand side of the 1950 path from Umugele camp to Okwadiakpor camp at a distance of 2,900 feet measured northward along the 1950 path from Okwadiakpor camp to Umugele camp from the point where the 1950 path from Okwadiakpor camp to Umugele camp is crossed by the cut line forming the eastern boundary of the Reserve and marked by a pillar, by a straight line cut on a bearing of 326 degrees 30 minutes for a distance of 15 feet to a pillar ; thence by a straight line cut on a bearing of 45 degrees for a distance of 70 feet to a pillar ; thence by a straight line cut on a bearing of 114 degrees 30 minutes for a distance of 100 feet to a pillar ; thence by a straight line cut on a bearing of 218 degrees for a distance of 130 feet to a



pillar ; thence by a straight line cut on a bearing of 326 degrees 30 minutes for a distance of 80 feet to the starting point. All distances are approximate only, distances being those actually measured along the ground and not reduced to the horizontal. All bearings are referred to true North and adjusted from Magnetic bearings observed during the months of January, February and March, 1950. All pillars are cement pillars.

SECOND SCHEDULE

RIGHTS WITHIN THE RESERVE

To the Communal Owners of the Land

1. The rights to hunt and fish.
2. The right to collect palm produce.
3. The right to maintain (for the purpose of residing) but not to extend the following seasonally occupied fishing camps :—

Camp 1.—On the right bank of the Hole-in-the-Wall Creek distance of 2,000 feet measured downstream along the right bank of the Hole-in-the-Wall Creek from the point where the right bank of the Hole-in-the-Wall Creek is joined by the right bank of the Mayuku Creek and consisting of two huts.

Camp 2.—On the right bank of the Hole-in-the-Wall Creek a distance of 1 mile 200 feet measured downstream along the right bank of the Hole-in-the-Wall Creek from the point opposite which the left bank of the Hole-in-the-Wall Creek is joined by the right bank of the Liverpool Creek and consisting of three huts.

Camp 3.—Situated about 1 mile 2,600 feet north-west of Gbekoko and consisting of six huts.

Camp 4.—On the east bank of an unnamed Creek a distance of 1 mile measured northward along the east bank of the unnamed Creek from the point where the east bank of the unnamed Creek joins the right bank of the Mayuku Creek and consisting of thirteen huts.

Camp 5.—On the right hand side of the 1950 path from Gbekoko to Umugele camp a distance of 1 mile 2,470 feet measured eastward along the 1950 path from Gbekoko to Umugele camp from Gbekoko and consisting of seven huts.

Camp 6.—One hut situated on the left bank of the Mayuku Creek a distance of 2 miles 1,140 feet measured upstream along the left bank of the Mayuku Creek from the point opposite which the right bank of the Mayuku Creek is joined by the east bank of the unnamed Creek and opposite the village of Gbekoko.

Camp 7.—On the right bank of the Mayuku Creek a distance of 2 miles 840 feet measured downstream along the right bank of Mayuku Creek from the point where the right bank of the Mayuku Creek is joined by the cut line forming the eastern boundary of the Reserve and consisting of one hut.

Camp 8.—4,000 feet east of Camp 7 and consisting of seven huts.

Camp 9.—2,000 feet north of Camp 8 and consisting of three huts.

Camp 10.—2,000 feet south-east of Camp 9 and consisting of nine huts.

Camp 11.—2,000 feet east of Camp 10 and consisting of five huts.

