

Exh. 74 in Suit No P/15/57

proceedings of an Arbitration held at land in Dispute between Jakpong, Bori, Kani & Notem before Capt. W.J.W. Cheesman Ag.D.O. Opobo, Chief Obuaga of Kpitem & Chief Kata of Eke.

The submission to arbitration dated June 25th 1932 having been read over to the parties they all agree to abide by it.

1. Adambo representing the village of Jakpong
2. Dode " " " " Bori
3. Kape " " " " Kani
4. Nwibara Teku " " " " Notem

Nwibara Teku added to the parties also agrees to the submission to arbitrations & adds his mark thereto.

Witnesses.

1. Adambo wishes to call Digi, Itena, Barato Kabari of Bewa
2. Dode wishes to call Barajia, Ledogo, Beka of Yeghe, Mno Menagbara
3. Kape wishes to call Nwinargi, Apelle, Agba.
4. Nwibara " " no other besides above.

Adambo S.S.

My father told me the land in dispute was Notem's land. Notem people left their town & came to Jakpong & surrendered themselves to him with this land. When I quite remember Bori and the people of Notem living in Jakpong farmed this land. There was a boundary between them. About 5 years ago the people of Kani came and farmed & my father made palaber about it. Then he died. The town of Notem used to be where the big trees & signs are. I pointed this out on the land. The tree Gorogoro (bitter kola) is in the place where their town square was, also the juju called Nunbien. Last year my people brushed some land and Kape & his people went & planted it - hence action for £10 damages. We fought & the case went to Provl Court & we were fined.

+ +d by Arbitrators

The land has been inspected by D.Os on 3 occasions. I told them the same as I say now. No decision was given by them. I pointed out the path which is the boundary between Jakpong & Bori. I am not claiming the land as Jakpong land but as Notem land.

+ +d by other parties

Kape.

There was fighting between Jakpong & Kani. Notem was not burnt. My father & yours had wars over this land. Only once did they fight properly with guns etc. but with matchets many times. Whenever your people came to farm we chased them. No other towns settled the dispute. Both sides were wounded.

Dode S. S.

I heard a story from my father that Bori & Kani had a big war and he ran to Yeghe with my mother. I was born in Yeghe (age about 50) When the white man has come & produced peace my father went back to Bori & I went with him. About 7 yrs ago a number of chiefs from Soo N. Court came & cut a tree which they said was a boundary between Beka of Yeghe & Kope of Kani. I objected: the people of Bori still existed & owned the land on which they were fixing boundary. The Soo N. Court ordered that Kani & Yeghe wanted to farm they should get permission from us. I do not know if this was recorded. Yeghe people have given up the land since then but Kani refused to. Hence action in Kono N. Court.

+ +d by Arbitrators back

I left Yeghe & went to Bori so long that the daughter born there has now a small child about 4. The proper boundary between us & Kani is the water. We have a boundary with Notem as Adambo said. I was not called as witness in the Yeghe Kani case. They were trying to grab over land. Since the people of Bori scattered, Yeghe, Jakpong & Kani farmed the land. The towns farmed it as they liked. the original owners had left. They had no boundary. We were small & no any other town could ask us & get permission to farm. I have never seen houses at Notem.

+ +d by Kape.

Beka's case with you was before mine. You have not taken action against me since Beka's case. I did not buy drink for your father ask him to allow us to go to Bori 'again'. There was fighting between my father and yours. We were still at Yeghe. You killed one man. The fight was about this land therefore you always crossed the river and farmed the land. Gwara people settled one case of fighting.

Kape S.S.

There was always fighting between us and Yeghe about this side of our land. I went to the N. Court and took action against Yeghe. Beka was Deft. The Court inspected the land and fixed the boundary between Kani and Yeghe. Dode was still then in Bori and he took action against me. The N. Court fixed a boundary between me and Dode continuing from the one between Yeghe and me. Many towns have farmed this land. In the N. Court I said I did not see why only Kani should be asked to quit.

+ +d by Arbitrators.

It was in ancient time that Bori scattered, I have heard nothing of Notem. The big trees belong to Kani who planted them. There is a Juju there Nta Akoba. I did not know what made them to leave the place (Notem) I have never heard of Notem. Until the N. Court case we were all farming together and had no boundary. The others all fought Kani.

+ +d by other parties.

ADEMBO. No questions.

