

No. 55672.

2nd October, 1933.

M. F. A. O. R. A. I. D. U. A.

From,

To,

The District Officer, The Senior Resident, Owerri Province,

A. B. A. Port Harcourt.

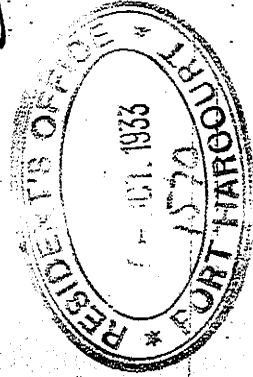
Nwagwu and others of Obette - Petition by.

Attached please find :-

1. Petition of Nwagwu and others of Obette.
2. Précis of the petition.
3. Report on the petition.
4. Copy of Native Court Proceedings.

*[Handwritten signature]*

Deputy Resident,  
i/c Aba Division.



1-5/10/33

*[Handwritten initials]*

Precis.

2

Petition of Iwagwu of Obette on behalf of himself and others of Obette.

Appeals against a decision of Mr. Allen, Assistant

District Officer in reviewing Civil case No. 265/3,

in the Umuro Native Court Waguu of Obette versus

Onurinata and four others of Osa and forwards a copy of the record.

The defendants entered petitioner's land and cut palm nuts.

In a previous similar case, petitioner and his people were made to pay £10 to the Defendants for entering their

land. Petitioners therefore sued defendants and the Court awarded £15 being £3 against each of the five defendants.

The judgment was reduced by the reviewing Officer to

13/- in the case of the 1st and 4th Defendants and

remitted altogether in the case 2nd 3rd and 5th defendants.

3  
Report.

This is an appeal against the decision of the reviewing Officer in a claim for damages for trespass in the Umuaro Native Court (not the Aba Native Court as stated in the petition.)

2. The Court awarded the petitioner £3 damages against each of the five defendants.

3. The reviewing Officer has given his reasons for amending the judgment of the Native Court in his notes on the review which are contained in the copy of proceedings attached to the petition.

4. I concur with the view expressed by the reviewing Officer which is in accordance with Native Custom.

*awick*

Deputy Resident,  
i/c Aba Division.

MOSE.

The Honourable Resident,

Owerri Province, Port Harcourt.

Through the Deputy Resident,

In charge of Aba Division,

A B A.

Sir,

This we pray to submit through you to His  
worship, the Honourable Resident, Owerri Province, Port Harcourt, that  
our very humble petition, referring Aba Native Court Civil case No. 280/  
55 J.B.2/52 a rage case, for which dissatisfying decision we implore His  
worship, this very briefly as thus:- (1) The whole clear of this case in  
the defendant Okumata and 4 others the people of Osa, a town near War-  
aro Native court area, who just wilfully and unkindly entered into  
our land bush cuts and used the oil palm-nuts known as our special  
property contrary to the Native Law and custom. (2) We took out petition  
claiming from them as usual. (3) The point now in our humble petition  
is; the defendant appealed, and at their request the dissatisfactory  
decision loosed the greater part of our right claims. (4) To express our  
main objection to this hence we urge dragging, that is because this was  
being very common doing and action ever between us and the party deft-  
said Osa people. (5) To point out or make this clear, that about 16 more  
or less year ago, it has been probably happened between the said Osa  
people and us when they found some of our own children entered and cut  
oil palm-nuts as well from their own land bush and they sued us in the  
very Aba Native court claiming from us the sum of £10: manillas for  
1200 manillas and costs. (6) In their thus- claiming same from us we  
begged them to forgive and less us the charge or claims but this they  
practically disinclined to favour or hearing us and so we paid the  
aforesaid amount to them. (7) And the same is from then existing between  
us and them that until this time when we also happened found them cutting  
and using same from our own land bush-hence we took out the above action  
and beg to object of any reduction out of £3: or 360 manillas claiming  
from each 4 of them, comparing to one they could received from us.

Thanking you for a kind consideration impartial Justice.

words 400 Read & interpreted.  
copies two 2.

Charges 6/- for original copy.

writer & witness to mark.

*M. W. B. Okafor*  
Aba Township. of

9/8/33\*

We have the honour to be, Sir,

Your obedient petitioners,

Mwagwu his x mark.

On behalf of himself and others of Obette  
Town, Aba N.C. area, Aba.

X  
Aba Township,  
9th August 1933.

NOTE:—This receipt is to be issued for all payments into Court except in cases where a Counterfoil Process Book is used.

# NATIVE COURT RECEIPT.

Book No.

2214

No. <sup>12</sup> 179

Native Court of Musoro Olua Native Administration.

Division, Olua

Oro Province.

Date 14 - 8 - 1933

\$ = : 12 : =

RECEIVED from Magon of Obete  
the sum of nil pounds no shillings and nil pence, being  fees paid for copy of proceedings in Civil Case no. 287/33  
Da Maza Page 38r

Olua their nks

Signature of President, Native Court.

Witness to me

[Signature]

Signature of Court Clerk or Scribe.

G.P.O., Lagos. 28-28-1000 of 2001/10 (3)

Case 283/23

Magnum of Obette

Claim: £20 damages for cutting Amalal

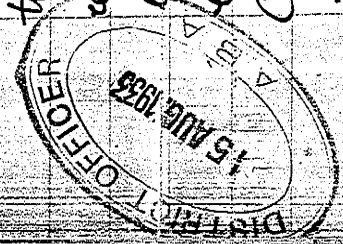
Palm nuts since 2 mos: ago

- 1. Quumata of ...
- 2. Timothy
- 3. Samuel (Sec)
- 4. Obamie (Sec)
- 5. Churama of ...