To the general public :—



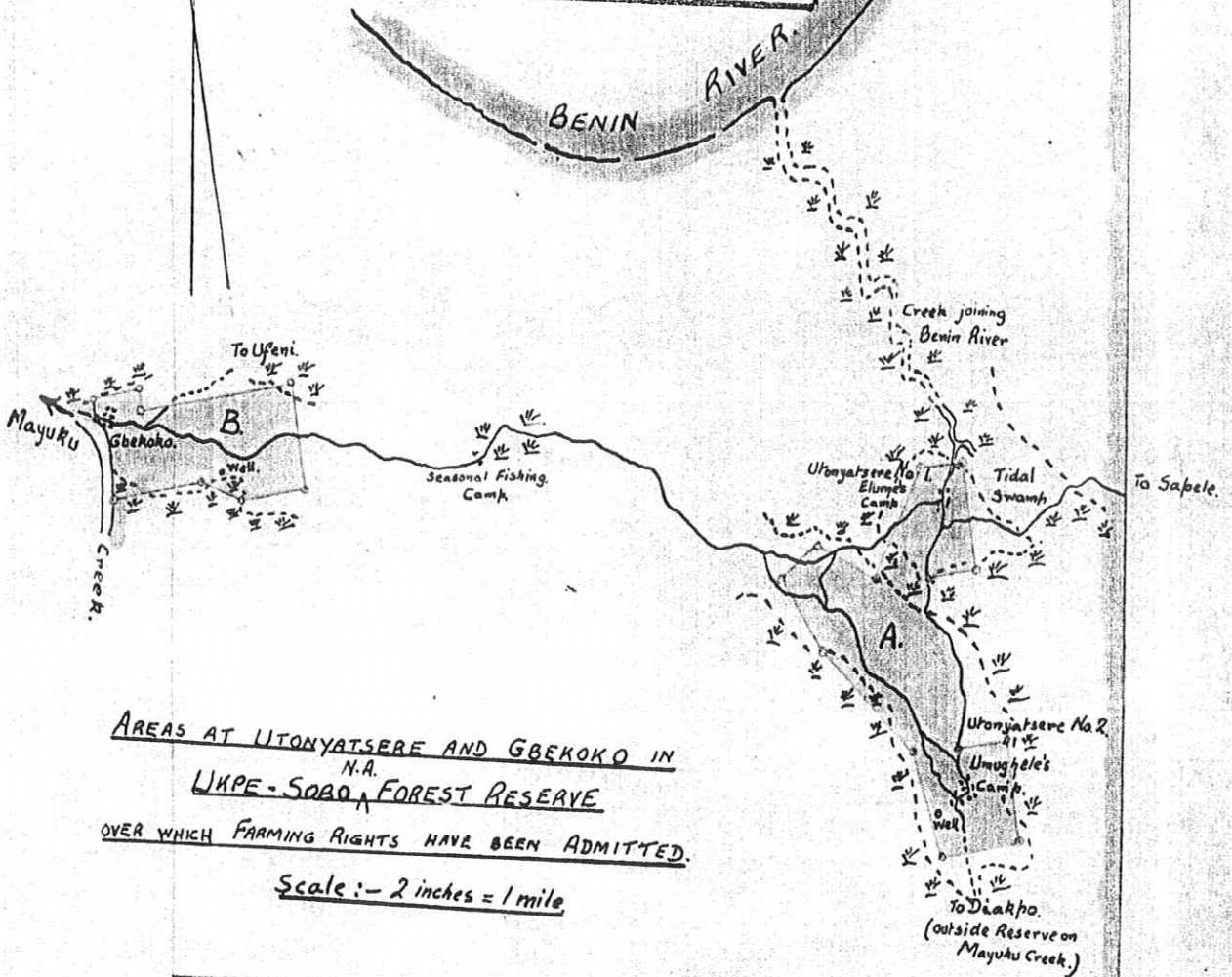
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M.N.
(Feb. 1942)

True
North.



Ojigwa.



AREAS AT UTONYATSERE AND GBEKOKO IN
U.K.P.E.-SOBA FOREST RESERVE
OVER WHICH FARMING RIGHTS HAVE BEEN ADMITTED.

Scale :- 2 inches = 1 mile



ATTACHURE



DELTA STATE

Delta State of Nigeria Gazette

PUBLISHED BY AUTHORITY

No. 44

ASABA—17th October, 1996

Vol. 6

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Delta State Notice No. 45

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(161)

ANNEXURE 8

D.S.L.N. 7 of 1996

TRADITIONAL RULERS AND CHIEFS EDICT, 1979
STILL APPLICABLE IN DELTA STATE

**Declaration of Customary Law Regulating Succession to Traditional Ruler Title
of Amai Clan in Ndokwa West Local Government Area**

It is hereby notified for general information that in exercise of the powers conferred by Section 7(2) of the Traditional Rulers and Chiefs Edict, 1979, of the defunct Bendel State, still applicable in Delta State, and by virtue of all other laws enabling it in that behalf, the Executive Council of the Delta State of Nigeria has approved the following declaration:

Declaration Made Under Section 7(2) of the Traditional Rulers and Chiefs Edict, 1979, stating the Customary Law Regulating Succession to the Title of Igwete of Amai.