Dode. Nobody went to point the place for you to build after you gave my father drink. I remember the tombo but case which I said belong to Norge and not you. I did not say you should produce a cow and Norge would give up all your swamps.

Nwibara. I have not seen you sacrifice on this land. The juju between the roads belongs to Kani. I call Ta Nkarawan. The last tombo hut belongs to you. It is on your own boundary. The tombo swamp beside the court I do not know much about. It was not included in the N. Court case. I only included the farming land. We did not give you meat of animals killed on the land.

Adjourned to 24.1.33 W.J.W. Cheesman
Resumed 24.1.33. (sgd) W.J.W. Cheesman.

Nwibara Teku S.S.

I live at Jakpong. The story told to me was that Notem was the town where the trees are now. A juju doctor told the people to cut a palm tree and if it fell on them it would not hurt. But it killed a lot and so the town scattered - some to Jakpong and some to Yeghe. My father when he go to Jakpon pledged some pieces of this land to Jakpong and Bewa. These towns do not claim the land as their own. I can redeem it. There is a tree Garagara on the site of the old town of Notem and a Juju called Yonwidam to which there is a yearly feast. Bori join with us in the feast. When my father was alive Kani did not claim this land. There are many trees on this land and I have used them without trouble. All the swamp on this side of the river belongs to me. There has always been palaver about this land, therefore Kani tried to take it. I am the only one allowed to sacrifice to the Juju on this land. This main path is the boundary between us and Bori since ancient time. I have relatives at Bewa and Yeghe but none at Kani.

+ +d by Arbitrators.

My father died about 8 years ago. I was born in Jakpong. My father was born in Notem. The juju on the land are Yokprotem, Yaguria, of my grandfather I do know when my grandfather was buried in Notem. I could show his grave. The path from him to Bori is the boundary between us and Bori until one reaches the path from Yeghe to Jakpong and then that path is the boundary.

NOTE. Bori does not agree with this. He states that the old path is

When my father was alive Kani did not farm this side of the river was 10 years ago Kani first farmed here. Three times they have farmed here and we fought. Note the least gap would be 5 years which makes 15 years ago. Since we scattered only Jakpong and Yeghe used our land. Notem. Jakpong had a fight with them but not over this land. The boundary fixed by the Court between Jakpong and Kor has nothing to do with this land. There are things to show that the town of Notem was on the land.

+ +d by parties.

Dombo and Dode have no questions.

Kapo. Bori has a boundary on the W. with Yeghe and the river is the boundary between Bori and you. I did not point out boundary between us. The reason why we did not drive Kor and other places but did you is therefore you always try to take our land.

Digi. s. s.

Note. A very old man at least 70

I live at Jakpong. I did not see the town of Notem with my eyes, but I was told they scattered and came and delivered themselves to the head of our town Gbonoyoko. They pledged some of this land to our towns people. Since then the people of Jakpong and Notem joined for farming. We also tap tombo with them in their swamp. Kani had never farmed on this side of the river. They only collected palm fruits at times and then we used to take it when we meet them.

+ +d by Arbitrators.

I can only remember of fights between us and Kani about farming this land. I knew the father of Nwibara. He was buried at the old site of Notem, Yokporotem was buried there. He died before I remember. He is a zim (spirit of the ancestors)

The witness refuses to answer any questions about burial of Notem people in his time, I do not know what makes the boundary between Bori and us or Notem. There was a Jakpong man living in Kani and he used to come and farm here.

Note. This witness cannot answer questions and is so old and useless that his evidence cannot be relied on, He insists on leaving.

Itena S. S.

I live at Jakpong. When I was a small boy I often come with my father to farm a piece of land near the Garagara tree. We used to come to the tombo swamp. I never saw any people from Kani come here and farm. One Iriakina pledged the land to my father. Since the death of my father I have farmed the land and never seen the people of Kani farm until they planted this time. They farmed it before and we had a fight as they didn't plant.

+ +d by Arbitrators.

I am only talking about the piece of my father used to farm. I know nothing about the boundary of Notem and Bori. I am of Jakpong. I am giving evidence about my own piece of land. I do not go round with D.O. before and see any boundary made.

+ +d by parties.

Adombo and Dode. No questions.

Kapo.

There is a place on the land when Kani and Jakpong met to swear after fighting. It had nothing to do with this land. Fighting once took over a cow.

Nwibara. No questions.

Barato S. S.