No 2 & 4 defds over hence about.

Claim:- Not admitted

Plff vs. 3 mos: ago, the defendants went into my land and cut palm nuts contrary to Native Law and Custom. The defendant bush and our own bush is quite different. We never used to cut palm-nuts in defds bush. The defendant trespassed into our fence the damages of £20. We have land boundary with the defendant. Our town is Obette, a town under the Native Court area. Six year ago we cut palm nuts in the defendant's land. They caught us and we paid them the damages of £10 to them. In this year the defendant did what we did 6 yrs: ago and was charged £10. Dabi witness vs. - From the origin I know that we never used to cut palm nuts with the defendant. About 4 months ago the 2. defendant went and cut our palm nut in our land. I saw him myself.



Alchebue witness vs. - 3 months ago, our elders of Obette ordered us to go in our bush to watch whether we would see a new who were cutting our palm nuts. We heard a drum been sounded. We all went and hid in our bush. They started ~~in~~ from their own bush to our

own bush. ~~He~~ He saw No. 1 defendant, climbed one palm tree. He cut down two nuts down. I went to him and asked him why he was cutting our palm nut? After we had caught No. 1 defdt, we saw No. 3 & 4 defdt who are here now. They violated our Amala's order hence this action.

Exhibitor witness 1st:— 3 months ago, the No. 1 defdt climbed our palm nut in our bush called "voro Luvu". There he cut two palm nuts from our palm tree. I met him and called him Onwanata. I asked him "what are you doing? He begged me that he had done wrong. I went home, the No. 1 defdt came with his brother named Azuagn in my house with 8 nfts. with which he begged me. Here is the 1st exhibit in Court. When I asked him why he brought the 1st nfts! He said I must not reveal him before our Amalas. I took this 8 nfts. from him and reported him before our Amala. He never used to cut palm nuts with the defdt.

The question

Exhibitor witness 2nd:— 3 mos. ago, the No. 1 defdt was cutting our palm nuts in ~~our~~ bush and I met him. I asked him is this bush yours! He said No. I told him he had done very bad. He said he did not know that the people of their part never used to cut our palm nut.

Defdt. No. 1 1st:— 6 months ago, I took 8 nfts. to my witness named Gurnunoti. I beg him with 1st nfts. for the palm nuts on account of two palm nuts I cut in their bush. I do not know the name of the bush where I cut the two palm nuts because the bush is not ours. Since then I have not



cut the palm nuts.

Defot no 2 P.S. - I did not cut palm nuts, in the P.S.' bush at all. No one caught me cutting the palm nuts.

I have no witness.

Defot no 5 P.S. - I have not cut palm nuts in P.S.' bush. This is all I know. I have no witness here.

Defot no 4 P.S. - I did not cut the P.S.' palm nuts. I have no witness.

Amalas agreed.

It is plain that accs had cut palm nuts in P.S.' bush against their order. The No. 1 defot admitted he went to P.S. people named Gwinnabi with 8 onls; and begged him not to reveal him before Obette Amala. No 2-5 defot have no witness to prove that they have not ~~witnessed~~ ~~to~~ cut Obette palm nuts.

Wolke  
Mar 28/60.

Judgment: For P.S. for £15; each defot. to pay £3 in 2 mos.

Olucuo & Amala their xmts.  
P.S. paid in Ct 1/14/55  
P.S. paid in Ct 1/14/55

I have investigated this case carefully and discovered that there is no evidence to prove the guilt of No. 2, 3, 4, 5. In each case, only one witness is available and therefore they cannot be given evidence. I consider that there is sufficient evidence to prove the guilt of Nos. 1 & 4 accs. Gwinnabi said Cepanni. According to native custom such offenders were obliged to pay one ~~part~~ goat to the Amala. It is admitted that a payment of £3 damages is an arbitrary rule laid down by the Amaro N.C. They had no right to do this, as so in Case.



(1)

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should be tried on its merits and in conformity with native Custom. I therefore Annul the judgment against Nos: 2, 3, 5 accds, and reduce the damages in the case of Nos: 1 and 4 accd, Praminata and Agbani to 10/- being the recognised equivalent for one goat.

(Sgd) J. G. C. Allen

A. S. S.

In future it would be advisable for Criminal action for stealing to be taken in such cases as this. There arbitrary payments of £1000's merely foster enmity between villages and lead to retaliatory actions. In such Criminal actions the Court may order the value of the nub cut should be, refunded to plaintiff.

(Sgd) J. G. C. Allen

Searching Fees = 2/-

910 Goods = 10/-

Total Charges = 12/-

Said in CR <sup>12</sup>/<sub>79</sub> of 1863.

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No. OW.1570/IV/10.

15 November, 1933.

The Resident's Office,

Owerri Province,

Port-Harcourt.

Gentlemen,

With reference to your petition dated 9th August 1933 addressed to me through the Deputy Resident at Abe, I have to inform you that after careful consideration I see no reason to interfere with the decision of the Reviewing Officer.

I have the honour to be,

Gentlemen,

Your obedient servant.

Messrs Nwagwu and Others,

Abe Township,

A b s.

Acting Resident.

Copy to : "

The District Officer,

A b s.

No. OW.1570/IV/10.

November, 1933.

For information with reference to

his Memo No. 556/2 of the 2nd October 1933.

*Doopa 15/11*

Ag. Resident.