1. There are five Ruling Houses in Amai known, in the order of seniority as Amai-Nge, Umuekum, Umubu, Ishikaguma and Umuosele quarters.
2. Succession rotates around the Ruling Houses in the order given in paragraph 1 above, save that when a Ruling House, the turn of which it is to present a candidate, is unable to do so within a period of 30 days and an extension of 14 days after the interregnum, succession passes to the next Ruling House.
3. To qualify, a candidate must be a male adult, a patrilineal and or matrilineal descendant of the appropriate Ruling House, provided that the matrilineal offspring bears the surname of the patrilineal lineage, must be a member of the Inotu ruling class, must communicate effectively in English language, must be resident at home (*not to rule by proxy or in exile*), free from any serious physical deformity, contagious disease or insanity. He must not be an ex-convict and must be acceptable to the generality of Amai people.
4. When a vacancy occurs, the Head of the appropriate Ruling House summons and presides over a meeting of the Ruling House comprising the Ikpalas and Inotus for the purpose of nominating a suitable candidate by a consensus or where there are more than one candidate by a simple majority is presented by the said Head to the entire Amai Clan through the Onotu-Uku of Ishikaguma or his representative who shall summon a meeting of the five Ruling Houses, comprising the Ikpalas and Inotus at Amai Community Palace (Isu-Asua) presided over by the Ugbana of Ishikaguma or his representative, to approve or disapprove the candidate, where there is only one or otherwise to select a candidate, by a consensus or simple majority and their decision shall be final, provided that where the appropriate Ruling House nominates only one candidate and such a candidate is disapproved by the said meeting, the appropriate Ruling House shall have the right to nominate another, until a suitable candidate is finally selected.

D.S.L.N. 9 of 1996

**TRADITIONAL RULERS AND CHIEFS EDICT, 1979
STILL APPLICABLE IN DELTA STATE**

**Delegation of Powers to a Prescribed Authority (Area of Application)
(Amendment) Order, 1996**

Date of Commencement: 16th August, 1996

In exercise of the powers conferred upon it by Sub-Section (4) of Section 28 of the Traditional Rulers and Chiefs Edict, 1979, of the defunct Bendel State still applicable in Delta State, and by virtue of all other laws enabling it in that behalf, the Executive Council of Delta State of Nigeria hereby makes the following Order:

1. This Order may be cited as the Delegation of Powers to a Prescribed Authority (Area of Application) (Amendment) Order, 1996. Short Title.

2. The delegation of powers to a Prescribed Authority (Area of Application) Order, 1979 is hereby amended as follows:

delete the title "Okpala-Uku of Amai" appearing under first column under Ndokwa Local Government Area and *substitute* therefor "The Igwete of Amai" Amendment of
B.S.L.N. 46
of 1979.

DATED at Asaba this 16th day of August, 1996.

K. MORDI, JP
Secretary to the State Government

D.S.L.N. 10 of 1996

**TRADITIONAL RULERS AND CHIEFS EDICT, 1979
STILL APPLICABLE IN DELTA STATE**

(Amendment to the First Schedule) Order, 1996

Date of Commencement: 16th August, 1996

In exercise of the powers conferred upon it by sub-section (3) of Section 39 of the Traditional Rulers and Chiefs Edict, 1979, of the defunct Bendel State still applicable in Delta State, and by virtue of all other laws enabling it in that behalf, the Executive Council of Delta State of Nigeria hereby makes the following Order:

1. This Order may be cited as the Traditional Rulers and Chiefs Edict, 1979, (Amendment) to the First Schedule) Order, 1996. Short Title

Declaration made under Section 7(2) of the traditional Rulers and Chiefs Edict, 1979, stating the Customary Law Regulating Succession to the Title of Ovie of Iyede

1. There is only one Ruling House in Iyede Known as Oboro.

2. Succession is by selection through consensus, failing which selection is by simple majority of a male member of parternal lineage of Oboro Ruling House in a general meeting of Oboro Ruling House called for that purpose. Females are absolutely barred. This meeting is held in the House of the Okpako of Oboro Ruling House in which the Okpako presides. The Okpako is the oldest male member of parternal lineage of Oboro Ruling House.

3. Where the Oboro House is unable to agree on a single candidate, all such candidates having support among principal members of the Ruling House may be presented by their respective supporters to the Atebo/Ikpokpogri family.