I am a Kabari of Jakpong. Since I was born I have never seen any people of Kani come across the river and claim farming land. They and 8 men came over and collect palm nut and there was trouble. I was told that

+ d by Arbitrators.

Kani farmed in this land twice before last year. The land b to Notem and Bori. The boundary is a path from the swamp along road and then the path from Yeghe to Jakpong. The people of Bori been back about 10 years now. The people of Notem farm one Jongo action have their own gun. We had a fight with Kani about farming. After the fighting about sacrifice we and Kani met on the land of Notem and settled it.

Kani did not farm this land until lately.

+ +d by Adambo & Dode No questions.

Kapa I knew Gbenokpwi of Kani. The land of Towebue is in the other side. There is no place where the Jakpong and Kani meet to settle disputes on this land

Nwibara No questions.

Kabari of Bowa Absent.

Barajia. S.S.

~~Q~~ I live at Bori. I was probably born in Yeghe. I remember we left Yeghe went back to Bori. We went to a juju called Gbenekpa in Kani to tell him we were back in Bori as we learnt that when Bori was scattered they handed some tombo swamp and land to this Juju to look after. Ledogo, Nno & Yegbara (dee) went and I was small. Gbenekpa demanded 1200 mls & a cow. Jakpong tried to take some land and we had a palaver. We helped Yeghe to take action against Kani. The land was only given to Kani to look after. Kape asked me to give evidence for Kape against Dode. I did : he promised we should have our land back. I gave evidence that the land did not belong to Yeghe but Bori & so the Court dismissed Dode & Yeghes case against Kape. The land belongs to Bori & Notem who are separated by the water from Kani. The path is the boundary between us and Notem.

+ + d by Arbitrators.

Kani came over to farm: the land was given them by our forefathers to look after. I was not born when it was given to them to look after, but it was told me as a story. The Kani people were shown our boundary. Kape has trespassed it. We have not given Gbenekpa 1200 mls & the cow. We only went once to it.

+ +d by Parties

Adambo & Dode

No questions

Kape.

It is right that the Gbenekpa said that as Kani had lost so much in the farms Bori must pay 1200 mls & a cow.

Nwibara

No questions.

Ledogo. S.S.

I live at Bori. After we came back to Bori from Yeghe I went with Yegbara, Nno to the Manc-buen to tell him we have come back to our original town & that we wanted them to give up the tombo swamp & our land. They told us to go back & they would meet us. Since then we have not seen them again.

+ +d by Arbitrators.

We have been back at Bori about 15 years. We went to Kani about 14 years ago. Since then Kani have farmed and used the tombo swamp as well as as. The Zim of our ancestors told us to go to Kani. They asked us for 1200 mls and a cow, but we refused. I do not know the boundary between Bori & Notem. I do not know about the land

+ d by parties.

Dembo & Dode

No questions.

Kape

You had a case with Yeghe & not with us.

Dode is same town.

Nwibara

No questions.

* Boka S.S.

I live at Yeghe. About 9 years ago Kape took action against me. Sop N. Court heard the case about the land & Chiefs came & inspected the land. I told the chiefs the truth that there was no boundary & the land is common property not belonging to any town. Kape said there was a boundary. Dode came & tried to stop the boundary be fixed as Bori was back in his own town & Yeghe had no rights. Judgem was given against me as I did not go back to the court, & I do not the judgement.

+ d by Arbitrators.

The land belongs to Bori & Notem. Before Bori went back it was common land. Kani used to farm it, Jakpong & ourselves. We followed Bori to farm it & Jakpong Notem. The path is the boundary. From the very beginning when the towns left Bori & Notem Kani came over & farmed in both places. We fought about it. We have not farmed it again since the action 9 years ago. Bori is back & we should not.

+ d by parties.

Adembo & Dode

No questions.

Kape.

We did not give money to Dode to drive you from the

land.

Nwibara.

No questions.

Manogbara not required by arbitrators & Dode.

Nwunengi

Absent.

Opelle S.S.

I live at Kani. I remember my father & mother used to farm on the land in dispute. There was always trouble between us the people of Yeghe. We took action against Boka of Yeghe refused to attend. I thought the boundary was fixed & never finished. We are not going to give up our father's land to Bori.

+ d by Arbitrators.

I have never heard a story of Bori or Notem. I was not there when the Bori spoke to the Man-buen at Kani. I heard about 1200 mls & a cow. I did not hear a story that this land belonged to Bori.