4. Before presentation to Atebo/Ikpokpogri family of any candidate or candidates by the Oboro Ruling House, the candidate or candidates is/are first presented to the Egbo Royal parent family for notification. Where the candidates are more than one a final attempt is made by the Egbo Royal parent family to select the candidate that enjoys greater acceptability who if successful will be the only candidate to be presented to the Atebo/Ikpokpogri family.

5. The Atebo/Ikpokpogri family then screens each candidates presented and in a meeting of the family summoned for that purpose in the house of the Okpako and presided over by him would select one of the candidates found to be most suitable and enjoys greater acceptability among Iyede people as Ovie. This selection is by consensus, failing which by simple majority of Atebo/Ikpokpogri family attending.

6. Upon the demise of an Ovie, the corpse is interred and burial rites and ceremonies must then be performed and completed within three years of the demise. Meanwhile, a Regency Council made up of five persons is selected from among the male members of Erun family with the eldest of them as Chairman. The Regency Council acts for the three-year interregnum.

2. B. S. L. N. 116 of 1979 published in Bendel State of Nigeria Extraordinary Gazette No. 51, Vol. 16 of 28th September, 1979 is hereby revoked.

Dated at Asaba this 15th day of October, 1996

K. MORDI JP,
Secretary to the State Government
Delta State

COPY.

The Resident,
Warri Province,
Warri.

Warri
11th July, 1932.

Sir,

We the undersigned, representatives of the Olu Itsekiri on behalf of the Olu Itsekiri and on behalf of all Itsekiri hereby respectfully submit this protest for your Honour's information against the Notice published by the Ukpe Sobo Native Administration Okakuros, duly approved by the Acting Resident Mr. E. A. Miller and witnessed by the Asst. District Officer Mr. R. D. J. Fremlin dated 7th May 1932, to constitute a Native Administration Forestry Reserve. All that piece of land described in the aforesaid Notice belong to Olu of Itsekiri, who is the sole Trustee of all Itsekiri lands.

We further beg to hope that your honour will accordingly inform the Ukpe Sobo Native Authority that this protest is a cancellation of the Ukpe Sobo Public Notice referred to above.

We have etc.

(Sgd) Chief Omagbemi Olotu his x mark

(Sgd) Ch. Dore
(Sgd) Ch. Skin
Okoko

their x

Ogbomeyi

Witness to marks and signatures
Sgd. S. M. A. Awoshika

x

ANNEXURE 9.



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THE REPORT OF THE 3 MAN COMMITTEE ON

THE ESTABLISHMENT OF THE OKPE-URHOB
(UKPE-SOBO) FOREST RESERVE AND OTHER
ANCILLARY MATTERS RELATING TO THE DE-
RESERVED PORTION, ENCROACHMENT AND
OTHERS.

MINISTRY OF LANDS & SURVEYS,
ASABA.

MARCH, 2020.

OFFICE OF THE
PERMANENT SECRETARY
MINISTRY OF LANDS, SURVEYS
& URBAN DEVELOPMENT
ASABA

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ABSTRACT

CONSTITUTION OF COMMITTEE:

The Hon. Commissioner, Ministry of Lands and Surveys constituted a 3-man committee on the 22nd January, 2020 to examine the petition from Abigborodo community (led by the Alema of Warri Kingdom, Chief Emmanuel Oritsejolomi Uduaghan) titled, "Western Urhobo District Native Authority Forest (Ukpe-Sobo Forest) Reserve: Gbekoko Utonyatsere Belong to the Abigborodo Community of Warri North Local Government Area off Delta State: A Petition Against Mr. Augustine Arieaja for Trespass". Attached as Annexure I.

2. The committee is composed of the following officers:

- i. O. Emiri Esq. - Special Assistant to HC. (Lands) - Chairman;
- ii. Surv. Pauline A. Avose (Mrs.) - Dir. Of Boundary - Member &
- iii. Esv. P.E. Ebitonmo (Mrs.) - Director of Lands - Member/Sec.

3. The committee met with the Hon. Commissioner on 24th January, 2020. At the meeting the Hon. Commissioner expressed serious concern about the constant receipt of reports and enquiries from both individuals and security agencies about the indiscriminate encroachment into the forest reserve. He further said, the committee should carry out an extensive investigation into the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve and come up with a comprehensive report that can be submitted to His Excellency, the Governor in due course. He concluded by saying the letter from the Orodje of Okpe Kingdom and those from the Nigeria Police and Department of State Security should be married in the course of undertaking the investigation and a clear cut survey plan of the purported de-reserved portion of the forest reserve be done if need be within 1 month.

C25e

CHAPTER 1.

1.0. INTRODUCTION:

1.1. The Committee held its inaugural meeting on the 29th January, 2020 where members articulated modalities to execute the assignment given to it within the timeframe of one month.

1.2. All members were present at the meeting and the petition was carefully reviewed. Arising from the review the following conclusions/guidelines were drawn out to support the committee in investigating the petition.

1. That the petition did not bother on any known or presumed boundary dispute between two communities;
2. That the portion of land subject matter of the petition and enquiries from the Abigborodo community, Nigeria Police Force and the Department of State Security forms part of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve and the claim of its de-reserved by the Delta State Government in favour of the Abigborodo community (Otonyatsere enclave) would be investigated by this committee;
3. That the portion of land being claimed by the Abigborodo community as Otonyatsere enclave is same as the area subject matter of the petition being investigated;
4. That the petition of the Orodje of Okpe Kingdom with effect to the encroachment of unknown persons into the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve is equally in respect of that same portion of land subject matter of this investigation;
5. That the area within the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve being allegedly unlawfully encroached on and sold by Mr. Augustine Aradaja and his cohorts form part of the forest reserve purportedly de-reserved;
6. That the committee clearly opine that for it to progress with this investigation activity, it must identify the acquisition gazette of the forest reserve;
7. That there is no need for the committee to dwell into the historical administrative processes leading to the acquisition of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve since the legal notices and

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gazettes relating to the forest reserve are sufficient and final proof of all issues relating thereto;

8. That the committee would at the end of this investigation carry out a field survey of the purported area de-reserved and produce the survey thereof in favour of the bonafide owners who shall bear the Survey cost payable to the Office of the Surveyor General, Ministry of Lands and Surveys, Delta State.

1.3. The committee subsequently agreed to visit the National Archive of Nigeria, Ibadan to secure all relevant legal notices, gazettes and survey maps and sketches required to investigate this petition.

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CHAPTER 2.

2.O. VISIT TO THE NATIONAL ARCHIVE OF NIGERIA, IBADAN TO CONDUCT SEARCH FOR LEGAL DOCUMENTS AND SURVEY MAPS/SKETCHES AND OTHER SEARCHES:

2.1. The committee proceeded to Ibadan on Wednesday 5th – 7th February, 2020. At the National Archive of Nigeria, the following documents and survey maps/sketches relevant to the investigation were secured:

- i. The Native Authority Ordinance, (Chapter 73) and The Interpretation Ordinance, (Chapter 2) of 1932, Annexure II.
- ii. The Notice. Proposed Ukpe-Sobo Native Administration Forest Reserve of 1932, Annexure III.
- iii. Gazette Order for The Ukpe-Sobo Native Administration Forest Reserve of 1933, Annexure IV.
- iv. The Ukpe-Sobo Native Administration Forest Reserve establishment approval, Boundaries, Rights within the Reserve, of 1933, Annexure V.
- v. The N.A. Public Notice No. 3 of 1944. Order Made Under The Forestry Ordinance, 1937 (No. 38 Of 1937) Ukpe-Sobo Native Administration Forest Reserve, Annexure VI.
- vi. W.R.N.A. Public Notice No. 3 of 1952. Order made under The Forestry Ordinance (Cap. 75) Western Urhobo District Native Authority Forest Reserve (Ukpe-Sobo Forest) (Amendment) Order, 1952, Annexure VII.
- vii. The survey map of Warri Province of 1936, Annexure VIII.
- viii. The Ukpe-Sobo N.A. Forest Reserve survey map of 1952, Annexure IX.
- ix. The survey map showing the Area at Utonyatsere and Gbekoko in Ukpe-Sobo N.A. Forest Reserve over which Farming Rights Have Been Admitted of 1942, Annexure X.

2.2. The Committee further reached out to the Ministry of Information, Printing Department, (The Delta State Government Printers/Custodian of all Delta State Printed Gazette) and secured the published de-reserved Gazette No. 44, Vol. 6 in Delta State Notice No. 45 of 17th October, 1996, page B 12, Annexure XI.