+ d by parties.

Adembo

No questions.

Dode

"

Kape

"

Nwibara

"

Agba Kape does not wish to call.

Adjourned to 25.1.33. Each party to bring 10 Okono Sticks.

Sgd.

Chesman

Ag. D.O.

24/1/33

I certify that the whole proceedings were properly interpreted from the Ogoni language into the English language and from English into the Ogoni language and that the judgement was read over to the arbitrators of Iagu of Kpiuto and Kata of Rko and they stated it was correct.

Sgd. S. Nkima

Sworn Interpreter.

Notem went to Jakpong and there founded a distinct Jongo. ²²¹
 went mostly to Yeghe. From the evidence it appears that Notem
 although pledging land to Jakpong people, retained a definite title
 to their land. Bori were not so definite. They state and Chief Kapo
 agreed that Bori put part of their land under the protection of the
 Gberekpa Juju at Kani. This accounts for the fact that Kani passed
 through the tombo swamp admitted to belong to Kor and got a footing
on the other side of the Lubara River. Bori have also pledged tombo
 swamp on the South of the River. The Kani people in this land had
 fights with the Yeghe to the West and also trespassed into the Notem
 land with more fighting as a result.

The Notem situation is quite plain. Kani have no rights in that
 land and Notem must be given title to the land. Although Notem are
 living in Jakpong no title can be given to Jakpong as a whole.
 The title belong solely to Jongo Notem. They are entitled to damages
 for trespass by Kani.

We now turn to Bori which is more complicated. The people of
 Bori have now left and re-occupied the old site of Bori. They are
 a very small community of about 12 taxable males, but wish to get
 back all their old land. Yeghe have agreed to give up the part they
used and Bowa on the South side have admitted the title of Bori,
but are holding a lot of ground pledged to them. On this North side
 the Kani people refuse to quit and ask for title on long occupancy.
 Both the arbitrators and myself do not consider that they have
 occupied the land long enough or on such terms as would give them
title. At the same time they are entitled to some consideration.

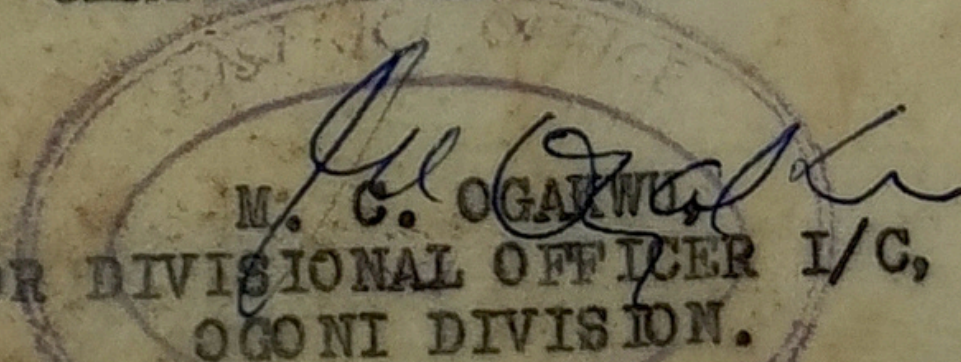
From the evidence the members of Kani promised Bori this land
 back if they paid one Cow and 1200 Mailas. This Bori refused to pay.

We therefore decide that Bori is to pay Kani 1000 manillas and
 on payment of this Kani is to quit the farming land. The redemption
 of those parts of the tombo swamp that have been pledged is a matter
 for the individuals concerned. If Bori redeem this land they are
not to allow Yeghe to farm it. Until Bori have paid the 1000 manillas
 Kani have the right to farm that portion of land set apart by us.
 Before brushing this land however Kani must pay 2 calabashes of tombo
to Bori in proof of title by Native Law and Custom. If Kani fail to
 do this they are liable to be evicted at once without the payment
 of 1000mls. by Bori.

For the trespass Kani are to pay Notem £12. The Arbitrators
 are to be paid £2 each by the Sitting Fees.

W.J.W. Cheesman.
 Ag. Divisional Officer.

CERTIFIED TRUE COPY:


 M. C. OGAKWU
 FOR DIVISIONAL OFFICER I/C,
 OCONI DIVISION.

Fee of £1:14s:6d paid on Bori R.C.R. No. 338970
 of 5th September, 1967. (2378 words)