C35h

2.3. The Committee also had to take into consideration the letter from the HRM. Orhue 1, CFR, mni, Orodje of Okpe Kingdom of 6th November, 2019, Annexure XII. The letters from the Nigeria Police Force on their investigation activities on the subject matter dated 27th December, 2019, Annexure XIII and that from the Department of State Security on their Investigation activities on the same subject matter dated 7th January, 2020, Annexure XIV.

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CHAPTER 3.

3.0. FINDINGS:

3.1. The Committee did a very careful review of all the above mentioned legal documents, survey maps/sketches and correspondences to the Ministry of Lands and Surveys on the subject matter and reached the following findings:

- i. That the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve is a Delta State Government land and the State's legal title of its' acquisition stretches back to Order No. 33 of 1933 which constituted the Ukpe-Sobo Native Administration Forest Reserve, please see Annexure IV, V & VI.
- ii. That the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve was established on all that piece of land containing 2.245 square miles or thereabouts in the Jakri-Sobo Division of the Warri Province, see Annexure VI, First Schedule. The establishment Order also made provision for farming rights to the communities from whom the forest reserve was acquired, see Annexure VI, Second Schedule, S. 1 (A) & (B).
- iii. That the Amendment Order of 1952, Annexure VII did not alter the size of the Ukpe-Sobo Forest Reserve as provided in Annexure VI, First Schedule but only affected/changed the farming rights of the communities in the Second Schedule by restricting farming in permanent crops like oil palm, rubber, cocoa or kola plantation in the area now reserve, leaving right to hunt and fish, right to collect palm produce, right to maintain (for purpose of residing) but not to extend the seasonally occupied fishing camps duly listed and right of way within specifically identified paths within the forest reserve.
- iv. That the Executive Council of Delta State of Nigeria in exercise of the powers bestowed on it by the provisions of Section 21, Cap. 59, Laws of the defunct Bendel State of Nigeria still applicable in Delta State of Nigeria de-reserved 200 (two hundred) acres of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve with effect from 16th August, 1996 in favour and in addition to the existing area of the Otonyatsere enclave and the 200 (two hundred) acres de-

C95j

reserved survey description was simultaneously given, see Annexure XI, page B 12.

- v. That some unknown persons according to HRM. Orhue 1, CFR, mni, Orodje of Okpe Kingdom encroached on the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve is correct and the photographic evidences are attached to Annexure XII.
- vi. That Mr. Augustine Aradaja and his cohorts encroached on the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve is correct, specifically the de-reserved 200 (two hundred) acres of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve which is clearly added to the existing area of the Otonyatsere enclave of Abigborodo community, see Annexure XI, Page B 12.
- vii. That the de-reservation order, Annexure XI bestowing legal right over the 200 (two hundred) acres of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve on Otonyatsere enclave of Abigborodo community in Warri North Local Government Area of Delta State is a legal instrument still in force.
- viii. That the de-reserved land which has survey description does not have a survey plan and hence there is a need for the Office of the Surveyor General, Ministry of Lands and Surveys to undertake a survey of the de-reserved 200 (two hundred) acres of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve in favour of Otonyatsere enclave of Abigborodo community in Warri North Local Government Area of Delta State.

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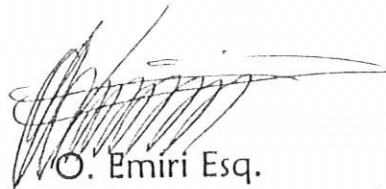
CHAPTER 4.

4.0. CONCLUSION:

4.1. Arising from the foregoing, we have no hesitation to reach the conclusion that Otonyatsere enclave of Abigborodo community in Warri North Local Government Area of Delta State own the de-reserved 200 (two hundred) acres of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve clearly expressed in the survey description in the published de-reserved Gazette No. 44, Vol. 6 in Delta State Notice No. 45 of 17th October, 1996, page B 12, Annexure XI.

4.2. The committee hereby attach a sketch plan of the de-reserved 200 (two hundred) acres of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve as Annexure XV.

4.3. As a committee, we wish to thank the Hon. Commissioner, Ministry of Lands and Surveys for the privilege to serve the State by our appointment in our respective capacity in this committee and hereby submit this successfully concluded report of our investigation.



O. Emiri Esq.
Special Assistant to HC, (Lands)
(Chairman)



Surv. Pauline A. Avose
Director of Boundary
(Member)



Esv. P.E. Ebitonmo (Mrs.)
Director of Lands
(Member/Secretary)